



CHAPTER 6

SIGNS

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6.00.00 PURPOSE AND INTENT

The purpose of this chapter is to promote the public health, safety, and general welfare of the citizens and visitors of the Town of Marineland through reasonable, consistent, and non-discriminatory content neutral sign regulations. The sign regulations within this ULDC are not intended to censor speech or to regulate viewpoints. Rather these regulations have been created to regulate adverse secondary effects caused by signs. The sign regulations are especially intended to reach the secondary effects that may adversely impact aesthetics and safety. In order to preserve and promote the Town as a desirable community in which to live and do business, a safe and visually attractive environment compatible with the Town is of foremost importance. The regulation of signs within the Town is a highly contributive means by which to achieve this desired end.

6.01.00 SCOPE

These sign regulations have been designed to enhance the visual environment of the Town, promote its continued well-being, and are intended to:

- A. Enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth;
- B. Minimize the possible adverse effect of signs on nearby public and private property;
- C. Foster the integration of signage with architectural and landscape designs;
- D. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- E. Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- F. Curtail the size and number of signs to the minimum reasonably necessary;
- G. Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- H. Categorize signs based upon the type of sign and function that they serve and tailor the regulation of signs based upon their type and function;
- I. Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- J. Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
- K. Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- L. Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of the Town;

- M. Protect property values by precluding, to the maximum extent possible, sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- N. Protect property values by ensuring that sign-types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;
- O. Enable the fair and consistent enforcement of these sign regulations.

6.01.01 Computation of Sign Size (Area) and Sign Height

The following principles shall control the computation of sign size (area) and sign height:

- A. Computation of size (area) of individual signs.

The size (area) of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or wall when such wall otherwise meets these or other ordinances or regulations and is clearly incidental to the display itself.
- B. Computation of size (area) of multi-faced signs.

The sign size (area) for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty-four (24) inches apart, the sign size (area) shall be computed by the measurement of one (1) of the sign faces.
- C. Computation of sign height.

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction of the sign or (2) the newly established grade after construction of the sign, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
- D. Computation of maximum permitted sign area.

See definition of *sign area* under Section 1.08.09 of this ULDC.

6.01.02 Prohibited Signs.

The following signs and sign-types are prohibited within the Town limits and shall not be erected.

- A. Billboards.
- B. Flashing signs.
- C. Animated signs.

- D. Signs which revolve, rotate, move, swirl or swing, including multi-prism and tri-vision signs.
- E. Electronic signs, except when required as traffic control device signs.
- F. Floodlights and beacon lights, except when required by the Federal Aviation Agency.
- G. Wind signs.
- H. Portable signs.
- I. Roof signs.
- J. Abandoned and discontinued signs.
- K. Snipe signs.
- L. Projecting signs, other than projecting signs as allowed within certain locations within certain land use districts pursuant to this Chapter.
- M. Bench advertising signs
- N. Signs that emit sound, vapor, smoke, odor, particles or gaseous matter.
- O. Signs that have unshielded illuminating devices.
- P. Signs that obstruct, conceal, hide or otherwise obscure from view any traffic control device sign or official traffic signal.
- Q. Umbrella signs.
- R. Any attached sign that exceeds one hundred fifty (150) square feet in sign area.
- S. Pole signs.
- T. Any freestanding sign that is higher than twenty-five (25) feet, other than flagpoles as allowed in certain land use districts pursuant to this chapter which have a height limit of thirty-five (35) feet.
- U. Any freestanding sign that exceeds one hundred (100) square feet in sign area.
- V. Any sign within a sight visibility triangle that obstructs a clear view of pedestrian or vehicular traffic.
- W. Any sign in or over the public right of way, other than traffic control device signs, bus stop informational signs, warning signs or safety signs, except as may be allowed by Town Council resolution that sets forth specific criteria not based on the speaker's viewpoint and not allowing undue discretion on the part of any Town official.
- X. Any sign attached to a seawall, dock, tie pole or pier, other than a warning sign or safety sign.
- Y. Signs in or upon any river, bay, lake, or other body of water within the limits of the Town, except official regulatory or warning signs.
- Z. Any sign other than a traffic control device sign that uses the word "stop" or "danger," or presents or implies the need or requirement of stopping or the existence of danger, or which is a copy or imitation of a traffic control device sign and which is adjacent to the right-of-way of any road, street, or highway.
- AA. Any sign nailed, fastened, affixed to, or painted on any tree (living or dead), or other vegetation.

