

Sec. 21-~~240~~.239. Purpose and Intent

It is the intent of the City Commission of the City of Winter Haven by enacting this ordinance to establish standards for the erection, use, and maintenance of signs and other means of visual communication within the corporate limits of the City of Winter Haven. To that effect, the City Commission makes the following factual findings and statements of intent:

- (1) Presently existing signage within the City is not aesthetically pleasing and is not in keeping with the City Commission's vision of the City as a whole. Such signage has created a condition of "visual blight" along the City's streets and thoroughfares.
- (2) Further, existing signage within the City constitutes a traffic hazard increasing the risk of traffic accidents as the attention of residents and visitors alike is drawn to off-street and raised signage and away from the traffic conditions on the road.
- (3) In order to reduce the hazardous nature of signage, and also in order to improve the aesthetic beauty of the City and remove "visual blight", the City Commission must enact reasonable time, place and manner regulations for signs and visual communication means. Such regulations must not however abridge the freedom of speech as guaranteed by the First Amendment to the United States Constitution and Article 1, Section 4 of the Florida Constitution.
- (4) It is reasonable to base sign regulations on zoning classifications as different intensities of land use require different time, place and manner regulations for signage and visual communication.
- (5) The regulations promulgated in this code allow individuals, businesses, and institutions the opportunity to express messages and views to the general public and, to that extent, are narrowly tailored and constitute the least restrictive means possible to address the twin substantial government interests of promoting aesthetic harmony and improving traffic safety.
- (6) The regulations promulgated in this code are not intended to favor commercial speech over non-commercial speech and accordingly, this code should be liberally construed to give effect to this intent.
- (7) The regulations promulgated in this code protect the health, safety, and welfare of the general community of the City of Winter Haven.

- (8) It is not the intent of these regulations to regulate the content or message of any non-commercial sign or visual communication. ~~it is recommended that the sign~~
- (9) The primary purpose of a commercial advertising sign is to identify a business rather than its product. Therefore, it is the intent of the City Commission that ~~P~~product names or trade names ~~should~~ shall not be listed unless the trade name is part of the occupant's name or the identified product(s) or service(s) constitutes ~~over~~ more than ~~25~~ sixty percent (60%) of the total business conducted on the premises, as measured against total annual sales.

Sec. 21-~~241~~240. Permit Required; Permitting Process; Appeal

- (a) No sign shall be erected, altered, relocated, or structurally altered, without a permit issued by the ~~bBuilding~~ eBuilding Official, except as otherwise provided herein. Where electrical permits are required, they shall be obtained at the same time as the sign permit.
 - (1) *Application.* The permit application shall contain the location of the sign structure, the names and addresses of the sign owner and of the sign erector, drawings showing the design and location of the sign, and such other pertinent information as the ~~bBuilding~~ eBuilding Official may require to ensure compliance with this code. The owner of property who erects a sign does not need to be a sign contractor unless so required by State law. Signs exceeding thirty-two (32) square feet must be designed by a professional engineer for structural integrity reasons. The sealed engineering plans must accompany the request for a permit.
 - (2) *Fees.* Fees for sign permits shall be ~~as fixed~~ set from time to time by the City Commission. ~~and t~~The Commission may set fees for nonconforming signs.
 - (3) *Validity of permit.* A sign permit shall become null and void if the work for which the permit was issued has not been ~~completed~~ started within a period of six (6) months after the date of the issuance of the permit. Additionally, any work started, but discontinued for a period greater than six (6) months shall cause the permit to become null and void.
 - (4) *No permit required.* The following operations shall not be considered as creating a sign, and therefore, shall not require a sign permit:

- (a) The changing of the advertising copy ~~of a message~~ on a legally approved ~~painted or printed~~ sign, ~~or billboard, or on a~~ theater marquee, ~~and~~ or similarly approved signs which are specifically ~~designated~~ designed for the use of replaceable copy.
- (b) Painting, repainting, cleaning, and other normal, routine maintenance and repair of an approved sign or approved sign structure.
- (c) ~~Temporary signs and exempt signs under this article are also exempt from permit requirements.~~ Signs defined by this Article as being temporary or exempt.

~~(4) — No permit is required for the painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.~~

(b) Appeal

An aggrieved party may appeal a denial of a permit application by filing a Petition for Writ of Certiorari with the Circuit Court in accordance with the Florida Rules of Appellate Procedure. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed. The nature of the appeal shall be from a final administrative order.

Sec. 21-~~242241~~. Definitions:

For the purpose of this article, the following terms shall have the herein described meanings. Should a word contained in this section not be defined below, that word's definition, as defined by section 21-531 of this Code or its common everyday meaning, shall be used. Within this article, the word "shall" dictates a mandatory requirement.

