



**TOWN OF LAKE HAMILTON
TOWN COUNCIL
WORKSHOP AGENDA
Tuesday, March 29, 2022
4:00 P.M.**

The Town Council of the Town of Lake Hamilton will hold a Special Meeting on Tuesday, March 29, 2022, at 4:00 PM at the Town Hall, 100 Smith Ave, Lake Hamilton, FL 33851.

- 1. CALL TO ORDER BY THE MAYOR**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ROLL CALL OF COUNCIL MEMBERS BY THE CLERK**
- 5. ITEMS TO BE DISCUSSED BY THE COUNCIL**
 - a. Open Workshop- Draft Sign Ordinance review -pages 1-49**
- 6. ADJOURNMENT**

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND F. S. 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THESE PROCEEDINGS PLEASE CONTACT TOWN CLERK, BRITTNEY SANDOVALSOTO, TOWN HALL, LAKE HAMILTON, FL AT 863-439-1910 WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTIFICATION. IF A PERSON DESIRES TO APPEAL ANY DECISION MADE BY THE TOWN COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, AFFECTED PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE WHICH THE APPEALS IS TO BE BASED. (F.S. 286.26.105)

ORDINANCE O-22-17

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA, REPEALING THE TOWN'S CURRENT SIGN RULES; CREATING ARTICLE X OF CHAPTER 16 OF THE TOWN CODE PROVIDING COMPREHENSIVE SIGN REGULATIONS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Hamilton (the Town) has codified its ordinances over time into a Town Code (the Code) which sets forth the cumulative law of the Town; and

WHEREAS, the Town's current sign regulations, which were adopted in 1995, are set forth in § 16-334 of the Town Code; and

WHEREAS, the Town Council (the Council) has determined that the Town's growth and diversification of land uses require the adoption of more comprehensive sign regulations; and

WHEREAS, Florida Statutes § 163.3164 (26) provides that sign regulations are land development regulations and Florida Statutes § 163.320(2)(f) requires the Town's land development regulations to specifically set forth regulations concerning signage; and

WHEREAS, the Town finds that it is appropriate to ensure that the Land Development Code's sign rules are compliant with constitutional and other legal requirements; and

WHEREAS, the purpose, intent and scope of the Town's signage standards and regulations should be clarified so as to further describe the beneficial aesthetic and other effects of the Town's sign standards and regulations, and to reaffirm that the sign standards and regulations are concerned with the secondary effects of speech and are not designed to censor speech or regulate the content of the speaker; and

WHEREAS, to ensure content neutrality, the Town's limitations on the size (area), height, number, spacing, and setback of signs adopted herein is based upon sign types, not content; and

WHEREAS, the Town's limitations on various types of signs are related to their context within the zoning districts for the parcels and properties on which they are located; and

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

WHEREAS, the Town finds that it is appropriate to take into account the Town's zoning districts when determining the appropriate size, number, and nature of certain sign types; and

WHEREAS, the Town finds that the sign standards and regulations adopted in this Ordinance allow adequate alternative means of communications for both non-commercial and commercial speech; and

WHEREAS, the sign standards adopted in this Ordinance allow and leave open such alternative means of speech as advertising and communications via newspaper, social media, website, targeted texts, physical pamphlets distributed by hand or mail, physical and web-based business directories, over-the-air television and streaming services, radio, direct mail, and other avenues of communication available in the Town of Lake Hamilton; and

WHEREAS, the Town finds that the provisions of this Ordinance are consistent with all applicable policies of the Town of Lake Hamilton's adopted Comprehensive Plan; and

WHEREAS, the Town finds that the provisions of this Ordinance are consistent with the public interests to be served by this municipal government; and

WHEREAS, the amendments to the current Town Code contained in this Ordinance will not result in incompatible land uses; and

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

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

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

WHEREAS, the Town recognizes that until 2015, federal court opinions were not clear as to what constituted a content-based law as distinguished from a content-neutral law; and

WHEREAS, this question was clarified in *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 135 S. Ct. 2218, 2221, 192 L. Ed. 2d 236 (2015), wherein the United States Supreme Court, in an opinion authored by Justice Thomas, and joined in by Chief Justices Roberts, Scalia, Alito, Kennedy and Sotomayer, addressed the constitutionality of a local sign ordinance that had different criteria for different types of temporary noncommercial signs; and

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

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

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

WHEREAS, the Town recognizes that in *Reed*, the Supreme Court held that if a sign regulation on its face is content-based, neither its purpose, nor function, nor justification matter,

and the sign regulation is therefore subject to strict scrutiny and must serve a compelling governmental interest; and

WHEREAS, the Town recognizes that in *Reed*, Justice Alito in a concurring opinion, clarified that municipalities still have the power to enact and enforce reasonable sign regulations and provided a non-exhaustive list of sign rules that would not be content-based; and

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

WHEREAS, Justice Alito further noted that in addition to regulating privately-placed signs, 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 install 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 observed that the *Reed* opinion, 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, the Town recognizes that as a result of the *Reed* decision, it is appropriate and necessary for local governments to review and analyze their sign standards and regulations, beginning with their temporary sign standards and regulations, so as to make the necessary changes to conform with the holding in *Reed*; and

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

WHEREAS, the Town recognizes that *Reed* only involved noncommercial speech; and that commercial speech was not at issue in the *Reed* case; and

WHEREAS, the Town recognizes that government speech is not subject to First Amendment scrutiny as was confirmed by the United States Supreme Court in *Walker v. Texas Division, Sons of Confederate Veterans, Inc.*, 135 S.Ct. 2239 (2015), released in June 2015 the same day as the *Reed* decision, and that the *Confederate Veterans* decision has been followed as to government signs by the Eleventh Circuit in *Mech v. School Bd. Of Palm Beach County*, 806 3d 1070 (11th Cir. 2015), cert. denied, 137 S.Ct. 73 (2016); and

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

WHEREAS, the Town finds that under Florida law, when 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) a part complete in itself remains after the valid provisions are stricken [see *Baldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990)]; and

WHEREAS, the Town finds that there have been several judicial decisions where courts have not given full effect to severability clauses not 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 Town Council finds that the Town has consistently adopted and enacted severability provisions in connection with its ordinance code provisions, and that the Town wishes to ensure that severability provisions apply to all land development regulations, including its sign standards; and

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

WHEREAS, the Town finds that the aforesaid objects and devices are commonly excluded or exempted from being regulated as signs in land development regulations and sign regulations,

and that extending a regulatory regime to such objects or devices would be inconsistent with the free speech clause of the First Amendment; and

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

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

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

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

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

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

WHEREAS, the Town finds that as far back as 1954, Justice Douglas ruled in *Berman v. Parker*, 348 U.S. 26, 33 (1954) 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;" and

WHEREAS, the Town finds that aesthetics is a valid basis for zoning, and that regulation of the size of signs and the prohibition of certain sign types can be based on 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 Town finds that the enhancement of the visual environment is critical to a community's image and that the sign control principles set forth herein create a sense of character and ambiance that distinguishes the Town as one with a commitment to maintaining and improving an attractive environment; and

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

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

WHEREAS, the Town finds that two decades ago, a growing number of local governments had begun prohibiting pole signs, allowing only ground signs (also referred to as monument signs), and that monument signs are typically used and preferred by planned communities and communities that seek a distinctive image, preservation of sky views, and lower chance of fallen signs due to high winds, and the Town also seeks to regulate pole signs for the same goals; and

WHEREAS, the overarching purpose of the Town's regulation of signs set forth in this Ordinance is to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent, and nondiscriminatory standards and requirements; and

WHEREAS, the sign regulations in this Ordinance are intended to enable the identification of places of residence and business and to assist for the communication of information necessary for the conduct of commerce; and

WHEREAS, 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 sign regulations in this Ordinance are intended to enhance the attractiveness and economic well-being of the Town as a place to live, vacation and conduct business; and

WHEREAS, the sign regulations in this Ordinance are intended to protect the public from the dangers of unsafe signs; and

WHEREAS, the sign regulations in this Ordinance are intended to permit signs that are compatible with the 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 sign regulations in this Ordinance are intended to encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain; and

