

**ORDINANCE NO. 2024-\_\_**

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CITY'S CODE TO REPEAL CHAPTER 29 "SIGN REGULATIONS" AND CREATE CHAPTER 5 "SIGNS" OF THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII of the State Constitution and Chapter 166, Florida Statutes, provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the City Commission for the City of North Port, Florida (the "City") finds and determines that the City's land development regulations are required to regulate signs as provided by Section 163.3202(2)(f), Florida Statutes; and

**WHEREAS**, while the City already regulates signs in Chapter 29 of its Unified Land Development Code ("ULDC"), as part of its comprehensive rewrite and update of the ULDC, it seeks to comprehensively repeal and adopt a new set of sign regulations as Chapter 5 of the new ULDC; and

**WHEREAS**, the City Commission does not wish to censor speech, but rather to provide for the public welfare by regulating signage in the City in a manner that enhances the aesthetics of the community, reduces visual pollution, provides clear information and minimizes distractions to drivers in the interests of traffic safety; and

**WHEREAS**, the City Commission desires to modify and update its regulation of signs in order to respond to recent caselaw including *Reed v. Town of Gilbert*, 576 U.S. 155, 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015) ("*Reed*") and *City of Austin, Texas v. Reagan Nat'l Advert. of Austin, LLC*, 142 S. Ct. 1464 (2022) ("*Austin*"); and

**WHEREAS**, the City finds and determines that the purpose and intent provisions of its signage regulations should be detailed so as to further describe the beneficial aesthetic, traffic safety, and other effects of the City's sign regulations, and to reaffirm that the sign 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**, various signs that serve as signage for particular land uses 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 and determines that the sign regulations adopted hereby allow and leave open adequate alternative means of communications, such as newspaper advertising, internet advertising and communications, advertising in shoppers and pamphlets, advertising in telephone books, advertising on cable television, advertising on UHF and/or VHF television, advertising on AM and/or FM radio, advertising on satellite radio, advertising on internet radio, advertising via direct mail, and other avenues of communication available in the City [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)]; and

**WHEREAS**, in *Reed*, 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**, 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**, 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**, 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 aesthetic objectives, including rules that distinguish between on-premises and off-premises signs; and

**WHEREAS**, under established Supreme Court precedent and Eleventh Circuit 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**, all of these findings pursuant to *Reed* and other prior caselaw have been reaffirmed and further reinforced by the *Austin* decision; and

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

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

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

**WHEREAS**, the City finds and determines 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" [in *Berman v. Parker*, 348 U.S. 26, 33 (1954)]; and

**WHEREAS**, the City finds and determines that aesthetics is a valid basis for zoning, and that the regulation of the size and appearance 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 and determines that these sign regulations further the character and ambiance of the City, and reflect its commitment to maintaining and improving an attractive environment; and

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

**WHEREAS**, the City finds and determines that the goals, objectives and policies of its plans 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 the purpose of the regulation of signs as set forth in 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 finds and determines that the sign regulations in 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 and determines that these sign regulations are intended to protect the public from the dangers of unsafe signs; and

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

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

**WHEREAS**, the City finds and determines 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 finds that local governments may separately classify off-premises and on-premises 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 *City of Austin, Texas v. Reagan Nat'l Advert. of Austin, LLC*, 142 S. Ct. 1464 (2022)]; and

**WHEREAS**, the City finds and determines that a prohibition on the erection of off-premises outdoor advertising signs will reduce the number of driver distractions and the number of aesthetic eyesores along the roadways 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 and determines 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-premises advertising signs, so as to prohibit the construction of off-premises signs and billboards in all zoning districts, and to provide that the foregoing provisions shall be severable; and

**WHEREAS**, the City hereby finds and determines 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); and *Newman Signs, Inc. v. Hjelle*, 268 N.W.2d 741 (N.D.1978)]; and

**WHEREAS**, the City finds and determines that the City has allowed noncommercial speech to appear wherever commercial speech appears; and the City 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 non-commercial messages to be substituted for each other); and

**WHEREAS**, the City finds and determines that, by confirming in this Ordinance that noncommercial messages are allowed wherever commercial messages are permitted, the City will continue to overcome any constitutional objection that its ordinance impermissibly favors commercial speech over 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 and determines 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 and determines 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 and determines that the City has consistently adopted and enacted severability provisions in connection with its ordinance provisions, and that the City wishes to ensure that severability provisions apply to its regulations, including its sign regulations; and

**WHEREAS**, the City finds and determines that the Code's severability clauses were 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 and determines that there must be 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 and determines that there must be an ample record that it intends that the height and size limitations on free-standing, ground, wall, and other signs 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 and determines that there must be 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 Commission makes the detailed findings set forth in the amended Section 5.1.1. of Section 3 of this Ordinance as to the purpose, scope and intent of the City's sign regulations, and the substantial and compelling governmental interests that are advanced by these regulations; and

**WHEREAS**, the City Commission finds and determines that this Ordinance is consistent with all applicable policies of the City's adopted Comprehensive Plan; and

**WHEREAS**, the City Commission reiterates its desire that there be an ample and unequivocal record of its intention that the severability clauses it has adopted related to its sign regulations shall be applied to the

maximum extent possible, even if less speech would result from a determination that any exceptions, limitations, variances, or other sign provisions are invalid or unconstitutional for any reason whatsoever; and

**WHEREAS**, the City Commission, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed hearing on \_\_\_\_\_, and recommended \_\_\_\_\_; and

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

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

**SECTION 1 – FINDINGS.**

The above recitals are true and correct and are incorporated in this Ordinance by reference.

**SECTION 2 – REPEAL OF CHAPTER 29.**

Chapter 29 of the Unified Land Development Code is hereby repealed, as shown on the attached Exhibit "A".

**SECTION 3 – ADOPTION OF CHAPTER 5.**

Chapter 5 of the Code of the City of North Port, Florida is hereby created as follows:

**CHAPTER 5 – SIGNS**

**ARTICLE I – ADMINISTRATION AND ENFORCEMENT**

**Section 5.1.1. In General**

**A. Intent.**

In order to preserve and promote the City as a desirable community in which to live, visit, work, play, and do business, a pleasing, visually attractive, and safe environment is of foremost importance. The regulation of signs within the City is a highly contributive means to achieve this desired end. The regulation of signs within the City is necessary and of the public interest. These regulations have been prepared to enhance the City's visual environment and promote its continued well-being. This section creates the legal framework for signage regulation that is intended to:

- (1). Encourage the effective use of signs as a means of communication in the City;
- (2). Provide adequate business identification, advertising, and communication;
- (3). Provide for the safety and welfare of the public;
- (4). Ensure all modes of pedestrian safety and traffic safety;
- (5). Maintain and enhance the scenic beauty of the aesthetic environment and the City's ability to attract sources of economic development and growth;
- (6). Maintain the residential character of neighborhoods in residential land use districts;
- (7). Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the land uses, activities and functions to which they pertain;

- (8). Protect property values by precluding, to the maximum extent possible, signs that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (9). Establish dimensional limits and placement criteria for signs that are legible and proportional to the size of the parcel and structure on which the sign is to be placed, or to which it pertains;
- (10). Preclude signs from conflicting with the principal use of the parcel and adjoining parcels;
- (11). Permit, regulate and encourage the use of signs with a scale, graphic character, and type of lighting compatible with buildings and uses in the area, so as to support and complement the goals, objectives and policies set forth in the City's Comprehensive Plan;
- (12). Be a permissive code. Any sign not specifically permitted or otherwise provided for is not permitted.

## **B. Purpose.**

It is the purpose of this Chapter to promote public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. The sign regulations are designed to serve substantial and compelling governmental interests, including traffic safety and warning signs of threats to bodily injury or death. This Chapter is not intended to apply to objects that are not traditionally considered signs for the purpose of government regulation. Further, it continues to be the purpose of this Chapter to promote optimum conditions for serving sign owners' needs and respecting their rights to identification while balancing the aesthetic and safety interests of the community.

- (1). Florida Constitution. Article II, Section 7 of the Florida Constitution provides that "[i]t shall be the policy of the state to conserve and protect its natural resources and scenic beauty. . . ." A beautiful environment preserves and enhances the desirability of the City as a place to live and to do business. Implementing the Florida Constitution is a compelling governmental interest.
- (2). Florida Statutes. Florida law require cities to adopt comprehensive plans and implement them through land development regulations (also known as zoning regulations) and approval of development orders that are consistent with the comprehensive plan. See Part II of Chapter 163, Florida Statutes. Florida law specifically requires that the City adopt sign regulations. See Section 163.3202(2)(f), Florida Statutes. Complying with state law is a compelling governmental interest.
- (3). City Comprehensive Plan. The City is a diverse community with a wide range of land uses. Some areas are suburban in character, while the western edges of the City have been developed with a more urban character and contain regionally significant commercial and institutional uses. Several goals, objectives and policies of the City's comprehensive plan require the City to maintain its scenic beauty and traffic safety through its land development regulations and actions. The Future Land Use and Transportation Elements of the City's Comprehensive Plan calls for sign regulation and prioritizes aesthetics and traffic safety as follows:
  - a. Future Land Use Goal 1 – Implement a land use and development framework that will: Promote diversified economic development; Discourage the expansion of low-density, single-use development; Recognize the value of natural resources; and Respect private property rights.
  - b. Future Land Use Policy Objective 1.8 – Adopt and enforce land development regulations to implement this Comprehensive Plan that are consistent with Section 163.3202.
  - c. Future Land Use Policy 1.8.1 – Enforce creative, innovative land development regulations which contain specific provisions to implement the adopted Comprehensive Plan. Improvements to the

land development regulation process shall focus on efficiency and effectiveness through a streamlining of procedures. Land development regulations shall, at a minimum: . . .

- vii. Ensure safe and convenient onsite traffic flow and vehicle parking needs.
- viii. Regulate signage to provide for an attractive community and safe pedestrian and transportation conditions. . . .
- x. Ensure safe and convenient onsite traffic flow, considering needed vehicle parking.
- d. Transportation Goal 1 – Develop an effective multi-modal transportation system which optimizes safety, convenience, cost and pollution reduction practices by establishing internal and external transportation linkages between residential neighborhoods and activity centers.
- e. Transportation Objective 2 – Continue to improve safety conditions on the City's existing roadway system by adopting land development regulations to limit the proliferation of signage that may distract the attention of motorists, obstruct the vision of motorists, pedestrians and bicyclists and otherwise interfere with traffic safety, and through completion of the transportation improvements identified in the Capital Improvements Element.

Implementing the City Comprehensive Plan is a compelling governmental interest.

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

- a. *Reed v. Town of Gilbert*, 576 U.S. 576, U.S.155, 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015) on the topic on noncommercial temporary signs;
- b. *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981) on the topic of commercial signs and off-premise signs;
- c. *City of Ladue v. Gilleo*, 512 U.S. 43 (1994) on the topic of political protest signs in residential areas;
- d. *Linmark Assocs., Inc. v. Township of Willingboro*, 431 U.S. 85 (1977) on the topic of real estate signs in residential areas;
- e. *Burson v. Freeman*, 504 U.S. 191 (1992) on the topic of election signs near polling places;
- f. *Central Hudson Gas & Electric Corp. v. Public Service Commission*, 447 U.S. 557 (1980) on the topic of commercial speech; and
- g. *City Council v. Taxpayers for Vincent*, 466 U.S. 789 (1984) on the topic of signs on public property.
- h. *City of Austin, Texas v. Reagan Nat'l Advert. of Austin, LLC*, 142 S. Ct. 1464 (2022) on the topic of off-premises sign regulation.
- i. *Shurtleff v. City of Boston, Massachusetts*, 142 S. Ct. 1583, 1584 (2022) on the topic of commercial flags and government speech.