Abandoned sign: Any sign, located on a property where the business it advertises, has moved or ceased operation for a period of six (6) months.

Accessory or snipe sign: A sign containing a secondary message that is either unrelated to or advertising individual products, and is either attached to the business' primary sign or a separate sign located along the same roadway frontage as the primary sign. (See illustration contained in Exhibit "A")

Air Dancers: A type of sign sitting on the ground or another structure that utilizes moving air for support or motion. (See illustration contained in Exhibit "A")

Awning or Canopy sign: A type of sign attached to a building and consisting of an awning or canopy upon which sign copy or a trademark color scheme is displayed. For the purposes of this code trademark colors utilized on an awning or canopy shall be calculated as part of the permitted signage for the property.

Balloon: an airtight bag filled with pressurized air, heated air, or a lighter than air gas that is intended to be flown in the air at the end of a rope, cable, wire, or anchored to the ground by some other means.

Banner: Any sign printed or displayed upon cloth or other flexible material, with or without frames. (See illustration contained in Exhibit "A")

Billboard: Any permanently constructed sign, wall, or other structure which advertises property, products, services, amenities, or activities which are not available on the lot or parcel on which the structure is located.

Copy: The graphic or linguistic content of a sign.

Copy box: A sign structure consisting of the frame and face(s), not including the internal components, embellishments, or support structure. Also known as a cabinet sign.

Directional sign: A sign which sole purpose is to supply pertinent directional information in order to promote safety and the efficient flow of vehicular and/or pedestrian traffic. Also known as an instructional sign.

Directory sign: A sign used to indicate occupant names for multi-tenant buildings or uses.

Easel sign: A temporary sign displayed outside a business by placement on a three or four-legged supporting structure. (See illustration contained in Exhibit "A")

Erect: To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way cause to bring into being or establish, excluding routine maintenance or incidental changing of copy.

Flag: A piece of cloth or bunting that is rectangular in shape, distinctive in color and design, and used as a symbol, a standard, a signal, ~~or an emblem,~~ or a medium to display messages. For the purposes of this code, feather and bow type flags, as well as colored flags without messages or symbols, shall be considered signs. (See illustration contained in Exhibit "A")

Frontage: The distance or width of a building or parcel of land measured along a public or private street right-of-way.

Ground or monument sign: A sign that is constructed on the ground without supporting poles, containing a foundation, and where no part of the sign is attached to any part of the building. Ground or monument signs shall have a base width that is no less than 66 percent of the overall sign structure width. (See illustration contained in Exhibit "A")

Height: The distance measured from the finished grade of the parcel to the highest point of the sign or sign structure including any base or pad. For the purpose of this code sign height shall be measured to the top of the sign copy. In no case shall the decorative top of the sign exceed twenty-four (24) inches above the sign copy.

Illuminated sign: A sign which is lighted by a reflection from an external light source, an internal light source (backlit), or neon lighting components.

Mural: A work of art applied directly to the surface of a wall.

Off-site sign: A sign with subject matter relating to a business or product not located or sold on the premises on which the sign is located. Off-site signs over 32 square feet in area shall be classified as billboards.

Parcel: A unit of land within legally established property lines.

Pennant: A long tapering flag usually, but not necessarily, triangular in shape that is used for signaling, identification, promotions, or decoration. (See illustration contained in Exhibit "A")

Pole sign: A sign that is supported by one (1) or more upright columns, poles, posts or braces extending from the ground or from an object on the ground, and where no part of the sign is attached to any part of a building. A pole sign shall not be considered a ground or monument sign.

Portable signs: Any sign which is designed to be transported by a person, on a trailer, or on its own wheels. Signs on a chassis, with the wheels removed, and not permanently secured to a foundation shall be considered a portable sign.

Poster: A large printed placard using lettering or illustrations that is posted to advertise or publicize a business, group, product, or event.

Ribbon: A narrow strip or band of cloth or plastic designed to be strung between two objects.

Sandwich sign: Two large boards bearing placards, posters, or signs that are hinged at the top and supported by a pair of legs on the ground. (See illustration contained in Exhibit "A")

Shopping Center/Plaza: A shopping center is a multi-tenant building or group of buildings which typically contain retail shops, stores, offices, and restaurants. Shopping centers/plazas are typically automobile dependent and are generally located along arterial or collector roadways.

Sign: Any device or structure containing, but not limited to, letters, words, pictures, numerals, figures, or emblems used for visual communication intended to attract the attention of the public and is visible to the public right-of-way or other property(ies).

Sign area: That portion of a sign that is or may be used for copy. Maximum sign area shall only include the area used for copy. Structural components shall not be used in calculating total sign area. (See illustration contained in Exhibit "A")

Signable area: means a two-dimensional area defining the square, rectangle, triangle, or parallelogram on the facade of a building free of architectural details on which a wall sign would be located.