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

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

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

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

WHEREAS, the sign regulations in this Ordinance are intended to require signs to be constructed, installed and maintained in a safe and satisfactory manner; and

WHEREAS, the sign regulations in this Ordinance are intended to preserve and enhance the natural and scenic characteristics of this rural community tranquil natural beauty is a major element of the Town's economy and identity; and

WHEREAS, the Town Council finds that the Town has adopted a land development code in order to implement its comprehensive plan, and to comply with the minimum requirements in the State of Florida's Growth Management Act, Florida Statutes § 163.3202, including the regulation of signage and future land uses;

WHEREAS, the Town's Land Development Code, including its signage regulations, is intended to maintain and improve the quality of life for all residents of the Town; and

WHEREAS, in meeting the purposes and goals set forth in these exordial clauses, it is appropriate to prohibit and/or to continue to prohibit certain sign types; and

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

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

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

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

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

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

WHEREAS, the Town agrees with courts that have recognized that outdoor advertising signs tend to interrupt what would otherwise be the natural landscape as seen from the highway, whether the view is untouched or ravished by man, and that it would be unreasonable and illogical to conclude that an area is too unattractive to justify aesthetic improvement [*E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5th Cir. 1970), cert. dismissed, 400 U.S. 878 (1970); and

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

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

WHEREAS, the Town finds and recognizes that billboards are a form of advertisement designed to be seen without the exercise of choice or volition on the part of the observer, unlike other forms of advertising that are ordinarily seen as a matter of choice on the part of the observer [see *Packer v. Utah*, 285 U.S. 105 (1932)]; and

WHEREAS, the Town acknowledges that the United States Supreme Court and many federal courts have accepted legislative judgments and determinations that the prohibition of billboards promotes traffic safety and the aesthetics of the surrounding area. [see *Markham Adver. Co. v. State*, 73 Wash.2d 403, 439 (1969), appeal dismissed, 439 U.S. 808 (1978); *Suffolk Outdoor Advertising, Inc. v. Hills*, 43 N.Y.2d 423, 372 N.E.2d 263 (1977), appeal dismissed, 439 U.S. 808 (1978); *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 509-510 (1981); *Members of the City Council of the City of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 806-807 (1984), *City of Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410 (1993); *National Advertising Co. v. City and County of Denver*, 912 F.2d 405, 409 (10th Cir. 1990), and *Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp.2d 1231, 1239 (D. Kan. 1999)]; and

WHEREAS, the Town finds and recognizes that on-site business signs are considered to be part of the business itself, as distinguished from off-site outdoor advertising signs, and that it is well-recognized that the unique nature of outdoor advertising and the nuisances fostered by billboard signs justify the separate classification of such structures for the purposes of governmental regulation and restrictions [see *E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1153 (5th Cir. 1970), cert. denied, 400 U.S. 878 (1970)]; and

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

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

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

WHEREAS, the Town recognizes that Scenic America, Inc. recommends improvements in the scenic character of a community's landscape and appearance by prohibiting the construction of billboards, and by setting height, size and other standards for on-premise signs [see Scenic America's Seven Principles for Scenic Conservation, Principle 1b]; and

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

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

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

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

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

WHEREAS, the Town acknowledges that the Seven Justices' views in *Metromedia*, as expressly recognized in the later Supreme Court decisions in *Taxpayers for Vincent* and *Discovery Network*, have never been overturned; and that more than a dozen published Circuit Court of Appeal decisions followed *Metromedia* on the permissible distinction between onsite signs and offsite signs-when it comes to government's substantial interest in prohibiting the latter sign type (the offsite sign), including: *Major Media of the Southeast, Inc. v. City of Raleigh*, 792 F.2d 1269, 1272 (4th Cir. 1986); *Georgia Outdoor Advertising, Inc. v. City of Waynesville*, 833 F.2d 43, 45-

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

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

WHEREAS, consistent with the foregoing exordial clauses, the business of outdoor advertising should be prohibited in each of the Town's zoning districts and in all of the Town's zoning districts; and

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

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

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

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

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

WHEREAS, the Town finds that the district court in *Granite State Outdoor Advertising, Inc. v. Clearwater, Fla. (Granite-Clearwater)*, 213 F.Supp.2d 812 (M.D. Fla. 2002), aff'd in part and rev'd in part on other grounds, 351 F.3d 1112 (11th Cir. 2003), cert. denied, 543 U.S. 813 (2004), cited the severability provisions of that city's code as a basis for severing isolated portions of sign regulations in its Land Development Code; and

WHEREAS, the Town finds that under Florida law, whenever a portion of a statute or ordinance is declared unconstitutional, the remainder of the law 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 Town has consistently included severability provisions in its ordinances, and it wishes to ensure that severability provisions apply to its land development regulations, including this Ordinance; and

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

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

WHEREAS, the Town desires to make clear that billboards are not a compatible land use within the Town and that there can be no good faith reliance by any prospective billboard developer

under Florida vested rights law in connection with the prospective erection or construction of new or additional billboards within the jurisdictional limits of the Town; and

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

WHEREAS, the Town finds that when an application for a permanent sign is deemed denied that the applicant shall have an avenue to immediately request in writing a written explanation as to why the application was not approved and the Town shall promptly respond in writing and provide the reason(s) the application was not approved (see *Covenant Media of South Carolina, LLC v. City of North Charleston*, 493 F.3d 421, 435-437 (4th Cir. 2007)); and

WHEREAS, the Town finds that an applicant for a sign permit who is aggrieved by the decision of the permitting official, or aggrieved by any failure by the permitting official or by any other Town official to act upon a sign permit application in accordance with the LDC, must have the right to seek judicial review of the final decision of the Town by the Circuit Court of the Tenth Judicial Circuit in and for Polk 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; and

WHEREAS, the Town finds that an applicant shall have access to prompt judicial relief in the circumstances where applicant's sign permit application is deemed denied, deemed denied or not approved in a timely manner, as set forth in the Town's sign permitting regulations, and acknowledges that the display of temporary signs in compliance with the Town's sign standards and regulations is not subject to any permitting whatsoever; and

WHEREAS, the Council therefore finds that it is in the best interests of the Town, and its citizens, property owners and businesses to adopt the Ordinance.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Lake Hamilton, Florida, that

Section 1. Section 16-334 (signs) of the Lake Hamilton Town Code is hereby repealed in its entirety.

Section 2. A new Article X of Chapter 16 of the Lake Hamilton Town Code, to be entitled Sign Regulations, is hereby created as follows:

ARTICLE X. – SIGN REGULATIONS

Sec. 16-700. – Definitions.

Abandoned or discontinued sign or sign structure. A sign or sign structure is considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of at least sixty (60) days. The following conditions shall be considered as the failure to operate or maintain a sign:

(1) a sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed, or

(2) a sign which is blank. This definition includes signs on which is advertised a business that is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at that location or any other sign for any purpose for which the purpose has lapsed. If the sign is a conforming sign in compliance with building codes and all other applicable Town Ordinances, then only the sign face will be considered abandoned.

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

Advertising vessel means any boat, watercrafts, motorboat, sailboat, rowboat, dingy, canoe, airboat, houseboat, barge, floating structure, floating home or any contrivance of any nature whatsoever which is waterborne, whether or not the same is capable of moving under its own power or by sail, which is displaying advertising upon any water, waterways, marsh area or other waters within the city's jurisdictional limits, which advertising is visible to others from either land or water. To be deemed an advertising vessel, one of the following conditions must be met:

(1) The vessel contains advertising for one or more different business entities;

(2) The vessel contains advertising for a business entity which is not the majority owner of the vessel;

(3) The vessel is operated continuously without stopping while displaying some form of general advertisement;

(4) The vessel is driven in repetitive back-and-forth, oval, or similar pattern;

(5) The vessel is capable of automatically changing the advertising messages displayed without stopping;

(6) The vessel lacks the ability to serve any purpose other than advertising.

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

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

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

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

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

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

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

Banner means a temporary sign made of wind and weather resistant cloth or other lightweight material, intended to hang either with or without frames or in some other manner as not to be wind activated, and displaying characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. Flags shall not be considered banners for the purpose of this definition.

