

ORDINANCE NO. 2018-01

AN ORDINANCE RELATING TO SIGN REGULATIONS; PROVIDING FOR THE REPEAL AND REPLACEMENT OF ARTICLE XVIII, OF CHAPTER 102 OF PART II OF THE BELLEAIR BLUFFS CODE; PROVIDING FOR APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING SIGN REGULATIONS FOR LAND USE DISTRICTS; PROVIDING FOR A PERMITTING PROCESS; PROVIDING FOR NONCONFORMING SIGNS; AMENDING ARTICLE VIII OF CHAPTER 102 OF PART II OF THE BELLEAIR BLUFFS CODE BY ADDING A NEW SUBSECTION E TO § 102-43 TO EXPRESSLY PROHIBIT THE BUSINESS OF OUTDOOR ADVERTISING WITHIN THE CITY; AMENDING ARTICLE II OF CHAPTER 102 OF PART II OF THE BELLEAIR BLUFFS CODE BY DELETING CERTAIN DEFINITIONS IN § 102-10 THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Belleair Bluffs (the City) finds and determines that it is appropriate to update and revise its Land Development Code relative to signs; and

WHEREAS, the City finds it appropriate to delete sections, paragraphs, divisions, clauses, sentences, phrases, words, and provisions of its existing code which are obsolete or superfluous, and/or which have not been enforced, and/or which are not enforceable, and/or which would be severable by a court of competent jurisdiction; and

WHEREAS, the City finds that it is appropriate to ensure that the Land Development Code as it relates to signs is in compliance with all constitutional and other legal requirements; and

WHEREAS, the City finds that the purpose, intent and scope of its signage standards and regulations should be detailed so as to further describe the beneficial aesthetic and other effects of its sign standards and regulations, and to reaffirm that the sign standards and regulations are concerned with the secondary effects of speech and are not designed to censor speech or regulate the viewpoint of the speaker; and

WHEREAS, the City finds that the limitations on the size (area), height, number, spacing, and setback of signs, adopted herein, is based upon the sign types; and

WHEREAS, the City finds that limitations on various types of signs are related to the land use districts for the parcels and properties on which they are located; and

WHEREAS, the City finds that various signs that serve as signage for particular land uses, such as drive-through lanes for businesses, are based upon content-neutral criteria in recognition of the functions served by those land uses, but not based upon any intent to favor any particular viewpoint or control the subject matter of public discourse; and

WHEREAS, the City finds that it is appropriate to take into account the City's land use districts when determining the appropriate nature of certain sign types; and

WHEREAS, the City finds that the sign standards and regulations adopted hereby still allow adequate alternative means of communications; and

WHEREAS, the City finds that the sign standards and regulations adopted hereby allow and leave open adequate alternative means of communications, such as newspaper advertising and communications, internet advertising and communications, advertising and communications in shoppers and pamphlets, advertising and communications in telephone books, advertising and communications on cable and satellite television, advertising and communications on UHF and/or VHF television, advertising and communications on AM and/or FM radio, advertising and communications on satellite and internet radio, advertising and communications via direct mail, and other avenues of communication available in the City of Belleair Bluffs [*see State v. J & J Painting*, 167 N.J. Super. 384, 400 A.2d 1204, 1205 (Super. Ct. App. Div. 1979); *Board of Trustees of State University of New York v. Fox*, 492 U.S. 469, 477 (1989); *Green v. City of Raleigh*, 523 F.3d 293, 305-306 (4th Cir. 2007); *Naser Jewelers v. City of Concord*, 513 F.3d 27 (1st Cir. 2008); *Sullivan v. City of Augusta*, 511 F.3d 16, 43-44 (1st Cir. 2007); *La Tour v. City of Fayetteville*, 442 F.3d 1094, 1097 (8th Cir. 2006); *Reed v. Town of Gilbert*, 587 F.3d 966, 980-981 (9th Cir. 2009), *aff'd in part & remanded in part on other grounds*, 832 F. Supp. 2d 1070, *aff'd*, 707 F.3d 1057, 1063 (9th Cir. 2013), *cert. granted*, 134 S. Ct. 2900 (2014), *rev'd on other grounds & remanded*, 135 S. Ct. 2218 (2015)]; and

WHEREAS, the City finds that the provisions of the new Article XVIII of Chapter 102 of the City code that replace the current regulations at that same location are consistent with all applicable policies of the City's adopted Comprehensive Plan; and

WHEREAS, the City finds that these amendments are not in conflict with the public interest; and

WHEREAS, the City finds that these amendments will not result in incompatible land uses; and

WHEREAS, the City recognizes that under established Supreme Court precedent, a law that is content-based is subject to strict scrutiny under the First Amendment of the U.S. Constitution, and such law must therefore satisfy a compelling governmental interest; and

WHEREAS, the City recognizes that under established Supreme Court precedent, a compelling government interest is a higher burden than a substantial or significant governmental interest; and

WHEREAS, the City recognizes that under established Supreme Court precedent, aesthetics is not a compelling governmental interest but is a substantial governmental interest; and

WHEREAS, the City recognizes that until a recent Supreme Court decision released in June 2015, there had not been clarity as to what constitutes a content-based law as distinguished from a content-neutral law; and

WHEREAS, the City recognizes that in *Reed v. Town of Gilbert, Ariz.*, — U.S. —, 135 S. Ct. 2218, 2221, 192 L. Ed. 2d 236 (2015), the United States Supreme Court, in an opinion authored by Justice Thomas, and joined in by Chief Justices Roberts, Scalia, Alito, Kennedy and Sotomayer,

addressed the constitutionality of a local sign ordinance that had different criteria for different types of temporary noncommercial signs; and

WHEREAS, the City recognizes that in *Reed*, the Supreme Court held that content-based regulation is presumptively unconstitutional and requires a compelling governmental interest; and

WHEREAS, the City recognizes that in *Reed*, the Supreme Court held that government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed; and

WHEREAS, the City recognizes that in *Reed*, the Supreme Court held that even a purely directional message, which merely gives the time and location of a specific event, is one that conveys an idea about a specific event, so that a category for directional signs is therefore content-based, and event-based regulations are not content neutral; and

WHEREAS, the City finds that in *Reed*, the Court held that if a sign regulation on its face is content-based, neither its purpose, nor function, nor justification matter, and the sign regulation is therefore subject to strict scrutiny and must serve a compelling governmental interest; and

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

WHEREAS, the City recognizes that Justice Alito in the concurring opinion joined in by Justices Kennedy and Sotomayer provided a list of rules that would not be content-based; and

WHEREAS, the City recognizes that Justice Alito noted that these rules, listed below, were not anything like a comprehensive list of such rules; and

WHEREAS, the City finds that Justice Alito included this list as rules which would not be content-based: (1) rules regulating the size of signs, which rules may distinguish among signs based upon any content-neutral criteria such as those listed below; (2) rules regulating the locations in which signs may be placed, which rules may distinguish between freestanding signs and those attached to buildings; (3) rules distinguishing between lighted and unlighted signs; (4) rules distinguishing between signs with fixed messages and electronic signs with messages that change; (5) rules that distinguish between the placement of signs on private and public property; (6) rules distinguishing between the placement of signs on commercial and residential property; (7) rules distinguishing between on-premises and off-premises signs; (8) rules restricting the total number of signs allowed per mile of roadway; and (9) rules imposing time restrictions on signs advertising a one-time event, where rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed; and

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

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

WHEREAS, the City recognizes that as a result of the *Reed* decision, it is appropriate and necessary for local governments to review and analyze their sign standards and regulations, beginning with their temporary sign standards and regulations, so as to make the necessary changes to conform with the holding in *Reed*; and

WHEREAS, the City recognizes that as a result of the *Reed* decision the U.S. District Court for the District of Arizona on remand did not strike down the entirety of the Town of Gilbert sign ordinance but instead severed those specific provisions that had been identified as constituting an unconstitutional distinction among categories of temporary noncommercial speech; and

WHEREAS, the City recognizes that in *Reed*, only the regulation of temporary *noncommercial* speech was at issue before the Supreme Court. Specifically, three categories of temporary signs were discussed: Temporary Directional Signs (applied to limit the speech of the petitioners), Political Signs, and Ideological Signs; and

WHEREAS, the City finds that in *Reed* the Court determined that the Town's differing treatment of Temporary Directional Signs and the two other types of signs was "content-based," meaning that the Town would have to survive strict scrutiny and show a compelling government interest in its differing treatment of noncommercial speech as applied to the petitioners' use of temporary directional signs to announce the time and location of their services; and

WHEREAS, the City recognizes that *Reed* only involved *noncommercial* speech; and that commercial speech was not challenged in the *Reed* decision; and

WHEREAS, the City recognizes that in *Reed* the Supreme Court did not strike down the Town of Gilbert sign ordinance, which can be found at Article 4.4 of the Town of Gilbert Land Development Code as it then existed [*see* Brief for Respondents 1, *Reed v. Town of Gilbert*, No. 13-502, 2014 WL 6466937 (November 14, 2014)]; and further recognizes that in applying the majority decision of six Justices, the federal district court thereafter entered a Consent Order on December 30, 2015, which Consent Order stated: "[T]he Court permanently enjoins Defendants from enforcing Section 4.402P of the Town of Gilbert's Land Development Code entitled 'Temporary Directional Signs Relating to a Qualifying Event.'" *Reed v. Town of Gilbert*, United States District Court for the District of Arizona, Phoenix Division, Case No. 2:07-cv-00522-SRB Document 137 (December 30, 2015); and

WHEREAS, the City recognizes that in *Reed* commercial speech was not impacted and that the Town of Gilbert sign ordinance was not struck down in its entirety; and that only one provision, Section 4.402P, of the Town's sign ordinance was enjoined from being enforced against the petitioners. (*See* Section 4.402P within Attachment 2 [Joint Appendix in *Reed*, available at 2014 WL 4631244, with Excerpts of Article 4.4, inclusive of 4.402P]); and

WHEREAS, the City recognizes that government speech is not subject to First Amendment scrutiny as was confirmed by the United States Supreme Court in *Walker v. Texas*

Division, Sons of Confederate Veterans, Inc., 135 S.Ct. 2239 (2015), released in June 2015 the same day as the *Reed* decision, and the *Confederate Veterans* decision has been followed as to government signs by the Eleventh Circuit in *Mech v. School Bd. Of Palm Beach County*, 806 3d 1070 (11th Cir. 2015), *cert. denied*, 137 S.Ct. 73 (2016); and

WHEREAS, the City recognizes that under established Supreme Court precedent, commercial speech may be subject to greater restrictions than noncommercial speech and that doctrine is true for both temporary signs as well as for permanent signs; and

WHEREAS, the City finds that under Florida law, whenever a portion of a statute or ordinance is declared unconstitutional, the remainder of the act will be permitted to stand provided (1) the unconstitutional provisions can be separated from the remaining valid provisions, (2) the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void, (3) the good and the bad features are not so inseparable in substance that it can be said that the legislative body would have passed the one without the other, and (4) an act complete in itself remains after the valid provisions are stricken [*see, e.g., Waldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990)]; and

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

WHEREAS, the City finds that it has consistently adopted and enacted severability provisions in connection with its ordinance code provisions, and that the City wishes to ensure that severability provisions apply to its land development regulations, including its sign standards; and

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

WHEREAS, the City finds that objects and devices such as grave markers visible from a public area, vending machines or express mail drop-off boxes visible from a public area, decorations that do not constitute advertising visible from a public area, artwork that does not constitute advertising or a building's architectural features visible from a public area, or a manufacturer's or seller's markings on machinery or equipment visible from a public area are not within the scope of what is intended to be regulated through "land development" regulations that pertain to signage under Chapter 163 of the Florida Statutes; and

WHEREAS, the City finds that the aforesaid objects and devices are commonly excluded or exempted from being regulated as signs in land development regulations and sign regulations, and that extending a regulatory regime to such objects or devices would be inconsistent with the free speech clause of the First Amendment; and

WHEREAS, the City finds that it should continue to prohibit discontinued signs regardless of whether or not there was any intent to abandon the sign; and

WHEREAS, the City finds that a traffic control device sign, exempt from regulation under the City's land development regulations for signage, is any government sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard, and that according to the MUTCD traffic control device signs include those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information); and

WHEREAS, the City finds that it is appropriate to prohibit certain vehicle signs similar to the prohibition suggested in Article VIII (Signs) of the Model Land Development Code for Cities and Counties, prepared in 1989 for the Florida Department of Community Affairs by the UF College of Law's Center for Governmental Responsibility and by a professional planner with Henigar and Ray Engineering Associates, Inc., and that is nearly identical to Section 7.05.00(x) of the Land Development Regulations of the Town of Orange Park, which were upheld against a constitutional challenge in *Perkins v. Town of Orange Park*, 2006 WL 5988235 (Fla. Cir. Ct.); and

WHEREAS, the City is just under ½ of a square mile of land in size and is almost completely built-out with approximately 2200 inhabitants, and is made up of approximately 200 commercial and professional businesses, 540 single-family homes, 320 apartments and 650 condominium units; and

WHEREAS, the City provides for its residents and visitors a wide range of living choices and shopping opportunities which, while small, serve the needs of both the City and its neighboring communities as it serves as one of the gateways to Pinellas County's gulf beaches; and

WHEREAS, the City finds that in order to preserve the City as a desirable community in which to live and do business, a pleasing, visually-attractive urban environment is of foremost importance; and

WHEREAS, the City finds that the regulation of signs within the City is a highly contributive means by which to achieve this desired end, and that the sign standards and regulations in Exhibit A attached to this Ordinance are prepared with the intent of enhancing the urban environment and promoting the continued well-being of the City; and

WHEREAS, the City finds that Article II, Section 7, of the Florida Constitution, as adopted in 1968, provides that it shall be the policy of the state to conserve and protect its scenic beauty; and

WHEREAS, the City finds that the regulation of signage for purposes of aesthetics is a substantial governmental interest and directly serves the policy articulated in Article II, Section 7, of the Florida Constitution, by conserving and protecting its scenic beauty; and