- BB. Any sign prohibited by state or federal law.
- CC. Vehicle sign or signs with a total sign area on any vehicle in excess of ten (10) square feet, when the vehicle is not "regularly used in the conduct of the business" advertised on the vehicle, and (a) is visible from a street right-of-way within one hundred (100) feet of the vehicle, and (b) is parked for more than two consecutive hours within one hundred (100) feet of any street right-of-way. A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily (i) for advertising, or (ii) for the purpose of advertising. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal hours of business and which is currently licensed, insured and operable; provided, however, that no such vehicle shall be parked on public or private property with signs attached or placed on such vehicle primarily for the purpose of advertising a business establishment or firm or calling attention to the location of a business establishment or firm.
- DD. Any sign located on real property without the permission of the property owner.
- EE. Holographic display signs.
- FF. Pavement markings, except for official traffic control markings and building address markings required by law.
- GG. Pennants, streamers, balloons, wind activated banners, cold air inflatable and other fixed aerial signage, except where specifically provided elsewhere in this chapter.

6.01.03 Exemptions

This chapter does not pertain to the following:

- A. A sign (except a window sign which shall be subject to the provisions of this chapter) located entirely inside the premises of a building or enclosed space.
- B. A sign on a car, other than a prohibited vehicle sign or signs.
- C. A statutory sign or legal notice or instrument required by law.
- D. A traffic control device sign.
- E. A sign intended to be carried, and carried, by a person.

6.01.04 Building Permits.

It shall be unlawful to erect, construct, alter or maintain an outdoor advertising display sign, as defined in the Florida Building Code, without first obtaining a building permit from the Town in accordance with the provisions of the Florida Building Code and applicable law. Permit fees for a building permit shall be paid in accordance with the applicable Town fee schedules. The requirement of a building permit under the Florida Building Code is separate and independent of the requirement for a sign permit under this chapter.

6.01.05 Substitution of Non-Commercial Speech for Commercial Speech.

Notwithstanding anything contained in this chapter or ULDC to the contrary, any sign erected pursuant to the provisions of this chapter or ULDC may, at the

option of the owner, contain a non-commercial message in lieu of a commercial message and the non-commercial copy may be substituted at any time in place of the commercial copy. The non-commercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to non-commercial messages, or from one non-commercial message to another non-commercial message, as frequently as desired by the owner of the sign, provided that the size, height, setback and other dimensional criteria contained in this chapter and ULDC have been satisfied.

6.01.06 Content Neutrality as to Sign Message.

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

6.01.07 Illegal Signs on Public Property.

Any sign installed or placed on public property, except in conformance with the requirements of this chapter, shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Town shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign.

6.02.00 ADMINISTRATION AND ENFORCEMENT

6.02.01 Sign Permits

- A. Unless exempt from permitting, no permanent sign shall be erected, altered, relocated, maintained or displayed until a sign permit is obtained from and the appropriate fee paid to the Town. The sign permit is in addition to any building permit required to be obtained pursuant to the provisions of the Florida Building Code.
- B. No sign permit shall be issued for the erection of a prohibited sign.
- C. A sign lawfully erected may be repainted or have ordinary and customary repairs performed, including replacement of plastic or glass panels, without a new sign permit; however, if such sign is to be structurally altered in any manner, a new sign permit shall be required and the altered sign must meet all requirements of this chapter and this ULDC.

6.02.02 Exceptions from Permitting

The following types of signs, while they may be covered by the general provisions of this chapter, shall be exempt from all sign permit requirements of this chapter:

- A. Any sign of the type described in Section 6.01.03.
- B. Allowed temporary and allowed permanent signs of the type described in Section 6.05.02.

However, these exemptions in no way waive requirements of the Florida Building Code or any limitation or restriction on the number, size, height, setback, placement or duration of such signs under this chapter, or any limitation or restriction under any other applicable law or regulation.

6.02.03 Permits Not Required for Change of Sign Copy.

No permit or permit fee shall be required for changing the copy of a sign, as long as no changes are made to the sign's height, size, location, or structure. This exemption shall also apply to any change of copy on a changeable copy sign.

6.02.04 Sign Permit Applications.

A sign permit application for permanent and certain temporary signs as may be required by this chapter, or separate Town Council resolution, shall be prepared and submitted on forms available from the Town. The sign permit application is in addition to any building permit application required by the Florida Building Code. The applicant shall furnish the following information on or with the sign permit application form:

- A. Name, address, telephone number, and signature of the person making application for the permit. If the applicant is anyone other than the property owner, the applicant shall provide notarized authorization from the property owner permitting the installation of the sign.
- B. Name, address and telephone number of the property owner. If the owner is an entity other than an individual, list the contact person's name.
- C. Name, address and telephone number of the business tenant, if applicable. If the tenant is an entity other than an individual, list the contact person's name.
- D. Name, address, telephone and license number of the contractor, if applicable. If the contractor is an entity other than an individual, list the contact person's name.
- E. Address and legal description of the property upon which the sign is to be located. The legal address may be located on a certified boundary survey.
- F. Lot frontage on all streets and public rights-of-way.
- G. Indicate in feet and inches the location of the sign in relation to property lines, public rights-of-way, easements, buildings and other signs on the property.
- H. Freestanding signs shall require a boundary survey prepared within the last twenty-four (24) months of the permit application date, and signed and sealed by a land surveyor or engineer licensed in Florida showing the proposed location of the sign.
- I. For all wall mounted signs, the facade elevation with dimensions, drawn to scale. Windows and doors and other openings shall be delineated and their dimensions given.
- J. Sign dimensions and elevation, drawn to scale.
- K. Maximum and minimum height of the sign measured from finished grade.
- L. Dimensions of the sign's supporting members.
- M. Sign illumination, specifying illumination type, placement, intensity and hours of illumination.
- N. Three (3) copies of the plans, specifications, calculations and details, signed and sealed by an engineer licensed in Florida, specifications documenting the applicable wind load, and electrical specifications, if

applicable, meeting the minimum requirements of the applicable Electric Code.

- O. Number, type, location and surface area of all existing signs on the same property.
- P. Landscape plan, as applicable.

6.02.05 Sign Permit Application Review.

- A. An applicant shall deliver a sign permit application for a permanent sign to the department of community development, or such other office as may be designated by the Town. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this chapter. The review of the sign permit application shall be completed within forty-five (45) days following receipt of a completed application, and any applicable fees, not counting the day of receipt and not counting any Saturday, Sunday, or legal holiday which falls upon the first or the forty-fifth (45th) day after the date of receipt. A sign permit shall either be approved, approved with conditions (meaning legal conditions existing in the ULDC such as dimensional requirements), or denied, and the decision shall be reduced to writing. A denial shall include or be accompanied by a statement of the reason(s) for the denial. In the event that no decision is rendered within forty-five (45) calendar days following submission, the application shall be deemed denied and the applicant may immediately appeal the denial to the Town Council. Any appeal shall be heard and a decision rendered within the time frames specified in 6.03.00 for appeals.
- B. An approval, an approval with conditions, or denial by the Town Administrator shall be deemed the final decision of the Town upon the application.
- C. In the case of an approval with conditions or disapproval, including disapproval by lapse of time as described herein, an applicant may ask for reconsideration of the decision on the grounds that the Town Administrator may have overlooked or failed to consider any fact(s) that would support a different decision. A written request for reconsideration accompanied by such additional fact(s) as the applicant may wish the Town Administrator to consider, shall be filed with the Town Administrator within ten calendar days after receipt of the decision. No fee shall be required for a request for reconsideration. Upon the timely filing of a request for reconsideration, the decision of the Town Administrator shall be deemed stayed and not a final decision, until the request for reconsideration is decided. The request for reconsideration shall be decided within seven days of receipt by the Town, not counting any intervening Saturday, Sunday, or legal Town holiday. Such decision shall be in writing and shall include a statement of the reason(s) for the decision. If the disapproval of the request for reconsideration was a consequence of a failure to decide upon the application within the deadline

set forth herein, the Town Administrator shall verify upon request that any applicable fee was refunded even if the Town Administrator approves the application upon reconsideration.

- D. All decisions shall be mailed, transmitted electronically, or hand delivered to the applicant. A record shall be kept of the date of mailing, electronic transmittal, or hand delivery. For the purposes of calculating compliance with the forty-five-day deadline for a decision upon an application or the seven-day deadline for a decision upon request for reconsideration, the decision shall be deemed made when deposited in the mail, transmitted electronically, or hand delivered to the applicant.
- E. As exceptions to the foregoing, the 45-day deadline for approval and the seven-day deadline for a decision upon receipt of a request for a reconsideration shall not apply (that is, the time shall be suspended):
1. In any case in which the application requires a variance from any provision of the ULDC or an amendment to the comprehensive plan of the Town. In such cases, the time shall be suspended until a final decision is made upon the application for the variance or comprehensive plan amendment.
 2. If the applicant is required to make any change to the application in order to obtain an unconditional approval, the time shall be suspended while the applicant makes such change.
 3. If an applicant is required to obtain an approval from any other governmental agency, the time shall be suspended until such approval is obtained.
 4. In any of the foregoing cases, the applicant may elect not to seek a variance, make no change to the application, or obtain no approval that may be required by another governmental agency, and may instead demand a decision upon the sign permit application as filed. In such event, the Town Administrator shall make a decision on the application as appropriate within five (5) business days after receiving such demand. If a decision is not made in such a time, the application shall be deemed denied and the Town Administrator shall verify that any applicable fee was refunded to the person who paid the fee.
 5. An application which is materially incomplete or which is not accompanied by the required fee shall not be deemed accepted and the time for review of the application shall not commence until a complete application accompanied by the required fee is filed with the Town Administrator or designee. However, the Town Administrator shall keep the record of incomplete application or any application not accompanied by the correct fee, as required by applicable public record laws. In addition, the Town Administrator shall within forty-five (45) days of receipt of such an application send the applicant a written explanation of the deficiencies in the application and ask that the deficiencies be remedied, explaining that the application can not

proceed forward otherwise and the review will be suspended pending receipt of the required information or documentation. The applicant must then submit a new application with the deficiencies corrected in order for it to be considered by the Town Administrator or designee.