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

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

Bench/bus shelter sign means a bench or bus shelter upon which a sign is drawn, painted, printed, or otherwise affixed thereto.

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

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

Building official, means the individual responsible for the administration, interpretation and enforcement of the building codes of the Town.

Business establishment means any individual person, nonprofit organization, partnership, corporation, other organization or legal entity holding a valid Town occupational license and/or occupying distinct and separate physical space and located in a business activity zoning district.

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

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

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

Canopy sign means a permanent sign which is suspended from, attached to, supported from, printed on, or forms a part of a canopy.

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

(1) *Manually activated*. Changeable sign whose message copy can be changed manually on a display surface.

(2) *Electronically activated*. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or may be from an external light source designed to reflect off of the changeable component display. See also *Electronic message sign*.

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

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

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

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

Copy means the linguistic or graphic content of a sign.

Damaged sign means a sign missing more than ten percent of one or more sides of a sign face.

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

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

Drive-in restaurant or refreshment stand means any place or premises where provision is made on the premises for the selling, dispensing, or serving of food refreshments, or beverages in automobiles and/or in other than a completely enclosed building on the premises, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises and/or in other than a completely enclosed building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant for purposes of these zoning regulations. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

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

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

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

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

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

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

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

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

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

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

Foot-candle means a unit of measure of luminosity of a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Footlambert means the centimeter gram second unit of brightness equal to the brightness of a perfectly diffused surface that radiates or reflects one lumen per square centimeter.

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

Frontage means that allowable sign area shall be measured according to the following standards:

(1) For single or two business establishment buildings fronting one public right-of-way, measurement shall be taken parallel to that property line abutting the right-of-way with perpendicular width lines extending to the farthest distant corners of the structure when measuring building frontage or similarly to the farthest distant property corners when measuring lot frontage. Lot frontage shall not be used for the purposes of calculating sign area where two business establishments occupy one structure.

(2) For single or two business establishment buildings fronting on more than one public right-of-way, measurement shall be taken as per subsection (1) of this definition using that right-of-way for which the primary and foremost portion of each business establishment faces. Lot frontage shall not be used for the purposes of calculating sign area where two business establishments occupy one structure.

(3) For business establishments located within a shopping or business center other than an interior business establishment as defined in this section, measurement shall be taken parallel to and equal in length to a line connecting the farthest distant corners of the business establishment's primary and foremost direction of public access. Generally the primary and foremost direction of public access shall face the center's common parking facility or a public right-of-way.

Government sign or statutory sign shall mean any temporary or permanent sign erected by or on the order of a public official or quasi-public entity at the federal, state or local government level in the performance of any duty including, but not limited to, noncommercial signs identifying a government building, program or service (including bus or other public transit services), traffic

control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of government events or actions, proposed changes of land use, any proposed rezoning, or any other government speech. This term includes signs erected on government property pursuant to lease, license, concession or similar agreements requiring or authorizing such signs.

Ground level means the average grade within a 25-foot radius of the sign base on a parcel of land, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating a sign. Ground level on marine docks or floating structures shall be the average grade of the landward portion of the adjoining parcel.

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

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

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

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

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

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

Land means "land" including "water", "marsh" or "swamp."

LED sign means any sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro luminescence (OEL), or any similar technology.

Location means a lot, premises, building, wall or any place whatsoever upon which a sign is located.

Lollipop sign means a sign which is attached to any pole(s) or stake(s) that is designed to be driven into the ground and which is not stabilized into the ground or affixed in place by any device other than the stake to which the sign is attached.

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

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

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

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

Monopole means a vertical self-supporting structure, unadorned, made of spin-cast concrete, concrete, steel or similar material, presenting a solid appearance.

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

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

Mobile billboard advertising means any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard as the primary purpose of advertising.

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

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

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

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

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

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

Pennant means any pieces or series of pieces of cloth, plastic, paper or other material attached in a row at only one or more edges, or by one or more corners (the remainder hanging loosely) to any wire, cord, string, rope, or similar device. The term includes, but is not limited to, string pennants, streamers, spinners, ribbons and tinsel.

Permanent interior sign means that if located on a window or within a distance equal to the greatest dimension of the window and if able to view from the exterior, it shall be considered an exterior sign for purposes of this chapter, excluding window letter allowance.

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

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

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

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

Projected light sign means a sign which is generated from a light source which projects a static or changeable image, text, logo or other image onto a building's surface.

Projecting sign means any sign affixed perpendicular, or at any angle to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall. Standard channel set letters on signs do not render a sign a projecting sign.

Property means the overall area represented by the outside boundaries of a parcel of land or development containing one or more business establishments and/or residential units.

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

Roofline means either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

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

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

Sandwich board sign means a portable, freestanding, movable and double-faced sign not exceeding thirty-two (32) inches wide and forty-eight (48) inches high.

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

Sign means any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area. For the purposes of this chapter, the term Sign shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where multiple displays are arranged in a random or disconnected manner without organized relationship of the components, each such component shall be considered to be a single sign. The term Sign for purposes of this chapter shall not include the following objects:

1. Decorative or structural architectural features of buildings (not including lettering, trademarks or moving parts);
2. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently embedded or integrated into the structure of a permanent building which is otherwise legal;
3. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, costumes (but not including commercial mascots);
4. Manufacturers' or seller's marks on machinery or equipment visible from a public area;
5. The display or use of fire, fireworks or candles;
6. motor vehicle or vessel license plates or registration insignia;

7. Grave stones and cemetery markers visible from a public area;
8. Newsracks and newsstands;
9. Artwork that does not constitute advertising visible from a public area;
10. Decorations that do not constitute advertising visible from a public area;
11. Vending machines or express mail drop-off boxes visible from a public area.

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

Sign size means area of sign.

Sign structure means any structure which is designed specifically for the purposes of supporting a sign. This definition shall include decorative covers, braces, wires, supports, or components attached to or placed around the sign structure.

Snipe sign means a sign made of any material when such sign is stacked, nailed, posted, pasted, glued or otherwise attached to or placed on public property such as but not limited to a public utility pole, a public street sign, a public utility box, a public fire hydrant, a public right-of way, public street furniture, or other public property; except for T-frame and T-frame signs that are temporarily placed on public property under such limitations and constraints as may be set forth in the Land Development Code.

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

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

Structure means anything constructed, installed or portable, the use of which requires location on land. It includes a movable building which can be used for housing, business, commercial, agricultural or other purposes, either temporarily or permanently. It also includes roads, walkways, paths, fences, swimming pools, tennis courts, poles, tracks, pipelines, transmission lines, signs, cisterns, sheds, docks, sewage treatment plants and other accessory construction.

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

Temporary sign means a sign intended for a use not permanent in nature. Unless otherwise provided for in the LDC, a sign with an intended use for a period of time related to an event or occurrence at a future time shall be deemed a temporary sign. Such events could include, but are not limited to, scheduled community athletic or charity events, contractor notices of construction

projects in progress, elections scheduled to occur in the future, or sales or leases of real property, goods or services by retailers, Realtors or individuals where same will be completed by some future date or upon the completion of the lease or sale. A flag shall be deemed a temporary sign. A sign advertising a reduced price or other promotional benefit associated with a product or service sold or offered on a parcel shall not constitute a temporary sign.

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

Trailer sign means any sign that is affixed to or placed on a trailer or other portable device that may be pulled by a vehicle.

Umbrella sign means a sign printed on umbrellas used for legal outdoor eating and drinking establishments, push-carts, sidewalk cafes and which is made of a lightweight fabric or similar material.

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

Vehicle sign means a sign that covers more than ten (10) square feet of the vehicle, which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized or drawn vehicle, and is parked and visible from the public right-of-way; unless said vehicle is used for transporting people or materials in the normal day to day operation of the business.

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

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

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

Wayfinding/directional sign means a non-commercial sign, which may or may not be a governmental/statutory sign, that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information for the aid of the traveling public, for facilitating a safe and orderly traffic flow and preventing sudden stops.