- (5). Impact of sign clutter. Excessive signage and sign clutter impair the legibility of the environment, and undermines the effectiveness of governmental signs, traffic control devices and other required signs (such as address, directional, directory, and identification signs) that are essential to identifying locations for the delivery of emergency services and other compelling governmental purposes. The intent of these sign regulations is to enhance the visual environment of the City, ensure that City residents, visitors and emergency responders can safely navigate through the City to their intended destinations, and promote the continued well-being of the City. It is therefore the purpose of this Chapter to promote aesthetics and the public health, safety and general welfare, and assure the adequate provision of light and air within the City through reasonable, consistent and nondiscriminatory standards for the posting, displaying, erection, use, and maintenance of signs and sign structures that are no more restrictive than necessary to achieve these governmental interests.

### **C. General Requirements.**

Signage shall advertise only those products or services offered or carried on at the premises where the sign is located, except as specifically provided for herein. The use of signs visible from public rights-of-way shall be permitted, provided required permits are obtained and provided the signs are:

- (1). Compatible with their surroundings, of proper design and consistent with all applicable comprehensive plan and ULDC requirements;
- (2). Designed to meet the sign user's needs while at the same time promoting the quality environment desired by the general public;
- (3). Designed, constructed, installed, and maintained in such a manner that they do not endanger public safety or traffic safety;
- (4). Legible, readable, and visible in the circumstances in which they are used;
- (5). Respectful of the reasonable rights of other advertisers whose messages are displayed;
- (6). Constructed without the following characteristics and/or functions:
  - a. Pose a danger or interfere with the peace, health, safety, or welfare of the public.
  - b. Cause an obstruction to free use of public streets or sidewalks.
  - c. Obstruct windows used for fire egress or fire escapes.
  - d. Obscene or indecent in design, display, statement, character, or illustration.
  - e. Designed or located in any manner or any color combination so as to be confused with any authorized traffic signal, sign or device.

### **D. Applicability.**

- (1). Any non-government sign moved, constructed, installed, or altered shall conform to the provisions and conditions of this Chapter. Government signs, as defined herein, shall not be subject to these regulations. The provisions in the Chapter are intended to complement, not supersede all other regulations and requirements applicable to signs, including Building and Electrical Codes, adopted by the City. Where there may be any inconsistency between this Chapter and any other regulation or requirement, the more restrictive provision shall apply.

- (2). To the extent any property owner informs the City in writing that a particular amendment enacted herein imposes a more restrictive or burdensome regulation of signage, that amendment shall be effective in accordance with SB 250/HB 1C adopted and codified in 2023-304 and 2023-349 Laws of Florida, as may be amended, expired, or repealed and the sign regulations effective on September 27, 2022, shall control.

#### **E. Severability.**

- (1). The sections, paragraphs, sentences, clauses and phrases of this Chapter are severable, and if any phrase, clause, sentence, paragraph or section of this article shall be declared unconstitutional or void or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Chapter.
- (2). This subsection shall not be interpreted to limit the effect of subsection (1). above, or any other applicable severability provision in this ULDC or any adopting ordinance. The city commission specifically intends that severability shall be applied to sign regulations even if the result would be to allow less speech in the city, whether by subjecting currently exempt signs to permitting or by some other means.
- (3). This subsection shall not be interpreted to limit the effect of subsections (1). or (2). above, or any other applicable severability provision in this ULDC or any adopting ordinance. The city commission specifically intends that severability shall be applied to prohibited signs so that each of the prohibited sign types listed in the ULDC in section 5.1.8. shall continue to be prohibited irrespective of whether another or any sign prohibition is declared unconstitutional or invalid.
- (4). This subsection shall not be interpreted to limit the effect of subsections (1)., (2)., or (3). above, or any other applicable severability provision in this ULDC or any adopting ordinance. The city commission specifically intends that severability shall be applied to section 5.1.8. of the sign regulations so that if all or any of such provisions are declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the city commission intends that such declaration shall not affect any other prohibition on off-premises signs in the aforesaid sections.

#### **Section 5.1.2. Sign Content**

##### **A. Substitution of Non-Commercial Speech.**

It is not the intent of this Chapter to afford greater protection to commercial speech than to noncommercial speech. Any sign, display or device allowed under this Chapter may contain, in lieu of any other copy, any otherwise lawful noncommercial message that complies with all other requirements of this Chapter. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited, and the sign continues to comply with the sign standards and other applicable requirements in this Chapter.

##### **B. Content Neutrality as to Sign Message.**

Regardless of any provision in this Chapter to the contrary, no sign shall be subject to any limitation based upon the content of the message contained on such sign or displayed on such sign structure.

### **Section 5.1.3. Definitions**

**Abandoned Sign:** A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days.

**Address Sign:** A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.

**Animated Sign:** A sign depicting action, motion, or light or color changes through electrical or mechanical means.

**Awning:** A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

**Awning Sign:** Any sign painted on, or applied to, an awning.

**Balloon Sign:** A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.

**Banner:** Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

**Beacon Lighting:** Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

**Billboard:** See Off-premises sign.

**Building Frontage:** The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

**Canopy:** A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

**Canopy Sign:** Any sign that is part of, or attached to, a canopy.

**Changeable Copy Sign:** A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are manual changeable copy signs and electronic changeable copy signs, which include: message center signs, digital displays, and Tri-Vision Boards.

**Changeable Copy Sign, Electronic:** Message center signs, digital displays, and Tri-Vision Boards

**Changeable Copy Sign, Manual:** A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

**Channel Letter Sign:** A sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall, which may accommodate a light source.

**Clearance:** The distance above the walkway, or other surface if specified, to the bottom edge of a sign.

**Digital Display:** The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

**Directional Sign:** Signs designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.

**Feather or Teardrop Flag:** Advertising banner that is used by businesses, event organizers, and many others to promote their business, brand, or event. The name “feather flag” comes from the shape of the flag that is like a bird's feather. Teardrop banners are roughly shaped like large drops of water, hence their name.

**Fence Sign:** A sign attached to recreational fences around activity fields, playgrounds, or playing fields (such as football fields, baseball diamonds, etc.) where the signs:

1. Are only visible from inside the park, or
2. If visible from outside the park, face the inside of the park;

**Festoon Lighting:** A type of illumination comprised of either: (a) a group of incandescent light bulbs hung or strung overhead or on a building or other structure, or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

**Flashing Sign:** A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message centers signs or digital displays that meet the requirements set forth herein.

**Freestanding Sign:** A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of freestanding signs:

**Ground Sign:** A sign permanently affixed to the ground at its base, supported entirely by a base structure 2/3 the width of the sign face, and not mounted on a pole or attached to any part of a building. (Also known as monument sign)

**Pole or Pylon Sign:** A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

**Gas Station Canopy:** A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.

**Gas Station Canopy Sign:** Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this ordinance, gas station canopy signs shall be considered wall signs.

**Government Sign:** A sign used by a local, state or federal government or agencies thereof or by any public utility company for the purpose of giving notice of matters of public safety or of addressing governmental concerns or objectives. Government signs include signs such as signs displaying official highway route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic. A memorial plaque placed in the public right-of-way by the City in remembrance of persons or events, which is not used for a commercial message, is also considered a government sign.

**Illumination:** A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

**External Illumination:** Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

**Internal Illumination:** A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this Chapter.

**Halo Illumination:** A sign using a 3-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as back-lit illumination)

**Illuminated Sign:** A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

**Incidental Sign:** A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street.

**Incidental Window Sign:** Signs displayed in the window displaying information such as the business' hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs are informational only and do not contain a commercial message.

**Inflatable Sign:** A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

**Interactive Sign:** An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

**Legible:** Capable of being correctly read as text or accurately identified or understood as a symbol or illustration without visual aids or enhancements, by a person of normal visual acuity.

**Limited Duration Sign:** An informational display, banner, or other advertising device constructed of cloth, vinyl, canvas, fabric, corrugated plastic, polystyrene, or other temporary material with or without a structural frame; a non-permanent sign that is displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period. If displayed for more than 180 days, limited duration signs are considered permanent signs and must comply with permanent sign regulations herein unless otherwise specified in the regulations of Limited Duration signs.

**Marquee:** A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.

**Marquee Sign:** Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

**Mechanical Movement Sign:** A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include electronic changeable copy signs.

**Menu Sign:** A permanent sign for displaying the bill of fare available at a restaurant, or displaying the goods or services available at other uses.

**Message Center Sign:** A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.

**Message Sequencing:** The spreading of one message across more than one sign structure.

**Multi-Tenant Sign:** A freestanding sign used to identify or advertise businesses that occupy a shopping center or complex with multiple tenants.

**Neon Sign:** A sign illuminated by a neon tube, or other visible light-emanating gas tube, that is bent to form letters, symbols, or other graphics.

**Nonconforming Sign:** A sign that was legally erected and maintained at the effective date of this Chapter, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

**Off-Premises Sign:** Also referred to as a Billboard. An outdoor sign whose commercial message directs attention to a specific business, product, service, event or activity, or other commercial activity, or contains a commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located. (Includes third-party signs, billboards, and outdoor advertising)

**On-Premises Sign:** A sign whose message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

**Pennant:** a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

**Permanent Sign:** A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite. Temporary signs that are not removed within 30 days and limited duration signs not removed within 180 days are deemed permanent signs.

**Personal Expression Sign:** An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

**Portable Sign:** A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

**Property Identification Sign:** An on-premises sign that identifies the name of the building, property, or occupant.

**Project Identification Sign:** A sign placed on the perimeter of a recorded subdivision, planned development, shopping center, business office park, industrial park, or mixed-use complex at a major street or driveway entrance to identify the name of the project.

**Sandwich Board Sign:** A type of freestanding sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians. (Also known as A-frame sign).

**Private Drive Sign:** A sign indicating a street or drive which is not publicly owned and maintained and used only for access by the occupants of the development and their guests.

**Projecting Sign:** A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as blade sign).

**Reflective Sign:** A sign containing any material or device which has the effect of intensifying reflected light.

**Revolving Sign:** A sign which revolves, often in a circular motion; rather than remaining stationary on its supporting structure.

**Rotating Sign:** Any sign or advertising device that rotates or gives the appearance or optical effect of rotating.

**Roof Sign:** A building-mounted sign erected upon, against, or over the roof of a building.

**Sign:** Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message which is visible from any street,

property (other than the property on which the sign is located), or water body. Sign includes the sign faces as well as any sign supporting structure.

Sign Supporting Structure: Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

Snipe Sign: A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, signs, or other objects, or displayed on any private property without the permission of the property owner.

Streamers: A display made of lightweight, flexible materials, consisting of multiple long, narrow, wavy strips hung individually or in a series, with or without a logo or message printed or painted on them, and typically designed to move in the wind.

Street Frontage: The side or sides of a lot abutting a public street or right-of-way.

Street Pole Banner: A banner suspended above a public sidewalk and attached to a single street pole. These signs shall only be placed by a government entity, or special district having ownership and control of the public or private right-of-way. Street pole banners shall not contain any commercial advertising.

Temporary Sign: An informational display, banner, or other advertising device constructed of cloth, vinyl, canvas, fabric, corrugated plastic, polystyrene, or other temporary material with or without a structural frame; a non-permanent sign that is located on private property displayed for no more than 30 consecutive days unless otherwise specified in the regulations for temporary signs. If displayed for more than 30 days, temporary signs are considered permanent signs and must comply with permanent sign regulations herein.