6. Any person aggrieved by the decision of the Town Administrator upon his or her sign permit application shall have the right to seek judicial review by the Circuit Court for Flagler County, Florida, or any other court of competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.

6.02.06 Sign Permit Fees.

Before issuance of a permit, the Town Administrator shall collect the necessary sign permit fees. The sign permit fees shall be as designated by resolution of the Town Council.

6.02.07 Inspection.

The Town Administrator may make or require any inspections to ascertain compliance with the provisions of this chapter, other land development regulations of the Town, and other law.

6.02.08 Revocation of Sign Permit.

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

6.02.09 Miscellaneous Safety Requirements.

In addition to any requirement of this chapter, ULDC, or other law or regulatory provision, signs shall be erected and maintained to conform to the following safety requirements:

- A. No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.
- B. No sign shall be erected which interferes with any opening required for ventilation.
- C. Signs shall maintain a minimum of six (6) feet horizontal and twelve (12) feet vertical clearance from electrical conductors and from all communications equipment or lines located within the Town.
- D. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Furthermore, placement shall not interfere with natural or artificial drainage or surface or underground water.

- E. No sign shall be attached to a standpipe, gutter, drain, or fire escape, nor shall any sign be installed so as to impair access to a roof.
- F. Electrical systems, fasteners, and the sign and structure as a whole shall be maintained at all times in a safe condition.

6.03.00 APPEALS

6.03.01 Appeals to Town Council.

- A. Whenever it is alleged that there has been an error in any order, action, decision, determination, or requirement by an administrative official in the enforcement and application of any provision contained within this chapter or any other provision of this ULDC pertaining to sign permits (including any allegation that an administrative official has failed to act within applicable time frames), the aggrieved party may file a written appeal with the Town Council.
- B. The written appeal, together with any appeal fee set by resolution, shall be filed with the Town Council within thirty (30) days of the date of the alleged error. The written appeal shall describe the alleged error and the applicable provisions of the ULDC pertaining to the administrative official's order, action, decision, determination, requirement, or failure to act.
- C. The Town Council shall hold a hearing within forty-five (45) days following receipt of the written appeal, not counting the day of receipt and not counting any Saturday, Sunday, or legal holiday which falls upon the first or the forty-fifth (45th) day after the date of receipt.
- D. The Town Council shall render a written decision within ten (10) days following the hearing.
- E. If the Town Council does not render a decision within ten (10) days following the hearing, the sign permit shall be deemed denied.
- F. Failure to appeal the decision regarding a sign application by the Town Administrator shall not be deemed a failure to exhaust administrative remedies. The applicant may choose to proceed directly to a judicial action once the sign application has been denied by the Town Administrator or designee.
- G. If an appeal is filed by the applicant, and the Town Council fails to meet within the prescribed time the appeal will be deemed denied and the decision of the Town Administrator regarding the sign application will be deemed a final decision subject to immediate appeal to a court of competent jurisdiction.
- H. Once a decision is appealed to the Town Council, the Town Administrator shall take no further action on the matter pending the Council's decision, except for unsafe signs which shall present an immediate and serious danger to the public in which case the Town may pursue any proper legal remedy available to it.

6.04.00 SIGN REGULATIONS**6.04.01 In General.**

The following general provisions apply to signs and sign types described in these sign regulations, except where otherwise noted in this Chapter.