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

Window means a panel of transparent material surrounded by a framing structure and placed into the construction material comprising a building façade.

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

Sec. 16-701. – Purpose and scope of article.

In order to preserve the town as a community in which people wish to, live, visit, vacation, work, invest in, and retire, the town must maintain a visually aesthetic and safe environment. The regulation of signs within the town is an effective means by which to achieve this desired end. These sign regulations are prepared with the intent of promoting the public health, safety and general welfare in the town through a comprehensive system of reasonable, consistent, and nondiscriminatory sign standards and requirements. This article regulates signs which are placed on private property, or on property owned by public agencies including the town, and over which the town has zoning authority. These sign regulations are intended to:

- a. Encourage the effective use of signs as a means of communication in the town;
- b. Maintain and enhance the aesthetic environment and the town's ability to attract sources of economic development and growth;
- c. Improve pedestrian and traffic safety;
- d. Minimize the possible adverse effect of signs on nearby public and private property;
- e. Foster the integration of signage with architectural and landscape designs;
- f. 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;
- g. 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;
- h. Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;
- i. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
- j. 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;

k. Categorize signs based upon their structures and tailor the regulation of signs based upon those structures;

l. Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;

m. Regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;

n. 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;

o. Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the town;

p. Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;

q. Protect property values by precluding 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 movements;

r. 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;

s. Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the town and that complements the natural surroundings in recognition of the town's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its residential and agricultural communities;

t. Enable the fair and consistent enforcement of these sign regulations;

u. To promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and to advance the town's goals for community development;

v. To provide standards regarding the non-communicative aspects of signs, which are consistent with applicable provisions of town, county, state and federal law;

w. To provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design; and

x. Assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way,

and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.

Sec. 16-701. – Regulatory interpretations.

It is the town's policy to regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs. All regulatory interpretations of this article are to be exercised in light of the town's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this article, or whenever a sign does not qualify as a "structure" as defined in the Florida Building Code or the town code, then the town shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this article. All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process. The policies, rules and regulations stated in this chapter apply to all signs within the regulatory scope of this code, and to all provisions of this code, notwithstanding any more specific provisions to the contrary. This article states the policy decisions regarding display of signs, made by the town council after carefully balancing many competing factors and interests. This article consolidates all general provisions relating to the installation, regulation and amortization of signs on private property throughout the town. The town further makes the following findings:

a. The town council specifically finds that off-premises advertising signs present more of a traffic hazard than on-premises advertising signs because, among other factors, the content of off-premises advertising signs changes with more frequency than the content of on-premises advertising signs.

b. The town council finds and intends that noncommercial signs shall be considered to be on-premises signs.

c. The town council further finds that some signs, particularly large signs such as billboards, detract from the aesthetic beauty of the town and create a safety hazard by distracting motorists, pedestrians, and others. The town council wishes to preserve the aesthetic beauty and safety of the community.

d. The town council further finds that when a sign type is neither expressly allowed nor prohibited by this article, or whenever a sign does not qualify as a "structure" as defined in the Florida Building Code or the town code, then the town shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this article.

e. The town council further finds that all rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., shall be enforceable independently of any permit or approval process.

f. The town council further specifically finds that the policies, rules and regulations stated in this article apply to all signs within the regulatory scope of this article, and to all provisions of the land development code, notwithstanding any more specific provisions therein to the contrary. This article states the policy decisions regarding display of signs, made by the town council after carefully balancing many competing factors and interests. This article consolidates all general provisions relating to the installation, regulation and amortization of signs on all property throughout the town.

g. The town council finds and intends that the maximum height and size for structures and any setback provisions found in the land development code shall apply to signs in the town even if the provisions of this article cannot apply due to an invalid court order.

Sec. 16-702. – Prohibited signs.

Unless otherwise authorized in this article, the following sign types are prohibited within the town:

a. Signs that are deemed abandoned under this article, or that do not conform with the provisions of this section or any other applicable code, statute or law, shall be removed by the property owner within 30 days after receipt of notification (which will immediately follow the 90-day abandonment period described in this article or refusal to accept delivery of notification by certified mail, if such removal is required). Alternatively, the sign panels within the abandoned sign structure may be removed and replaced with sign panels or durable material off-white, white or tan in color and containing no message.

b. Bench/bus shelter advertising signs.

c. Billboards.

d. Wall wrap signs.

e. Electronic changeable copy/message sign.

f. Snipe signs.

g. Any sign nailed, fastened, attached to, hanging from, or painted on any tree or other vegetation, or part thereof (living or dead).

h. Flashing signs.

i. Animated signs.

j. Revolving or rotating signs.

k. Signs which move, twirl or swing, including multi-prism and tri-vision signs.

l. Electronic signs other than traffic control devices.

m. Beacon lights.

n. Wind signs.

o. Pennant signs.

p. Signs that obstruct, conceal, hide, or otherwise obscure from view any official traffic or other government sign, signal, or device.

q. Offsite/off-premises commercial signs.

r. Any sign in or over the public right-of-way, other than government signs or warning or safety signs.

s. Pavement markings, except official traffic control-markings and street addresses applied by government agencies or pursuant to government laws or regulations.

t. Signs attached to piers, docks, tie poles or seawalls, other than government signs, warning or safety signs or signs otherwise required by local, state or federal law.

u. Signs in or upon any river, bay, lake, or other body of water within the limits of the Town, other than government signs, warning or safety signs or signs otherwise required by local, state or federal law.

v. Portable signs.

w. Roof signs.

x. Umbrella signs.

y. Projecting signs.

z. Any sign which is designed to approximate, mimic or emulate an official government sign, including an official "stop" signs posted on or above any street or right-of-way, or within fifty feet thereof.

aa. Any sign prohibited by state or federal law.

bb. Signs that emit sound, odor, smoke, odor, particles, flame or gas with the exception of signs emitting audible sound erected to accomplish compliance with the Americans with Disabilities Act shall be authorized.

cc. Signs that contain any food or other substance that attracts large numbers of birds or other animals and causes them to congregate on or near the sign.

dd. Signs that are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled public rights-of-way thereby creating a potential traffic or pedestrian hazard or a nuisance to inhabitants of an adjacent neighborhood. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

ee. Commercial Mascots and Commercial Message signs that are carried, waved or otherwise displayed by persons either on public rights-of-way or in a manner visible from public rights-of-way. This provision is directed toward such displays intended to draw

attention for a commercial purpose, and is not intended to limit the display of placards, banners, flags or other signage by persons participating in demonstrations, political rallies, or otherwise exercising their valid First Amendment rights.

ff. Vehicle signs visible from a street or right-of-way within one hundred (100) feet of the vehicle and where the vehicle is parked for more than two (2) consecutive hours in any twenty-four (24) hour period within one hundred (100) feet of said street or right-of-way.

gg. Mobile Billboard Advertising and trailer signs.

hh. Any sign located on real property without the permission of its owner.

ii. Any feather or flutter sign.

jj. Obscene signs that meet the definition of obscenity under Florida Statutes § 847.001 et seq., as amended.

kk. Marquee signs.

ll. Projected light signs.

mm. Inflatable or balloon signs.

nn. Advertising vessels within the jurisdictional waters of the town.

Sec. 16-703. – Applicability

This article does not regulate:

a. Signs located entirely inside the premises of a building enclosed space, and that are not visible from the right-of-way or the parking lot.

b. Objects not included in the definition of “sign”.

c. Any government sign placed by or at the direction of or through the permission of the town, on or over any town or county owned or controlled property or right-of-way, including signs approved by the town under the authority of a development or concession agreement or an event co-sponsorship agreement with the town.

Sec. 16-704. – Administration and enforcement: nonconforming signs

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

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

a. Legal nonconforming signs:

1. A legal nonconforming sign is a sign that lawfully existed at the time of the enactment of this article that does not conform to the regulations as specified in this article.

2. A legal nonconforming sign may continue to be utilized only in the manner and to the extent that it existed at the time of the adoption of this article or any amendment thereof.