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

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

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

WHEREAS, the City finds that the enhancement of the visual environment is critical to a community’s image; and

WHEREAS, the City finds that the sign control principles set forth herein create a sense of character and ambiance that distinguishes the City as one with a commitment to maintaining and improving an attractive environment; and

WHEREAS, the City finds that the goals, objectives and policies from planning documents developed over the years, demonstrate a strong, long-term commitment to maintaining and improving the City’s attractive and visual environment; and

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

WHEREAS, the City finds and determines that, from a planning perspective, sign regulations can create a sense of character and ambiance that distinguishes one community from another; and

WHEREAS, the City finds and determines that two decades ago a growing number of local governments had begun prohibiting pole signs, allowing only ground signs (also referred to as monument signs), and that monument signs have become a sign type preferred by vacation destinations, planned communities, and local governments seeking to create a distinctive image, and that the City seeks to maintain that distinctive image as part of its community character; and

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

WHEREAS, the City of Belleair Bluffs finds and determines that the sign regulations in Exhibit A attached to this Ordinance are intended to enable the identification of places of residence and business; and

WHEREAS, the City finds that the sign regulations in Exhibit A attached to this Ordinance are intended to allow for the communication of information necessary for the conduct of commerce; and

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

WHEREAS, the City finds that the sign regulations in Exhibit A attached to this Ordinance are intended to enhance the attractiveness and economic well-being of the City as a place to live, vacation and conduct business; and

WHEREAS, the City finds that the sign regulations in Exhibit A attached to this Ordinance are intended to protect the public from the dangers of unsafe signs; and

WHEREAS, the City finds that the sign regulations in Exhibit A attached to this Ordinance are intended to permit signs that are compatible with their surroundings and aid orientation, and to preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs; and

WHEREAS, the City finds that the sign regulations in Exhibit A attached to this Ordinance are intended to encourage signs that are appropriate to the land use district in which they are located and consistent with the category of use to which they pertain; and

WHEREAS, the City finds that the sign regulations in Exhibit A attached to this Ordinance are intended to curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business; and

WHEREAS, the City finds that the sign regulations in Exhibit A attached to this Ordinance are intended to establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains; and

WHEREAS, the finds that the sign regulations in Exhibit A attached to this Ordinance are intended to preclude signs from conflicting with the principal permitted use of the site or adjoining sites; and

WHEREAS, the City finds that the sign regulations in Exhibit A attached to this Ordinance are intended to regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians; and

WHEREAS, the City finds that the sign regulations in Exhibit A attached to this Ordinance are intended to require signs to be constructed, installed and maintained in a safe and satisfactory manner; and

WHEREAS, the City finds that the sign regulations in Exhibit A attached to this Ordinance are intended to preserve and enhance the natural and scenic characteristics of this coastal community; and

WHEREAS, the City finds that the regulation of signage was originally mandated by Florida's Local Government Comprehensive Planning and Land Development Regulation Act in 1985 (*see* Chapter 85-55, §14, Laws of Florida), and this requirement continues to apply to the City through Florida Statutes § 163.3202(2)(f); and

WHEREAS, the City finds that it has adopted a land development code in order to implement its comprehensive plan, and to comply with the minimum requirements of Florida Statutes § 163.3202, including the regulation of signage and future land use; and

WHEREAS, the City finds that its Land Development Code is the manner by which the City has chosen to regulate signage; and

WHEREAS, the City finds that its Land Development Code and its signage regulations were and are intended to maintain and improve the quality of life for all citizens of the City; and

WHEREAS, the City finds that in meeting the purposes and goals established in these preambles, it is appropriate to prohibit and/or to continue to prohibit certain sign types; and

WHEREAS, the City finds that consistent with the foregoing preambles, it is appropriate to prohibit and/or to continue to generally prohibit the sign types listed in Exhibit A of this Ordinance; and

WHEREAS, the City finds that billboards detract from the natural and manmade beauty of the City; and

WHEREAS, the City agrees with the American Society of Landscape Architects' determination that billboards tend to deface nearby scenery, whether natural or built, rural or urban; and

WHEREAS, the City agrees with the Sierra Club's opposition to billboard development and proliferation; and

WHEREAS, the City agrees with the American Society of Civil Engineers Policy Statement 117 on Aesthetics that aesthetic quality should be an element of the planning, design, construction, operations, maintenance, renovation, rehabilitation, reconstruction, and security enhancement of the built environment; and

WHEREAS, the City recognizes that states such as Vermont, Alaska, Maine, and Hawaii have prohibited the construction of billboards in their states and are now billboard-free in an effort to promote aesthetics and scenic beauty; and

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

WHEREAS, the City agrees with the courts that have recognized that outdoor advertising signs tend to interrupt what would otherwise be the natural landscape as seen from the highway,

whether the view is untouched or ravished by man, and that it would be unreasonable and illogical to conclude that an area is too unattractive to justify aesthetic improvement [*see E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 878 (1970); *John Donnelly & Sons, Inc. v. Outdoor Advertising Bd.*, 339 N.E.2d 709, 720 (Mass. 1975)]; and

WHEREAS, the City recognizes that local governments may separately classify off-site and on-site advertising signs in taking steps to minimize visual pollution [*see City of Lake Wales v. Lamar Advertising Association of Lakeland Florida*, 414 So.2d 1030, 1032 (Fla. 1982)]; and

WHEREAS, the City finds that billboards attract the attention of drivers passing by the billboards, thereby adversely affecting traffic safety and constituting a public nuisance and a noxious use of the land on which the billboards are erected; and

WHEREAS, the City finds that billboards are a form of advertisement designed to be seen without the exercise of choice or volition on the part of the observer, unlike other forms of advertising that are ordinarily seen as a matter of choice on the part of the observer [*see Packer v. Utah*, 285 U.S. 105 (1932); and *General Outdoor Advertising Co. v. Department of Public Works*, 289 Mass. 149, 193 N.E. 799 (1935)]; and

WHEREAS, the City acknowledges that the United States Supreme Court and many federal courts have accepted legislative judgments and determinations that the prohibition of billboards promotes traffic safety and the aesthetics of the surrounding area. [*see Markham Adver. Co. v. State*, 73 Wash. 2d 405, 439 P.2d 248 (1969), *appeal dismissed for want of a substantial federal question*, 439 U.S. 808 (1978); *Markham Adver. Co., Inc. v. State*, Case No. 648, October Term, 1968, Appellants' Jurisdictional Statement, 1968 WL 129277 (October 14, 1968); *Suffolk Outdoor Adver. Co., Inc. v. Hulse*, 43 N.Y.2d 483, 372 N.E.2d 263 (1977), *appeal dismissed for want of a substantial federal question*, 439 U.S. 808 (1978); *Suffolk Outdoor Adver. Co., Inc. v. Hulse*, Case No. 77-1670, October Term, 1977, Appellant's Jurisdictional Statement (March 23, 1978); *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 509-510 (1981); *Members of the City Council of the City of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 806-807 (1984), *City of Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410, 425 and 442 (1993); *National Advertising Co. v. City and County of Denver*, 912 F.2d 405, 409 (10th Cir. 1990), and *Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1239 (D. Kan. 1999)]; and

WHEREAS, the City finds that on-site business signs are considered to be part of the business itself, as distinguished from off-site outdoor advertising signs, and finds and determines that it is well-recognized that the unique nature of outdoor advertising and the nuisances fostered by billboard signs justify the separate classification of such structures for the purposes of governmental regulation and restrictions [*see E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1153 (5th Cir. 1970), *cert. denied*, 400 U.S. 878, 91 S.C. 12, 27 L. Ed. 2d 35 (1970), quoting *United Advertising Corp. v. Borough of Raritan*, 93 A.2d 362, 365 (1952)]; ad

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

WHEREAS, the City finds that billboard signs are public nuisances given their adverse impact on both traffic safety and aesthetics; and

WHEREAS, the City finds that billboards are a traffic hazard and impair the beauty of the surrounding area, and the prohibition of the construction of billboards will reduce these harms [*see Outdoor Systems, Inc. v. City of Lenexa*, 67 F.Supp.2d 1231, 1239 (D. Kan. 1999)]; and

WHEREAS, the City finds that the presence of billboards along the federal interstate and the federal-aid primary highway systems has prevented public property in other jurisdictions from being used for beautification purposes due to view zones established by state administrative rule; and

WHEREAS, the City recognizes that Scenic America, Inc. recommends improvements in the scenic character of a community's landscape and appearance by prohibiting the construction of billboards, and by setting height, size and other standards for on-premise signs [*see Scenic America's Seven Principles for Scenic Conservation, Principle #5*]; and

WHEREAS, the City recognizes that more than three hundred Florida communities have adopted ordinances prohibiting the construction of billboards in their communities in order to achieve aesthetic, beautification, traffic safety, and/or other related goals; and

WHEREAS, the City finds that in order to preserve, protect and promote the safety and general welfare of the residents of the City, it is necessary to regulate off-site advertising signs, commonly known as billboard signs or billboards, so as to prohibit the construction of billboards in all land use districts, and to provide that the foregoing provisions shall be severable; and

WHEREAS, the City finds that the prohibition of billboards as set forth herein will improve the beauty of the City, foster overall improvement to the aesthetic and visual appearance of the City, preserve and open up areas for beautification on public property adjoining the public roadways, increase the visibility, readability and/or effectiveness of on-site signs by reducing and/or diminishing the visual clutter of off-site signs, enhance the City as an attractive place to live and/or work, reduce blighting influences, and improve traffic safety by reducing driver distractions; and

WHEREAS, the City wishes to assure that new billboards are effectively prohibited as a sign-type within the City; and

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

WHEREAS, the City acknowledges that the seven Justices' views in *Metromedia*, as expressly recognized in the later Supreme Court decisions in *Taxpayers for Vincent* and *Discovery Network*, have never been overturned; and that more than a dozen published Circuit Court of Appeal decisions followed *Metromedia* on the permissible distinction between onsite signs and

offsite signs-when it comes to government's substantial interest in prohibiting the latter sign type (the offsite sign), including: *Major Media of the Southeast, Inc. v. City of Raleigh*, 792 F.2d 1269, 1272 (4th Cir. 1986); *Georgia Outdoor Advertising, Inc. v. City of Waynesville*, 833 F.2d 43, 45-46 (4th Cir. 1987); *Naegele Outdoor Adver., Inc. v. City of Durham*, 844 F.2d 172, 173-174 (4th Cir. 1988); *Nat'l Adver. Co. v. City and County of Denver*, 912 F.2d 405, 408-411 (10th Cir. 1990); *Nat'l Adver. Co. v. Town of Niagara*, 942 F.2d 145, 157-158 (2nd Cir. 1991); *Outdoor Systems, Inc. v. City of Mesa*, 997 F.2d 604, 610-612 (9th Cir. 1993); *Outdoor Graphics, Inc. v. City of Burlington, Iowa*, 103 F.3d 690, 695 (8th Cir. 1996); *Ackerley Communications of Northwest v. Krochalis*, 108 F.3d 1095, 1099 (9th Cir. 1997); *Southlake Property Associates, Ltd. v. City of Morrow, Ga.*, 112 F.3d 1114, 1117-1119 (11th Cir. 1997), *cert. denied*, 525 U.S. 820 (1998); *Bad Frog Brewery, Inc. v. New York State Liquor Authority*, 134 F.3d 87, 99 (2nd Cir. 1998); *Lavey v. City of Two Rivers*, 171 F.3d 1110, 1114-1115 (7th Cir. 1999); *Long Island Bd. of Realtors, Inc. v. Incorp. Village of Massapequa Park*, 277 F.3d 622, 627 (2d Cir. 2002); *Clear Channel Outdoor, Inc. v. City of Los Angeles*, 340 F.3d 810, 814-816 (9th Cir. 2003); *Riel v. City of Bradford*, 485 F.3d 736, 753 (3rd Cir. 2007); *Naser Jewelers, Inc. v. City of Concord, N.H.*, 513 F.3d 27, 36 (1st Cir. 2008); and *RTM Media, L.L.C. v. City of Houston*, 584 F.3d 220, 225 (5th Cir. 2009); and

WHEREAS, the City recognizes that the distinction between the location of off-premises signs and on-premises signs is a time, place and manner regulation, and recognizes that in 1978 in *Suffolk Outdoor*, over the objection of Justices Blackmun and Powell, the U.S. Supreme Court denied review of the underlying decision for the want of a substantial federal question and that the denial on this basis was a decision on the merits, wherein the decisions was framed by the petitioner's jurisdictional statement which presented its first question as to whether a total ban on billboards within an entire municipality was constitutional, claiming that this disparate treatment of off-premises billboards from on-premises accessory signs was a violation of the First Amendment; and

WHEREAS, the City of Belleair Bluffs acknowledges that the significance of *Suffolk Outdoor* is that it was a merits decision that recognized that it is constitutionally permissible to distinguish between on-site signs and off-site signs (Billboards) for regulatory purposes, and to ban the latter, and that this merits decision has never been overturned; and

WHEREAS, the City finds, consistent with the foregoing preambles, that the business of outdoor advertising should be a prohibited use in each of the City's land use districts and in all of the City's land use districts; and

WHEREAS, the City finds that it is appropriate to prohibit discontinued signs and/or sign structures because the same visually degrade the community character and are inconsistent with the general principles and purposes of the regulations as set forth in Exhibit A attached to this Ordinance; and

WHEREAS, the City finds that under state law, which may be more permissive than local law, a nonconforming sign is deemed "discontinued" when it is not operated and maintained for a set period of time, and the following conditions under Chapter 14-10, Florida Administrative Code, shall be considered failure to operate and maintain the sign so as to render it a discontinued sign: (1) signs displaying only an "available for lease" or similar message; (2) signs displaying advertising for a product or service which is no longer available; or (3) signs which are blank or

do not identify a particular product, service, or facility; and

WHEREAS, the City finds that it is appropriate to specify that in addition to the land development regulations identified in Exhibit A attached to this Ordinance, signs shall comply with all applicable building and electrical code requirements; and