Tri-Vision Boards: An outdoor unit with a revolving slatted face that allows three different copy messages to be displayed at intermittent intervals.

Wall Sign: A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as: fascia sign, parallel wall sign, or band sign)

Window Sign: Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

Vehicle Sign: Any sign that is attached to or painted on a vehicle or trailer, parked to be visible from and to clearly provide advertising visible from the public right-of-way or parked on public property to clearly provide a message close to the public right-of-way, unless the vehicle is used by a proprietor or employee of the business for commuting between the business location and home or is used in the usual course or operation of a business. Factors to be considered in determining whether a vehicle is used in the usual course or operation of a business shall include whether the vehicle is operable, whether the vehicle has a current registration in the State of Florida, the role the vehicle plays in the business, and the frequency with which the vehicle is used in the course or the operation of the business. In addition, any sign that is composed of fabric, paper, or other

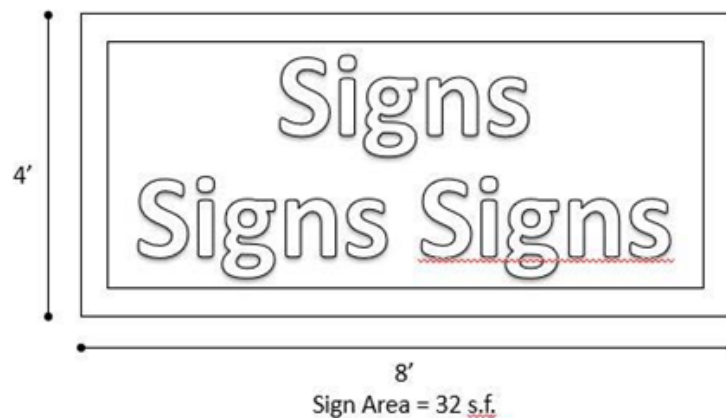
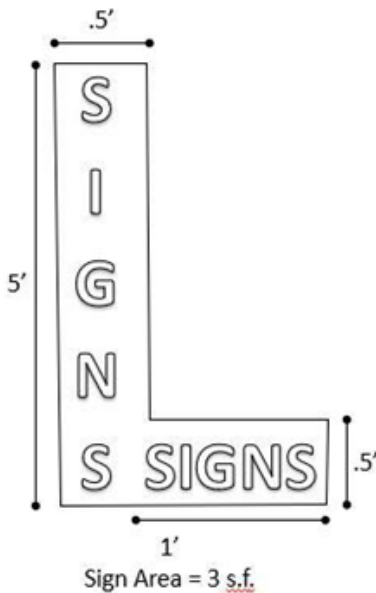


lightweight material, or wood (unless the wood is an integral part of the vehicle itself), or that is physically supported by a motor vehicle, but not applied directly to the surface of the motor vehicle, or that is attached to the vehicle in such a manner as to constitute a safety hazard if the vehicle were to be driven with the sign in place, such as signs located so as to impair the vision of the driver of the vehicle or insecurely mounted so as to present a danger of falling off the vehicles while it is being driven, shall be presumed to be a vehicle sign. Further, any sign bearing a commercial message that is attached to or painted on a vehicle or trailer which is routinely parked or otherwise located on a site or sites other than that at which the firm, product, or services advertised on such sign is offered shall be presumed to be a vehicle sign.

## Section 5.1.4. Rules of Measurement

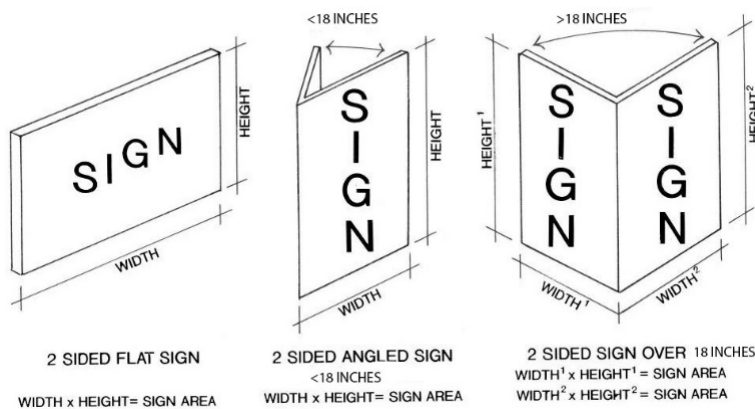
### A. Sign Area

The area of a sign shall be measured from the outside edges of the sign or the sign frame, whichever is greater, excluding the area of the supporting structures, provided that the supporting structures are not used for advertising purposes and are of an area equal to or less than the permitted sign area. Supporting framework and bracing, which are incidental to the display itself, shall not be included in the computation of the area unless, by the nature of their design, they form a continuation of the sign.



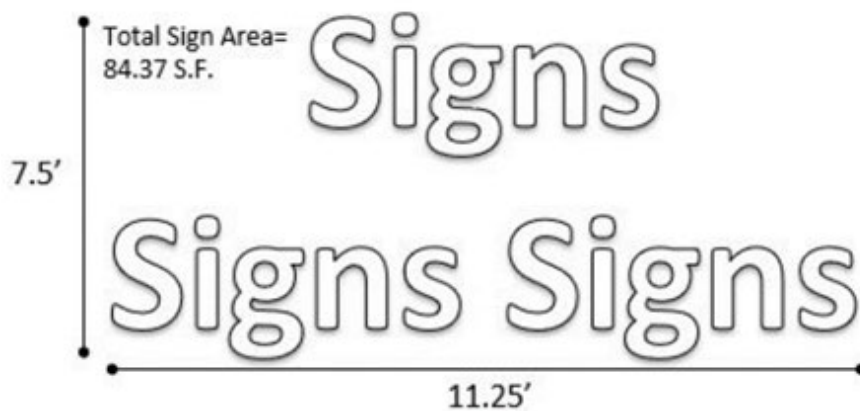
### B. Multi-faced Sign Area

The area of a multi-faced sign shall be computed on one face in the same manner as the sign area of an individual sign, provided that the faces of the sign are not separated at any point by more than 18 inches. If the faces of a multi-faced sign are separated at any point by more than 18 inches, then each face constitutes a separate sign.



### C. Channel Letter Sign Area

Where individual characters are used without a supporting panel (channel letters), the overall dimensions from the beginning of the first character to the end of the last character in the longest line and from the top of the uppermost character to the bottom of the lowermost character shall be regarded as the extreme dimensions in calculating the overall sign area of the sign.



### D. Height

The vertical height of a freestanding sign shall be computed from the established mean grade of the development site to the highest component of the sign or supporting framework, whichever is higher. The maximum vertical height of a building-mounted sign shall not exceed the structure's roof line.

### E. Setbacks

The distance of a sign from a property line, right-of-way, or another point shall be computed by measuring a perpendicular line from the foremost part of the sign to the ground and then measuring from that point to the nearest point of the property line, right-of-way, etc.

## Section 5.1.5. Approval Required.

### A. Building Permit

Prior to erecting, displaying, or replacing any permanent sign structure, the property owner shall obtain a permit from the city building department, in accordance with the applicable requirements of the Florida Building Code. No sign shall be approved for use unless it has been inspected and found to be in compliance with all the requirements of this Article and applicable codes, including the latest edition of the Florida Building Code.

### B. Sign Certificate of Zoning Compliance

- (1). Required. Except as otherwise provided in this Chapter, it shall be unlawful for any person to erect, construct, enlarge, post, paint, alter, maintain, move or convert any sign in the city, or cause the same to be done, without first obtaining a sign permit for each such sign from the department as required by the ULDC. The Development Services Department shall approve or deny the Sign Certificate of Zoning Compliance based on whether it complies with the requirements of this Chapter. These directives shall

not be construed to require any permit for the repainting, cleaning and other normal maintenance or repair of a sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way.

- (2). Application procedure. Before any Sign Certificate of Zoning Compliance is issued, a written application, in the form provided by the city, shall be filed, together with such drawings and specifications as may be necessary to fully advise the city with the location, construction, materials, manner of illuminating, method of securing or fastening, the number of signs applied for, the consent of the property owner, and the wording of the sign. The application shall include a copy of a business tax receipt for the applicable business. Upon the submission of an application, the city shall have ten (10) days to determine whether it is complete. If the city finds that the application is not complete, the city shall provide the applicant with written notice of the deficiencies within the ten-day period. Upon resubmission of the application, the city shall have five additional days to determine whether the applicant's revisions are sufficient to complete the application. If they are not, the city will again inform the applicant of any remaining deficiencies in writing. This process shall continue until the applicant has submitted a complete application, or demands that the application be reviewed "as is."
- (3). Application review. The department shall approve or deny the Sign Certificate of Zoning Compliance based on whether it complies with the requirements of this Chapter within thirty (30) days after receipt of the complete application. If the Sign Certificate of Zoning Compliance is denied, the department shall prepare a written notice of its decision, describing the applicant's appeal rights, and provide send it by certified mail, return receipt requested, to the applicant.
- (4). Appeal or waiver. The applicant may file a written notice of appeal to the Zoning Hearing Officer within thirty (30) days after the date of receipt of the city's written notice. The Zoning Hearing Officer shall hold a public hearing at the next available Zoning Appeals Hearing that is at least twenty-five (25) days after the date of receiving the written notice of appeal, at which the Zoning Hearing Officer shall determine whether the application satisfies all ULDC requirements. If the Zoning Hearing Officer does not approve the application, then the applicant may seek relief in the Circuit Court for Sarasota County, as provided by law. Alternatively, upon denial, the applicant may apply for a sign variance pursuant to Article IV of this Chapter.
- (5). Exceptions to Sign Certificate of Zoning Compliance. Limited duration signs and temporary signs are exempt from the certificate of zoning compliance and sign permit requirements of this Chapter provided that they meet all applicable requirements contained in Section 5.3.1. The following are also exempt from the building permit requirement.
  - a. Building mounted signs less than or equal to thirty-two square feet (32 sqft) with less than 1-1/2-inch projection; Signs comprised of foam or vinyl letters, or signs painted on walls or awnings (provided awnings require a separate permit and engineered drawings for the awning itself);
  - b. Signs painted on walls;
  - c. Sign panel changes for existing, previously permitted or legally existing signs (face change).
  - d. Cleaning, painting, or comparable general maintenance or repair of a sign that does not alter any regulated feature of such sign; and
- (6). Violations.
  - a. Failure to obtain a sign certificate of zoning compliance.

- b. Performing work other than that which is described in the sign certificate of zoning compliance, including failure to maintain proper setbacks and failure to conform to the provisions of this or other chapters of the ULDC or City Code.
- c. Failure to keep sign in proper repair.

(7). After the fact Sign Certificate of Zoning Compliance.

- a. For any sign altered, erected, displayed, or replaced prior to obtaining the required approvals, the specified fees shall be doubled. Payment of said double fee shall not relieve any person from complying with the ULDC or City Code.

(8). Penalty and enforcement

- a. In addition to double fees as described above for after the fact permitting, any action deemed a violation of this Chapter is enforceable by the code enforcement process according to the City Code.

(9). Sign Certificate of Zoning Compliance Fees

- a. Fee schedule for sign certificate of zoning compliance shall be adopted by the city commission.

### **Section 5.1.6. Maintenance Required**

It is unlawful for any owner of record, lessor, lessee, manager, or other person having lawful possession or control over a building, structure, or parcel of land to fail to maintain any signs on the building, structure, or parcel in compliance with this Chapter. Failure to maintain a sign constitutes a violation of this Chapter and shall be subject to enforcement under the enforcement provisions of Chapter 2, Article IX of the City Code. All signs shall be maintained in good repair and safe condition. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out, or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign certificate of zoning compliance issued for its installation if required and the provisions of this Chapter.