3. A legal nonconforming sign may not be altered in any manner not in conformance with this article. This does not apply to reasonable repair and maintenance of the sign or to a change of copy provided that by changing the copy structural alterations are not required.

4. Any building permit for an addition, alteration, or improvement valued at more than fifty (50) percent of the fair market value of the structure or building for work at locations where any nonconforming sign exists shall specify and require that such nonconforming signs located within the boundaries of the development site, and within the limits of the applicant's control, shall be brought into conformance with the provisions of this article, provided that if the nonconforming sign is a type of sign that is prohibited under this article, it shall be removed.

5. Legal nonconforming signs that are located on a parcel of property that is severed from a larger parcel of property and acquired by a public entity for public use by condemnation, purchase or dedication may be relocated on the remaining parcel without extinguishing the nonconforming status of that sign provided that the nonconforming sign:

A. Does not increase in area or height to exceed the limits of the zoning district in which it is located;

B. Remains structurally unchanged except for reasonable repairs or alterations;

C. Is placed in the most similar position on the remaining property that it occupied prior to the relocation; and

D. Is relocated in such a manner as to comply with all applicable safety requirements.

After relocation pursuant to this subsection, the legal nonconforming sign shall be subject to all provisions of this section in its new location.

b. Signs rendered nonconforming:

1. Except as provided in this section, a nonconforming sign may continue in the manner and to the extent that it existed at the time of the adoption, amendment or annexation of the provision that rendered the sign nonconforming, including in the event there is a change in ownership. This section shall not prohibit reasonable repairs and alterations to nonconforming signs.

2. A nonconforming sign shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this article. An existing monument sign that conforms to the size and height limitations set forth herein, but is otherwise nonconforming, may be relocated a single time to another location on the same parcel.

3. Any nonconforming sign shall be removed or rebuilt in full conformity to the terms of this article if it is damaged or allowed to deteriorate to such an extent that the cost of repair or restoration is fifty (50) percent or more of the cost of replacement of such sign.

c. Signs for a legal nonconforming use:

1. New or additional signs for a nonconforming use shall not be permitted. A change in ownership shall require a nonconforming sign to be removed or brought into conformity.

2. A nonconforming sign for a nonconforming use that ceases to be used for a period of sixty (60) consecutive days or is replaced by a conforming use, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.

d. Signs discontinued:

1. A sign structure that remains vacant, unoccupied or devoid of any message, or displays a message pertaining to a time, event or purpose that no longer applies shall be deemed to be discontinued.

2. A nonconforming sign deemed discontinued shall immediately terminate the right to maintain such sign.

3. Within sixty (60) days after a sign structure has been discontinued, it shall be the responsibility of the property owner or the property owner's authorized agent to remove the discontinued sign and to patch and conceal any and all damage to any other structure resulting from removal of the sign.

4. Removal of a discontinued nonconforming sign shall include all sign support components, angle irons, poles, and other remnants of the discontinued sign that are not currently in use, or proposed for immediate reuse as evidenced by a sign permit application for a permitted sign.

e. Unsafe signs:

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

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

Sec. 16-705. – Administration and enforcement: permits and fees

a. *Generally.* Signs subject to this article shall be designed, constructed, and maintained in compliance with the town's building, electrical, maintenance, and all other applicable codes and ordinances and in compliance with all applicable state and federal law, codes and regulations.

b. *Permit requirements.* Unless exempted by this article, no sign shall be erected, constructed, altered or relocated without a permit issued, except as otherwise provided in this article. Where electrical permits are required, they shall be obtained at the same time as the sign permit. Sign permits shall be obtained separate from building permits. The requirement of a building or electrical permit is separate and independent of the requirement for a sign permit under this article. No sign shall be erected, constructed, relocated, altered or maintained without compliance with all permit requirements under local ordinance, state or other applicable law.

c. *Fees.* Each application for a sign permit shall be accompanied by the applicable fees. When a sign has been erected or constructed before a permit is obtained, the permit fee shall be quadrupled. Before issuance of a permit, the building official shall collect the necessary sign permit fees, which shall be established by resolution of the town council from time to time.

d. *Signage plan.* Any site on which the owner proposes to erect one or more signs requiring a permit the owner, or representative, shall submit to the building official or designee two copies of a signage plan containing the following:

1. An accurate plan of the site, at such scale as the building official or designee may reasonably require;
2. Location of buildings, parking lots, driveways, and landscaped areas on such site;
3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the site under this article;
4. An accurate indication on the plan of the proposed location of each present and future sign of any type, whether requiring a permit or not;
5. Detailed drawings to show the dimensions, design, structure and location of each particular sign (when depicting the design of the sign it is not necessary to show the content of the sign as the sign reviewer is prohibited from taking this factor into consideration);

6. Name of person, firm, corporation or association erecting the sign;

7. Written consent to the permit application, by the owner, or authorized designee, of the building or lot on which the sign is to be erected. Consent of an authorized agent of an owner, contractor or other agent of the lessee shall be sufficient for purposes of this provision; and

8. Such other information as the building official shall require to show full compliance with this article and all other applicable laws. As part of the application the applicant or the applicant's authorized representative must certify in a legally sufficient notarized signed statement that all information provided in the application is true and correct.

e. Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. If the sign is an integral part of a new building structure, then the permit shall be valid until completion of the building.

f. Permit exceptions. The following operations shall not be considered as creating a sign and, therefore, shall not require a sign permit:

1. Replacing. The changing of the advertising copy or message on a previously permitted similarly approved sign which is specifically designed for the use of replaceable copy.

2. Maintenance. Painting, repainting, cleaning and other normal maintenance and repair of a sign structure unless a structural change is made.

Sec. 16-706. – Inspection; Removal; Safety.

a. Inspection. Signs for which a permit is required under this article may be inspected periodically by the building official for compliance with this article, other codes of the town, and all terms upon which the sign permit may have been conditioned.

b. Maintenance. All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition with no fading, cracking or chipping visible. No consideration, however, shall be given to the content of the sign copy when making the determination that the sign should be removed due to a violation of this subsection.

c. Removal of sign. The building official, or designee, may order the removal of any sign erected or maintained in violation of this article, or that are declared a nuisance either by court order or under the provisions of the town code. In non-emergency situations where the sign is not an imminent danger to the health and safety of the residents of the town, he or she shall give 30 days' notice in writing to the owner of such sign, at the address reflected on the Polk County Property Appraiser's website. If the sign is not removed within the 30-day notice period, the town shall cause the sign to be removed at the cost of the owner. Removal shall not moot any other enforcement or collection efforts the town may engage in as a result of any violation of this article.

d. *Unsafe Sign.* Absent an emergency where a sign poses an imminent danger to the health or safety of the public (in which case no notice is needed), if the building official determines any sign or sign structure to be in an unsafe condition, he or she shall immediately notify, in writing, the owner or lessee of the property upon which such sign is located, who shall correct such condition within forty-eight (48) hours. If the correction has not been made within forty-eight (48) hours, and if the building official determines it creates a danger to the public safety, he or she may have the sign removed or have any necessary repairs or maintenance performed at the expense of the owner or lessee of the property upon which the sign is located. If in his or her professional opinion the sign poses an immediate risk to the public, the town may take such other necessary steps to remedy the condition following a reasonable attempt to notify the owner of the hazardous condition.

e. *Abandoned signs.* Any sign that advertises a business or other activity that is not in operation on the premises shall be deemed an abandoned sign beginning 90 days after the business or other activity ceases operation. The following regulations shall apply to such signs:

1. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business establishment which it advertises is no longer conducted on the premises or the sign no longer is being used by the owner or lessee of the premises for its intended advertising purposes for a period in excess of 90 days;

2. Instead of removal, if the sign is a conforming sign, the owner or lessee of the premises may:

- (a) Paint over the message on the sign that advertises the business or other activity;
- (b) Remove the sign face and replace it with a blank sign face; or
- (c) Reverse the sign face and not illuminate the sign from the interior;

3. If the owner or lessee fails to remove it, the building official, or designee, shall give the owner 30 days written notice to remove it;

4. Upon failure to comply with this notice, or refusal to accept delivery of notification by certified mail that sign removal is required, the building official, or designee, may authorize modification as set forth in this subsection, or removal of the sign at cost to the owner;

5. Where a successor owner or lessee to a defunct business establishment agrees to maintain the conforming sign at issue as provided in this article, this removal requirement shall not apply; however, a new owner or lessee of a business establishment shall not be allowed to maintain a nonconforming sign, and upon change of ownership of the business establishment, either by sale, assignment, lease or other means of transfer of rights, all signs shall be brought into compliance with this article; and

6. If an existing building or structure is demolished, any existing freestanding sign shall be considered either an abandoned sign or an impermissible off premises sign and shall be removed at the time of demolition unless the sign complies with the requirements of this

article. In the event destruction of a building or structure is caused by hurricane, collision with a vehicle or similar reason not attributable to the owner, the building official is authorized to approve of a reconstruction plan which, if complied with, will not result in the sign being deemed abandoned or an impermissible off premises sign.