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

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

WHEREAS, the City finds that the district court in *Granite State Outdoor Advertising, Inc. v. Clearwater, Fla. (Granite-Clearwater)*, 213 F.Supp.2d 1312 (M.D. Fla. 2002), *aff'd in part and rev'd in part on other grounds*, 351 F.3d 1112 (11th Cir. 2003), *cert. denied*, 543 U.S. 813 (2004), cited the severability provisions of both Section 1-107 of the Code and the Development Code, Ord. No. 6348-99, § 4 (January 21, 1999), as a basis for severing isolated portions of Article 3 of the Land Development Code [*see Granite-Clearwater* at 1326, n.22]; and

WHEREAS, the City finds that in *Mitchell v. Mobile County*, 313 So.2d 172, 175 (Ala. 1975), the Alabama Supreme Court held that the presence of a severability clause is persuasive authority that the Legislature intends valid portions of legislative enactments to survive; and

WHEREAS, the City finds that in *State ex rel. Pryor ex rel. Jeffers v. Martin*, 735 So.2d 1156 (Ala. 1999), the Alabama Supreme Court noted that “To be sure, ‘[t]he inclusion of a severability clause is a clear statement of legislative intent to that effect [striking the offending provision and leaving the remainder in place], but the absence of such a clause does not necessarily indicate the lack of such an intent or require a holding of inseverability.’” *Id.* at 1158 quoting *City of Birmingham v. Smith*, 507 So.2d 1312, 1315 (Ala. 1987); and

WHEREAS, the City finds that the Land Development Code’s severability clause was adopted with the intent of upholding and sustaining as much of the City’s regulations, including its sign regulations, as possible in the event that any portion thereof (including any section, sentence, clause or phrase) be held invalid or unconstitutional by any court of competent jurisdiction; and

WHEREAS, the City finds that in *Newton v. City of Tuscaloosa*, 36 So.2d 487, 493 (Ala. 1948), the Alabama Supreme Court noted: “A criterion to ascertain whether or not a statute is severable so that by rejecting the bad the valid may remain intact is: “The act ‘ought not to be held wholly void unless the invalid portion is so important to the general plan and operation of the law in its entirety as reasonably to lead to the conclusion that it would not have been adopted if the legislature had perceived the invalidity of the part so held to be unconstitutional.’” *See also A.*

Bertolla & Sons v. State, 24 So.2d 23, 25 (Ala. 1945); *Union Bank & Trust Co. v. Blan*, 155 So. 612 (Ala. 1934); and

WHEREAS, the City finds that under Florida law, whenever a portion of a statute or ordinance is declared unconstitutional, the remainder of the act will be permitted to stand provided (1) the unconstitutional provisions can be separated from the remaining valid provisions, (2) the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void, (3) the good and the bad features are not so inseparable in substance that it can be said that the legislative body would have passed the one without the other, and (4) an act complete in itself remains after the valid provisions are stricken [*see, e.g., Waldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990)]; and

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

WHEREAS, the City finds that the failure of some courts to uphold severability clauses has led to an increase in litigation seeking to strike down sign ordinances in their *entirety* so as to argue that the developers' applications to erect prohibited sign types, such as billboards, must be granted; and

WHEREAS, the City finds that it has consistently adopted and enacted severability provisions in connection with its ordinance code provisions, and that it wishes to ensure that severability provisions apply to its land development regulations, including its sign regulations; and

WHEREAS, the City finds that there is an ample record of its intention that the presence of a severability clause in connection with its sign regulations be applied to the maximum extent possible, even if less speech would result from a determination that any exceptions, limitations, variances or other provisions are invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the City finds that the prohibition on billboards, as contained herein, continue in effect regardless of the invalidity or unconstitutionality of any, or even all, other provisions of its sign regulations, other code provisions, or other laws, for any reason(s) whatsoever; and

WHEREAS, the City finds that there is an ample record that it intends that the height and size limitations on free-standing and other signs continue in effect regardless of the invalidity or unconstitutionality of any, or even all other, provisions of its sign regulations, other code provisions, or other laws, for any reason(s) whatsoever; and

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

WHEREAS, the City finds that it is aware that there have been billboard developers who have mounted legal challenges to a sign ordinance, either in its entirety or as to some lesser portion, and argued that there existed a vested right to erect a billboard through the mere submission of one or more prior permit applications, so that in the event that the billboard developer is successful in obtaining a judicial decision that the entirety or some lesser portion of a sign ordinance or its permitting provisions are invalid or unconstitutional, the billboard developer might then seek to compel the local governmental unit to issue a permit to allow the billboard developer to erect a permanent billboard structure within the local government's jurisdiction; and

WHEREAS, the City finds that it desires to make clear that billboards are not a compatible land use within the City and that there can be no good faith reliance by any prospective billboard developer under Florida vested rights law in connection with the prospective erection or construction of new or additional billboards within the jurisdictional limits of the City; and

WHEREAS, the City finds that it is appropriate to allow for the display of allowable temporary signage without any prior restraint or permit requirement; and

WHEREAS, the City finds that it is appropriate to prohibit direct illumination of the surface of any temporary sign but such prohibition shall not be construed to constrain the general illumination of flags and flagpoles unless otherwise expressly prohibited.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Belleair Bluffs, Florida, as follows:

Section 1. *Adoption of recitals.* The foregoing exordial clauses are hereby adopted by the City Commission in support of this Ordinance.

Section 2. The current Article XVIII of Chapter 102 of Part II of the City Code for the City of Belleair Bluffs, consisting of § 102-133.1 through § 102-137.4 and comprising the City's sign code, is hereby repealed in its entirety.

Section 3. A new Article XVIII of Chapter 102 of the City Code for the City of Belleair Bluffs, entitled Sign Regulations and consisting of § 102-133.1 through § 102-133.15, is hereby adopted as fully set forth in **EXHIBIT A** attached hereto and incorporated herein.

Section 4. Section 102-43 of Article VIII of Chapter 102 of Part II of the City Code of the City of Belleair Bluffs is hereby amended by adding a new subsection E as follows:

Sec. 102-43. - Prohibited uses.

- A. Drive-in eating establishments. There shall not be allowed within any land use classification within the city limits any drive-in eating or food establishment, temporary or portable food-vending establishments or devices, promotional or advertising food-distribution vehicles or devices or other similar facilities. Drive-through pickup windows are permissible.
- B. Excavation pits and quarries. No excavation pits or quarries shall be allowed within any land use classification within the city.
- C. Landfills. No landfills or sanitary landfills shall be allowed in any land use district within the city, except such landfills as shall be approved by the Planning Board and which shall be for the specific purpose of creating an acceptable finish grade to a lot, parcel or tract when the same is done in conjunction with and as a part of a construction project for the lot, parcel or tract being so filled. All plans submitted to the Planning Board which shall contemplate or require fill areas shall be specific in required details, in accordance with such regulations as may be set forth by the Planning Board and the City Engineering Department.
- D. Arcade amusement centers. There shall not be allowed within any land use classification within the city limits any arcade amusement center. The term "arcade amusement center," as used in this article, shall mean a place of business of which the primary use is the operation of coin-operated amusement games or machines on the premises as an amusement facility.
- E. Business of outdoor advertising prohibited. The business of outdoor advertising shall not be allowed or permitted within any land use classification within the city, and is a prohibited use in all land use districts.

Section 5. Section 102-10 of Article II of Chapter 102 of Part II of the City Code of the City of Belleair Bluffs is hereby amended by deleting the following definitions contained therein as follows:

~~Advertising flags means pole or structure mounted advertising flag signs, such as the types of signs commonly referred to as a "swooper flag," "feather flag," or "teardrop flag."~~

~~Amplification sign means minor or amplifying signs limited to the identification and pricing of a product or service on a premises.~~

* * *

~~Awning sign means a tenant identification sign designed as part of an awning.~~

* * *

~~Cabinet sign means a graphic on clear or opaque plastic usually two sided, enclosed in a case or frame which contains the bulbs or neon tubes for lighting.~~

* * *

~~*Canopy signs* means a pedestrian-oriented sign designed as part of an awning.~~

~~*Changeable copy signs* means a sign on which the message copy is changed manually through moveable letters, numbers, etc. *Changeable copy signs* means a sign on which the message copy is changed manually through moveable letters, numbers, etc.~~

* * *

~~*Directional signs* means a sign erected for the direction or safety of the public.~~

~~*Directory sign* means a sign listing only the names and/or use, or location of more than one business, activity or professional office conducted within a building, group of buildings or commercial center.~~

* * *

~~*Flat signs* means a sign erected parallel to and extending not more than 12 inches from the facade of any building to which it is attached and supported throughout its entire length by the facade and not extending above the building.~~

~~*Flat wall plaque* means a small flat sign mounted on a building wall near an entry.~~

* * *

~~*Freestanding sign* means a sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or object other than the sign structure, for support, including pole and monument signs.~~

* * *

~~*Gasoline pricing sign* means a sign incorporated into a service station identity sign for displaying of price changes.~~

* * *

~~*Graphic* means any letter, number, symbol, figure, character, mark, plane, design, pictorial stroke, stripe, trademark, lights or combination of these which is used to gain the attention of the public.~~

* * *

~~*Ingress/egress sign* means a sign which designates only the direction of ingress or egress of a parking area or driveway, such as "In," "Out," "One Way."~~

~~*Items of information* means a defined visual element or area of design or message in a sign that causes a breakup of visual graphics and separates attention.~~

* * *

~~*Menu pricing sign* means a changeable copy sign for displaying a menu selection/pricing of products for sale at a drive-up window.~~

~~*Monument sign* means a sign constructed of stone, wood, metal, etc., in the shape of a tablet or monument generally having parallel sides from top to bottom.~~

* * *

~~*Parallel sign* means a sign which is parallel to the property frontage.~~

* * *

~~*Perpendicular sign* means a sign which is perpendicular to the property frontage.~~

* * *

~~*Pole sign* means a sign attached to a slender piece of wood or metal, usually rounded sometimes used in pairs, which are sunken in the ground and exposed to view.~~

* * *

~~*Project sign* means any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor or materials vendor upon which the property such individual is furnishing labor, services or material.~~

* * *

~~*Real estate sign* means a sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, for lease or for sale.~~

~~*Rear entrance sign* means a sign placed at a secondary entry for identifying a remote or rear entrance.~~

~~*Roof sign* means any sign or graphic, erected, constructed and/or maintained upon, against or directly above a roof or on top of or above a parapet on the top of a building.~~

* * *

~~*Sandwich sign* means any sign or graphic, double-faced or single-faced, lighted or not, which is portable and may readily be moved from place to place.~~

~~*Sign band* means an unobstructed surface of a wall, building, or sign structure that is architecturally intended for sign positioning.~~

~~*Snipe sign* means any small sign, generally of a temporary nature made of any material, where such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or other objects and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.~~

* * *

~~*Subdivision development sign* means a sign identifying areas under development such as subdivisions, condominiums and complexes.~~

~~*Subdivision entrance sign* means a sign which designates the name of a subdivision or of a residential district and is located at or in close proximity to the main entrance.~~

* * *

~~Temporary sign means any sign erected for a limited time period, usually not to exceed one year.~~

~~Theater sign means a sign of changeable copy for displaying a listing of performances for a cinema or theater.~~

Section 6. Section 102-10.1 of Article II of Chapter 102 of Part II of the City Code of the City of Belleair Bluffs, entitled *Illustrations of type of signs and methods of measurement*, is hereby repealed in its entirety.

Section 7. For purposes of codification of any existing section of the Belleair Bluffs Code herein amended, words underlined represent additions to original text, words ~~stricken~~ are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 8. The Codifier shall codify the substantive amendments to the Belleair Bluffs Code contained in Sections 2 through 6 of this Ordinance as provided for therein, and shall not codify any other sections not designated for codification.

Section 9. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect at 12:01 a.m. on the tenth day after its adoption.

DULY ADOPTED with a quorum present and voting this 12 day of February, 2018.

BELLEAIR BLUFFS, FLORIDA

ATTES:

By:

Debra S. Sullivan, MMC
City Clerk

By:

Mayor Chris Arbutine, Sr.

PASSED ON FIRST READING: JANUARY 22, 2018

PLANNING BOARD HEARING: FEBRUARY 12, 2018

PASSED ON SECOND READING: FEBRUARY 12, 2018

**EXHIBIT “A”
TO
CITY OF BELLEAIR BLUFFS
ORDINANCE NO. 2018-01**

ARTICLE 15 – SIGN REGULATIONS

Sec. 102-133.1. Title

Sec. 102-133.2. Purpose, Intent and Scope.

Sec. 102-133.3. Applicability.

Sec. 102-133.4. Definitions.

Sec. 102-133.5. Prohibited Signs.

Sec. 102-133.6. General Provisions for Signs.

(1) Measurement of Sign Size (Sign Area).

(2) Measurement of Sign Height.

(3) Sign Illumination for Temporary and Permanent Signs.

(4) Viewpoint Neutrality.

(5) Substitution of Noncommercial Speech for Commercial Speech.

(6) Consent of Legal Owner of Property.

(7) Signs on Public Property.

(8) Signs That Obstruct Means of Egress.

(9) Signs That Interfere with Ventilation Openings.

(10) Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage.

(11) Signs Shall Not Be Attached to Certain Property and Shall Not Impair Roof Access.

(12) Signs Declared a Nuisance and Repair; Signs Presenting Immediate Peril to Public Health or Safety.

(13) Ingress and Egress Signs.

(14) Street Address Signs.

(15) Flagpoles and Flags; Flag Brackets, Flag Stanchions and Flags.

(16) Noncommercial Onsite Parking Space Signs.

(17) Signs at Service Station Islands.

(18) Monument Signs; Pole Signs.

(19) Wall Signs.

(20) Awning Signs

(21) Canopy Signs.