Streamer: A long narrow strip of material such as a flag, pennant, or poster that is used for display or decoration.

Temporary signs: Any sign that is not permanently attached to any part of a building, structure, or the ground and/or is intended to display either commercial or non-commercial messages of a transitory nature.

Wall sign: A sign displayed upon, or attached to, any part of the exterior of a building, including walls, parapets, awnings, and marquees.

Yard sign: A temporaryremovable sign advertising a business, product, or event that is usually placed in the ground by stakes in the yard of a home, business, upon a vacant lot, or upon undeveloped property. Signs advertising real estate for sale or lease shall not be considered a yard sign for the purpose of this code.

Sec. 21-~~243~~242. General regulations.

The following general regulations apply to all signs displayed within the City, whether permitted, temporary, or exempt.

- (a) It is unlawful for any person to display untrue, false, or misleading statements upon signs, billboards, or other public places, calculated intended to mislead the public as to anything sold, any services to be performed, or information disseminated. The fact that any such sign or display shall contain words or language, sufficient to mislead an ordinary person in reading the same, shall be prima facie evidence of a violation of

this section by the persons displaying such sign, or permitting same to be displayed at their residence, establishment, or place of business.

- (b) All signs must be legible, well painted, in good repair, properly maintained and sturdy enough to permit those persons working on the signs to do so in safety. All signs, including their supports, braces, guys and anchors, electrical parts, and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by ~~Winter Haven~~ the City, and shall present a neat and clean appearance. ~~The~~ All vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.
- (c) Only one (1) side of a double-faced sign shall be considered in computing square footage requirements for area limitations. Double-faced signs connected, but angled more than forty-five degrees (45°), shall be required to calculate both sides of the sign.
- (d) Minimum Sign design standards. All sign structures shall comply with the following design standards:
 - (1) Ground ~~Monument~~ Signs
 - a. The base of a monumentground sign shall be one hundred percent opaque, with the exception that due to the size and nature of the site, the City Manager or his designee determines that the required sign location is such that a critical vehicular and/or pedestrian sight line would be blocked, thereby creating a safety problem. In such instances, part of the sign base shall remain open, and transparent, or translucent.
 - b. The sign structure shall have the appearance of being constructed of the same or similar materials, within the same color scheme, and in the same general architectural style as the principal building.
 - c. Height of ground signs shall be measured from the ground adjacent to the sign to top of the sign copy. A decorative cap extending up to twenty-four (24) inches above the sign copy may be permitted.

d. The display area of the sign shall consist of one of the following:

1. A box sign, with plastic insert, with the advertising message in white letters on a darkutilizing text that contrasts from the background; or
2. Mounted individual, three dimensional letters, which may be channel or back-lit reverse-channel letters.

(2) Wall/Building Signs

- a. A box sign, with plastic insert, with the advertising message in white letters on a darkutilizing text that contrasts from the background; or
- b. Mounted individual, three dimensional letters, which may be channel or back-lit reverse-channel letters.

(3) Pole Signs

Any legally existing pole sign shall be permitted to convert to a ground/monument sign subject to compliance with the provisions of Section 21-243242(d)(1).

Sec. 21-244. Temporary (e) Permitted signs may be displayed on any portion of a property subject to all requirements of this code. The requirements contained within this Article shall apply to the property as a whole.

Sec. 21-243. Temporary Signs

The City Commission finds that the residents of the City require more speech availability during specific times and specific events. It is therefore the intent of the City Commission that the signs in this category, allowed to be erected without a permit, being temporary in nature and tied to specific events, be erected only when the underlying event creating the need for the speech occurs. Further all signs allowed in this category shall not be of such a nature that they would otherwise be prohibited under Section 21-246245 of this code.

No temporary sign shall be located in such a manner as to interfere with the visibility triangle as defined by Section 21-126 of this code.

To protect persons and property from flying debris, in the event of an anticipated tropical storm, hurricane, or other severe weather event, all temporary signs shall be removed at least twenty-four (24) hours before the expected arrival of the storm. Signs not removed within twenty-four (24) hours before the storm event may be subject to removal by the City.

(a) Building Construction, Repair, and Remodeling.