Sec. 16-707. – Building official to enforce article’s provisions.

The building official, or designee, is authorized and directed to enforce all of the provisions of this article. However, notwithstanding anything in this article to the contrary, no sign or sign structure shall be subject to any limitation based on the content or viewpoint of the message contained on such sign or displayed on such sign structure. In conformance with applicable state and federal laws, and upon presentation of proper credentials, the building official, or designee, may enter at reasonable times any building, structure or premises in the town to perform any duty imposed upon him or her by this article.

Sec. 16-708. – Interpretation of article provisions.

Where there is an ambiguity or dispute concerning the interpretation of this article, the decision of the building official, or designee, shall prevail. Subject to appeal provisions provided in this article.

Sec. 16-709. – Right of appeal.

a. As provided for in 16-405 of this code, any person aggrieved by any decision or order of the building official, or designee, pertaining to signs under this article may appeal to the board of zoning adjustment (the board) by submitting a written notice to the town clerk, who in turn shall immediately forward the notice to the board. If an administrative appeal is filed by the applicant, and the board fails to meet within 30 days, the appeal will be deemed denied and the decision or order of the building official, or designee, will be deemed final. Once a decision is appealed to the board, the building official, or designee, shall take no further action on the matter pending the board’s decision, except for unsafe signs as provided for in this article. With respect to sign appeals, the board shall hear and decide appeals where it is alleged that there is an error in the decision or interpretation of the building official, or designee, in the enforcement of this article. Such determination shall be conclusive and no right of appeal to the town council with respect to such action shall exist. Any granting or denial of conditional uses or variances by the board shall be final.

b. Any aggrieved person must file her, his or its petition for writ of certiorari seeking review of any adverse decision or action as provided for above within twenty (20) calendar days of the date the decision was made, or the action was taken. The petition shall be processed in the manner set forth by the Florida Rules of Appellate Procedure for reviews of final quasi-judicial actions.

Sec. 16-710. – Variances.

Notwithstanding any other provision of this code, the only variance that may be applied for from the board of zoning adjustment in connection with signage in the town is a variance from required setbacks.

Sec. 16-711. – Inspection.

The building official, or designee, may make or require any inspections to ascertain compliance with the provisions of this article, the Florida Building Code and other applicable laws. To the extent Florida Statutes § 933.20 *et seq.* requires it, the building official shall work with the town attorney to ensure a proper inspection warrant is obtained.

Sec. 16-712. – Revocation of sign permit.

If the building official finds that work under any sign permit is proceeding in violation of this article, Florida Building Code, any other ordinance of the town, or 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 days, it shall be the duty of the building official, or designee, to revoke such permit and provide written notice of same to such permit holder. It shall be unlawful for any person to proceed with any work under the permit after such notice is issued.

Sec. 16-713. – Sign illumination

The following standards apply to illuminated signs:

a. Sign illumination may not create a nuisance to residential areas or for wildlife and shall be compatible with the surrounding neighborhood.

b. Residential Signs. Signs on residential uses in any zone shall not be illuminated.

c. General Rule for All Nonresidential Uses. Other than signs on residential uses, all other signs may be nonilluminated, or illuminated by internal, internal indirect (halo) illumination, or by external indirect illumination, unless otherwise specified. Signs may not be illuminated in a manner which leaves the illumination device exposed to public view except with the use of neon tubing as provided in subsection (h) below.

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

e. *External Indirect Illumination.* Externally lit signs are permitted to be illuminated only with steady, stationary, down directed and shielded light sources directed solely onto the sign. Light bulbs or tubes (excluding neon) used for illuminating a sign shall not be visible from the adjacent public rights-of-way or residential zoned or used properties.

f. *Illumination of Signs Adjacent to Single-Family Uses.* No sign located within 50 feet of a property with a single-family use or zoned for a single-family use shall be internally or externally illuminated.

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

h. *Exposed Neon.* Exposed neon tube illumination is not permitted in residential zones, or on residential uses in any zone. It is allowed in all other places, unless otherwise specified.

i. Illuminated signs of any kind are specifically prohibited in zoning districts [whatever the town wants, if any], without exception.

Sec. 16-714. – Sign construction specifications.

The following standards apply to sign construction within the town.

a. Construction and erection of signs shall be in accordance with Florida Building Code.

b. *Materials.* Paper or cardboard signs and cloth or plastic fabric banners may only be used in conjunction with a special event or temporary outside sale and display as provided herein.

c. *Construction standards.* Signs shall be installed and constructed in a professional and workmanlike manner and shall be maintained in good and safe structural condition and good physical appearance. All exposed structural components shall be painted, coated or made of rust or weather resistant material.

Sec. 16-715. – Sign requirements.

All permanent signs shall be compatible with the building(s) to which they relate and with the surrounding neighborhood. All signs except temporary signs shall be subject to the design requirements below:

a. The materials, finishes and colors of the freestanding monument sign base shall match the architectural design of the building. In lieu of a monument base, any combination of landscaping of sufficient density and maturity at the time of planting may be used to achieve the same opacity as would have been achieved with the monument base.

b. All tenant panels in any freestanding signs, including those added to existing sign structures, shall be constructed of the same materials and illuminated by the same method.

Panels added to existing signs shall match the existing panels with respect to their color, materials, font size and illumination.

c. All freestanding monument signs shall be landscaped around the base of the sign structure. Landscaping (e.g. ornamental trees, shrubs, and ornamental plants) shall meet the requirements for landscaping as prescribed in this article.

d. Wall signs shall not be installed in a manner that detracts from the architectural design of a building. Wall signs shall not be installed over windows, doors, or other types of fenestration. These signs shall be compatible with the building to which they relate and with the surrounding neighborhood.

Sec. 16-716. – General sign provisions.

The following regulations apply to all signs in all zones in the town:

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

b. This article does not modify or affect the law of covenants, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this article), or the ownership of sign structures.

c. Any sign installed or placed on public right-of-way or on public property, except in conformance with the requirements of this article, is illegal and shall be forfeited to the public and subject to condemnation. 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. There shall be no property right in such sign; all property rights are forfeited and such signs are abandoned property. Such signs may, at the town's option, also be treated as litter with persons responsible for the placement of such signs subject to the provisions of Florida Statutes §403.413.

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

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

f. Signs shall maintain a minimum of six feet horizontal and twelve feet vertical clearance from electrical conductors and from all communications equipment or lines.

g. 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. Placement shall not interfere with natural or artificial drainage or surface or underground water.

h. 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.

i. The building official may order the repair of signs declared a nuisance. A sign not kept in good repair and in a neat and clean appearance is a public nuisance.

j. The visual clearance and sight triangle, to assure adequate sight distance at the intersection of two public roadways and at the intersection of a public roadway or other private roadway and an access way or driveway, shall follow the criteria of the current Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways or its equivalent amended document.

k. In order to assist public safety and emergency service vehicles to rapidly locate addresses and to assist the traveling public to locate street addresses, residential and nonresidential structures shall conform to all applicable town or county codes mandating address displays.

l. Signs shall not be located on publicly owned land or easements or inside the street rights-of-way except bus stop informational signs, governmental signs, and safety or warning signs, or as otherwise allowed by license agreement approved by the town council. Nothing shall prohibit a duly authorized local official from removing a sign from public property as allowed by law.

m. Nothing in this division shall be construed to prevent or limit the display of legal notices, warnings, informational, direction, traffic, or other such signs which are legally required or necessary for the essential functions of governmental agencies.

n. All signs shall comply with the applicable building and electrical code requirements. Sign face replacements not requiring a permit shall comply with all applicable building and electrical code requirements. This includes sign face replacements when the permitted sign is not structurally or electrically altered, like materials are used, the sign face is the same size and frame as the permitted sign, and is installed in the same manner as originally permitted.

o. Signs of a height greater than six feet and within ten feet of the right-of-way shall require a letter of no objection from the local power company to insure current and future compliance to applicable codes and to protect the safety of the public.

p. If no height or size restriction is specifically provided regarding any sign located in the town the height and size restrictions for a structure in the zone in which the sign is located will govern.