- A. **Setbacks.** Except as otherwise provided for herein, all freestanding signs must be set back at least ten (10) feet from any property line adjacent to a public right-of-way. The setback shall be measured from the nearest protrusion of the sign or sign face to the property line. However, if due to the physical characteristics of the property, this requirement should prohibit the placement of a freestanding sign then the setback provisions shall be waived.
- B. **Identification labels of signs.** With each new sign permit issued, the Town shall provide a weatherproof identification label or decal for each permitted sign bearing the permit number, which number shall correspond to the Town's records of the names of manufacturer and installer, date of installation, and the electric permit number (if any) with the input VA (volt amperes) at full load for electric. This label shall be attached to the sign or sign structure, so as to be clearly visible from the ground, without the use of ladders or other devices.
- C. **Landscaping.** Permanent ground signs requiring a sign permit must be landscaped at their base. The landscaped area shall have a minimum area of one (1) square foot for each square foot of sign area. Existing signs shall be subject to these landscaping requirements if there is a change in use of the property or a site plan modification submitted to the Town for review and approval. For purposes of this regulation, landscaping includes only vegetation.
- D. **Window and wall signs.** No more than one exterior window or wall sign on any street it faces shall be allowed. No portion of any wall sign shall be painted directly onto the surface of a wall. Wall signs may not project more than eighteen (18) inches from a wall. Any wall sign that projects more than 2.5 inches from a wall shall be mounted so that the bottom of the sign is no closer than nine (9) feet to the ground at grade level.
- E. **Projecting signs.** Projecting signs, where permitted, shall be located in such a manner so that the bottom of the sign shall be no closer than nine (9) feet to the ground at grade level. The thickness of the principal faces of any projecting sign shall not exceed twenty-four (24) inches when such sign is of solid construction. No business shall have both a projecting sign and a wall sign on the same street frontage; and no business shall have more than one (1) projecting sign along the same street frontage.
- F. **Marquee signs.** Marquee signs, where permitted, shall be located in such a manner so that the bottom of the sign shall be no closer than nine (9) feet to the ground at grade level. No part of a marquee sign shall extend beyond the marquee itself. Subject to such additional size (area)

restriction as are applicable, a marquee sign shall in no event take up more than eighty (80) percent of the face of the marquee.

- G. Off-site permanent monument identification signs. Off-site permanent monument identification signs, where permitted, shall be located at the corner of the intersection of two (2) streets, one (1) of which is the primary ingress and egress to the development. The monument sign must be located on property which is owned by the same person or entity that owns the development identified by the sign, and the aforesaid development must consist of a lot or parcel complying with the requirements of the applicable land use district; and such monument sign shall be removed in the event the lot and sign no longer remain under the same ownership. The monument sign shall not exceed twenty-four (24) square feet in size (area) and shall not exceed four (4) feet in height. The monument sign shall be set back a minimum of thirty (30) feet from the intersection of the right-of-way lines and fifteen (15) feet from all front and side right-of-way lines.
- H. Multiple Frontage Properties.
 - 1. For corner or through lots, additional sign use shall be allowed for the secondary frontage under the same section of this chapter that governs the primary frontage. The sign area allowed shall be based on the following:

Table 6.04.01: Multiple Frontage Properties

Secondary Frontage Classification	Percent of Primary Frontage Sign Area
Scenic Highway	100%
Town Center Street	50%
Neighborhood Street	10%

- 2. All setbacks and spacing requirements shall be measured around corners at the right-of-way line. Sign area may not be transferred between frontages.
 - 3. Only one (1) freestanding sign shall be allowed within seventy-five (75) feet of intersections and may be of a maximum size based on the largest street frontage.
- I. Construction and Maintenance Standards. All signs shall be constructed and maintained in accordance with the Florida Building Code and this ULDC. For new developments, no certificate of occupancy will be issued for a building unless signs have conformed to these standards. Damaged signs shall be repaired or replaced in a timely manner. Electrical systems, fasteners, and the sign and structure as a whole shall be maintained at all times in a safe condition.
- J. Exterior Finishes. Sign posts, frames, and stanchions shall be finished. Concrete will be finished with stucco and painted, or finished in an equivalent decorative texture and color. Wood shall be painted or stained

to a uniform finish. Metal shall be finished in powder coating, paint or brushed textured. Brick and stone are also encouraged. The sign base and general appearance of the sign frame shall be of an architectural style similar to that of the principal building.

- K. Property Owners' Association. If a development or subdivision shall have a property owners' association, the association will be responsible for ownership and maintenance of the signs. The signs shall be located on commonly owned property.

6.04.02 Exceptions from Permitting.

Sign permits are not required for signs and sign-types described and identified below in this subsection.