### **Section 5.1.7. Removal Required**

- A. Every person maintaining a sign must, upon vacating the premises where a sign is maintained, remove or cause to be removed the sign within one hundred and eighty (180) days from the date of vacating the premises. When the ULDC Administrator determines that the sign has not been removed within the required period, the ULDC Administrator shall remedy and enforce said violation in accordance with the enforcement provisions of this Chapter.
- B. Any vacant or unused sign support structures, angle irons, sign poles, or other remnants of old signs which are currently not in use or are not proposed for immediate reuse by a sign permit application for a permitted sign, shall be removed.
- C. The ULDC Administrator shall have the authority to require the repair, maintenance, or removal of any sign or sign structure which has become dilapidated or represents a hazard to the safety, health, or welfare of the public, at the cost of the property owner.
- D. Any sign posted in violation of this Chapter on public property or on public rights-of-way shall be subject to summary removal by the City.

- E. Any person responsible for any sign posting made in violation of this Chapter shall be liable to the City for the costs incurred by the City in removal thereof and, in event of failure to pay, for billing and collection charges, including interest and reasonable attorneys' fees.

#### **Section 5.1.8. Prohibited Signs**

In addition to signs identified as prohibited in particular districts in tables incorporated in Article II, the following signs are prohibited throughout the city:

- A. Signs erected, installed, or located in the public right-of-way or projecting over the public right-of-way
- B. Message sequencing signs and Interactive signs.
- C. Signs or sign support structures that obstruct means of egress, including any fire escape, any window, any door opening, any stairway, any opening, any exit, any walkway, any utility access or Fire Department connection;
- D. Signs that interfere with any opening required for ventilation;
- E. Signs with exposed raceways.
- F. Off-Premises signs
- G. Abandoned signs
- H. Animated signs, Mechanical Movement signs, Revolving signs, Rotating signs
- I. Balloon signs and Inflatable signs
- J. Beacon Lighting and Festoon Lighting
- K. Flashing signs and Reflective signs
- L. Neon signs
- M. Pennant signs and Streamers
- N. Roof signs
- O. Snipe signs
- P. Tri-Vision Boards
- Q. Vehicle signs

#### **Section 5.1.9. Nonconforming Signs**

- A. Non-conforming sign compliance; Amortization. All signs lawfully erected prior to the Effective Date of this Chapter that do not comply with the requirements of this Chapter shall be considered non-conforming signs. Non-conforming signs shall not be altered, replaced, or repaired if such alteration, replacement, or repair would constitute more than fifty percent (50%) of the replacement value of the non-conforming sign. **All other signs that were not lawfully erected prior to the Effective Date of this Chapter that do not comply with the requirements of this Chapter shall be removed no later than XXXXX.** This section shall not be interpreted to require removal of off-premise signs within the scope of Florida Statutes 70.20.
- B. Effect of annexation on sign compliance. Any sign that was lawfully erected on property that was located outside of the jurisdiction of the city at the time the sign was erected but which was annexed into the city

prior to Effective Date of this Chapter and that does not comply with the requirements of this Chapter shall be considered a non-conforming sign, and subject to removal as providing above in A.

- C. Restrictions on permitting certain non-conforming signs. Certificates of zoning compliance and sign permits will not be issued for the alteration, replacement, or repair of a non-conforming sign if such alteration, replacement, or repair constitutes more than fifty percent (50%) of the replacement value of the existing non-conforming sign. Changing the information on the face of an existing non-conforming sign shall not be deemed an action increasing the degree or extent of the non-conformity to constitute a violation of this Chapter. Any other alteration to an existing non-conforming sign will be required to conform to this Chapter.
- D. Exceptions. A sign which is erected, located, or installed prior to the adoption of this Chapter, and which was approved by a dimensional variance from the Board of Zoning Adjustment and Appeals or Zoning Magistrate, shall retain such variance approval. Any sign which has been approved by such a dimensional variance and is then changed to conform to this Chapter shall forfeit the sign variance or deviation.
- E. Off-premise signs/Billboards. No additional billboards are permitted within the city. Existing billboards, as described in Section 5.3.2.B., shall be exempt from non-conforming provisions of this section.

## ARTICLE II – SIGN TYPES

### Section 5.2.1. Sign Types by Zoning District

- A. **Generally.** The purpose of this Section is to identify the allowable primary and accessory signs and prohibited sign types based on property use. Sign standards and other limitations are in Section 5.3.1. and 5.3.2., and additional prohibited signs are identified in Section 5.1.8. Tables 5.2.2., 5.2.3, and 5.2.4. are provided for convenient reference. In the event of a conflict between these Tables and the rest of the Chapter, the rest of the Chapter shall govern.
- B. **Terminology.** This Chapter utilizes the following abbreviations throughout:

**Table 5.2.1. Abbreviations**

ABBREVIATION	MEANING
A	Accessory to Legally Improved Site
P	Primary (Allowed on Improved or Vacant Site)
X	Prohibited
-	Not Applicable

**Table 5.2.1.1. Sign Types – Standard Zoning Districts**

SIGN TYPE	AG	R-1	R-2	R-3	MH	C	CT	COR	I-1	I-2	EC
Abandoned Sign	X	X	X	X	X	X	X	X	X	X	X
Address Sign	A	A	A	A	A	A	A	A	A	A	A
Animated Sign	X	X	X	X	X	X	X	X	X	X	X
Awning Sign	X	X	X	X	X	A	A	A	A	A	X
Balloon Sign	X	X	X	X	X	X	X	X	X	X	X
Banner	X	X	X	X	X	A	A	A	A	A	X
Beacon Lighting	X	X	X	X	X	X	X	X	X	X	X
Canopy Sign	X	X	X	X	X	A	A	A	A	A	X
Changeable Copy Sign, Manual	A	X	X	X	X	A	A	A	A	A	A
Channel Letter Sign (see wall sign)	-	-	-	-	-	-	-	-	-	-	-
Digital Display	X	X	X	X	X	A	X	A	A	A	X
Directional Sign	A	A	A	A	A	A	A	A	A	A	A
Externally Illuminated Sign	X	A	A	A	A	A	A	A	A	A	A
Feather or Teardrop Flag	A	A	A	A	A	A	A	A	A	A	X
Fence Sign	X	A	A	A	A	A	A	A	A	A	A
Festoon Lighting	X	X	X	X	X	X	X	X	X	X	X
Flashing Sign	X	X	X	X	X	X	X	X	X	X	X
Ground Sign	A	A	A	A	A	A	A	A	A	A	A
Gas Station Canopy (see wall sign)	-	-	-	-	-	-	-	-	-	-	-



<b>SIGN TYPE</b>	<b>AG</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>MH</b>	<b>C</b>	<b>CT</b>	<b>COR</b>	<b>I-1</b>	<b>I-2</b>	<b>EC</b>
<b>Halo Illuminated Sign</b>	X	X	X	X	X	A	A	A	A	A	X
<b>Incidental Sign</b>	A	A	A	A	A	A	A	A	A	A	A
<b>Incidental Window Sign</b>	X	X	X	A	A	A	A	A	A	A	X
<b>Inflatable Sign</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Interactive Sign</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Internally Illuminated Sign</b>	X	X	X	X	X	A	A	A	A	A	X
<b>Limited Duration Sign</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Marquee Sign</b>	X	X	X	X	X	A	A	A	A	A	A
<b>Mechanical Movement Sign</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Menu Sign</b>	X	X	X	X	X	A	A	A	A	A	X
<b>Message Center Sign</b>	X	X	X	X	X	A	X	A	A	A	X
<b>Multi-Tenant Sign</b>	X	X	X	X	X	A	A	A	A	A	X
<b>Mural Sign</b>	X	X	X	X	X	A	A	A	A	A	X
<b>Neon Sign</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Off-Premises Sign</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Pennant</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Personal Expression Sign</b>	A	A	A	A	A	A	A	A	A	A	A
<b>Pole or Pylon Sign</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Portable Sign</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Private Drive Sign</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Property Identification Sign</b>	A	A	A	A	A	A	A	A	A	A	A
<b>Project Identification Sign</b>	X	A	A	A	A	A	A	A	A	A	A
<b>Projecting Sign</b>	X	X	X	X	X	A	A	A	A	A	X
<b>Reflective Sign</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Revolving Sign</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Rotating Sign</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Roof Sign</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Sandwich Board Sign</b>	X	X	X	X	X	A	A	A	A	A	X
<b>Security Sign</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Snipe Sign</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Streamers</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Street Pole Banner</b>	X	X	X	X	X	A	A	A	A	A	A
<b>Temporary Sign</b>	X	X	X	X	X	A	A	A	A	A	X
<b>Tri-Vision Board</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Wall Sign</b>	X	X	X	X	X	A	A	A	A	A	X
<b>Window Sign</b>	X	X	X	X	X	A	A	A	A	A	X
<b>Vehicle Sign</b>	X	X	X	X	X	X	X	X	X	X	X

**Table 5.2.1.2. Sign Types – Activity Center Zoning Districts**

<b>SIGN TYPE</b>	<b>AC-1</b>	<b>AC-2</b>	<b>AC-3</b>	<b>AC-4</b>	<b>AC-5</b>	<b>AC-6</b>	<b>AC-7, 7A &amp; 7B</b>	<b>AC-8</b>	<b>AC-9</b>	<b>AC-10</b>
<b>Abandoned Sign</b>	X	X	X	X	X	X	X	X	X	X
<b>Address Sign</b>	A	A	A	A	A	A	A	A	A	A
<b>Animated Sign</b>	X	X	X	X	X	X	X	X	X	X
<b>Awning Sign</b>	A	A	A	A	A	A	A	A	A	A
<b>Balloon Sign</b>	X	X	X	X	X	X	X	X	X	X
<b>Banner</b>	A	A	A	A	A	A	A	A	A	A
<b>Beacon Lighting</b>	X	X	X	X	X	X	X	X	X	X
<b>Canopy Sign</b>	A	A	A	A	A	A	A	A	A	A
<b>Changeable Copy Sign (manual)</b>	A	A	A	A	A	A	X	A	A	A
<b>Channel Letter Sign (see wall sign)</b>	-	-	-	-	-	-	-	-	-	-
<b>Digital Display</b>	A	A	A	A	A	A	X	A	A	A
<b>Directional Sign</b>	A	A	A	A	A	A	A	A	A	A
<b>Externally Illuminated Sign</b>	X	A	A	A	A	A	A	A	A	A
<b>Feather or Teardrop Flag</b>	A	A	A	A	A	A	A	A	A	A
<b>Festoon Lighting</b>	X	X	X	X	X	X	X	X	X	X
<b>Flashing Sign</b>	X	X	X	X	X	X	X	X	X	X
<b>Ground Sign</b>	A	A	A	A	A	A	A	A	A	A
<b>Gas Station Canopy (see wall sign)</b>	-	-	-	-	-	-	-	-	-	-
<b>Digital Display</b>	A	A	A	A	A	A	X	A	A	A
<b>Directional Sign</b>	A	A	A	A	A	A	A	A	A	A
<b>Halo Illuminated Sign</b>	A	A	A	A	A	A	A	A	A	A
<b>Incidental Sign</b>	A	A	A	A	A	A	A	A	A	A
<b>Incidental Window Sign</b>	A	A	A	A	A	A	A	A	A	A
<b>Inflatable Sign</b>	X	X	X	X	X	X	X	X	X	X
<b>Interactive Sign</b>	X	X	X	X	X	X	X	X	X	X
<b>Internally Illuminated Sign</b>	A	A	A	A	A	A	X	A	A	A
<b>Limited Duration Sign</b>	P	P	P	P	P	P	P	P	P	P
<b>Manual Changeable Copy Sign</b>	A	A	A	A	A	A	A	A	A	A
<b>Marquee Sign</b>	A	A	A	A	A	A	X	A	A	A
<b>Mechanical Movement Sign</b>	X	X	X	X	X	X	X	X	X	X
<b>Menu Sign</b>	A	A	A	A	A	A	A	A	A	A
<b>Message Center Sign</b>	A	A	A	A	A	A	A	X	X	A
<b>Multi-Tenant Sign</b>	A	A	A	A	A	A	A	A	A	A
<b>Mural Sign</b>	A	A	A	A	A	A	A	A	A	A
<b>Neon Sign</b>	X	X	X	X	X	X	X	X	X	X