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

r. In any zone where both residential and nonresidential uses are allowed, the signage rights and responsibilities applicable to any particular use shall be determined as follows:

1. Residential uses shall be treated as if they were located in the residential zoning district where that type of use would be allowed as a matter of right.
2. Nonresidential uses shall be treated as if they were located in a zoning district where that particular use would be allowed, either as a matter of right or subject to a conditional use permit.

Sec. 16-717. – Temporary sign installation and removal.

a. *General rule concerning temporary signs.* Unless otherwise provided for in this article, temporary signs shall not be erected for more than 100 days prior to the event being advertised on the temporary sign begins, and they shall be removed promptly at the event's conclusion. Temporary signs not advertising an event to occur on a specific date but which are related to the occurrence of an expected future event or transaction, including but not limited to temporary real estate for sale signs, shall not be subject to the one hundred (100) day provision of this subsection, but such signs shall also be removed promptly upon the earliest of the occurrence of the event or transaction, or the expiration of the listing or other similar change in facts eliminating the opportunity of the future event or transaction from occurring.

b. *Usage and removal of political campaign advertisements.* Temporary signs erected by a candidate for political office or that candidate's agent(s), may not erect such signs earlier than thirty (30) calendar days before the scheduled election (as to candidates for town mayor or commissioner), or sixty (60) days before the scheduled election (as to candidates for all other political offices). Pursuant to Florida Statutes § 106.1435, each candidate, whether for a federal, state, county, municipal or district office, shall make a good faith effort to remove all of his or her political campaign advertisements within 30 days (or as to candidates for town office, 72 hours) after:

1. Withdrawal of his or her candidacy;
2. Having been eliminated as a candidate; or
3. Being elected to office.

However, a candidate is not expected to remove those political campaign advertisements which are in the form of signs used by an outdoor advertising business as provided in Florida Statutes Chapter 479. The provisions herein do not apply to political campaign advertisements placed on motor vehicles or to campaign messages designed to be worn by persons. If political campaign advertisements are not removed within the specified period, the town shall have the authority to remove such advertisements and may charge the candidate the actual cost for such removal. Funds collected for removing such advertisements shall be deposited to the general revenue of the Town.

Sec. 16-718. – Placement, size and configuration of large sign types.

The following general provisions apply to signs and sign types described in this article, except where otherwise noted in this division.

a. Permanent monument signs may be placed on the owner's private property up to the right-of-way line in recognition of this sign type's aesthetic desirability to the Town. The setback shall be measured from the nearest protrusion of the sign or sign face to the property line.

b. All new freestanding signs must be monument signs.

c. Permanent freestanding monument signs requiring a sign permit must be landscaped at their base. The landscaped area shall have a minimum area of two (2) square feet for each linear foot of sign face width and shall otherwise comply with the landscaping requirements of the town code.

d. No business shall have more than one exterior wall sign on any street frontages; or one sign per window. Permanent window signs shall not cover more than 50% of any window and shall comply with all fire safety codes. Wall signs may not project more than twelve (12) inches from a wall. Any wall sign that projects more than two and one-half (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 the finished grade immediately below the sign.

e. Off-site permanent monument neighborhood directional signs, where permitted, shall be located at the corner intersection of two streets, one of which is the primary ingress and egress to the neighborhood. The monument sign must be located on private property within the neighborhood associated with the sign. The monument sign shall not exceed twenty-four (24) square feet per sign face and shall not exceed six (6) feet in height. One double-sided sign or two single-sided signs may be placed at each entrance. 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.

Sec. 16-719. – Signs allowed in all districts, no permit required.

The regulations in this section apply in every zoning district in the town, except where otherwise specified or indicated. Sign permits are not required for signs and sign types described and identified below in this section.

a. *Temporary signs.* Temporary signs shall be allowed on each parcel within the town as follows:

1. In residential zones, each parcel may display up to **four** temporary signs which shall not exceed **four (4)** square feet in sign area, and **four (4)** feet in height.
2. In all non-residential zones, each parcel may display **one** temporary sign which shall not exceed **twenty-four (24)** square feet in sign area and **six (6)** feet in height.

Alternatively, each parcel in a non-residential zone may display up to **eight (8)** temporary signs, which cumulatively shall not exceed **twenty-four (24)** square feet in sign area and **four (4)** feet in height.

3. Temporary signs displayed outdoors shall be constructed of metal, plastic, wood or pressed wood, but not of cardboard or paper, and shall be fastened to a temporary support not exceeding **four (4)** inches by **four (4)** inches. Temporary window signs displayed on the inside of a window may be constructed of cardboard or paper, as well as metal, plastic, wood or pressed wood.

4. Temporary signs may be installed on any sign type authorized within the relevant zone. Alternatively, a temporary sign may be installed using an H frame, spider step stake, inverted L frame, banjo-style frame or T frame. Any such alternative installation option used must be firmly secured to the ground or to a building located on the parcel.

5. Temporary signs not affixed to a permanent sign structure, but using one of the alternative installation options listed above, must be removed and securely stored during any days for which the National Weather Service has issued a tropical storm warning covering the town.

b. *Flags.*

1. For each detached dwelling unit in a residential district, **two** flags not greater than **fifteen (15)** square feet in sign area each may be displayed. **One (1)** flagpole is allowed for each parcel in the town zoned for single family residential use not to exceed **25** feet in height.

2. For each parcel in a multi-family residential or non-residential districts **three** flags not greater than **twenty-four (24)** square feet in sign area (each) may be displayed. **Two (2)** flagpoles are allowed for each parcel in the town that is zones for multi-family residential or non-residential use not to exceed **35** feet in height.

c. *Parking space signs, non-residential.* Onsite parking space number or identification signs, not exceeding **two (2)** square foot of sign face per sign, shall be allowed on each parcel of non-residential use having multiple parking spaces onsite. One 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. *Street address signs and residential mailboxes.* For each parcel within the town, **one** 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. 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 side of the mailbox shall be allowed for each residence in the town.

e. *Street address signs, non-residential.* For each parcel in non-residential use, the street address sign shall not exceed **four (4)** square feet in sign area.

f. *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 **four (4)** feet unless otherwise required by applicable law.

g. *Waterfront identification signs.* Each lot abutting the navigable waters of any lake shall be allowed **one** attached wall identification sign that is visible from the water. Waterfront identification signs shall not exceed **four (4)** square feet in sign area.

h. *Wayfinding/directional signs.* Non-commercial wayfinding signs when erected as part of a wayfinding system adopted by the town or county.

i. *Temporary window signs.* For each commercial zoned or commercially used parcel within the town, one or more temporary window signs may be displayed on the inside of the window. The temporary window sign(s) shall not cover more than **50%** of the area of the window, except that if the business displaying such sign(s) is also displaying the one permanent window sign authorized by this article, the total area of the window covered by a combination of these shall not exceed **65%** of the area of the window.