Construction signs, which identify the architects, engineers, contractors, lending institutions, and other individuals or firms involved with construction work on a structure, may be erected subject to the following requirements: -

- (1) Signs shall not include the advertisement of any products.
- (2) Signs may announce the character of the building enterprise or the purpose of which the building is intended during the construction period.
- (3) Signs ~~may~~ on individual lots or parcels shall not exceed sixteen (16) square feet in area in ~~residential areas~~ the RE, R-1, R-2, or R-3 zoning districts and shall be up to thirty-two (32) square feet in area in ~~commercial areas~~ the AG-1, R-4, R-5, OP, C-1, C-2, C-3, C-4, I-1, I-2, PI, or PR zoning districts ~~for each firm~~. Signs for new subdivisions or multi-family projects located in an RE, R-1, R-2, or R-3 zoning district may be permitted up to thirty-two (32) square feet in area.
- (4) Signs shall be confined to the ~~site of the~~ construction site, shall be allowed upon issuance of a building permit, and shall be removed ~~within~~ no later than fourteen (14) days ~~from~~ after the issuance of a Certificate of Occupancy or completion of ~~for~~ the project, or ~~within thirty (30) days~~ from the date the last unit or parcel is sold or is put to use, whichever is later.
- (5) Any construction project which has more than ~~two~~ three hundred ~~(200)~~ (300) feet of street frontage ~~or has more than forty thousand (40,000) square feet of land shall~~ may be allowed an additional sign, ~~not to exceed~~ less than ~~one hundred~~ thirty-two ~~(100)~~ (32) square feet, stating or showing the characteristics of the improvements undertaken on the site. The sign shall be allowed upon the issuance of a building permit, shall not exceed ~~eighteen~~ ten ~~(18)~~ (10) feet in height, and shall be ~~located~~ setback ~~not~~ no less

than ~~forty~~ twenty-five (40) ~~(25)~~ feet from the right-of-way of a street and ~~not less than eighty (80) feet from any~~ or an adjacent property.

(b) Sale or Lease of Real Property.

Real estate signs advertising the sale, rental, or lease of ~~the premises or part of the premises on which signs are displayed~~ a property may shall be erected subject to the following requirements:-

(1) These signs shall only be erected or placed on the property or building for sale, rental, or lease.

~~(1)(2) These~~ The signs ~~may be up to a total area of~~ shall not exceed sixteen (16) square feet in ~~residential areas~~ the RE, R-1, R-2, or R-3 zoning districts, and shall be up to thirty-two (32) square feet in ~~all other areas~~ areas the AG-1, R-4, R-5, OP, C-1, C-2, C-3, C-4, I-1, I-2, PI, or PR zoning districts.

~~(2)(3)~~ For new residential subdivisions, a sign with an area up to thirty-two (32) square feet shall be permitted until ~~sixty (60)~~ eighty percent (80%) of the lots are sold; however, in no case shall a subdivision sales sign remain in place for a period exceeding twenty-four (24) months from the date the subdivision plat was approved. For subdivisions with multiple street frontages, thirty-two (32) square feet per frontage shall be permitted.

~~(3)(4) Such s~~ Signs shall be removed within fourteen (14) days of the sale, rental, or lease.

(c) Elections.

Political signs announcing ~~the~~ a candidate seeking political office or an initiative on the ballot, may be erected subject to the following requirements:-

(1) All political candidates or organizations shall be deemed personally responsible for compliance with the provisions of this paragraph and to that end, each candidate or organization supplying campaign posters which qualify as temporary signs as herein set forth, shall be required to post a cash bond in the sum of ~~one~~ five hundred dollars (\$~~4~~500.00) with the eCity, or execute a guarantee agreement reimbursing the eCity for any costs incurred in the removal of political campaign signs, and such agreement shall be also executed by two (2) adult residents of the eCity. All such cash bonds shall be refunded to candidates or organizations upon the certification of the ~~planning and community development~~

~~department~~ City Manager or his or her designee that the political signs have been removed within ~~the~~ fourteen (14) days. In the event that a candidate's or organization's signs are placed on public property, or should such signs not be removed within the fourteen (14) day period, then the ~~e~~City shall either escheat the candidate's or organization's ~~one~~ five hundred ~~dollars~~ ~~(\$1dollar~~ (\$500.00) cash bond, or collect the cost of removal from the candidate or organization or ~~his~~ their guarantor.

(2) ~~These~~ All signs shall be removed within fourteen (14) days after the election for which they are made. If the election was a primary, and the candidate won, then the signs may remain until fourteen (14) days after the next election issuing a final decision.

(3) ~~These s~~Signs may be up to an area of thirty-two (32) square feet per candidate or issue per premises in all ~~residential~~ zoning districts.

(4) These signs ~~may be up to an area of the maximum size allowable for commercial signs within other zoning districts.~~

~~(5) (4) These signs~~ shall be confined within private property ~~not~~ no closer than ~~three~~ five (3) ~~(5)~~ feet from the adjacent property line or any present sidewalk.

~~(6) (5)~~ Where no sidewalk exists, these signs shall be on private property at least ~~nine~~ ten (9) ~~(10)~~ feet from the edge of pavement.

(d) Public EventsEvent Banners.