SIGN TYPE	AC-1	AC-2	AC-3	AC-4	AC-5	AC-6	AC-7, 7A & 7B	AC-8	AC-9	AC-10
Off-Premises Sign	X	X	X	X	X	X	X	X	X	X
Pennant	X	X	X	X	X	X	X	X	X	X
Personal Expression Sign	P	P	P	P	P	P	P	P	P	P
Pole or Pylon Sign	X	X	X	X	X	X	X	X	X	X
Portable Sign	X	X	X	X	X	X	X	X	X	X
Property Identification Sign	A	A	A	A	A	A	A	A	A	A
Project Identification Sign	A	A	A	A	A	A	A	A	A	A
Private Drive Sign	P	P	P	P	P	P	P	P	P	P
Projecting Sign	X	X	X	X	X	A	A	A	A	A
Reflective Sign	X	X	X	X	X	X	X	X	X	X
Revolving Sign	X	X	X	X	X	X	X	X	X	X
Rotating Sign	X	X	X	X	X	X	X	X	X	X
Roof Sign	X	X	X	X	X	X	X	X	X	X
Sandwich Board Sign	X	X	X	X	X	A	A	A	A	A
Security Sign	P	P	P	P	P	P	P	P	P	P
Snipe Sign	X	X	X	X	X	X	X	X	X	X
Streamers	X	X	X	X	X	X	X	X	X	X
Street Pole Banner	A	A	A	A	A	A	A	A	A	A
Temporary Sign	A	A	A	A	A	A	A	A	A	A
Tri-Vision Board	X	X	X	X	X	X	X	X	X	X
Wall Sign	X	X	X	X	X	A	A	A	A	A
Window Sign	X	X	X	X	X	A	A	A	A	A
Vehicle Sign	X	X	X	X	X	X	X	X	X	X

**Table 5.2.1.3. Sign Types – Village Zoning Districts**

Except as provided for in Village District Pattern Plans or other controlling special district or association documents, if applicable, the following are the allowable primary and accessory signs and prohibited sign types in Village zoning districts. Should special district or association provisions contain more restrictions, enforcement responsibility lies with the special district or association.

<b>SIGN TYPE</b>	<b>Residential</b>	<b>Commercial Retail &amp; Services</b>	<b>Industrial</b>	<b>Civic</b>	<b>Parks and Open Space</b>
<b>Abandoned Sign</b>	X	X	X	X	X
<b>Address Sign</b>	A	A	A	A	A
<b>Animated Sign</b>	X	X	X	X	X
<b>Awning Sign</b>	X	X	X	X	X
<b>Balloon Sign</b>	X	X	X	X	X
<b>Banner</b>	X	A	X	X	X
<b>Beacon Lighting</b>	X	X	X	X	X
<b>Canopy Sign</b>	X	A	A	A	A
<b>Changeable Copy Sign (manual)</b>	X	A	A	A	A
<b>Channel Letter Sign (see wall sign)</b>	-	-	-	-	-
<b>Digital Display</b>	X	A	X	A	X
<b>Directional Sign</b>	P	P	P	P	P
<b>Externally Illuminated Sign</b>	P	P	P	P	P
<b>Feather or Teardrop Flag</b>	X	X	X	X	X
<b>Festoon Lighting</b>	X	X	X	X	X
<b>Flashing Sign</b>	X	X	X	X	X
<b>Ground Sign</b>	A	A	A	A	A
<b>Gas Station Canopy (see wall sign)</b>	-	-	-	-	-
<b>Halo Illuminated Sign</b>	X	A	A	A	X
<b>Incidental Sign</b>	A	A	A	A	P
<b>Incidental Window Sign</b>	X	A	A	A	X
<b>Inflatable Sign</b>	X	X	X	X	X
<b>Interactive Sign</b>	X	X	X	X	X
<b>Internally Illuminated Sign</b>	X	A	A	A	A
<b>Limited Duration Sign</b>	P	P	P	P	P
<b>Manual Changeable Copy Sign</b>	X	X	X	X	X
<b>Marquee Sign</b>	X	X	X	X	X
<b>Mechanical Movement Sign</b>	X	X	X	X	X
<b>Menu Sign</b>	X	A	X	X	X
<b>Message Center Sign</b>	X	A	X	X	A
<b>Multi-Tenant Sign</b>	X	A	A	A	X
<b>Mural Sign</b>	X	X	X	X	X
<b>Neon Sign</b>	X	X	X	X	X
<b>Off-Premises Sign</b>	X	X	X	X	X

<b>SIGN TYPE</b>	<b>Residential</b>	<b>Commercial Retail &amp; Services</b>	<b>Industrial</b>	<b>Civic</b>	<b>Parks and Open Space</b>
<b>Pennant</b>	X	X	X	X	X
<b>Personal Expression Sign</b>	P	P	P	P	P
<b>Pole or Pylon Sign</b>	X	P Wellen Park Only	X	X	X
<b>Portable Sign</b>	X	X	X	X	X
<b>Property Identification Sign</b>	A	A	A	A	A
<b>Project Identification Sign</b>	A	A	A	A	A
<b>Private Drive Sign</b>	P	P	P	P	P
<b>Projecting Sign</b>	X	A	A	X	A
<b>Reflective Sign</b>	X	X	X	X	X
<b>Revolving Sign</b>	X	X	X	X	X
<b>Rotating Sign</b>	X	X	X	X	X
<b>Roof Sign</b>	X	X	X	X	X
<b>Sandwich Board Sign (ADD Footnote)</b>	X	A	X	X	X
<b>Security Sign</b>	P	P	P	P	P
<b>Snipe Sign</b>	X	X	X	X	X
<b>Streamers</b>	X	X	X	X	X
<b>Street Pole Banner</b>	X	P	P	P	P
<b>Temporary Sign</b>	A	A	A	A	A
<b>Tri-Vision Board</b>	X	X	X	X	X
<b>Wall Sign</b>	A	A	A	A	A
<b>Window Sign</b>	X	A	A	A	A
<b>Vehicle Sign</b>	X	X	X	X	X

## **ARTICLE III – SIGN STANDARDS**

### **Section 5.3.1. Limited Duration Signs and Temporary Signs**

#### **A. General Standards**

- (1). All signs allowed under this section shall:
  - a. Be properly secured to avoid the potential of the sign to become a projectile, and to prevent waiving or flapping.
  - b. Be placed on private property and must maintain a minimum five-foot (5 ft) setback to any property line.
  - c. Not exceed a height of four feet (4 ft) in residential districts and eight feet (8 ft) in commercial, corridor and other districts.
- (2). The owner of any sign under this section, for which any activity associated with such sign has been discontinued for a period of fourteen (14) days, shall remove the sign and all associated background and/or supporting structures.

#### **B. Limited Duration Signs**

- (1). Personal expression signs:
  - a. Residential districts: A single non-illuminated sign not exceeding twelve square feet (12 sqft).
  - b. Commercial, mixed use and other districts: A single non-illuminated sign not exceeding thirty-two square feet (32 sqft).
- (2). Additional signage may be displayed under the following conditions:
  - a. On properties with an active listing for sale or lease:
    - i. Residential districts: Signage not exceeding twelve square feet (12 sqft).
    - ii. Commercial, mixed use and other districts: Sign not exceeding thirty-two square feet (32 sqft).
  - b. On properties with an approved subdivision plat with active listings for sale or lease: A single non-illuminated sign not exceeding sixty-four square feet (64 sqft). Subdivisions with more than one ingress/egress may have one sign per street entrance.
  - c. On properties with an active building permit:
    - i. Residential districts: Signage not exceeding twelve square feet (12 sqft),
    - ii. Commercial, mixed use and other districts: Signage not exceeding thirty-two square feet (32 sqft).
  - f. Additional personal expression signs during the period between election qualifying and its subsequent election:
    - i. Residential districts: Signage not exceeding sixteen square feet (16 sqft).
    - ii. Commercial, mixed use and other districts: Signage not exceeding thirty-two square feet (32 sqft).

## **C. Temporary Signs**

Non-residential uses in all non-residential or mixed-use districts, or on property with an approved special exception for a non-residential use, or on any property in a residential land use district where an existing legally conforming or non-conforming non-residential use exists, or in environmental conservation districts where a nature/ecology/park facility exists, may display temporary signs as follows:

- (1). One building mounted non-illuminated banner per building frontage not exceeding twenty-four square feet (24 sqft).
- (2). Feather signs or teardrop flags: One per fifty (50) linear feet of street frontage not to exceed three and one-half feet (3.5 ft) wide and fifteen feet (15 ft) high, with a maximum of ten (10) per property. A minimum of fifty feet (50 ft) must be maintained between signs.

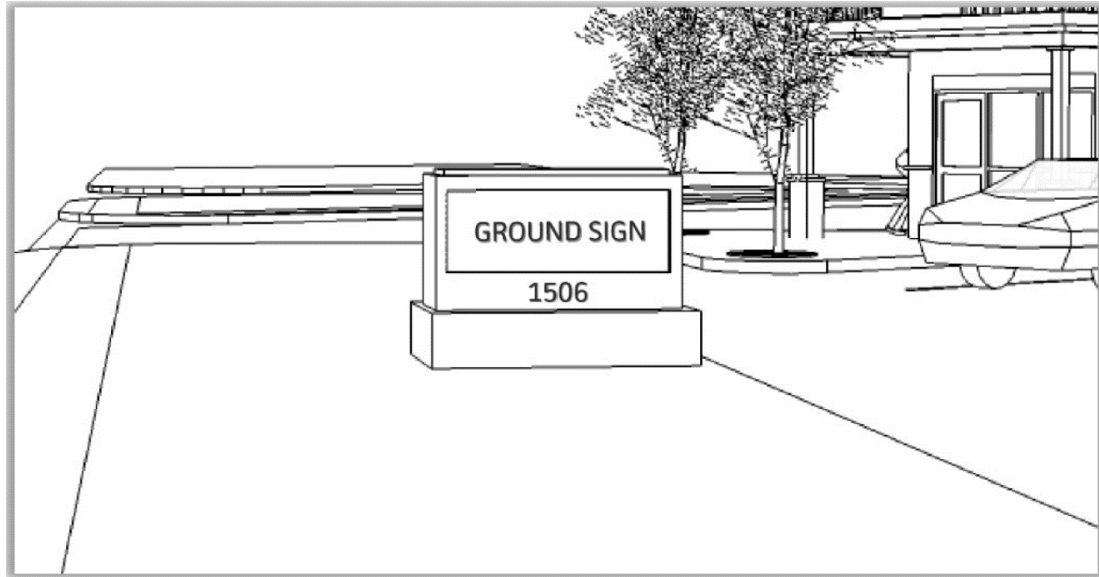
## **Section 5.3.2. Permanent Signs**

### **A. General Standards**

#### **(1). Freestanding Signs.**

- a. No site shall have more than two (2) freestanding signs.
- b. The allowable freestanding sign area (in square feet), the maximum number of freestanding signs, and the maximum height of freestanding signs erected, located, or placed shall be consistent with Tables 5.3.1., 5.3.3., or 5.3.4. as applicable.
- c. Address. All freestanding signs facing the primary street by which the site is addressed: Contain the street address number (the address will not count towards the sign area) of the property, which must be displayed in a contrasting color with address numbers at a minimum height of six (6) inches and maximum height of twelve (12) inches.
- d. Distance between freestanding signs. A minimum distance of twenty-five (25) feet shall be maintained between freestanding signs regardless of whether such signs are on one site or whether they are located on adjacent sites.
- e. Setbacks: Freestanding signs on arterial and collector roads shall maintain a 10-foot setback; on local roads a 7.5-foot setback shall be maintained.
- f. Freestanding signs shall be designed as follows:
  - i. Signs shall be in an enclosed base possessing a minimum width of two-thirds (2/3) the width of the sign.
  - ii. Base shall be designed to be compatible with the architecture of the building or other site features.
  - iii. A minimum depth of thirty-six inches (36in) of landscaping shall be incorporated around the base to include low growing shrubs and ground cover and/or flowering annual to promote color.