Sec. 16-720. – Signs allowed in all districts, permit required.

a. *Pole Banners.* Temporary banners for display on light poles shall not exceed **twelve (12)** square feet in area or **twenty (20)** feet in height. A non-commercial ornamental or decorative vertical pole banner may be displayed when the pole is not being used for a permitted vertical pole banner.

b. *Temporary signs at construction sites.* Any land developer or licensed contractor, architect or engineer is authorized, with the consent of the land owner, to install one or more signs at a permitted active construction site, as that term is defined in Florida Statutes § 810.011(13), or on land upon which the town has given preliminary approval of plans to construct a building or other structure. Such signs shall be subject to the following conditions:

1. The sign is located on a construction site which has a valid building permit displayed on site.
2. The sign area shall not exceed **32** square feet aggregate per street frontage per site.
3. All signs shall be set back a minimum of **ten** feet from all property lines.
4. All signs shall be removed by no later than the date upon which a temporary or final certificate of occupancy is issued by the permitting authority.

Sec. 16-721. – Residential zoning districts, permit required.

Except for those signs and sign-types expressly allowed in residential and residentially-zoned districts in accordance with this article, no additional signs or sign-types shall be permitted in residential or residentially-zoned districts, except for the following sign-types:

- a. On a parcel with an apartment building or condominium complex, one permanent wall, window or monument sign is allowed for each such building or complex not exceed twenty-four (24) square feet in size (area); however, such a monument sign shall not exceed six (6) feet in height.
- b. For permitted land uses other than residential uses in these zones, one permanent monument sign shall be allowed on each parcel or lot. This sign shall not exceed sixteen (16) square feet in area and shall not exceed four (4) feet in height.
- c. Onsite directional signs not exceeding four (4) square feet in area.

Sec. 16-722. – Commercial and industrial.

Except for those signs and sign-types allowed in commercial or industrially-zoned districts (C-1, C-2, and M-1) in accordance with this article, no additional signs or sign-types shall be permitted on any lot or parcel in commercial or industrially-zoned districts except the following sign-types shall be allowed for each lot or parcel:

- a. One monument sign per abutting state, county or town collector roadway. A maximum of thirty-two (32) square feet shall be allowed per each monument sign face (sign faces must be back-to-back). The monument sign shall not exceed eight (8) feet in height and must not be a traffic visibility hazard as determined by the town's traffic engineer.
- b. One or more attached wall signs shall be allowed on the first-floor level. The combined area of all such signs shall not exceed one hundred fifty (150) square feet, and they shall be no higher than the height of the first floor. In the event the parcel contains a multi-tenant development, each individual business tenant may have one or more attached wall signs subject to the same size and height limitations.
- c. Each restaurant shall be allowed one attached display sign of no more than three (3) square feet of sign face area, located at the entrance, or service window of a restaurant.
- d. Each restaurant shall be allowed one drive-through lane sign for each drive-through lane constructed on the property. Drive through lane signs shall be placed so as to be viewed from the drive-through lane and may provide a mechanism for ordering products while viewing the drive-through lane sign. The drive-through lane sign shall have a surface area not exceeding forty (40) square feet. The top of the sign and its surrounding or supporting framing/structure shall not exceed eight (8) feet above ground level. If more than one drive-through lane sign is installed, the total square footage for all such signs shall not exceed sixty (60) square feet, with no single sign exceeding forty (40) square feet. If the applicant provides satisfactory proof to the building official that its franchisor or parent company mandates a standardized drive-through sign for all of its locations which sign exceeds any

of the foregoing limits, the building official shall approve a permit application depicting the mandated standardized sign.

e. In any commercial district (C-1 and C-2), a canopy or awing sign may be permitted in lieu of a wall sign at an individual, single-occupant, premises. The 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.

f. Wayfinding/directional signs on commercial property provided such signs do not exceed four (4) square feet in area. The directional sign may be displayed as an attached sign, window sign, or as a monument sign; if displayed as a monument sign, the monument sign shall not exceed four (4) feet in height.

g. Temporary banner signs not exceeding thirty-five (35) square feet in area and eight (8) feet in height may be displayed by a business within the commercially zoned districts set forth in this section in conjunction with a grand opening for a maximum of sixty (60) days from the date the business first opens to customers. The term "grand opening" as used in this subsection shall mean the initial opening of a new business (including businesses marketing goods, services or residential units). The term includes the opening of a new location of a pre-existing business, and the reopening of a pre-existing business which has been shut down for longer than one month due to renovations, remodeling or repairs. No permit shall be required for such signs.

h. Sandwich board signs shall be allowed, pursuant to the regulations set forth in this article.

Sec. 16-722 – Sandwich board signs.

a. The placement of sandwich board signs by the owners or lessees of properties may be allowed on any commercial (C-1 and C-2) property.

b. One sandwich board sign shall be allowed on each street frontage per retail or restaurant use.

c. Sandwich board signs shall be freestanding and moveable. They may be single-sided or double-sided. They shall be removed during inclement weather and high winds.

d. Sandwich board signs shall not exceed an overall height of 42 inches above ground level or an overall width of 30 inches.

e. Sandwich board signs shall be composed of chalkboard-type material capable of being written on with chalk. They shall be taken inside at the end of each business day.

f. Sandwich board signs are prohibited on all public sidewalks or walkways.

g. No sandwich board sign may be lit either internally or externally.

h. Any sandwich board sign which encroaches upon pedestrian or vehicular movement or safety, violates any state or federal regulation regarding the path of travel for disabled persons, interferes with the lawful use of the public right-of-way, or violates the Florida Building Code or any state or local fire or security code, shall be prohibited and removed or relocated.

i. Sandwich board signs shall be readable, properly maintained, and kept in good working condition.

[Any other allowances the Town wants to give to other zones, such as PUD, CON or PI????]

Sec. 16-724. – Unregulated zones.

a. It is the intent of this article to regulate signs in a manner that is consistent with the land use classification which establishes the character of the area in which the signs are located and in keeping with the overall character of the community.

b. The sign standards in this article are intended to include every zone in the town. The zones are defined by the zoning ordinance and official zoning map. Where this article provides for zone-specific sign regulations or allowances, those specific regulations and allowances shall control.

c. If any zone is omitted from this article, or if a new zone is created after the enactment of this article, only exempt signs as described in this article shall be permitted in such zone until this article shall be amended to include sign regulations and allowances for that zone.

d. If any area is annexed into the town limits, no sign, nor exempt signs described in this article, shall be permitted therein until the area annexed has been acted by the town council. Signs in existence as of the time of annexation shall be brought into compliance with this article within one year of annexation.

Sec. 16-725. – Nonconforming signs must comply with article.

Any building or land use conforming to the zoning ordinance provisions for the zone in which it is located shall, nevertheless, comply with all provisions of this article for the zone in which it is located.

Sec. 16-726. – Rights not transferrable off property.

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

Sec. 16-727. – Substitution of non-commercial speech for commercial speech.

Notwithstanding anything contained in this article to the contrary, any sign erected pursuant to the provisions of this article may, at the option of the owner, contain a non-commercial message in lieu of a commercial message and the 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 article have been satisfied.

Sec. 16-728. – Content neutrality as to sign message (viewpoint).

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

Sec. 16-729. – Violations and remedies.

Any violation of this article or of any condition or requirement adopted pursuant to this article may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to law. The remedies of the town shall include, but not be limited to, the following:

- a. Issuance of a stop-work order;
- b. Seek an injunction or other order of restraint or abatement that requires the removal or the correction of the violation;
- c. Seek an order imposing appropriate sanctions from any court of competent jurisdiction;
- d. In the case of a violation that poses an imminent danger to the public health or safety, taking such emergency measures as are authorized in this article;
- e. Seek court enforcement action; and
- f. Issuance of citations for each day and each sign not in compliance.

Section 3. For purposes of codification of any existing section of the Lake Hamilton Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 4. If any section, subsection, sentence, clause, provision or word of this

Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Town Council would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 5. The Codifier shall codify the substantive amendments to the Lake Hamilton Town Code contained in Sections 1 through 2 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 6. Pursuant to Florida Statutes § 186.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the ____ day of _____, 2022, by the Town Council of the Town of Lake Hamilton, Florida.

ADOPTED ON SECOND AND FINAL READING on the ____ day of _____, 2022, by the Town Council of the Town of Lake Hamilton, Florida.

Attest:

Michael W. Kehoe, Mayor

Brittney Sandoval, Town Clerk