(22) Changeable Copy Signs.

(23) Window Signs.

(24) Door Signs.

Sec. 102-133.7. Temporary and Permanent Signs Allowed in Land Use Districts.

Sec. 102-133.7.1. Temporary Signs Allowed in Land Use Districts.

Sec. 102-133.7.2. Temporary Portable Signs Allowed in Event of a Catastrophe.

Sec. 102-133.8. Permanent Signs Allowed in Land Use Districts.

(1) Residential Land Use Districts.

(2) Non-Residential Land Use Districts.

Sec. 102-133.9. Building Permits.
Sec. 102-133.10. Sign Permits.
Sec. 102-133.11. Nonconforming Signs.
Sec. 102-133.12. Variances.
Sec. 102-133.13. Miscellaneous Provisions.
Sec. 102-133.14. Penalties.
Sec. 102-133.15. Severability.

Sec. 102-133.1. Title

This article shall be cited as the “Belleair Bluffs Sign Code.”

Sec. 102-133.2. Purpose, Intent and Scope.

(A) It is the purpose of this article to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this article are also designed and intended to meet the statutory requirement that this municipality adopt land development regulations that regulate signage, a requirement set forth in Florida Statutes § 163.3202(f). The sign regulations in this article are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics and safety. The sign regulations are designed to serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety and warning signs of threats to bodily injury or death.

(B) This article regulates signs, as defined in this Land Development Code, which are placed on private property or on property owned by public agencies including the city and over which the city has land use authority. This article is not intended to extend its regulatory regime to objects that are not traditionally considered signs for purpose of government regulation.

(C) The City of Belleair Bluffs is a small coastal and primarily single-family residential community on the West Coast of Florida with more than 2,400 linear feet of waterfront property. The economic base of the city is heavily dependent on tourism and small business. In order to preserve and promote the city as a desirable community in which to live, vacation and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the city is a highly contributive means by which to achieve this desired end.

(D) These sign regulations have been prepared with the intent of enhancing the visual environment of the city and promoting its continued well-being, and are intended to:

- (1) Encourage the effective use of signs as a means of communication in the city;
- (2) Maintain and enhance the aesthetic environment and the city’s ability to attract sources of economic development and growth;
- (3) Improve pedestrian and traffic safety;

- (4) Minimize the possible adverse effect of signs on nearby public and private property;
- (5) Foster the integration of signage with architectural and landscape designs;
- (6) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- (7) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (8) Encourage and allow signs that are appropriate to the land use district in which they are located;
- (9) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- (10) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- (11) Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
- (12) Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- (13) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the city;
- (14) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- (15) Protect property values by precluding, to the maximum extent possible, sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (16) Protect property values by ensuring that sign types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;

- (17) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the city and that complements the natural surroundings in recognition of this city's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its community;
- (18) Enable the fair and consistent enforcement of these sign regulations;
- (19) Promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and advance the city's goals of quality development;
- (20) Provide standards regarding the non-communicative aspects of signs, which are consistent with municipal, county, state and federal law;
- (21) Provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design; and
- (22) Assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.

Sec. 102-133.3. Applicability. This article does not pertain and is not applicable to:

- (1) A Sign, other than a Window Sign, located entirely inside the premises of a building or enclosed space.
- (2) A Sign on a car, other than a Prohibited Vehicle Sign or Signs.
- (3) A Statutory Sign.
- (4) A Government Sign.
- (5) A Traffic Control Device Sign.
- (6) Any Sign not visible from a public street, sidewalk or right-of-way or from a navigable waterway or body of water; except that the foregoing does not exempt a sign for a commercial use that is visible from an abutting residential use.

Sec. 102-133.4. Definitions.

The following definitions shall apply to this article. Any term or phrase not defined in this article shall have its commonly understood meaning.

Advertising means any commercial sign copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, sales event, activity, entertainment, or real or personal property.

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by movement of the atmosphere, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays, such as an LED (light emitting diode) screen or any other type of video display.

Architectural detail or embellishment means any projection, relief, change of material, window or door opening, exterior lighting, inlay, or other exterior building features not specifically classified as a sign. The term includes, but is not limited to, relief or inlay features or patterns that distinguish window or door openings, exterior lighting that frames building features, and changes in façade materials to create an architectural effect.

Area of sign means the square foot area within a continuous perimeter enclosing the extreme limits of the sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of the actual surface area. In the case of painted wall signs composed of letters, shapes, or figures, or skeleton letters mounted without a border, the sign area shall be the area of the smallest rectangle or other geometric figure that would enclose all of the letters, shapes and figures. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than twenty-four (24) inches apart.

Artwork means a two- or three-dimensional representation of a creative idea that is expressed in an art form but does not convey the name of the business or a commercial message. If displayed as a two-dimensional representation on a flat surface, the same shall not exceed one-quarter (1/4) of the total surface area; however, if displayed on a flat surface oriented to a federal-aid primary highway, the same shall not exceed one-half (1/2) of the total surface area. All outdoor artwork shall conform to the maximum height restrictions of signs within the district. All outdoor artwork shall also conform to any applicable building code and safety standards.

Attached sign means any sign attached to, on, or supported by any part of a building (e.g., walls, awning, windows, or canopy), which encloses or covers useable space.

Awning means any secondary covering attached to the exterior wall of a building. It is typically composed of canvas woven of acrylic, cotton or polyester yarn, or vinyl laminated to polyester fabric that is stretched tightly over a light structure of aluminum, iron or steel, or wood.

Awning sign or canopy sign means any sign that is a part of or printed, stamped, stitched or otherwise applied onto a protective awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Bandit sign means the same as a *snipe sign*. See *Snipe sign*.

Banner shall mean a temporary sign made of wind and weather resistant cloth or other lightweight material, intended to hang either with or without frames or in some other manner as not to be wind

activated, and possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. Flags shall not be considered banners for the purpose of this definition.

Banner, vertical streetlight means a temporary government sign made of wind and weather resistant cloth or other lightweight material, displaying government speech and hung in the public right-of-way from rods and brackets attached to a government-owned streetlight pole.

Beacon sign means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting or diverting attention, except, however, this term does not include any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration or other similar governmental agency. This definition does not apply to any similar type of lighting device contained entirely within a structure and which does not project light to the exterior of the structure.

Billboard means an advertising sign or other commercial sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed.

Building means a structure having a roof supported by columns or walls, that is designed or built for support, enclosure, shelter or protection of any kind.

Building code means the Florida Building Code.

Building permit means a permit required by the Florida Building Code for the construction of or addition to a structure, the installation of a mobile home, or a final development order for those improvements to land not requiring building permits or permits for mobile home installation. Building permits shall include those permits which allow the installation for location of a mobile home or a recreational vehicle to a site or lot.

Bus stop informational sign means a freestanding or attached noncommercial government sign erected by a public transit agency, which is located at an official bus stop and providing information as to the route, hours or times of service.

Cabinet sign means a sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

Canopy means an overhead roof or structure that is able to provide shade or shelter.

Changeable copy sign means a sign with the capability of content change by means of manual or remote input, including the following types:

- (1) Manually activated. Changeable sign whose message copy can be changed manually on a display surface.
- (2) Electronically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices,

or may be from an external light source designed to reflect off of the changeable component display. See also *Electronic message sign*.

Character means any symbol, mark, logo, or inscription.

Color means any distinct tint, hue or shade including white, black or gray.

Commercial mascot. Humans or animals used as advertising devices for commercial establishments, typically by the holding of a separate sign or wearing of insignia, masks or costumes associated with the commercial establishment. This definition Includes sign twirlers, sign clowns, etc.

Commercial message means any sign wording, copy, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, commodity, service, sale, sales event, activity, entertainment or other commercial activity.

Comprehensive plan means the Comprehensive Plan, adopted pursuant to Florida Statutes § 163.3161, et seq., as amended.

Contiguous means a sharing of a common border at more than a single point of intersection.

Copy means the linguistic or graphic content of a sign.

Decoration means any decoration visible from a public area that does not include lettering or text and is not displayed for commercial advertising.

Discontinued sign means a sign that is not operated or maintained for a period of sixty (60) calendar days or longer, and the intent of the owner of the sign shall not be a consideration in whether or not the sign is a *discontinued sign*. The following conditions shall be conclusively considered as the failure to operate or maintain a sign: (1) a sign displays advertising for a product or service which is no longer available, or (2) a sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. A *discontinued sign* includes a sign advertising a business that no longer has a certificate of occupancy or that no longer does business at the location at which the sign is located. A *discontinued sign* includes a sign for a purpose for which the purpose has lapsed. If the discontinued sign is on a freestanding sign structure that is conforming with the city's Land Development Code (LDC) and in compliance with the Florida Building Code, then only the sign face will be considered discontinued; however, if the discontinued sign is on a freestanding sign structure that is either nonconforming with the city's LDC or out of compliance with the Florida Building Code, then freestanding sign structure shall be removed.

Double-faced sign means a sign which has two display surfaces backed against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction, every point on which face being either in contact with the other face or in contact with the same background.

Drive-through lane sign shall mean a sign oriented to vehicles utilizing a drive-through lane at an establishment.

Egress means an exit.

Electronic message sign means an electronically activated changeable copy sign whose variable message capability can be electronically programmed.

Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish: but it does not include any of the foregoing activities when performed as an incident to the change of message or customary maintenance or repair of a sign.

Façade means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Feather sign or flutter sign means a sign extending in a sleeve-like fashion down a telescoping or fixed pole that is mounted in the ground or on a building or stand. A feather sign or flutter sign is usually shaped like a sail or feather, and attached to the pole support on one vertical side.

Fence means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Fixed aerial advertising sign means any aerial advertising medium that is tethered to, or controlled from the ground.

Flag means a temporary sign consisting of a piece of cloth, fabric or other non-rigid material.

Flag pole means a pole on which to raise a flag. A flag pole is not a pole sign.

Flashing sign means any illuminated sign, on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign.

Flat sign. See *wall sign*.

Free-standing (ground) sign means a detached sign which shall include any signs supported by uprights or braces placed upon or in or supported by the ground and not attached to any building. A free-standing (ground) sign may be a pole sign or a monument sign.

Government sign shall mean any temporary or permanent sign erected by or on the order of a public official or quasi-public entity at the federal, state or local government level in the performance of any duty including, but not limited to, noncommercial signs identifying a government building or service, traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of events, public notice of government actions, proposed changes of land use, any proposed land use changes, or any other government speech.

Holographic display sign means an advertising display that creates a three-dimensional image through projection, OLED (organic light emitting diode), or any similar technology.

Illuminated sign means any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light (including but not limited to plasma or laser), whether or not the source of light is directly affixed as part of the sign, and shall also include signs with reflectors that depend upon sunlight or automobile headlights for an image.

Indirectly illuminated sign means any sign, the facing of which reflects light from a source intentionally directed upon it.

Inflatable or balloon sign means a sign consisting of a flexible envelope of nonporous materials that gains its shape from inserted air or other gas.

Ingress means an access or entry.

Ingress and egress sign shall mean a sign at the entrance to or exit from a parcel necessary to provide directions for vehicular traffic and provide a warning for pedestrian and/or vehicular traffic safety.

Internally illuminated sign means any sign which has the source of light not visible to the eye and entirely enclosed within the sign.

Intermittent means more frequently than once per day.

LDC means city's Land Development Code.

Machinery and equipment sign means any sign that is integral to the machinery or equipment and that identifies the manufacturer of the machinery or equipment that is placed on the machinery or equipment at the factory at the time of manufacture.

Maintenance, in the context of this article, means the repairing or repainting of a portion of a sign or sign structure, periodically changing changeable copy, or renewing copy, which has been made unusable by ordinary wear.

Marquee means any permanent wall or roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. A marquee is not an awning or canopy.

Marquee sign means any sign painted or printed onto or otherwise attached to a marquee.

Monopole means a vertical self-supporting structure, not guyed, made of spin-cast concrete, concrete, steel or similar material, presenting a solid appearance.

Monument sign means a type of freestanding sign that is not supported by a pole structure and is placed upon the ground independent of support from the face of a building and that is constructed of a solid material such as wood, masonry or high-density urethane.

Multi-prism or tri-vision sign means a sign made with a series of triangular sections that rotate and stop, or index, to show multiple images or messages in the same area at different times.

Non-commercial message means any message which is not a commercial message.

Nonconforming structure means any structure which was lawfully constructed but which does not comply with all applicable provisions of the LDC either on the effective date of the LDC or as a result of any subsequent amendment. Such noncomplying structure shall be referred to as a nonconformity.

Nonconforming sign means any sign that was validly installed under laws or ordinances in effect prior to the effective date of the LDC or subsequent amendments, but which is in conflict with the provisions of the LDC.

Nonconforming use means any use of a building or structure which, at the time of the commencement of the use, was a permitted use in the land use district until the effective date of the LDC, but which does not, on the effective date of the LDC or amendment thereto, conform to any one of the current permitted uses of the land use district in which it is located. Such nonconforming use may be referred to as a nonconformity.

Offsite commercial advertising means a non-accessory billboard or sign which directs attention to a business, commodity, service, entertainment, or attraction that is sold, offered or existing elsewhere than upon the same lot where such sign is displayed.

Offsite commercial sign means a non-accessory billboard or sign that displays offsite commercial advertising.

On-site sign means any commercial sign which directs attention to a commercial or industrial occupancy, establishment, commodity, good, product, service or other commercial or industrial activity conducted, sold or offered upon the site where the sign is maintained. The on-site/off-site distinction applies only to commercial message signs. For purposes of this article, all signs with noncommercial speech messages shall be deemed to be “on-site,” regardless of location.

Owner means any part or joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal or beneficial title to whole or part of a building or land.

Painted wall sign means any sign painted on any surface or roof of any building.

Parking space means a space for the parking of a motor vehicle within a public or private parking area.

Permanent sign means any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall or building. Unless otherwise provided for herein, a sign other than a temporary sign shall be deemed a permanent sign unless otherwise indicated elsewhere in this Land Development Code.