~~Street b~~Banners advertising a special ~~public entertainment or~~ event may be erected subject to the following requirements:-

~~(1) All banners~~ No event banner shall be required to have a permit exceed forty-eight (48) square feet in area.

~~(4) (2)~~ Banners may be placed on a property no sooner than fourteen (14) days before the event and shall be removed no later than seven (7) days after the event. However, in no case shall a banner be displayed for more than 30 consecutive days.

~~(3) The size, location, and other features of street banners shall only be permitted through the b~~ Building dDivision. ~~The~~ hanging of banners over a public ~~streets~~ streets shall be approved and coordinated with the Public Services Division.

City.

~~(2)(3) The banners may only be placed on the~~
~~(4) Banners advertising a property up to no sooner than twenty-one~~
~~fourteen (21-14) days before the event and remain up to shall be~~
~~removed no later than seven (7) days after the event. However, in~~
~~no case shall a banner be displayed for more than 30 consecutive~~
~~days.~~

~~(4) No business shall be permitted to display banners more than four~~
~~(4) times per calendar year. A minimum of 30 days shall be~~
~~required between permits for banners for businesses, grand~~
~~openings, special sales, sales prices, or products shall be not~~
~~classified as a temporary sign for the purpose of this code. These~~
~~signs are defined as a portable sign and shall be subject to the~~
~~requirements set forth in Section 21-246(d).~~

(e) Temporary Window Displays.

~~Shop~~

Window signs may be erected subject to the following requirements:

- (1) In the RE, R-1, R-2, R-3, R-4, or R-5 zoning districts, temporary window signs must not exceed more than twenty-five percent (25%) of the available window area.
- (2) In the AG-1, OP, C-1, ~~C-2~~, C-3, C-4, I-1, I-2, PI, or PR zoning districts temporary signs in a window display of merchandise must not exceed twenty-five percent (25%) of the available window area. (Any window sign larger than 25% of the window area shall require a permit and shall be included as a portion of the allowable sign area for that particular business.)
- (3) Temporary window signs, regardless of zoning district, may only be displayed for ~~one hundred eighty (180)~~~~thirty (30)~~ consecutive days.

(f) Temporary business yard signs.

No business shall be permitted more than two (2) temporary yard signs. The temporary yard sign shall not exceed three (3) square feet in area. Temporary yard signs shall only advertise products or services provided on the site upon which the sign is placed. Temporary business yard signs may only be displayed for ~~one hundred eighty (180)~~~~thirty (30)~~ consecutive days.

Sec. 21-245244. Exempt signs.
Signs

The City Commission finds that certain methods of communication are so deeply entrenched in the historical fabric of American society that certain signs should be exempt from permitting, time, place, and manner restrictions. It is therefore the intent of the City Commission that the signs in this category should be allowed to be erected without a permit. However, notwithstanding the foregoing, all signs in this category deemed exempt from regulation shall not be of such a nature that they would otherwise be prohibited under Section 21-246245 of this code, except for governmental public interest signs, which the City Commission finds necessary to serve the substantial governmental interests of warning and notifying the public of hazards and dangers, informing and instructing the public on the various laws, rules, and regulations affecting everyday activities, and fulfilling governmental duties as determined and assigned by and to State agencies, the State legislature, or local authorities. Further, notwithstanding the foregoing, exempt signs must be in compliance with applicable construction and safety regulations.

No exempt sign shall be located in such a manner as to interfere with the visibility triangle as defined by Section 21-126 of this code.

The following types of signs are exempt:

(a) Governmental Public Interest Signs.

Signs of a noncommercial nature, and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and the like. Signs exempt under this provision may not contain statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend the public morals or decency of the City of Winter Haven community, regardless of the authority under which they are erected.

(b) Charitable, Educational, and Religious Facility Signs.

Signs setting forth the name or ~~any~~ simple announcement for any public, charitable, educational, or religious institutions, located entirely ~~within~~ on the premises of that institution, ~~up to an area of~~ and be less than thirty-two (32) square feet in area. There shall be not more than one (1) such sign per street frontage. Such signs may be illuminated in accordance with the regulations contained hereinafter. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six (6) feet above ground level and set back

so as not to cause any traffic hazard. Signs, where permitted, greater than thirty-two (32) square feet in area, or six (6) feet in height, shall require a permit.

(c) *Guidance Signs.*

Directional ~~S~~ signs directing traffic movement onto, or within a premises, not to exceed~~ing~~ three (3) square feet in area for each sign. Illumination of these signs shall be permitted in accordance with the section hereinafter included on illumination. Directional signs shall be located on the property to which they are directing traffic.