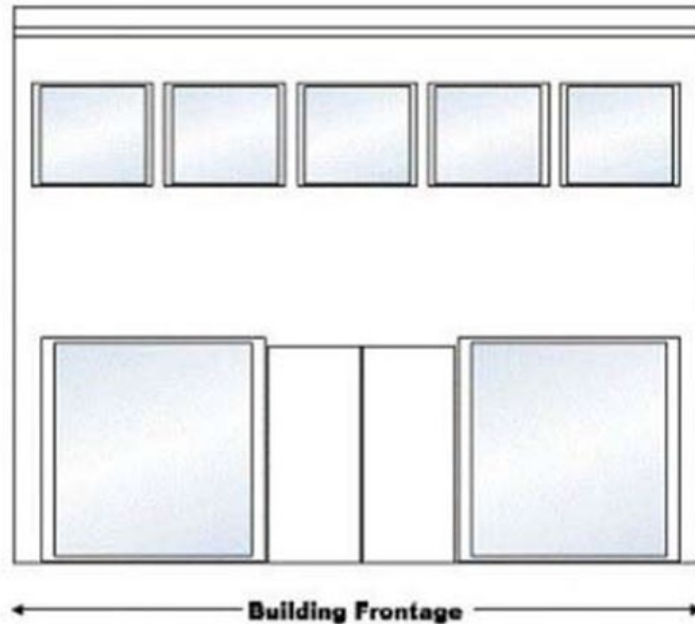
- iv. When two freestanding signs are permitted, signs must be similar in design, color and materials.



**(2). Wall Signs.**

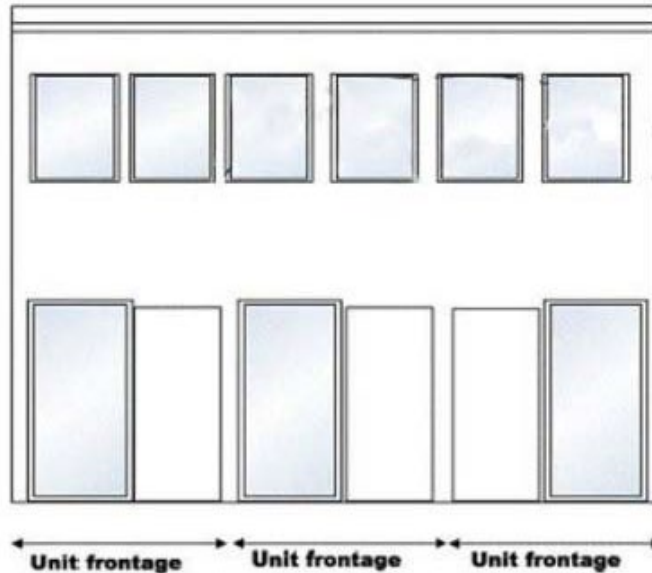
- a. Except as otherwise provided in this Chapter, the number of wall signs shall not be limited so long as the cumulative total sign area (in square feet) of all such signs, except exempt signs, does not exceed the building sign allowance for the property. The allowable building sign area (in square feet) of all signs, except exempt signs, erected, installed, shall be computed as follows:
  - i. If a building contains more than one floor or story, the dimension of the primary side of the building shall be determined by measuring (in linear feet) the overall width of the first floor or story of the building on the side that faces the front lot line and the sign allowance for each business establishment or other entity occupying the building shall be shared by such businesses or other entities as determined by the property owner based on the frontage of the building.





**Structural Building Frontage Single Unit**

- ii. If a building contains more than one business establishment or other entity, but the exterior of the building has not been subdivided into units, the sign allowance for each business establishment or other entity occupying the building shall be shared by such business establishments or other entities as determined by the property owner based on the frontage of the building.
- iii. If all or part of the exterior of a building has been subdivided into two (2) or more fully enclosed units capable of containing one (1) or more business establishments or other entities (such as a multiple unit shopping center), the front dimension of each such unit shall be considered the building frontage of the unit and the sign allowance for each business establishment or other entity occupying such unit shall be shared among the business establishments or other entities occupying such unit in the manner prescribed by the property owner. Any remaining part of the exterior of the building which has not been subdivided into fully enclosed units shall be treated the same as a building which has not been subdivided into units.



**Structural Building Frontage Multiple Unit Building**

- iv. If a single business establishment or other entity occupies more than one (1) consecutive fully enclosed unit, the building frontage of such business or other entity shall be the total linear dimension of building frontage of all such units combined.

**(3). Illumination.**

Freestanding and building signs may be illuminated in compliance with the following:

- a. Internally illuminated signs shall be constructed with either: an opaque background and translucent letters and symbols; or, a translucent darker colored background with a lighter contrasting color for the letters and symbols. No internal lighting shall include exposed incandescent or fluorescent bulbs.
- b. Externally illuminated signs that have a height of eight feet (8 ft) or less may be illuminated from the top of the sign or from the ground. The lighting of all other signs must be from the top of the sign and directed downward. Indirect light sources must be shielded from the view of persons viewing the sign and be further shielded and directed so that the light shines only on the sign and that illumination beyond the sign content is minimized.

**B. Billboards**

- (1). **Generally.** The City supports the continuance of the existing Billboards along the Interstate-75 corridor for advertisement and economic development.
- (2). **Location.** Fifteen (15) Billboards exist along Interstate 75, and are governed by approvals from the Florida Department of Transportation and Site Development Plan applications. They are not subject to amortization or the nonconforming provisions of Section 5.1.9.E.

**C. Residential Signs**

**(1). Allowable Signage. Table 5.3.1.**

Where only one (1) sign is permitted per Table 5.3.1., the sign may be either a wall sign or a freestanding sign.

Use Type	Sign Type	Standards	
Single Family	Wall or Freestanding	Maximum Number	1
		Maximum Area	4-square feet
		Height	3-feet
Multi-Family 2—6 Units	Wall or Freestanding	Maximum Number	1 per Street Frontage not to exceed 2
		Maximum Area	16 square feet
		Height	6-feet
Multi-Family Greater Than 7	Wall or Freestanding	Maximum Number	1 per Street Frontage not to exceed 2
		Maximum Area	24 square feet
		Height	6-feet
Project Identification Signs <sup>(1)</sup>	Wall or Freestanding	Maximum Number	See footnote
		Maximum Area	32 square feet
		Height	8-feet
		Width	6-feet

(1) Boulevard entrances. At residential subdivision or residential development private right-of-way entrances which contain a median strip separating the entrance and exit lanes, either one freestanding sign may be in the median strip of the entrance or two single-faced signs equal in size may be located on each side of the entrance. Non-boulevard entrances. At residential subdivision or residential development private right-of-way entrances which do not contain a median strip separating the entrance and exit lanes, either one double-faced sign facing perpendicular to the street or two single-faced signs equal in size and located on each side of the entrance may be erected or located. Except when allowed in the private right-of-way entrance median strip, development identification signs on private or commonly owned property shall be set back a minimum of 15 feet from the edge of the entranceway pavement. A project identification sign may incorporate or be incorporated into landscaping, or into accessory entrance structural features including fountains or walls.

Project identification signs may be illuminated only by means of exterior lights which are shielded so that light does not interfere with vehicular or pedestrian traffic.

#### **D. Non-residential Signs**

##### **a. Wall Signs**

##### **1. Allowable Signage. Table 5.3.2.**

The allowable signage to be mounted on a building shall be based on the building frontage of a business or other entity as follows:

<b>Linear Feet of Structural Frontage</b>	<b>Square Feet/Linear Feet of Structural Frontage</b>	<b>Maximum Area</b>
≤100 Linear Feet	2 Square Feet	100 Square Feet
>100 Linear Feet to ≤300 Linear Feet	1 Square Foot	200 Square Feet
>300 Linear Feet	.75 Square Feet	300 Square Feet
In the event a building is located on a lot that does not abut a public street, the frontage shall be measured along the publicly dedicated parking lot or platted alley that the lot fronts		

- a. In addition to the sign area otherwise allowed in this section, business establishments or other entities which meet the following criteria shall be allowed additional sign area for building-mounted signs as follows:
  - i. Businesses or other entities fronting on more than one (1) platted street shall be permitted an additional sign area allowance of one-half square foot (1/2 sqft) per linear foot of building frontage on such additional street up to a maximum of fifty square feet (50 sqft) per street. Such additional sign area allowance for a second street shall be added to the building-mounted sign area allowance resulting from the building frontage calculation. If a business or other entity fronts on three (3) streets, then the additional sign allowance resulting from frontage on the third street shall be used on the building face abutting the third street. If a business or other entity fronts on four (4) streets, then the additional sign allowance resulting from frontage on the fourth street shall be used on the building face abutting the fourth street. For purposes of this Chapter, when a business or other entity fronts three (3) or four (4) streets, the side(s) of the business establishment or other entity shall be deemed to be fronting on the second and, if applicable, the fourth streets and the rear of the business establishment or other entity shall be deemed to front on the third street.
  - ii. Businesses or other entities whose side or rear building frontages abut a public alley, public parking area, or mall parking area shall be permitted an additional allowance of one-half square foot (1/2 sqft) per linear foot of such side or rear building frontage up to a maximum of fifty square feet (50 sqft). Such additional allowance shall only be used on the side or rear

of the building which actually abuts the public alley, public parking area, or mall parking area.