- A. Street address signs and residential mailboxes. For each parcel within the Town, one (1) attached wall street address sign may be displayed. For parcels in residential use, the street address sign shall not exceed two (2) square feet in sign area. For each parcel in nonresidential use, the street address sign shall not exceed four (4) square feet in sign area. In addition to street address signs, a residential mailbox with the address of the property affixed to it such that the address is no larger than one (1) side of the mailbox shall be allowed for each residence in the Town.
- B. Nameplate or occupant identification signs. For each residence, business or other occupancy within the Town, one (1) attached wall nameplate sign may be displayed. For residences the nameplate or occupant identification signs shall not exceed two (2) square feet in sign area. For any nonresidential use, the nameplate or occupant identification sign shall not exceed four (4) square feet in sign area.
- C. Onsite parking space signs. On-site parking space number or identification signs, not exceeding one (1) square foot of sign face per sign, shall be allowed on each parcel having multiple parking spaces onsite. One (1) such sign shall be allowed for each parking space. The maximum height for a freestanding or attached wall sign shall be six (6) feet unless otherwise required by applicable law.
- D. Free expression signs. For each parcel within the Town, one free expression sign containing any content whatsoever not exceeding three (3) square feet in sign area may be displayed on each frontage per parcel of land. The free expression sign may be displayed as an attached sign, window sign, or as a freestanding sign; if displayed as a freestanding sign, the freestanding sign shall not exceed three (3) feet in height. A free expression sign is in addition to any other sign permitted under this ULDC and is permitted in any land use district.
- E. Election signs. For each parcel within the Town, one election sign for each candidate and each issue may be displayed on each frontage per parcel of land. An election sign may be displayed as an attached sign or as a freestanding sign. The election sign shall not exceed three (3) square feet in sign area; and, if the election sign is displayed as a freestanding sign on

- the parcel, the election sign shall not exceed three (3) feet in height. An election sign shall be removed within seven (7) calendar days following the election to which it pertains.
- F. Artwork. Artwork is allowed in all districts, and the same is not considered a sign as defined by this ULDC.
- G. Flagpoles. Except as set forth in subsection (H)(2) below, one (1) flagpole is allowed for each parcel in the Town. Flagpoles in residential districts shall not exceed twenty-five (25) feet in height. Flagpoles in nonresidential districts shall not exceed thirty-five (35) feet in height.
- H. Flags.
1. For each detached dwelling unit, one (1) flag not greater than fifteen (15) square feet in sign area may be displayed.
 2. For each parcel in a multi-family residential district and in a nonresidential land use district, four (4) flags not greater than twenty-four (24) square feet in sign area (each) may be displayed.
- I. Warning Signs and Safety Signs. Warning signs and safety signs, not exceeding four (4) square feet in sign area, shall be allowed in all districts. The maximum height for these signs shall be six (6) feet unless otherwise required by applicable law.
- J. Machinery and Equipment Signs. Machinery and equipment signs that are integral to the machinery or equipment and that identifies the manufacturer of the machinery or equipment that is placed on the machinery or equipment at the factory at the time of manufacture shall be allowed in all districts.
- K. Temporary Construction Signs. One temporary construction sign shall be allowed on each parcel within the Town. Temporary construction signs shall not exceed three (3) square feet in sign area, and three (3) feet in height for residential properties, and sixteen (16) square feet in sign area, and six (6) feet in height for nonresidential properties.
- L. Temporary Signs. For each parcel within the Town, one (1) temporary sign may be displayed on each frontage per parcel of land. Where there is more than one (1) dwelling unit or nonresidential space on a parcel of land there shall only be one (1) temporary window or attached sign for each such unit or space that is separately owned. Temporary signs shall not exceed three (3) square feet in sign area, and three (3) feet in height in residential districts, and sixteen (16) square feet in sign area, and six (6) feet in height in nonresidential districts. The temporary sign shall be removed when the sign is no longer needed.
- M. Temporary Garage-Yard Signs. For each parcel within the Town, one (1) on-site temporary garage-yard sign may be displayed on each frontage per parcel of land. A temporary garage-yard sign shall not exceed three (3) square feet in sign area, and three (3) feet in height and shall be removed when the sign is no longer needed. .

- N. Temporary window signs. For each parcel within the Town, one (1) or more temporary window signs may be displayed on the inside of the window. On parcels that are in residential use, the temporary window sign(s) shall not exceed an aggregate of three (3) square feet in sign area. On parcels that are in nonresidential use, the temporary window sign(s) shall not exceed an aggregate of twenty-four (24) square feet in sign area. Temporary window signs shall not cover more than twenty-five (25) percent of any window surface.
- O. Temporary holiday and seasonal decorations. Temporary holiday and seasonal decorations are not signs and shall be allowed in all districts.
- P. Temporary valet station identification signs. One (1) temporary valet station identification sign no more than three (3) square feet in sign area, and not more than three (3) feet in height, shall be allowed on each parcel where the valet station is located. The temporary valet station sign shall only be placed on the parcel during hours that the valet is operating, and shall be located on the same parcel as the valet station.
- Q. Bus stop informational signs. Bus stop information signs up to three (3) square feet in area shall be allowed in all districts. These signs shall have a maximum height of six (6) feet unless otherwise required by applicable law.