Pennant means any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, which will flutter or swing in the wind.

Person means any person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever or any combination of such, jointly or severally.

Pole sign means a permanent ground sign that is supported by one or more poles more than four feet in height and otherwise separated from the ground by air.

Portable sign means any sign, banner, or poster that is not permanently attached to the ground or to a structure that is attached to the ground or a sign capable of being transported, including, but not limited to, signs designed to be transported by means of wheels or carried by a person, and signs converted to an A-Frame sign or a T-Frame sign. For purposes of this article, a cold air inflatable sign shall be considered to be a portable sign.

Projecting sign means any sign affixed perpendicular, or at any angle to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall.

Right-of-way means the area of a highway, road, street, way, parkway, electric transmission line, gas pipeline, water main, storm or sanitary sewer main, or other such strip of land reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain or any other legal means.

Roof sign means any sign which is mounted on the roof of a building or which extends above the top edge of the wall of a flat roofed building, the eave line of a building with a hip, gambrel, or gable roof.

Rotating sign (or revolving sign) means an animated sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.

Service island sign means a sign mounted permanently on, under, or otherwise mounted on a service island canopy.

Service station means any building, structure or land used for the dispensing, sale or offering for sale at retail, and any automobile fuel, oils, or accessories in connection with which is performed general automotive servicing, such as tire servicing and repair, and including engine and transmission repair, but excluding body work, straightening of frames, painting, or welding. All work must be done inside of an enclosed building.

Sign means any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is oriented to be viewed from any public street, road, highway, right-of-way or parking area (collectively referred to as a "public area"). For the purposes of these regulations, the term *sign* shall include all structural members. A *sign* shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign. The term *sign* for regulatory purposes shall not include the

following objects: Grave yard and cemetery markers visible from a public area, vending machines or express mail drop-off boxes visible from a public area, decorations that do not constitute advertising visible from a public area, artwork that does not constitute advertising or a building's architectural features visible from a public area, or a manufacturer's or seller's markings on machinery or equipment visible from a public area. The foregoing objects are not *signs* for purpose of regulation herein.

Sign height means the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The base or structure erected to support or adorn a monument, pole or other freestanding sign is measured as part of the sign height.

Sign size means *area of sign*.

Sight visibility triangle shall mean a triangular shaped portion of land established at street intersections or street and driveway intersections in which nothing is erected, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. For street intersections, this triangle is measured 30 feet in length from the intersection along the abutting right-of-way lines to form a triangle; and for driveway intersections, this triangle is measured ten feet from the intersection along the right-of-way line and along the driveway line to form a triangle.

Snipe sign means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to or placed on public property such as but not limited to a public utility pole, a public street sign, a public utility box, a public fire hydrant, a public right-of way, public street furniture, or other public property.

Statutory sign means a sign the city is required to erect by any statute of the State of Florida or the United States for safety, directional, or traffic control purposes.

Street means a right-of-way for vehicular traffic, designated as an alley, avenue, boulevard, court, drive, expressway, highway, lane, road, street, or thoroughfare (also referred to as roadway). A street may be dedicated to the public or maintained in private ownership, but open to the public.

Street address sign means any sign denoting the street address of the premises on which it is attached or located.

Structure means anything constructed, installed or portable, the use of which requires location on land.

Substantial damage means damage to a structure, the cost of which equals or exceeds fifty (50) percent of the replacement value of the structure before the damage occurred.

Temporary sign means a sign intended for a use not permanent in nature. Unless otherwise provided for in this Code, a sign with an intended use for a period of time related to an event shall be deemed a temporary sign. A flag shall be deemed a temporary sign.

Traffic control device sign means any government sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those government signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

Unsafe sign means a sign posing an immediate peril or reasonably foreseeable threat of injury or damage to persons or property.

Vehicle sign means a sign which covers more than twenty (20) square feet of the vehicle, which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized or drawn vehicle, and is parked and visible from the public right-of-way; unless said vehicle is used for transporting people or materials in the normal day to day operation of the business.

Vested right means that a right is vested when it has become absolute and fixed and cannot be defeated or denied by subsequent conditions or change in regulations, unless it is taken and paid for. There is no vested right to an existing land use classification or to have land use designations remain the same forever. However, once development has been started or has been completed, there is a right to maintain that particular use regardless of the classification given the property. There can be no vested right in a sign permit if a sign permit is applied for under a sign ordinance that is later partially or wholly adjudicated to be unconstitutional by a court of competent jurisdiction.

Wall wrap sign means a sign composed of fabric, plastic, vinyl, mylar or a similar material that drapes or hangs over the side of a building, wall or window.

Wall sign means any sign attached parallel to, but within twelve (12) inches of a wall; painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Warning sign or safety sign means a sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

Wayfinding sign means a non-commercial government sign that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information for the aid of the traveling public, for facilitating a safe and orderly traffic flow and preventing sudden stops.

Wind sign means a sign which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include, pennants, ribbons, spinners, streamers or captive balloons, however, the term wind sign shall not include flags.

Window or door sign, permanent means any sign visible from the exterior of a building or structure which is painted, attached, glued, or otherwise affixed to a window or door.

Sec. 102-133.5. Prohibited Signs.

(A) The signs and sign types listed below are prohibited within the city limits and shall not be erected, operated or placed on any property.

- (1) Animated signs.
- (2) Attached signs that are taller than the wall of the building to which the sign is attached.
- (3) Attached signs that exceed one hundred (100) square feet in sign area per sign face.
- (4) Billboards; Off-Site Commercial Signs.
- (5) Snipe signs.
- (6) Bus bench advertising signs and bus shelter advertising signs.
- (7) Commercial mascot signs and commercial message signs that are carried, waved or otherwise displayed by persons either on public rights-of-way or in a manner visible from public rights-of-way. This provision is directed toward such displays intended to draw attention for a commercial purpose, and is not intended to limit persons holding or wearing placards, banners, flags or other signage by persons participating in non-commercial speech such as demonstrations, political rallies, or otherwise.
- (8) Discontinued signs.
- (9) Flashing signs.
- (10) Floodlights and beacon lights, except when required by the Federal Aviation Administration.
- (11) Freestanding or ground signs, including any ground mounted monument or pole signs, which are higher than twenty (20) feet.
- (12) Freestanding or ground signs that exceed one hundred (100) square feet in sign area per any sign face except as specifically allowed a permanent sign within a shopping center as may be set forth in the Belleair Bluffs Sign Regulations.
- (13) Holographic display signs.
- (14) Moving, twirling, or swinging signs, including multi-prism and tri-vision signs.

- (15) Pavement markings, except for official traffic control markings and building address markings required by law.
- (16) Flutter signs, feather signs, streamers, balloons, wind signs, wind activated banners, cold air inflatables, pennants and other fixed aerial signage used for commercial advertising, except for flutter and feather signs as allowed in section 102-133.7.1.
- (17) More than one permanent pole sign on a parcel.
- (18) Portable signs, except for A-Frame signs as allowed herein.
- (19) Revolving signs; rotating signs.
- (20) Roof signs.
- (21) Signs within a sight visibility triangle, as defined herein, that obstruct a clear view of pedestrian or vehicular traffic.
- (22) Signs attached to a seawall, dock, buoy, tie pole or pier; other than warning signs and safety signs.
- (23) Signs in, on, or over the public right-of-way; other than traffic control device signs, bus stop informational signs, warning signs; or safety signs.
- (24) Signs in or upon any river, bay, lake, or other body of water within the limits of the city; except official government regulatory signs, warning signs, and safety signs.
- (25) Signs located on real property without the permission of the property owner.
- (26) Signs nailed, fastened, affixed to, or painted on any tree or part thereof (living or dead), or other vegetation.
- (27) Signs, other than traffic control device signs, that use the word “stop” or “danger,” or present or imply the need or requirement of stopping or the existence of danger, or which are a copy or imitation of traffic control device signs and which are adjacent to the right-of-way of any road, street, or highway.
- (28) Signs that are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled public rights-of-way thereby creating a potential traffic or pedestrian hazard or a nuisance to inhabitants of an adjacent neighborhood. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

- (29) Signs that contain any food or other substance that attracts large numbers of birds or other animals and causes them to congregate on or near the sign.
- (30) Signs that emit sound, vapor, smoke, odor, or gaseous matter.
- (31) Signs that obstruct, conceal, hide or otherwise obscure from view any traffic control device sign or official traffic signal.
- (32) Wall wrap signs.
- (33) Vehicle sign or signs with a total sign area in excess of twenty (20) square feet on any vehicle, and
 - a. The vehicle is not “regularly used in the conduct of the business,” and
 - b. The vehicle is visible from a street right-of-way within one hundred (100) feet of the vehicle, and
 - c. The vehicle is parked for more than two (2) consecutive hours in any twenty-four (24) hour period within fifty (50) feet of any street right-of-way, and
 - d. A vehicle shall not be considered “regularly used in the conduct of the business” if the vehicle is used primarily for advertising, and
 - e. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal hours of business; and which is currently licensed, insured and operable; provided, however, that no such vehicle shall be parked on public or private property with signs attached or placed on such vehicle primarily for the purpose of advertising a business establishment or firm or calling attention to the location of a business establishment or firm.
- (34) Projecting signs.
- (35) T-Frame signs.
- (36) Obscene signs that meet the definition of obscenity under Florida Statutes § 847.001 et seq., as amended.

(B) Any other sign set forth in the city code shall also be prohibited.

Sec. 102-133.6. General Provisions for Signs.

The following general sign provisions shall apply to this article and to all lawful conforming and nonconforming signs, unless otherwise indicated.

(1) *Measurement of Sign Size (Sign Area).*

The area of a sign is measured or calculated as follows:

a. *Background panel signs.* Sign copy that is mounted, affixed, or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangles, squares, triangles, parallelograms, circles or ellipses that will enclose both the sign copy and the background.

b. *Background surface signs.* The area of a sign consisting of copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building surface or another surface, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest rectangles, squares, triangles, parallelograms, circles or ellipses that will enclose each word, graphic or discrete visual element in the total sign.

c. *Illuminated background signs.* The area of a sign with copy mounted, affixed, or painted on an illuminated surface or illuminated element or a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy.

d. *Double-faced signs.* If a sign has two display faces, and the interior angle between the two faces is thirty (30) degrees or less, then the sign area is one sign face only; however, if the two faces are of different sizes or shapes, then the larger is used. If the sign has two display faces, and the interior angle between the two faces is greater than thirty (30) degrees, then the sign area is the sum of the areas of the two faces.

e. *Multi-faced signs.* If a sign has three or more faces, then the sign area is equal to fifty (50) percent of the aggregate area of all sign faces. The area of each face shall be determined according to subsection (a) or (b) of this section, as applicable.

f. *Polyhedron signs.* The surface area of a polyhedron shall be equal to the sum of the area of all of its faces; the total area covered by the net of a polyhedron. By way of example, if a sign is a six square-faced cube, if each of those faces is 3 inches by 3 inches, then the area of each face is $3 \times 3 = 9$ square inches. Since there are six faces, the total surface area of the sign would be $9 + 9 + 9 + 9 + 9 + 9 = 54$ square inches.

(2) *Measurement of Sign Height.*

a. The height of a freestanding sign shall be measured as the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The maximum height allowed for a freestanding sign, however, shall not include any architectural embellishment provided the embellishment does not exceed thirty-six (36) inches at the base of the sign and eighteen (18) inches at the top of the sign, and provided that the overall sign height for a freestanding sign does not exceed twenty (20) feet.

b. For the purposes of this section, average finished grade shall be considered the lower of:

- (i) the lowest elevation where the base of the sign meets ground level; or
- (ii) the top of the curb of the nearest public street adjoining the property upon which the sign is erected, or
- (iii) the grade of the land at the principal entrance to the lot on which the sign is located.

(3) *Sign Illumination for Temporary Signs and Permanent Signs.*

a. Sign illumination is prohibited for temporary signs.

b. *Permanent sign on a parcel in residential use.* A permanent sign located on a parcel in residential use in any zone may not be separately or specially illuminated, unless otherwise specified in this article.

c. *Permanent sign on a parcel in nonresidential use.* A permanent sign on a parcel in nonresidential use may be illuminated by internal illumination, internal indirect (halo) illumination, or lit by external indirect illumination, unless otherwise specified in this article. However, a permanent sign may not be illuminated in a manner that leaves the illumination device exposed to public view except with the use of neon tubing as provided in subsection (h) of this section.

d. *Internal illumination.* Outdoor internally illuminated signs, including but not limited to awning/canopy signs, cabinet signs (whether freestanding or building mounted), changeable copy panels or service island signs, shall be constructed with an opaque background and translucent letters or other graphical elements, or with a colored background and lighter letters or graphics.

e. *External indirect illumination.* Externally lit signs are permitted to be illuminated only with steady, stationary, shielded light sources. Such sources may be directed downward or upward toward the sign but must be shielded such that the light emitted is directed solely onto the sign. Light bulbs or tubes (excluding neon), used for illuminating a sign, shall not be visible from the adjacent public rights-of-way or residential properties, or in the case of up-directed lights, from the airspace above the sign.

f. *Illumination of signs adjacent to single-family residential uses.* No sign located within 50 feet of a property with a single-family use or zoned for a residential use shall be internally illuminated.

g. Any portion of the sign face or sign structure that is illuminated shall count against the total square footage of allowable sign area.

h. *Neon.*

- (i). *Exposed neon.* Exposed neon tube illumination is not permitted in residential zones, or for residential uses in any zone. It is allowed in all other places, unless otherwise specified.
- (ii). *Neon borders.* Neon illumination used as a sign copy projection, border, frame or other embellishment of sign copy shall not be included in the total size or area of the sign, provided the measured area of any such projection or detailed embellishment does not exceed 12 square feet in area, or 25 percent of the sign display face area, whichever is greater. If neon embellishments exceed these limits, then the embellishments shall be included and counted as part of the permitted sign area for the use.