(d) Mounted Home Signs

~~Signs not exceeding two (2) square feet in area, attached flat against the building, stationary and not illuminated, announcing only the name and occupation of the building tenant, provided that such sign, or combination of such Home signs, does not constitute a sign prohibited by section 21-244 of this code. This category includes home occupation signs in residential districts.~~

~~Home may have a signs which~~ shall be mounted flat against the residence shall not ~~to~~ exceed two (2) square feet in area, and shall not be illuminated.

(e) Addressing.

Street address numbers are assigned by ~~the post office~~ Polk County E911 Addressing and are required for all buildings. The numbers shall be at least three (3) inches high and visible from the public thoroughfare. Where monumentground signs are used, the address shall be displayed on the monumentground sign or sign structure. Addresses shall not be included in the sign area calculation.

(f) Directories.

~~A~~Office directory signs not exceeding two (2) square feet per tenant in area, stationary and not illuminated, located on the premises, announcing only the name, location, and occupation of each building tenant.

(g) Holiday Displays.

Holiday lights and decorations provided such items are erected no earlier than ~~thirty (30)~~forty-five (45) days prior to the holiday, and removed no later than thirty (30) days after the holiday being celebrated; and religious displays erected on ~~church~~ the grounds of the house of worship.

(h) Mounted Business Signs.

~~Signs carried by a person.~~ Any sign, limited to a maximum of one sign per business, that is less than two (2) square feet in area, mounted flat against the building, and is not illuminated.

(i) Home Yard Signs

Any two (2) signs in the front yard of a home, each of which may not exceed three (3) square feet in area. Each sign must be five (5) feet from any property line or present sidewalk. Where no sidewalk exists, these signs shall be on private property at least ten (10) feet from the edge of pavement.

(j) Non-commercial Signs Carried by a Person

Signs carried by a person with a non-commercial message.

Sec. 21-246245. Prohibited ~~signs~~Signs

The following types of signs are prohibited in all districts, unless such signs are exempt governmental public interest signs:

- (a) Signs ~~that~~ containing statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.
- (b) Signs ~~that~~ containing or ~~are an imitation of~~ representing an official traffic control sign or signal, or contain the words stop, go slowly, caution, danger, warning, or similar words.
- (c) Signs that are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic-control device or which hide from view any traffic, ~~or~~ street sign or signal.
- (d) Accessory or snipe signs.
- (e) Signs that containing or consisting of banners, air dancers, balloons, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar moving devices. ~~These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation.~~

- | (~~ef~~) Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- | (~~fg~~) Signs with lights or illuminations that flash, move, rotate, blink, flicker, or vary in intensity or color, except on theater marquees and time-temperature-date signs.
- | (~~gh~~) Illuminated signs of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians using or entering a public right-of-way, or that ~~are a hazard or nuisance to occupants of any property because of glare or other characteristics~~ glare onto adjoining residential property.
- | (~~hi~~) Signs utilizing moving copy.
- | (~~ij~~) Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying said sign (this does not apply to permitted portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).
- | (~~jk~~) Signs attached to trees, telephone poles, public benches, streetlights, or signs placed on any public property ~~or public right-of-way~~. Signs placed on these objects or locations shall be subject to removal by the City without notice.
- | (~~kl~~) Other than street address numbers, no person shall paint, paste, print, or nail any banner, sign, paper sign or any advertisement or notice of any kind whatsoever, ~~or cause same to be done,~~ on any curbstone, flagstone, pavement or any other portion or part of any sidewalk or street, or upon any trees, lamppost, telephone or ~~telegraph~~ utility pole, utility equipment, hydrant, bridge, ~~workshop or tool shed,~~ or upon any structure located within the limits of any street or alley ~~with~~in the city.
- | (~~lm~~) Signs placed upon any public or private right-of-way.
- | (~~l~~)-(~~mn~~) Signs emitting sound, odor, smoke, or steam.
- | (~~m~~)-(~~no~~) Signs ~~that advertiseingadvertising~~ an activity, business, or ~~product~~ ~~or~~ service no longer conducted on the premises upon which the sign is located.
- | (~~n~~)-(~~op~~) Abandoned signs.

(~~e~~) (~~pq~~) Blank temporary signs. Spaces reserved in a shopping center sign for future tenants shall be permitted so long as they are of a neutral color consistent with the sign.

(~~p~~) (~~qr~~) Signs ~~that are~~ in violation of the adopted building or electrical codes.

(~~q~~) (~~rs~~) Any sign that, in the opinion of the ~~b~~Building~~e~~Building Official, constitutes a safety hazard.

(~~r~~) (~~st~~) Any sign obstructing ~~any~~ traffic visibility or constitutes a distraction to the safe flow of traffic and pedestrians.