**b. Freestanding Signs**

**1. Allowable Signage, Individual Sites Table 5.3.3**

For all individual non-residential use sites, the maximum number of freestanding sign(s), maximum freestanding sign area, and height limitations shall apply:

<b>Freestanding Signs On Sites Containing Individual Businesses or Entities</b>	
<b>Sign square footage calculations are based on street frontage (linear feet):</b>	<b>Standard:</b>
100 feet or less	30 square feet
101-200 feet	40 square feet
201-300 feet	52 square feet
301+ feet	65 square feet
<b>Height (feet):</b>	15
<b>Maximum Number:</b>	
Site with less than 500 linear feet abutting a single street	1
Site with 500 or more linear feet abutting a single street	2

**2. Allowable Signage. Multiple Business or Entity Sites. Table 5.3.4.**

- a. When only one (1) freestanding sign is permitted, the sign shall provide architectural design features, including colors or materials consistent with those used in the design of the building the sign is accessory to. These features shall apply to the sign frame and supporting materials, not to the sign panel or panels that provide the actual advertising area.
- b. Although the distribution of freestanding signage among the tenants or occupants of a multiple business or entity site shall be the responsibility of the real property site owner, the following limitations concerning maximum number, sign area, and height of freestanding signs shall apply to all multiple business or entity sites containing non-residential uses:

<b>Freestanding Signs On Sites Containing Multiple Businesses or Entities</b>	
<b>Sign square footage calculations are based on street frontage (linear feet):</b>	<b>Standard:</b>
100 feet or less	50 square feet
101—200 feet	64 square feet
201—300 feet	80 square feet
301+ feet	100 square feet
<b>Height (feet):</b>	15
<b>Maximum Number:</b>	
Site with less than 500 linear feet abutting a single street	1
Site with 500 or more linear feet abutting a single street	2
1. When more than one freestanding sign is permitted on the same site, signs must be spaced a minimum of 300 feet apart.	
2. In the event the depth of the property is at least three times the length of the street frontage (linear feet), an additional 25% of sign area is allowed.	

### c. **Miscellaneous Signs**

#### 1. **Changeable Copy**

Freestanding signs may have up to fifty percent (50%) of sign area as changeable copy or digital display. Digital signs may not change the display within a time period of less than six (6) seconds.

#### 2. **Projecting Signs.**

One projecting sign is permissible for occupants that have a minimum of twenty feet (20 ft) of occupied building frontage provided that:

- Projecting signs shall not exceed six square feet (6 sqft) and shall have a minimum clearance of eight feet (8ft) from the ground to the bottom of the sign. A projecting sign may be a minimum of six feet (6ft) from the ground when it is located above a landscaped area or other area that does not permit pedestrian traffic beneath said sign;
- The projecting sign shall be placed on the building so that said signs are intended to be viewed by the pedestrians on the abutting street or pedestrian way.

- c. The projecting sign shall not extend more than four feet (4ft) from the wall of the building on which it is erected and shall not extend above the roofline or the parapet of the wall of the building on which it is erected.

### 3. Sandwich Board Signs.

One sandwich board sign permissible for retail and restaurant uses provided that:

- a. Sandwich board signs shall not exceed eight square feet (8 sqft) and must be placed along the occupant's building frontage, no further than four feet (4 ft) from the business entrance.
- b. A sixty inch (60 in) wide path for ingress and egress shall remain unobstructed and accessible for pedestrian traffic.

## E. Wellen Park (f.k.a. West Villages)

(1). **Intent.** The intent of this section is to enumerate the base allowances and dimensional standards for signage in Wellen Park. Additional design standards may be applicable per the Village District Pattern Plan for each village as enforced by the special district. Where Village districts regulations conflict with ULDC provisions contained elsewhere in this Chapter, the regulation in this section and the Village District Pattern Book and Plans prevail. Where the Village districts regulations do not specifically address a particular regulatory area, the applicable ULDC sign regulations shall prevail.

- a. **Village A:** Signage pursuant to ULDC regulations.
- b. **Village B:** Signage pursuant to ULDC regulations.
- c. **Village C:** Signage pursuant to ULDC regulations.
- d. **Village D:** Sign types and associated permitted square footage of sign face are permitted for each lot, parcel or building, and each lot, parcel or building shall be entitled to erect each sign type.

### 1. Freestanding/Pylon Signs:

Maximum number of Freestanding/Pylon Signs in Mixed Use Area 1: One (1) Sign

Maximum number of Freestanding/Pylon Signs in Mixed Use Area 2: Three (3) Signs

Maximum number of Freestanding/Pylon Signs in Mixed Use Area 3: Three (3) Signs

Maximum number of Freestanding/Pylon Signs in Mixed Use Area 4: Three (3) Signs

Maximum Height of Freestanding/Pylon Signs: Twenty-five feet (25 ft) (US 41); Eighteen feet (18 ft) (West Villages Parkway)

### 2. Sign Area:

Freestanding/Pylon signs: Shall be permitted a maximum of seventy-five square feet (75 sqft) for a building up to one hundred fifty feet (150 ft) in length. For buildings over one hundred fifty (150) linear feet, the sign area shall be 0.50 square feet of sign area per linear foot of building frontage. Maximum sign area for freestanding/Pylon signs shall be one hundred twenty square feet (120 sqft).

3. **Monument Signs:**

Monument signs in Mixed Use Areas: One (1) monument sign (maximum height of ten feet (10 ft)) per outparcel. Monument signs shall be permitted a maximum of one hundred square feet (100 sqft) per sign face.

4. **Gateway Monument Sign:**

Gateway Monument signs may include major tenant names for the project.

Maximum Height of Gateway Monument Signs: Twenty-five feet (25 ft) (US 41; Eighteen feet (18 ft) (West Villages Parkway)

Sign Area:

Gateway Monument signs shall be permitted a maximum of one hundred twenty square feet (120 sqft) per sign face.

5. **Wall Signs:**

Any structure containing one (1) or more nonresidential occupants shall be allowed to display wall signs as follows:

Maximum of four (4) wall signs for that portion of the building that is leased/owned by a tenant/occupant, which is visible and/or accessible to the public. Maximum cumulative sign area shall be calculated as follows: ten percent (10%) of the surface area of the exterior wall included in an occupant's individually leased or owned premises, up to a maximum sign area of one hundred square feet (100 sqft).

e. **Village E:**

1. **Pylon Signs**

Maximum number of Pylon Signs in Mixed Use Area 1: One (1) Sign

Maximum number of Pylon Signs in Mixed Use Area 2: One (1) Sign

Maximum number of Pylon Signs in Mixed Use Area 3: Two (2) Signs

Maximum number of Pylon Signs in Mixed Use Area 4: One (1) Sign

Maximum Height of Pylon Signs: Twenty-five feet (25 ft) (Tamiami Trail and River Road)

2. **Sign Area:** Pylon signs shall be permitted a maximum of seventy-five square feet (75 sqft) for a building up to one hundred fifty feet (150 ft) in length. For buildings over one hundred fifty (150) linear feet, the sign area shall be 0.50 square feet of sign area per linear foot of building frontage. Maximum sign area for Pylon signs shall be one hundred twenty square feet (120 sqft).

3. **Monument Signs:** Monument signs in Mixed Use Areas: One (1) monument sign (maximum height of ten feet (10 ft)) per outparcel.



Sign Area:

Monument signs shall be permitted a maximum of one hundred square feet (100 sqft) per sign face.

Changeable copy/electronic signs:

The changeable copy portion of the sign shall be included in total sign area calculations and the electronic portion shall not measure greater than sixty percent (60 %) of the permitted sign area.

4. Gateway Monument Sign Gateway Monument signs may include major tenant names for the project.

Maximum Height of Gateway Monument Signs: Twenty-five feet (25 ft) (Tamiami Trail and River Road)

Sign Area: Gateway Monument Signs shall be permitted a maximum of one hundred twenty square feet (120 sqft) per sign face.

5. **Project Identity/Monument/Community Entrance Signs** A sign constructed on the ground with a continuous footing or foundation with the base at grade. This may be for residential or non-residential development. Monument/Community Entrance signs may include tenant or development name, depending on location.

**Area:** Maximum of one hundred square feet (100 sqft) per sign face.

**Location:** One (1) monument sign (maximum height of 10 feet) per outparcel in Mixed-Use Areas. Entry features for residential development shall be allowed on both sides of community entrances or as monumentation within a central island. Final locations shall be approved by the WVRC.

6. **Peripheral Parcel Identity Monument Sign.** Monument signs shall be permitted. These monument signs may be internally or externally illuminated, as approved by the WVRC.
7. Wayfinding. Wayfinding signs shall be consistent with the overall development theme. These signs shall be a maximum of twenty square feet (20 sqft) in copy/graphic area and a maximum of ten feet (10 ft) in height.
8. Directional Signs. Directional signs, symbols, or devices relating to traffic, parking, public services, facilities, or warnings on private property include, but are not limited to, messages such as "entrance", "exit", "slow", "no trespassing", "restrooms", and "telephones". These signs shall be a maximum of twelve square feet (12 sqft) in copy/graphic area and a maximum of four feet (4 ft) in height.
9. Light Pole Banners. Light pole banners may be installed in parking lot areas, along entrances to, and roadways within Mixed- Use and Mixed-Use Residential Neighborhoods. These banners shall be exempt from regulation of quantity, location, and design.

**f. Village F:**

Sign types and associated permitted square footage of sign face are permitted for each lot, parcel, or building, and each lot, parcel, or building shall be entitled to erect each sign type.

1. **Pylon Signs:**

Maximum number of Pylon Signs in Mixed-Use Residential Neighborhood 1: One (1) Sign

Maximum number of Pylon Signs in Mixed-Use Residential Neighborhood 2: Two (2) Signs

Maximum number of Pylon Signs in Mixed-Use Residential Neighborhood 3: One (1) Sign

Maximum number of Pylon Signs in Mixed-Use Area 1: Two (2) Signs

Maximum number of Pylon Signs in Mixed-Use Area 2: Two (2) Signs

Maximum Height of Pylon Signs: Eighteen feet (18 ft)

**Sign Area:**

Pylon signs shall be permitted a maximum of seventy-five square feet (75 sqft) for a building up to one hundred fifty feet (150 ft) in length. For buildings over one hundred fifty (150) linear feet, the sign area shall be 0.50 square feet of sign area per linear foot of building frontage. Maximum sign area for Pylon signs shall be one hundred twenty square feet (120 sqft).

2. **Monument Signs:**

Monument signs in Mixed-Use Residential Neighborhoods and Mixed-Use Areas: One (1) monument sign (maximum height of ten feet (10 ft)) per outparcel.

Sign Area: Monument signs shall be permitted a maximum of one hundred square feet (100 sqft) per sign face.

3. **Changeable copy/electronic signs**

The changeable copy portion of the sign shall be included in total sign area calculations and the electronic portion shall measure up to sixty percent (60%) of the permitted sign area, or as permitted by the ULDC, whichever is greater.

4. **Wall Signs:**

Any structure containing one (1) or more nonresidential occupants shall be allowed to display a maximum of four (4) wall signs for that portion of the building that is leased/owned by a tenant/occupant, which is visible and/or accessible to the public. Maximum cumulative sign area shall be ten percent (10%) of the surface area of the exterior wall included in an occupant's individually leased or owned premises, up to a maximum sign area of one hundred square feet (100 sqft).

5. **Project Identity/Monument/Community Entrance Signs**

A sign constructed on the ground with a continuous footing or foundation with the base at grade. This may be for residential or non-residential development.

Monument/Community Entrance signs may include tenant or development name, depending on location.

**Area:** Maximum of one hundred square feet (100 sqft) per sign face.

**Location:** One (1) monument sign (maximum height of ten feet (10 ft)) per outparcel in Mixed-Use Areas.

Entry features for residential development shall be allowed on both sides of community entrances or as monummentation within a central island. Final locations shall be approved by the WVRC.

6. **Peripheral Parcel Identity Monument Sign**

Monument signs shall be permitted. These monument signs may be internally or externally illuminated, as approved by the WVRC.

7. Wayfinding. Wayfinding signs shall be consistent with the overall development theme. These signs shall be a maximum of twenty square feet (20 sqft) in copy/graphic area and a maximum of ten feet (10 ft) in height.

8. Directional Signs. Directional signs, symbols, or devices relating to traffic, parking, public services, facilities, or warnings on private property include, but are not limited to, "entrance", "exit", "slow", "no trespassing", "restrooms", and "telephones". These signs shall be a maximum of twelve square feet (12 sqft) in copy/graphic area and a maximum of four feet (4 ft) in height.