(4) *Viewpoint Neutrality.*

Notwithstanding anything in this article to the contrary, no sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.

(5) *Substitution of Noncommercial Speech for Commercial Speech.*

Notwithstanding anything contained in this article to the contrary, any sign erected pursuant to the provisions of this article may, at the option of the owner, contain a non-commercial message in lieu of a commercial message and the noncommercial copy may be substituted at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another non-commercial message; provided, however, that there is no change in the size, height, setback or spacing criteria contained in this article.

(6) *Consent of Legal Owner of Property.*

No sign may be displayed without the consent of the owner of the property on which the sign is mounted or displayed.

(7) *Signs on Public Property.*

Any sign installed or placed on public property, except in conformance with the requirements of this article or approved concession or special event contract, shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign. The foregoing shall not apply to temporary A-Frame signs as allowed pursuant to the conditions and limitations set forth herein.

(8) *Signs That Obstruct Means of Egress.*

No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.

(9) *Signs That Interfere with Ventilation Openings.*

No sign shall be erected that interferes with any opening required for ventilation.

(10) *Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage.*

Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage.

(11) *Signs Shall Not Be Attached to Certain Property and Shall Not Impair Roof Access.*

Signs shall not be attached to standpipes, gutters, drains or fire escapes. Signs shall not be installed so as to impair access to a roof.

(12) *Signs Declared a Nuisance and Repair; Signs Presenting Immediate Peril to Public Health or Safety.*

The building official may order the repair of signs declared a nuisance, and with or without notice may cause any structurally unsafe or structurally insecure sign to be immediately removed if in his or her professional judgment and professional opinion the sign presents an immediate peril to the public health or safety.

(13) *Ingress and Egress Signs.*

For safety purposes and for traffic circulation purposes, permanent ingress and egress signs to a parcel are permitted provided the same do not exceed four (4) square feet in size and no more than three (3) feet in height. Such signs shall not require a permit.

(14) *Street Address Signs.*

For each parcel and for each tenant space, one sign for the official street address shall be displayed for public safety and to serve as visible street address for delivery of mail and official governmental notification.

- a. For a parcel in residential use, the street address sign shall not exceed two (2) square feet in sign area.
- b. For a parcel in non-residential use, the street address sign shall not exceed four (4) square feet in sign area.
- c. The street address sign in a residential use may be externally illuminated and in a non-residential use may be externally or internally illuminated.

(15) *Flagpoles and Flags; Flag Brackets, Flag Stanchions and Flags.*

- a. Flagpoles and Flags. For each parcel, one (1) flagpole may be installed and three (3) flags may be displayed per flagpole. A flag shall not exceed forty-eight (48) square feet in size.
- b. Flag Brackets, Flag Stanchions, and Flags. For each principal structure on a parcel, up to two (2) flag brackets or stanchions may be attached or placed for the display of flags. A flag displayed from a flag bracket or a flag stanchion shall not exceed forty-eight (48) square feet in size.
- c. For the purpose of determining the size of a flag, only one (1) side of the flag shall be counted as the display surface.
- d. Flags on parcels in non-residential use may be externally illuminated.
- e. Flagpoles shall not exceed twenty-five (25) feet above the crown of the nearest road. The pole shall not exceed six (6) inches in diameter at the base, and the ornament at the top shall have no dimension greater than eight (8) inches.
- f. No more than three (3) flags are allowed on any one parcel.
- g. This subsection shall not apply to any flag or flag pole lawfully erected by a governmental entity on government owned or controlled property.

(16) *Noncommercial Onsite Parking Space Signs.*

Parking space signs identifying parking spaces necessary for traffic safety, regulation, control and circulation shall carry no commercial message and shall not exceed two (2) square feet of sign face per sign. Parking space signs shall be allowed on each parcel having multiple parking spaces onsite. One such sign shall be allowed for each parking space. The maximum height for a freestanding or an attached parking space sign shall be six (6) feet. The identity of the business with a parking space sign shall not be considered a commercial message.

(17) *Signs at Service Station Islands.*

- a. For service stations, one (1) double-sided sign or two (2) single-sided signs are allowed per island. Such signs shall not exceed four (4) square feet per side and shall not be mounted higher than eight (8) feet. Such signs shall not be mounted on any bollard or barrier designed to protect equipment from damage. Such signs may not be illuminated.
- b. For service stations, one (1) canopy sign may be installed for each canopy side facing a public street or driveway. A canopy sign shall not exceed ten (10) square feet and shall not be mounted higher than the top of the canopy itself. A canopy sign may be internally illuminated. The square footage of all canopy signs on a canopy shall be counted against the maximum square

footage of allowed wall signage for any building wall sign on the same parcel.

- c. Pursuant to Florida Statutes § 553.79(20)(a), all signage advertising the retail price of gasoline shall be clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the station premises and shall meet the height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety. To the extent any provision of this article directly conflicts with the statutory standard, the statutory standard shall prevail.

(18) *Monument Signs; Pole Signs.*

- a. One (1) on-site monument sign or pole sign is allowed per parcel in non-residential use with one (1) building. A second on-site monument sign shall be allowed:
 - (i) for a parcel in commercial use with more than one (1) building and a street frontage of more than five hundred (500) linear feet provided the second on-site monument sign is spaced at least three hundred (300) linear feet in distance from the first on-site monument sign; or
 - (ii) for a parcel in commercial use with one (1) or more buildings and two (2) street frontages, provided no more than one (1) on-site monument sign shall be allowed per one (1) street frontage.
- b. The maximum size (area) of surface area for an on-site monument sign or pole sign shall not exceed the lesser of an area equal to fifty (50) square feet per side or an area equal to one (1) square foot of surface area for each lineal foot of street frontage faced by the sign.
- c. The maximum height of an on-site monument sign shall not exceed twelve (12) feet. There shall be a minimum of a one-foot setback from the property line for a monument sign.
- d. A monument sign may be internally or indirectly illuminated.
- e. For a shopping center, a permanent on-site pole sign may be located along a street that provides access to the shopping center and shall only be located on property wholly owned by the shopping center developer or owner and shall not exceed one hundred fifty (150) square feet in size (area) and shall not exceed twenty (20) feet in height.

(19) *Wall Signs.*

- a. One (1) primary wall sign is allowed for each face of a building or part of a building that is occupied by a permitted or conditional non-residential use.
- b. The size/area of a wall sign for an occupant or tenant shall be the lesser of:
 - (i) fifty (50) square feet, or alternatively,
 - (ii) fifteen (15) percent of the wall area on which it is displayed.
- c. A wall sign shall not extend higher than the building wall to which it is attached. If the wall sign projects more than two and one-half (2 ½) inches from the wall, the wall sign shall be mounted so that the bottom of the wall sign is at least nine (9) feet above ground at finished grade below the wall sign.
- d. Establishments located on more than one (1) street frontage shall be allowed one (1) wall sign for each side of the establishment facing a street, but shall not combine such signs for the purpose of placing the combined area on any one (1) wall. The primary wall sign may be illuminated.
- e. In addition to the foregoing allowed wall sign, one (1) wall sign, not to exceed six (6) square feet, may be utilized within five (5) feet of the entrance to an establishment occupied by a permitted or conditional non-residential use.
- f. For planned unit developments in any residential district, a wall sign may be permitted at each entrance provided that the size shall be the lesser of:
 - (i) fifty (50) square feet, or alternatively,
 - (ii) fifteen (15) percent of the wall area on which it is displayed.

(20) *Awning Signs.*

- a. For a building occupied by a permitted or conditional non-residential use, one (1) awning sign is allowed for each establishment. The awning sign shall not exceed an area greater than twenty (20) percent of the surface area of the awning or exceed an area two (2) feet by six (6) feet.
- b. The awning sign shall be affixed flat to the surface and shall not rise in vertical dimension, above the awning. An awning sign consisting of one (1) line of letters not exceeding twelve (12) inches in height may be placed upon the hanging border of any awning.
- c. The total square footage of the awning sign shall count toward the maximum square footage of the wall sign area allowed for the establishment. The vertical clearance for an awning sign shall be at least eight (8) feet above grade.

- d. An awning sign may be internally illuminated.

(21) *Canopy Signs.*

- a. For an entrance to a building occupied by a permitted or conditional non-residential use, one canopy sign is allowed. Except for the sign area limitation for canopy signs at service station islands, a canopy sign shall not exceed an area greater than twenty (20) percent of the surface area of the canopy or exceed an area two (2) feet by six (6) feet.
- b. The canopy sign shall be affixed flat to the surface and shall not rise in vertical dimension, above the canopy. The total square footage of the canopy sign shall count toward the maximum square footage of the wall sign area otherwise allowed. The vertical clearance for a canopy sign shall be at least eight (8) feet above grade. A canopy sign may be internally illuminated.

(22) *Changeable Copy Signs.*

- a. As part of a permitted monument sign or wall sign, a changeable copy sign, manual but not electronic, may be installed. The changeable copy sign shall not exceed one-third (1/3) of allowable area of the monument sign or wall sign.
- b. The sign copy on a changeable copy sign shall not be changed more than once in any twenty-four (24) hour time period.
- c. Changeable copy signs may be internally illuminated.

(23) *Window Signs.*

Window signs are permitted provided that the window sign may not cover more than fifty percent (50%) of the area of any window. Window signs may be internally illuminated. A sign permit is not required for a window sign.

(24) *Door Signs.*

Door signs are permitted provided that the door sign may not cover more than twenty-five percent (25%) of the area of any door. Door signs shall not be illuminated. A sign permit is not required for a door sign.

Sec. 102-133.7. Temporary and Permanent Signs Allowed in Land Use Districts.

(A) The signage rights and responsibilities for temporary signs and permanent signs shall be determined by the provisions of section 102-133.6, General Provisions for Signs, and by the sign provisions for the land use districts as set forth below in section 102-133.7.1. Temporary Signs Allowed in Land Use Districts, and section 102-133.8, Permanent Signs Allowed in Land Use Districts.

(B) However, in connection with residential uses in nonresidential land use districts and nonresidential uses in residential land use districts, the signage rights and responsibilities applicable to any particular use shall be determined as follows:

- (1) In a residential land use district where a nonresidential use is allowed, whether as a matter of right or by way of a conditional use permit or other process with stated criteria governing the allowance of the nonresidential use, the restrictions on signage as set forth for residential districts shall still govern and control irrespective of the nonresidential use; and
- (2) In a nonresidential land use district where a residential use is allowed, the residential use shall be treated as if it was located in the residential land use district where that type of use would be allowed as a matter of right.

Sec. 102-133.7.1. Temporary Signs Allowed in Land Use Districts.

(A) Within its land use districts and subject to any applicable provisions with section 102-133.6, General Provisions for Signs, the city shall allow temporary signs that meet the criteria and limitations set forth in Table 102-133.7.1a and Table 102-133.7.1b, shown below.

(B) A government sign shall not require a sign permit and shall be allowed in all land use districts on public property and public rights-of-way unless otherwise provided herein. However, the foregoing shall have no impact on any separate requirements established by state statute for building permits, electrical permits or other statutory permits.

(C) A temporary sign displayed on a window surface must be displayed on the inside of the window surface, shall cover no more than fifty percent (50%) of the window surface, and shall not be illuminated.

(D) Temporary banner signs, as well as feather and flutter signs, not exceeding fifteen (15) square feet in a residential Land Use Categories, and twenty-four (24) square feet in any commercial and in Residential Office Retail Land Use Categories may be displayed on the property at issue no more than four (4) times per year and up to a maximum of fourteen (14) days per occurrence, with a minimum of forty-five (45) days between each occurrence. A temporary feather or flutter sign shall not exceed eleven (11) feet in height or three (3) feet in width, and shall only be displayed after sunrise and before sundown. Such signs shall comply with the minimum spacing, maximum aggregate surface area, and the prohibitions on public property and right-of-way, and provisions pertaining to sight visibility triangle and direct illumination, as set forth in the Table 102-133.7.1b. Temporary banner, feather and flutter signs shall require a sign permit.

(E) No temporary banner, feather or flutter sign exceeding fifteen (15) square feet may be displayed without the issuance of a permit that is based upon guidelines providing specific criteria and that are not based upon the content of the sign; however, until such criteria are established by resolution or other action by the Commission, no temporary banner, feather or flag sign exceeding fifteen (15) square feet in size shall be allowed other than that authorized in this section for commercial zones.

(F) *Usage and removal of temporary signs advertising political campaigns.*

- a. Pursuant to Florida Statutes § 106.1435, each candidate, whether for a federal, state, county, municipal or district office, shall make a good faith effort to remove all of his or her political campaign advertisements within 30 days after:
 - i. Withdrawal of his or her candidacy;
 - ii. Having been eliminated as a candidate; or
 - iii. Being elected to office.
- b. However, a candidate is not expected to remove those political campaign advertisements which are in the form of signs used by an outdoor advertising business as provided in Florida Statutes Chapter 479. The provisions herein do not apply to political campaign advertisements placed on motor vehicles or to campaign messages designed to be worn by persons.
- c. If political campaign advertisements are not removed within the specified period, the city shall have the authority to remove such advertisements and may charge the candidate the actual cost for such removal. Funds collected for removing such advertisements shall be deposited to the general revenue of the city.

**TABLE 102-133.7.1a. CRITERIA AND LIMITATIONS FOR
TEMPORARY A-FRAME SIGNS – NONRESIDENTIAL LAND USE DISTRICTS**

TEMPORARY A-FRAME SIGNS	
Maximum Number of Signs	1 per business ¹
Maximum Width	3 feet
Maximum Height	4 feet
Allowed on Public Sidewalk	No
Maximum Distance from Business Entrance	5 feet, but the sign shall not extend farther than the outer edge of the sidewalk or walkway abutting the front of the entrance
Duration Allowed	Only during hours while business is open
Allowed on Right-of-Way	No
Allowed on Public Property	No
Allowed in a sight visibility triangle defined herein	No
Illumination Allowed	No
Displayed seaward of the most westerly edge of the seawall	No

¹ Any business entity having a valid beach concessionaire's license issued by the city shall be allowed one A-Frame sign.