(~~s~~) (~~t~~) ~~Murals that are used as advertising. Murals may not contain any~~Purported works of art applied directly to the surface of a wall that, in whole or in part, promote the advancement of commercial interests or constitute commercial speech. Commercially oriented words, names, and logos, depictions, representations or pictures of products or services offered within the building that they are painted on, or any other business. Murals are considered artwork and may not by themselves be used as an advertising sign, but may be employed in combination with a legal building, are indicative of the commercial nature of such signs and permitted shall serve as a presumption of sign use for a commercial purpose.

(~~t~~) (~~uv~~) Roof signs projecting above the highest point of the roof.

(~~v~~) (~~w~~) Signs located on or within any lake, canal, bridge, or seawall.

(x) Signs carried by a person advertising a for-profit business.

(~~z~~) (~~y~~) Painted sign copy on a wall or ground/monument sign.

Section 21-~~247246~~. Permitted Signs

It is the intent of the City Commission that signs be properly regulated as to time, place, and manner, and not as to message. To that extent, wherever in this section commercial speech is authorized, non-commercial speech is authorized in the same time, place, and manner as commercial speech. Further, in keeping with the intent to improve the aesthetics of the City and improve traffic safety throughout the City, all signs not specifically permitted hereunder are prohibited.

(a) *Residential district signs*

This section shall apply to all signs in zones designated by this Code as AG-1, RE, R-1, R-2, R-3, R-4, R-5, and RM.

- (1) No sign, except for temporary or exempt signs, shall be allowed on individual parcels in an RE, R-1, or R-2 zoning district.
- (2) A multiple-family building, complex of multiple-family dwellings, mobile home parks, and subdivisions shall be permitted one (1) sign per street frontage, identifying the building, complex of buildings, park, or subdivision. The maximum total area per frontage shall not exceed thirty-two (32) square feet. Identification signs may be lighted; however, no light shall glare onto residential structures or rights-of-way.
- (3) Identification signs for multiple-family residential buildings, complexes of multiple-family dwellings, or mobile home parks shall contain in a conspicuous place the address of the building or complex of buildings. The address shall be a minimum of four (4) inches in height and shall not count towards the maximum sign area requirements.
- (4) Where signs are permitted in residential zones, signs shall either be mounted flat against the building, fence or wall, or be a monument type ground sign. MonumentGround signs shall have a maximum height of four (4) feet above the ground and be setback no closer than five (5) feet from any property line or sidewalk not located within the right-of-way.
- (5) No ground sign shall be located in such a manner as to interfere with the visibility triangle for streets, alleys, and driveways as defined by Section 21-126 of this Code.

(b) *On-site commercial, professional, and industrial district signs*

This section shall apply to all signs, except for shopping center signs, in zones designated by this Code as OP, C-1, C-2, C-3, C-4, I-1, and I-2. Regulations for shopping center signs are contained in Section 21-~~248247~~ of this Code.

- (1) Locations for signs
 - a. Signs shall be wall mounted or monumentground unless otherwise indicated by this Code.
 - b. MonumentGround signs may be located at any location along a street frontage, however a setback of five (5) feet from all property lines and sidewalks located outside of the right-of-way shall be maintained.

- c. No monumentground sign shall be located within such a manner as to interfere with the visibility triangle, for streets, alleys, and driveways as defined by Section 21-126 of this Code, for a driveway, intersecting street, or alley.
 - d. No sign located within an OP, C-2, C-3, C-4, I-1, or I-2 zoning district may project beyond the property line.
 - e. No sign, except for a legally approved billboard, shall be located on unimproved real property. Billboards shall be required to follow requirements contained in Section 21-249248 of this Code.
 - f. Not more than one (1) monumentground sign shall be permitted for each three-hundred (300) feet of street frontage, or portion thereof, for each business, provided further, that any business entitled to more than one (1) sign along a street frontage shall place such signs at least three-hundred (300) feet apart.
 - g. Any business having frontage on more than one (1) street shall be permitted additional sign area on the secondary frontage(s) not to exceed fifty (50) percent of the allowable sign area utilized on the primary street frontage.
 - ~~h. An off-premises commercial sign may be posted on the property of an existing commercial business if the owner of that business is willing to give up a portion of their his maximum sign allowance to the off-premises sign. The sign shall only be posted at the intersection of a the street or road provides providing direct access to the business being advertised. The total square feet of the off-premises sign plus the signs of the business on which the off-premises sign is posted may shall not exceed one third (1/3) of the maximum allowed for the principal business located on the property. An off-premises sign may not exceed the length of the principal sign nor one half (1/2) the width of the principal sign.~~
- (2) Signs located in the OP and C-2 zoning districts shall comply with the following additional requirements:
- a. All new signs erected within the OP or C-2 zoning districts shall either be a wall or monumentground sign. Pole mounted signs shall not be permitted. Existing pole signs may remain until altered or replaced, or until January 1, 2015, whichever occurs first.
 - b. Sign area for the primary street frontage shall be determined by Table 21-247246(a). Highway lanes shall be for the average number of lanes for the roadway excluding intersections.