9. Light Pole Banners

Light pole banners may be installed in parking lot areas, along entrances to, and roadways within Mixed- Use and Mixed-Use Residential Neighborhoods. These banners shall be exempt from regulation of quantity, location, and design.

**g. Village G:**

1. **Pylon Signs**

Maximum number of Pylon Signs in Institutional/Commercial/ Mixed-Use: One (1) Sign

Maximum number of Pylon Signs in Mixed-Use Area 2: Two (2) Signs

Maximum number of Pylon Signs in Mixed-Use Residential Neighborhood Area 2: One (1) Sign

Maximum Height of Pylon Signs: Eighteen feet (18 ft) (West Villages Parkway & Manasota Beach Road)  
Twenty-five feet (25 ft) (River Road)

**Sign Area**

Pylon signs shall be permitted a maximum of seventy-five square feet (75 sqft) for a building up to one hundred fifty feet (150 ft) in length. For buildings over one hundred fifty (150) linear feet, the sign area shall be 0.50 square feet of sign area per linear foot of building frontage. Maximum sign area for freestanding/Pylon signs shall be one hundred twenty square feet (120 sqft).

## 2. **Monument Signs**

Monument signs in MURN: One (1) monument sign (maximum height of ten feet (10 ft)) per outparcel.

Sign Area: Monument signs shall be permitted a maximum of one hundred square feet (100 sqft) per sign face.

## 3. **Gateway Monument Sign**

Gateway Monument signs may include major tenant names for the project.

Maximum Height of Gateway Monument Signs: Twenty-five feet (25 ft) (Tamiami Trail and River Road)

Sign Area: Gateway Monument Signs shall be permitted a maximum of one hundred twenty square feet (120 sqft) per sign face.

### **Changeable Copy/Electronic Signs**

The changeable copy portion of monument signs shall be included in total sign area calculations and the electronic portion shall measure up to sixty percent (60%) of the permitted sign area, or as permitted by the ULDC, whichever is greater.

## 4. **Wall Signs:**

Any structure containing one (1) or more non-residential occupants shall be allowed to display wall signs as follows:

Maximum of four (4) wall signs for that portion of the building that is leased/owned by a tenant/occupant, which is visible and/or accessible to the public. Maximum cumulative sign area shall be calculated as follows: ten percent (10%) of the surface area of the exterior wall included in an occupant's individually leased or owned premises, up to a maximum sign area of two hundred square feet (200 sqft).

## 5. **Project Identity/Monument/Community Entrance Signs**

A sign constructed on the ground with a continuous footing or foundation with the base at grade. This may be for residential or non-residential development.

Monument/Community Entrance signs may include tenant or development name, depending on location.

**Area:** Maximum of one hundred square feet (100 sqft) per sign face.

**Location:** 1 monument sign (maximum height of ten feet (10 ft)) per outparcel in Mixed-Use Areas. Entry features for residential development shall be allowed on both sides of community entrances or as monументation within a central island. Final locations shall be approved by the WVRC.

## 6. **Peripheral Parcel Identity Monument Signs**

Monument signs shall be permitted. These monument signs may be internally or externally illuminated, as approved by the WVRC.

## 7. **Wayfinding**

Wayfinding signs shall be consistent with the overall development theme. These signs shall be a maximum of twenty square feet (20 sqft) in copy/graphic area, and a maximum of ten feet (10 ft) in height.

8. Directional Signs

Directional signs, symbols or devices relating to traffic, parking, public services, facilities, or warnings on private property include, but are not limited to, messages such as “entrance”, “exit”, “slow”, “no trespassing”, “restrooms”, and “telephones”. These signs shall be a maximum of twelve square feet (12 sqft) in copy/graphic area and a maximum of four feet (4 ft) in height.

9. Light Pole Banners

Light pole banners may be installed in parking lot areas, along entrances to and roadways within Mixed- Use and Mixed-Use Residential Neighborhoods. These banners shall be exempt from regulation of quantity, location, and design.

h. **Village H:** Standards not yet established.

i. **Village I:**

1. Pylon Signs: A free-standing sign permanently affixed to the ground by a support of at least thirty percent (30%) of the sign itself.

Maximum number of Pylon Signs in Residential Neighborhood 1: Two (2) Signs

Maximum number of Pylon Signs in Residential Neighborhood 2: Two (2) Signs

Maximum number of Pylon Signs in Residential Neighborhood 3: Two (2) Signs

Maximum number of Pylon Signs in Residential Neighborhood 4: Two (2) Signs

Maximum number of Pylon Signs in Mixed Use Area 1: Two (2) Signs

Maximum Height of Pylon Signs: Eighteen feet (18 ft)

**Sign Area:**

Pylon signs shall be permitted a maximum of seventy-five square feet (75 sqft) for a building up to one hundred fifty feet (150 ft) in length. For buildings over one hundred fifty (150) linear feet, the sign area shall be 0.50 square feet of sign area per linear foot of building frontage. Maximum sign area for Pylon signs shall be one hundred twenty square feet (120 sqft).

2. Monument Signs: A sign constructed on the ground with a continuous footing or foundation with the base at grade.
3. Monument signs in Mixed Use Residential Neighborhoods and Mixed Use areas: One (1) monument sign (maximum height of ten feet (10 ft)) per outparcel. A sign panel may be permitted on each side. One hundred twenty (120 sqft) of sign area per sign face is permitted.

Sign Area: Monument signs shall be permitted a maximum of one hundred twenty square feet (120 sqft) per sign face.

Changeable copy/electronic signs: A sign that utilizes computer-generated messages or some other electronic means of changing copy. Shall be permitted as part of a pylon and/or monument sign, as determined by the WVRC. The changeable copy portion of the electronic portion shall not measure greater than sixty percent (60%) of the permitted sign area. Signage shall be reviewed and approved by the WVRC.

j. **Village J:** Standards not yet established.

k. **Village K:** Sign types and associated permitted square footage of sign face are permitted for each lot, parcel, or building, and each lot, parcel, or building shall be entitled to erect each sign type.

1. Pylon Signs: A free-standing sign permanently affixed to the ground by a support of at least thirty percent (30%) of the sign itself.

Maximum number of Pylon Signs in Residential Neighborhood 1: Two (2) Signs

Maximum number of Pylon Signs in Residential Neighborhood 2: Two (2) Signs

Maximum number of Pylon Signs in Residential Neighborhood 3: Two (2) Signs

Maximum number of Pylon Signs in Residential Neighborhood 4: Four (4) Signs

Maximum number of Pylon Signs in Mixed Use Area 1: Two (2) Signs

Maximum Height of Pylon Signs: Eighteen feet (18 ft)

Sign Area: Pylon signs shall be permitted a maximum of seventy-five square feet (75 sqft) for a building up to one hundred fifty feet (150 ft) in length. For buildings over one hundred fifty (150) linear feet, the sign area shall be 0.50 square feet of sign area per linear foot of building frontage. Maximum sign area for Pylon signs shall be one hundred twenty square feet (120 sqft).

2. Monument Signs: A sign constructed on the ground with a continuous footing or foundation with the base at grade.

Monument signs in Mixed Use Residential Neighborhoods and Mixed Use areas: One (1) monument sign (maximum height of ten feet (10 ft)) per outparcel. A sign panel may be permitted on each side. One hundred twenty square feet (120 sqft) of sign area per sign face is permitted .

Sign Area: Monument signs shall be permitted a maximum of one hundred twenty square feet (120 sqft) per sign face.

Changeable copy/electronic signs: A sign that utilizes computer-generated messages or some other electronic means of changing copy.

Shall be permitted as part of a pylon and/or monument sign. The changeable copy portion of the electronic portion shall not measure greater than sixty percent (60%) of the permitted sign area. Signage shall be reviewed and approved by the WVRC.

### **3. Wall Signs:**

Any structure containing one (1) or more nonresidential occupants shall be allowed to display a maximum of four (4) wall signs for that portion of the building that is leased/owned by a tenant/occupant, which is visible and/or accessible to the public. Maximum cumulative sign area shall be ten percent (10%) of the surface area of the exterior wall included in an occupant's individually leased or owned premises, up to a maximum sign area of one hundred square feet (100 sqft).

4. Community Entry Sign: A sign constructed on the ground with a continuous footing or foundation with the base at grade that identifies the project. Community Entry Signs shall be limited to the sizes and locations permitted in the ULDC and as approved by the WVRC.
5. Peripheral Parcel Identity Monument Sign: A sign constructed on the ground with a continuous footing or foundation with the base at grade that identifies a peripheral parcel (understood to include outparcels and parcels along the edge/periphery of the Village).

Monument signs shall be permitted a maximum of one hundred and twenty square feet (120 sqft) per sign face. These monument signs may be internally or externally illuminated.

6. Wayfinding. Wayfinding signs shall be a maximum of twenty square feet (20 sqft) in copy/graphic area and a maximum of ten feet (10 ft) in height.
7. Directional Signs  
Directional signs, symbols, or devices relating to traffic, parking, public services, facilities, or warnings on private property include, but are not limited to, "entrance", "exit", "slow", "no trespassing", "restrooms", and "telephones". z These signs shall be a maximum of twelve square feet (12 sqft) in copy/graphic area and a maximum of four feet (4 ft) in height.
8. Light Pole Banners. Light pole banners shall be may be a maximum of 18" by 30" and installed in parking lot areas, along entrances to, and roadways within Mixed Use and Mixed Use Residential Neighborhoods. These banners shall be exempt from regulation of quantity, location, and design.

## **ARTICLE IV – VARIANCES**

### **Section 5.4.1 Minor Variance**

#### **A. Minor Variances.**

- a. Allow a 20% increase in allowable sign area;
- b. Allow a 10% increase in allowable sign height;
- c. Allow up to a 5-foot decrease in minimum distance between freestanding signs; or
- d. Allow a 10% decrease in minimum setback.

1. Requests for minor variances shall be initiated by the applicant in the application for a Sign Certificate of Zoning Compliance and shall be accompanied by documentation including sample detail drawings, schematic architectural drawings, site plans, elevations, and perspectives which shall graphically demonstrate the proposed deviation(s). The ULDC Administrator may grant a minor variance provided that such variance will not be contrary to the public interest and in harmony with the general intent and purpose of this Chapter if one or both of the following criteria are satisfied:
  - i. Conditions exist that are not the result of the applicant and which are such that a literal enforcement of the regulations involved would result in unnecessary or undue hardship; or
  - ii. There is something unique about the building or site configuration that would cause the signage permitted by this Chapter to be ineffective in identifying a use or structure that would otherwise be entitled to a sign.
2. Subject to the standards and criteria stated above, the ULDC Administrator shall approve only the minimum waiver from the provisions of this Chapter necessary to avoid the undue hardship or to cause the signage for the site to be effective in identifying the use or structure on the site. However, no waiver shall be approved that would have the effect of allowing a type or category of sign that would otherwise be prohibited by this Chapter.
3. Any person aggrieved by the decision of the ULDC Administrator concerning a minor variance denial may appeal the decision pursuant to Section 2.2.4. or apply for a major variance or waiver.

#### **Section 5.4.2 Major Variance**

Any sign variance application that does not meet the threshold for a minor variance will be considered a major variance pursuant to Section 2.2.16.(B)(2), which shall be considered by the Zoning Hearing Officer. Applicants may not request a variance to allow a sign prohibited by these regulations.

**Note: Ending clauses and signature page to follow when presented in full ordinance form.**