**TABLE 102-133.7.1b. CRITERIA AND LIMITATIONS FOR
ALL OTHER TEMPORARY SIGNS² IN ALL LAND USE DISTRICTS**

LAND USE DISTRICTS	RESIDENTIAL	NON-RESIDENTIAL
Maximum Number of Temporary Signs Per Parcel ³	8	4
Maximum Sign Size (Area) for a Temporary Sign, other than a temporary banner sign as allowed herein ⁴	4 sf.	16 sf.
Maximum Sign Height for a Temporary Freestanding Sign, other than a temporary banner sign as allowed herein ⁵	4 ft.	6 ft.
Maximum Sign Height for a Temporary Wall Sign (inclusive of a Window Sign)	15 ft.	15 ft.
Minimum Sign Setback required to be maintained by a Temporary Ground Sign from any property line ⁶	3 ft.	3 ft.
Minimum Sign Setback required to be maintained by a Temporary Ground Sign from the edge of any paved street or road	5 ft.	3 ft.
Minimum Spacing that is required to be maintained by a Temporary Ground Sign from any other Temporary Ground Sign ⁷	15 ft.	15 ft.
Maximum Aggregate Surface Area Allocated for All Temporary Signs on a Parcel ⁸	64 sf.	128 sf.
Whether Temporary Sign is Allowed on Public Right-of-Way	No	No
Whether Temporary Sign is Allowed on Public Property	No	No
Allowed in a sight visibility triangle defined herein	No	No
Direct Illumination of Surface of Temporary Sign Allowed	No	No
Duration allowed after event ends	5 calendar days	5 calendar days

² Notwithstanding any provision herein to the contrary, one banner sign, feather sign or flutter sign may be displayed as set forth in section 102-133.7.1, above.

³ While the number of temporary signs is limited to eight (8) and four (4) for residential and non-residential parcels, the number of temporary *commercial* signs per parcel shall be no more than two (2) signs.

⁴ The square footage limitation is per side for a back-to-back sign. For example, a four (4) square foot limitation means that there is a limit of four (4) square feet of surface area per side of a back-to-back sign, and an aggregate limit of eight (8) square feet is allowed if the sign is a back-to-back temporary sign.

⁵ Not applicable to signs displayed on flagpoles.

⁶ Minimum sign setbacks do not apply to wall signs.

⁷ Not applicable to signs displayed on flagpoles.

⁸ There is no limit to the number of separate messages that may appear on the allowable surface(s) of any Temporary Sign. The maximum aggregate surface area allowed is subject to circumstances that may reduce the maximum aggregate surface area allowable on some parcels.

Sec. 102-133.7.2. Temporary Portable Signs Allowed in the Event of a Catastrophe.

(A) Upon the mayor declaring that an existing conforming sign that was constructed in accordance with this article has been destroyed by catastrophe:

(1) A permit may be granted for a temporary, portable sign for a period not to exceed thirty (30) days. The permit may be renewed for an additional 30-day periods, and upon a showing that a contract has been entered into for a replacement permanent sign, the permit may be renewed for a second additional 30-day period.

(2) Any temporary portable sign shall be located upon the private property of the business and shall not contain any flashing lights or moving copy. Copy faces shall not exceed thirty-two (32) square feet per side and shall be limited to two sides.

(3) Upon application and payment of the permit fee, a permit shall be issued for a temporary, portable sign for any applicant meeting the criteria of this section.

(B) All signs permitted under this subsection shall be removed and stored within a permanent structure during periods of severe storm warnings.

Sec. 102-133.8. Permanent Signs Allowed in Land Use Districts.

Within its land use districts and subject to any applicable provisions within section 102-133.6, General Provisions for Signs, the city shall allow permanent signs that meet the criteria and limitations set forth in the subsections below. Unless otherwise provided herein, a permanent sign shall require a sign permit; however, a government sign on public property or public rights-of-way shall not require a sign permit and shall be allowed in all land use districts on public property or public rights-of-way unless otherwise provided herein. The foregoing shall have no impact on separate requirements established by state statute for building code permits or other code permits.

(1) *Residential Land Use Districts.*

Within Residential Land Use Districts and subject to the provisions with section 102-133.6, General Provisions for Signs, the city shall allow permanent signs that meet the criteria and limitations set forth in Table 102-133.8.1 below.

TABLE 102-133.8.1

Residential Land Use Districts		
Ingress and Egress Signs	Allowed as per Sec. 102-133.6	Sign Permit Not Required
Street Address Signs	Allowed as per Sec. 102-133.6	Sign Permit Not Required
Flagpoles	Allowed as per Sec. 102-133.6	Sign Permit Not Required
Flag Brackets and Stanchions	Allowed as per Sec. 102-133.6	Sign Permit Not Required
On-Site Parking Space Signs	Not Allowed	N/A
Signs at Service Station Islands	Not Allowed	N/A
Monument Signs	Allowed as per Sec. 102-133.6	N/A
Wall Signs	Not Allowed ⁹	N/A
Restaurant Wall Signs	Not Allowed	N/A
Drive-Through Lane Signs	Not Allowed	N/A
Umbrella Signs	Not Allowed	N/A
Awning Signs	Not Allowed	N/A
Canopy Signs	Not Allowed	N/A
Changeable Copy Signs	Not Allowed	N/A
Window Signs	Not Allowed	N/A
Door Signs	Not Allowed	N/A

⁹ Except for wall signs allowed in planned unit developments as set forth herein.

(2) *Non-Residential Land Use Districts.*

Within Non-Residential Land Use Districts and subject to any applicable provisions within section 102-133.6, General Provisions for Signs, the city shall allow permanent signs that meet the criteria and limitations set forth in Table 102-133.8.2 below.

TABLE 102-133.8.2

Non-Residential Land Use Districts		
Ingress and Egress Signs	Allowed as per Sec. 102-133.6	Sign Permit Not Required
Street Address Signs	Allowed as per Sec. 102-133.6	Sign Permit Not Required
Flagpoles	Allowed as per Sec. 102-133.6	Sign Permit Not Required
Flag Brackets and Stanchions	Allowed as per Sec. 102-133.6	Sign Permit Not Required
On-Site Parking Space Signs	Allowed as per Sec. 102-133.6	Sign Permit Not Required
Signs at Service Station Islands	Allowed as per Sec. 102-133.6	Sign Permit Required
Monument Signs	Allowed as per Sec. 102-133.6	Sign Permit Required
Wall Signs	Allowed as per Sec. 102-133.6	Sign Permit Required
Restaurant Wall Signs	Allowed as per Sec. 102-133.6	Sign Permit Required
Drive-Through Lane Signs	Allowed as per Sec. 102-133.6	Sign Permit Required
Umbrella Signs	Allowed as per Sec. 102-133.6	Sign Permit Not Required
Awning Signs	Allowed as per Sec. 102-133.6	Sign Permit Required
Canopy Signs	Allowed as per Sec. 102-133.6	Sign Permit Required
Changeable Copy Signs	Allowed as per Sec. 102-133.6	Sign Permit Required
Window Signs	Allowed as per Sec. 102-133.6	Sign Permit Not Required
Door Signs	Allowed as per Sec. 102-133.6	Sign Permit Not Required

Sec. 102-133.9. Building Permits.

It shall be unlawful for any person or business or the person in charge of the business to erect, construct, alter or maintain a sign structure, as defined in the Florida Building Code, without first obtaining a building permit from the city in accordance with the provisions of the Florida Building Code and applicable law. Permit fees for a building permit shall be paid in accordance with the applicable city fee schedules. The requirement of a building permit under the Florida Building Code is separate and independent of the requirement for a sign permit under this article.

Sec. 102-133.10. Sign Permits.

Unless exempt from permitting or preempted by state or federal law, no permanent sign shall be erected, altered, relocated, maintained or displayed until a sign permit is obtained from and the appropriate fee paid to the city. The sign permit is in addition to any building permit required to be obtained pursuant to the provisions of the Florida Building Code.

(1) No sign permit shall be issued for the erection of a prohibited sign.

(2) A sign lawfully erected may be repainted or have ordinary and customary repairs performed, including replacement of plastic or glass panels, without a sign permit; however, if such sign is to be structurally altered in any manner, a new sign permit shall be required and the altered sign must meet all requirements of this article and this code.

(3) *Exceptions from permitting.* Temporary signs shall not require a sign permit. Unless identified in the tables in section 102-133.7 as not requiring a sign permit and unless otherwise excepted from requiring a sign permit such as a government sign, all permanent signs shall require a sign permit. However, these exemptions in no way waive any requirement set forth in the Florida Building Code; or any limitation or restriction on the number, size, height, setback, placement or duration of such signs under this article, or any limitation or restriction under any other applicable law or regulation.

(4) *Permits not required for change of sign copy.* No permit or permit fee shall be required for changing the copy of a sign, as long as no changes are made to the sign's height, size, location, or structure. This exemption shall also apply to any change of copy on a changeable copy sign.

(6) *Sign permit applications.* A sign permit application for a permanent sign as may be required by this article shall be prepared and submitted on forms available at the city. The sign permit application is in addition to any building permit application required by the Florida Building Code. The applicant shall furnish the following information on or with the sign permit application form:

- a. Name, address, telephone number, and e-mail address (if available) of the person making application for the permit. If the applicant is anyone other than the property owner, the applicant shall provide written authorization from the property owner permitting the installation of the sign.
- b. Name, address, telephone number, and e-mail address (if available) of the property owner. If the owner is an entity other than an individual, list the contact person's name.
- c. Name, address, telephone number, and e-mail address (if available) of the business tenant, if applicable. If the tenant is an entity other than an individual, list the contact person's name.
- d. Name, address, telephone, e-mail address (if available), and license number of the contractor, if applicable. If the contractor is an entity other than an individual, list the contact person's name.
- e. Address and legal description of the property upon which the sign is to be located. The legal address may be located on a certified boundary survey.
- f. Lot frontage on all streets and public rights-of-way.
- g. Indicate in feet and inches the location of the sign in relation to property lines, public rights-of-way, easements, overhead utility lines, other utility facilities and equipment, buildings and other signs on the property.
- h. Freestanding signs, including monument signs, shall require an accurate boundary survey signed and sealed by a land surveyor or engineer licensed in Florida showing the proposed location of the sign.

- i. For all wall mounted signs, the facade elevation with dimensions, drawn to scale. Windows and doors and other openings shall be delineated and their dimensions given.
- j. Sign dimensions and elevation, drawn to scale.
- k. Maximum and minimum height of the sign measured from finished grade.
- l. Dimensions of the supporting members of the sign.
- m. Sign illumination, specifying illumination type, placement, and intensity.
- n. Three (3) copies of the plans, specifications, calculations and details, signed and sealed as required by the Florida Building Code; and documents specifying the wind load and electrical specifications, if applicable, meeting the minimum requirements of the applicable Electric Code.
- o. Number, type, location and area of all existing signs on the same property.
- p. Landscape plan, as applicable.
- q. Notarized signature of applicant. If the value of construction is \$2,500.00 or greater, a certified copy of notice of commencement shall be required prior to permit issuance.

(6) *Sign construction specifications.*

- a. Construction and erection of signs shall be in accordance with the structural requirements set forth in the Florida Building Code.
- b. Signs having electrical connections of any kind shall be wired in accordance with the National Electrical Code.
- c. *Inspections.* Any sign having an electrical connection shall be permitted, inspected and approved by the electrical inspector prior to its completion. All sign structures shall be inspected and approved by the building official. The inspection point shall be selected by the building official. All excavations for concrete sign support bases shall be inspected and approved by the building official prior to the pouring of concrete.
- d. *Support requirements.* The supporting members of all signs shall be free of any external bracing such as guy wires or cables. All supporting columns shall be designed as integral or architectural features of the sign.
- e. *Materials.* Paper or cardboard signs and cloth may only be used in conjunction with a special event as provided herein. However, paper or cardboard signs may be used for indoor window or temporary signs, when such are allowed.

- f. *Construction standards.* All signs shall be installed and constructed in a professional and workmanlike manner; and shall be maintained in good and safe structural condition and good physical appearance. All exposed structural components shall be painted, coated, or made of rust inhibitive material.

(7) *Design requirements.* All signs and sign structures, except temporary signs and except for prohibited signs such as billboards and off-premises signs, shall be subject to the design requirements below.

- a. *Monument signs.* Monument sign structures may extend above the allowable height and/or permitted horizontal dimension for the purposes of architecturally embellishing and enhancing the appearance of the sign structure. Such extensions shall not exceed thirty-six (36) inches for the base, eighteen (18) inches at the top of the sign, or twelve (12) inches for each vertical side of the sign. The maximum height allowed for a monument sign, however, shall not include any architectural embellishment provided the embellishment does not exceed thirty-six (36) inches at the base of the sign and eighteen (18) inches at the top of the sign and provided that the overall sign height for a monument sign does not exceed twelve (12) feet.
- b. *Tenant panels in monument signs.* All tenant panels in a monument sign, including those added to an existing sign structure, shall be constructed of similar materials and illuminated by a similar method.
- c. *Wall signs.* Wall signs shall not be installed to cover windows, doors, or other types of fenestration.
- d. *Manufactured Signs.* All manufactured signs requiring a sign permit shall have a permanent and visible weatherproof identification plate affixed to the sign exterior. The plate shall identify (1) the name of the manufacturer, (2) the date of installation, (3) the sign permit number, and (4) the electric permit number (if any) with the input VA (Volt Amperes) at full load for electric.

(8) *Sign permit application review.*

- a. An applicant shall submit a sign permit application for a permanent sign to the building official. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this article and any applicable land use law of the city as set forth in the city's code of ordinances. Whenever required by state statute, the explanation for a denial of a sign permit shall include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit; in the event that the applicant fails to receive a statutorily required explanation, the applicant shall submit a

written request for the explanation to the city's building official via certified mail.