6.04.03 Multi-family residential developments.

For the purposes of this section, the term "multi-family residential development" shall include apartments, duplexes, triplexes, condominiums, or other residential classifications where more than one (1) family occupies a building. Multi-family residential developments can be either stand alone projects, or part of an overall planned unit development. Except for those signs and sign-types allowed in accordance with section 6.05.02, above, no additional signs or sign-types shall be permitted in any multi-family residential or residentially-zoned districts, except for the following sign-types:

- A. Each multi-family residential development shall be allowed one (1) permanent wall or monument sign for each primary street frontage; however, such sign shall not exceed twenty-four (24) square feet in size (area), except that developments with twenty-five (25) units or less shall have a permanent wall or monument sign which is a maximum of sixteen (16) square feet in total size.
- B. One (1) off-site permanent monument identification sign located within one hundred (100) feet of a residential development to which it pertains is allowed. For applicable size, height and other restrictions see section 6.04.01(G) above.
- C. On-site interior road directional signs. On-site interior road directional signs, not exceeding three (3) square feet in sign area, and three (3) feet in height shall be allowed on each parcel or lot. These signs may not exceed fifteen (15) square feet in the aggregate.

- D. For new multi-family developments, all signs will be approved as part of the Final Site or Subdivision Plan process.
- E. Design criteria and development review.
 - 1. Sign colors and materials should match or coordinate with the primary building facade.
 - 2. A rendering of the sign will be required for all signs associated with new site or subdivision plans during the Final Construction Plan process. The size, location and relationship of all permanent signs and sign structures shall be included in the required site plan or subdivision plans. Any subsequent change to an approved site or subdivision plan must meet all restrictions, limitations and provisions of this Chapter.
 - 3. For signs associated with new site or subdivision plans, the Final Construction Plans shall include detailed landscaping and irrigation plans associated with the sign as well as details on any lighting associated with the sign.

6.04.04 Single Family Subdivisions.

For the purposes of this section, the term "single family subdivisions" shall include those projects where one (1) family occupies one (1) building, and the property is either owned by that same homeowner, or owned by a common property owners' association.

- A. Entrance Signs. Permanent single-faced wall or monument signs shall be permitted in equal size and located on each side of the subdivision entrance roadway. Each sign structure shall be a maximum of thirty-two (32) square feet in size and the height shall not exceed eight (8) feet.
- B. A subdivision may instead have one (1) double-faced sign facing perpendicular to the entrance road. The sign structure shall be a maximum of thirty-two (32) square feet in size and the height shall not exceed eight (8) feet.
- C. Internal Signs. For those larger single family subdivisions that may have different villages or areas within them, wall or monument signs may be permitted at one (1) main entrance to each internal development subject to the following:
 - 1. Two (2) single-faced signs equal in size and located on each side of the entrance roadway, which sign structures shall not exceed sixteen (16) square feet in size with a maximum of six (6) feet in height, or
 - 2. One (1) double-faced sign perpendicular to the entrance road, which sign structure shall not exceed sixteen (16) square feet in size with a maximum of six (6) feet in height.
- D. For new single family subdivisions, all signs will be reviewed in conjunction with the Final Construction Plan process. The size, location and relationship of all permanent signs and sign structures shall be included in the required site plan or subdivision plans. The Final Construction Plans shall include detailed landscaping and irrigation plans

associated with the sign as well as details on any lighting associated with the sign. Any subsequent change to an approved site or subdivision plan must meet all restrictions, limitations and provisions of this Chapter.

6.04.05 Signs Where Primary Use is Non-residential.

Except for those signs and sign-types allowed in accordance with section 6.05.02, above, no additional signs or sign-types shall be permitted on any lot or parcel in developments or districts whose primary use is nonresidential, except the following sign-types shall be allowed for each lot or parcel with primarily a nonresidential use:

A. Area, Height, Setbacks, and Sizes:

Table 6.04.05: Area, Height, Setbacks, and Sizes

Gross Floor Area of Building	Max. Copy Area for Sign	Max. Height for SR 50 or CR 33 Frontage	Max. Height for all other Street Frontages	Min. Setback from R-O-W	Wall Sign Area Per Tenant in Building
Under 40,000 sq.ft.	32 square feet	8 feet	8 feet	10 feet	1 sq.ft. per business frontage Not to Exceed 32 sq.ft.
40,000 sq.ft. to 125,000 sq.ft.	48 square feet	12 feet	8 feet	10 feet	1.5 sq. ft. per business frontage Not to Exceed 60 square feet
Over 125,000 sq.ft.	60 square feet	12 feet	8 feet	10 feet	2 square feet per business frontage Not to Exceed 100 square feet

B. One (1) attached sign (i.e., a permanent wall sign or window sign) shall be allowed on the ground level; however, such sign (a) shall not exceed sixteen (16) feet in height, and (b) shall not exceed the lesser of: (i) forty (40) percent of the signable area, or (ii) one hundred fifty (150) square feet. In the event the parcel contains a multi-tenant development, each individual unit or space may have one (1) attached sign.

- C. One (1) permanent wall or window sign shall be allowed on the second floor level; however, such sign (a) shall not exceed twenty-five (25) feet in height, and (b) shall not exceed the lesser of: (i) forty (40) percent of the signable area, or (ii) one hundred (100) square feet, whichever is less. In the event the parcel contains a multi-tenant development on the second floor level, each individual unit or space may have one (1) attached sign.
- D. One (1) permanent monument sign shall be allowed on the parcel; however, any such sign shall not exceed the limitations set forth in subsection (A) above, unless the limitations in subsection 6.04.01(G) above apply.
- E. One (1) permanent marquee sign or one (1) projecting sign shall be allowed. However, any such sign shall not exceed the limitations set forth in subsection (A) above. These signs are in lieu of the sign(s) in subsections (B), (C), and (D) above and are not in addition to the signs described in subsections (B), (C) and (D) above.
- F. One (1) off-site permanent monument identification sign located within one hundred (100) feet of a commercial subdivision, office park, or shopping center to which it pertains shall be allowed. This sign shall be in lieu of the sign allowed in subsection (A) above, and shall not be in addition to the sign allowed under subsection (A) above. The size, height and other restrictions for this sign shall be as in subsection 6.04.01(G) above.
- G. Each restaurant shall be allowed one (1) attached display box sign of no more than six (6) square feet of sign face area, located at the entrance, or service window of a restaurant, and one (1) freestanding drive-through menu sign. The drive-through sign shall be placed so as to be viewed from the drive-through lane and may provide a speaker mechanism for ordering products while viewing the drive-through menu sign and shall not violate the dark skies or lighting provisions of this land development code. The drive-through menu sign shall have a copy area not exceeding thirty-two (32) square feet. The top of the sign and its surrounding or supporting framing/structure shall not exceed eight (8) feet above ground level. The drive-through sign lettering will be no larger than necessary in order to be read from a vehicle located in the drive-through lane. Drive-in restaurants may have one (1) additional attached sign, not exceeding six (6) square feet in total sign area, per drive-in stall or bay.
- H. Motor vehicle service stations and convenience stores with fuel operations, corporate stripes, logos, designs, and colors proposed for the principal structure or the canopy over the fuel operations, shall be counted as part of the overall permitted sign area. No additional sign area is permitted for canopies over fuel operations; however, permitted wall sign area for the principal structure may be transferred to the canopy.
- I. No more than twenty (20) percent of the total window area on the front facade of any building shall be used for sign copy of a window sign. This is

- to allow window signs, while still maintaining visibility. This is not to prevent window displays with items that are not directly affixed to the windows, as long as visibility into the structure is maintained at the ground level.
- J. In any nonresidential district, a canopy or awing sign may be permitted in lieu of a wall sign at an individual, single-occupant, premises. Such canopy or awning and signage square footage combined shall not exceed the total permissible square footage for a wall sign. The height of the canopy or awning shall not exceed sixteen (16) feet (first floor), or twenty-five (25) feet (second floor), or the height of the structure on which it is attached, whichever is less. Awnings may be non-illuminated or externally illuminated only by down-directed and shielded fixtures. Individual storefront canopies or awnings are not permitted in shopping centers unless the canopy or awning is an integral architectural element of the entire center storefront.
- K. One (1) permanent directory sign shall be allowed on each parcel or lot. This sign shall not exceed six (6) feet in height and shall not exceed eighteen (18) square feet in area.
- L. Noncommercial onsite directional signs. Noncommercial on-site directional signs, not exceeding three (3) square feet in sign area, and three (3) feet in height shall be allowed on each parcel or lot. These signs may not exceed fifteen (15) square feet in the aggregate.

6.05.00 SEVERABILITY

6.05.01 In General.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter, this ULDC, or any adopting ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance.

6.05.02 Severability Where Less or More Speech Results.

Without diminishing or limiting in any way the declaration of severability set forth above in section 6.04.01, or elsewhere in this chapter, this ULDC, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter, even if such severability would result in a situation where there would be less or more speech, whether by subjecting previously exempt signs to permitting or otherwise.

6.05.03 Severability of Provisions Pertaining to Prohibited Signs.

Without diminishing or limiting in any way the declaration of severability set forth above in section 6.05, or elsewhere in this chapter, this ULDC, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under section 6.01.04 of this chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 6.01.04 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 6.01.04.

6.05.04 Severability of prohibition on billboards.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter and/or any other ULDC provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboard signs exceeding the size and other limitations as contained in this chapter and ULDC.