- b. The review of the sign permit application shall be completed within thirty (30) calendar days following receipt of a completed application, not counting the day of receipt and not counting any Saturday, Sunday, or legal holiday that falls upon the first or the thirtieth (30th) day after the date of receipt.
- c. A sign permit shall either be approved, approved with any condition that is specifically described and set forth in the LDC or the city code, or disapproved, and the decision shall be reduced to writing. A disapproval shall include or be accompanied by a statement of the reason(s) for the disapproval.
- d. In the event that no decision is rendered within thirty (30) calendar days following submission, the application shall be deemed denied and the denial shall be a final decision of the city if the applicant chooses not to seek reconsideration at that time. At any time within sixty (60) calendar days, not counting any intervening Saturday, Sunday, or legal city holiday, following passage of the thirty (30) calendar day period, the applicant may submit a written request via certified mail to the city and request a decision setting forth the reason that the application was not approved and the city shall promptly respond within ten (10) calendar days after receipt of the written request, not counting the day of receipt and not counting any Saturday, Sunday, or legal holiday, by providing a written explanation of the reason(s) for the non-approval of the application for the permanent sign.
- e. An approval, an approval with conditions, or disapproval by the city's building official shall be deemed the final decision of the city upon the application.
- f. In the case of an approval with conditions or a disapproval, including a disapproval by lapse of time as described herein, an applicant may ask for reconsideration of the decision on the grounds that the building official may have overlooked or failed to consider any fact(s) that would support a different decision.
- g. A written request for reconsideration accompanied by such additional fact(s) that address the deficiencies that the applicant may wish the building official to consider, shall be filed with the building official within fourteen (14) calendar days after the date of the written decision. No fee shall be required for a request for reconsideration.
- h. Upon the timely filing of a request for reconsideration, the decision of the building official or any designee shall be deemed stayed and not a final decision, until the request for reconsideration is decided. The request for reconsideration shall be decided within fourteen (14) calendar days of receipt by the city, not counting any intervening Saturday, Sunday, or legal city holiday. Such decision shall be in writing and shall include a statement

of the reason(s) for the decision. In the event that no decision is rendered within fourteen (14) calendar days following the request for reconsideration, the application shall be deemed denied and the denial shall then be a final decision of the city. At any time within sixty (60) calendar days, not counting any intervening Saturday, Sunday, or legal city holiday, following passage of the fourteen (14) calendar day period, the applicant may submit a written request via certified mail to the city and request a decision setting forth the reason for the denial of the request for reconsideration and the city shall promptly respond within ten (10) calendar days after receipt of the written request, not counting the day of receipt and not counting any Saturday, Sunday, or legal holiday, by providing a written explanation of the reason(s) for not approving the application upon reconsideration.

- i. All decisions shall be mailed, transmitted electronically, or hand delivered to the applicant. A record shall be kept of the date of mailing, electronic transmittal, or hand delivery. For the purposes of calculating compliance with the thirty (30) day deadline for a decision upon an application or the fourteen (14) day deadline for a decision upon request for reconsideration, the decision shall be deemed made when deposited in the mail, transmitted electronically, or hand delivered to the applicant.
- j. As exceptions to the foregoing, the thirty (30) day deadline for approval and the fourteen (14) day deadline for a decision upon receipt of a request for a reconsideration shall not apply (that is, the time shall be suspended):
 - (1) In any case in which the application requires a land use change of the property, or an amendment to the Comprehensive Plan of the city, then upon written request of the applicant delivered to the building official by certified mail before the applicable deadline, the time shall be suspended until a final decision is made upon the application for the variance, land use change, or comprehensive plan amendment.
 - (2) If the applicant is required to make any change to the application in order to obtain an unconditional approval so as to satisfy an express provision of state law, the LDC, or the city code, then upon the written request of the applicant delivered by certified mail to the building official before the applicable deadline, the time shall be suspended while the applicant makes such change.
- k. If an applicant is required by state statute or by any express provision of either the LDC or the city code, to obtain an approval of the sign from any other governmental agency within the limitations set forth in Section 166.033(4), Florida Statutes, then upon the request of the applicant in writing delivered by certified mail before the applicable deadline, the time shall be suspended. The time shall remain suspended until such approval is obtained or until the applicant requests in writing delivered by certified mail

to the building official that the city take final action. The city shall comply with the provisions of Florida Statutes § 166.033(4).

- l. In any of the foregoing cases, the applicant may elect to not make any changes to the application or to not obtain an approval that may be required by another governmental agency, and may instead demand in writing a final decision upon the sign permit application as filed. Such a written demand shall be delivered by certified mail to the building official. In such event, the building official shall make a decision on the application as appropriate within thirty (30) business days after receiving such demand. If a decision is not made in such a time, the application shall be deemed denied.
- m. Any person aggrieved by the decision of the building official upon a sign permit application, or aggrieved by any failure by the building official or by any other city official to act upon a sign permit application in accordance with the LDC, shall have the right to seek judicial review by the Circuit Court of the Sixth Judicial Circuit in and for Pinellas County, Florida, or by any other court of competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.
- n. If an application is deemed incomplete, the applicant may either take steps to submit a complete application or challenge the city's decision by seeking judicial review by the Circuit Court of the Sixth Judicial Circuit in and for Pinellas County, or by any other court of competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.

(9) *Sign permit fees.* Before issuance of a permit, the building official shall collect the necessary sign permit application fee as same will be set by the city commission from time to time.

(10) *Inspection.* The building official may make or require any inspections to ascertain compliance with the provisions of this article and the Land Development Code.

(11) *Revocation of sign permit.* If the work under any sign permit is proceeding in violation of this article, the Land Development Code, or the Florida Building Code, or should it be found that there has been any false statement or misrepresentation of a material fact in the application or plans on which the sign permit was based, the permit holder shall be notified of the violation. If the permit holder fails or refuses to make corrections within ten (10) days, it shall be the duty of the building official to revoke such sign permit and serve notice upon such permit holder. Such notice shall be in writing and signed by the building official. It shall be unlawful for any person to proceed with any part of work after such notice is issued.

Sec. 102-133.11. Nonconforming signs.

All signs that are lawfully in existence or are lawfully erected and that do not conform to the provisions of this article are declared nonconforming signs. It is the intent of this article to recognize that the eventual elimination of nonconforming signs as expeditiously and fairly as possible is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this article. It is also the intent of this article that any elimination

of nonconforming signs shall be accomplished so as to avoid any unlawful invasion of established property rights.

(1) *Legal nonconforming signs:*

- a. A legal nonconforming sign is a sign that lawfully existed at the time of the enactment of this article that does not conform to the regulations as specified in this article.
- b. A legal nonconforming sign may continue to be utilized only in the manner and to the extent that it existed at the time of the adoption of this article or any amendment thereof.
- c. A legal nonconforming sign may not be altered in any manner not in conformance with this article. This does not apply to reasonable repair and maintenance of the sign or to a change of copy provided that by changing the copy structural alterations are not required.

(2) *Nonconforming signs substantially damaged or destroyed.*

- a. A nonconforming sign that is destroyed or substantially damaged shall not be repaired or replaced unless the replacement sign is in full compliance with this article.
- b. A nonconforming freestanding sign shall be considered destroyed if any vertical structural member is damaged in any manner where such structural member is more than ten percent (10%) out of plumb.
- c. A nonconforming freestanding or wall sign shall be considered substantially damaged if the cost of full repairs is fifty percent (50%) or more of the sign's replacement value.

(3) *Signs rendered nonconforming:*

- a. Except as provided in this section, a nonconforming sign may continue in the manner and to the extent that it existed at the time of the adoption, amendment or annexation of the ordinance that rendered the sign nonconforming, including in the event there is a change in ownership. This section shall not prohibit reasonable repairs and alterations to nonconforming signs, provided the nonconforming sign has not been substantially damaged or destroyed as provided hereinabove.
- b. A nonconforming sign shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this article. An existing monument sign that conforms to the size and height limitations set forth herein, but is otherwise nonconforming, may be relocated a single time to another location on the same parcel.

- c. Any nonconforming sign shall be removed or rebuilt in full conformity to the terms of this article if it deteriorates or becomes damaged to such an extent that the cost of full repair is fifty (50) percent or more of the sign's replacement value.
- (4) *Signs for a legal nonconforming use:*
 - a. New or additional signs for a nonconforming use shall not be permitted. A change in ownership shall require a nonconforming sign to be removed or brought into conformity.
 - b. A nonconforming sign for a nonconforming use that ceases to be used for a period of sixty (60) consecutive days or is replaced by a conforming use, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.
- (5) *Signs discontinued:*
 - a. Sign structures that remain vacant, unoccupied or devoid of any message, or display a message pertaining to a time, event or purpose that no longer applies shall be deemed to be discontinued.
 - b. A nonconforming sign deemed discontinued shall immediately terminate the right to maintain such sign.
 - c. Within sixty (60) days after a sign structure has been discontinued, it shall be the responsibility of the property owner or the property owner's authorized agent to remove the discontinued sign and to patch and conceal any and all damage to any other structure resulting from removal of the sign.
 - d. Removal of a discontinued nonconforming sign shall include all sign support components, angle irons, poles, and other remnants of the discontinued sign that are not currently in use, or proposed for immediate reuse as evidenced by a sign permit application for a permitted sign.

Sec. 102-133.12. Variances.

- (1) Variances shall only be granted from the following restrictions:
 - a. The amount of a sign which can be devoted to changeable copy, provided the total allowable sign area is not increased.
 - b. The required sign setbacks or location, provided no change to the required visibility triangle is involved.
 - c. The required sign height, provided a finding is made that the variance is necessary to clear an obstruction or interference by excessive grades, buildings, bridges, trees, or other related obstacles. However, an existing sign shall not be considered an obstruction.

- (2) In no event shall variances be granted for the following:
 - a. Variances in any way related to nonconforming, obsolete, or abandoned signs.
 - b. Variances which would permit the use of signs prohibited by this article.
 - c. Variances which purport to modify any definition of this article.
 - d. Variances which would increase the number of allowable signs or change the permitted types of signs.
 - e. Variances which increase the allowable sign area.

Sec. 102-133.13. Miscellaneous Provisions.

(1) *Maintenance of Sign Location.* For a sign requiring a sign permit, weeds and grass shall be kept cut in front of, behind, underneath, and from around the base of the sign for a minimum distance of ten (10) feet from the sign base, and there shall be no rubbish or debris within ten (10) feet of the sign base or underneath the sign.

(2) *Maintenance of Sign.* A sign shall be maintained in a state of good repair.

(3) *Unsafe Sign.*

a. If the building official determines any sign or sign structure to be in an unsafe condition, he/she shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty-eight (48) hours.

b. If the correction has not been made within forty-eight (48) hours, the building official may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.

(4) *Rights not transferrable off property.*

The rights contained in this article, including but not limited to those associated with sign sizes, numbers, types and allowances, as well as rights associated with nonconforming signs and appeal rights may not be transferred in any manner to any other person, nor aggregated with the sign rights of any other person, so as to apply to a property, sign, structure or building other than the property, sign, structure or building associated with the right in question.

Sec. 102-133.14. Penalties.

Penalties for violation of this article shall be as provided in section 102-171 of the Land Development Code; however, notwithstanding anything in either the Land Development Code or in the city code to the contrary, a penalty for a violation of this article shall be limited to civil penalties only and shall not extend to any criminal penalty including but not limited to incarceration.

Sec. 102-133.15. Severability.

(1) Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article.

(2) Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth above in subsection (1), above, or elsewhere in this article, the city code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

(3) Severability of provisions pertaining to prohibited signs. Without diminishing or limiting in any way the declaration of severability set forth above in subsection (1), above, or elsewhere in this article, the city code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under section 102-133.5, Prohibited Signs, of this article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 102-133.5 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 102-133.5 thereby ensuring that as many prohibited sign types as may be constitutionally prohibited continue to be prohibited.

(4) Severability of prohibition on billboards. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article and/or any other Code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained in this article or in the city code.

The following charts depict allowances for some of the more common permanent sign types within the City. However, this administrative guideline is intended only as an assistive tool, and users are encouraged to review the City's sign code, located at § 102-133.1 through 102-133.15 for complete details concerning sign regulations:

CHART 1: RESIDENTIAL LAND USE CATEGORIES

Permanent Window ¹ and Wall ² Signs		Pole Signs*		Marquee and Projecting Signs		Canopy Signs		Monument Signs	
Max. Area	Max. Height	Max. Area	Max. Height	Max. Area	Max. Height	Max. Area	Max. Height	Max. Area	Max Height
¹ No more than 50% window area ² 50 sq.ft. or 15% of wall area	¹ N/A ² No higher than height of the wall	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed
*Flag poles not exceeding 25 ft. are authorized in residential land use districts as per § 102-133.6(15) of the LDC.									

CHART 2: COMMERCIAL LAND USE CATEGORIES

Permanent Window ¹ and Wall ² Signs		Pole Signs*		Marquee and Projecting Signs		Canopy Signs		Monument Signs	
Max. Area	Max. Height	Max. Area	Max. Height	Max. Area	Max. Height	Max. Area	Max. Height	Max. Area	Max Height
¹ No more than 50% window area	¹ N/A	At shopping center, 150 sq. ft.	20 ft.	Not Allowed	Not Allowed	Lesser of 20% of surface area of canopy	16 ft. ground level	Same as for Pole Sign	12 ft.
² Lesser of 15% of the wall area or 50 sq. ft.	² No higher than building wall sign is attached to	All others, lesser of 50 sq. ft. of surface area for each linear ft. of street frontage				Or 2' x 6' area	25 ft. second floor		
* Flag poles not exceeding 25 ft. are authorized in commercial land use districts as per § 102-133.6(15) of the LDC. The only exception is on dedicated parkland where a single flagpole may be up to 80 ft. per City agreement with Pinellas County.									

(As amended through Ordinance 2018-01)