Table 21-~~247246~~(a)

Sign Type	Formula	Maximum Area (Less than 4-lane roadway)	Maximum Area (4- 6 lane roadways)
Wall	1.5 sf/ linear foot of building frontage	6064 square feet	80 square feet
Monument Ground	0.5 sf/ linear foot of lot/street frontage	6064 square feet	100 square feet
All signs		120128 square feet	180 square feet

- c. Signs located on collector or arterial streets may be illuminated using internal or external light sources. Signs located on local streets may only be illuminated using exterior light sources. All external illumination shall be designed so as to prevent glare onto adjoining properties or right-of-way. Any lighted sign located on a local street, and within 100 feet of a residentially zoned property, shall be off by 10:00 pm.
 - d. The maximum height of monumentground signs on roadways less than four (4) lanes shall not exceed ten (10) feet. Signs on roadways four (4) lanes or greater shall not exceed fifteen (15) feet.
 - e. The use of electronic message centers for the display of changeable copy shall be permitted. Messages displayed by the electronic message center shall change no more frequently than once every ninety (90) seconds. The electronic message center shall not exceed twenty-five percent (25%) of the area of the sign in which it is installed. No electronic message center shall be permitted unless it is part of another legally approved sign structure.
- (3) Signs located in the C-1 zoning district shall comply with the following requirements:
- a. Signs are a vital part of any downtown commercial area. Signs are part of the overall image of a business, therefore, it is important that all signage should complement the architecture, as well as reinforce the needs of the business. They should be attractively designed and should contribute to the character of the area. It is important to remember that unlike modern highway strip development, the scale of buildings and downtown streets is geared primarily to pedestrians. Consequently, there is no need for overly large signs that not only obscure important architectural

features of the building but also contribute to the visual pollution of the street. Every sign shall have appropriate scale and proportion in its design and in its visual relationship to buildings and surroundings. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.

The sign regulations in this paragraph are applicable only for businesses in the C-1, Downtown Commercial zoning district except for signs directly abutting or facing First Street N/S and Sixth Street, NW/SW. Signs abutting First Street, N/S or Sixth Street, NW/SW shall follow those requirements for signs in the OP or C-2 zoning districts.

1. Permitted signs.

The following signs are permitted in the Downtown district:

- Pedestrian/perpendicular signs
- Wall signs
- Monument• Ground signs
- Directory signs
- Neon signs
- Window signs not to exceed twenty-five percent (25%) of the window area
- Awning signs
- Sandwich boards/easels
- Swinging signs mounted on a post not exceeding four (4) feet in height
- Temporary signs, as permitted under Section 21-246(A)243 of this code

2. Prohibited signs.

In addition to signs prohibited under Section 21-245 of this code, the following signs are prohibited in the Downtown district:

- Portable signs, except signs advertising a public-sanctioned event
- Billboards
- Off-site signs
- Bench signs
- Bus shelter signs

- Pole signs, excluding swinging signs on a post not

_____exceeding four (4) feet in height

Roof• Electronic Message
Center signs not fronting First Street N/S and Sixth
Street NW/SW

3. Number of signs
 - a. The maximum number of signs per building front is three (3), and can be wall-mounted, perpendicular, window, ground-mounted, or awning.
 - b. The maximum number of signs per building side or rear is one (1) and can be either wall-mounted, window, or awning.
4. Wall-mounted signs
 - a. Each building is permitted to have signage on the front wall and on any side wall which faces a public street.
 - b. Signage on the front wall shall not occupy more than seventy-five percent (75%) of the signable area.
 - c. Wall mounted signs on the building front shall not exceed thirty-two (32) square feet for one (1) story buildings, forty-eight (48) square feet for two (2) story buildings, or sixty-four (64) square feet for three (3) or more story buildings.
 - d. Signage on a side or rear wall shall not occupy more than twenty percent (20%) of the signable area of the wall.
 - e. Wall mounted signs on a side or rear wall shall not exceed twenty-four (24) square feet for one story buildings, thirty-six (36) square feet for two-story buildings, or forty-eight (48) square feet for three or more story buildings.
5. Perpendicular/pedestrian signs
 - a. If any part of the building overhangs a sidewalk, a business is permitted one (1) sign to be hung from the overhang at the main entrance which shall have a minimum vertical clearance from the sidewalk of 7

feet, 6 inches. No sign shall extend beyond the curb. This area will be subtracted from the signable area of the wall mounted sign on the same frontage.

- b. Perpendicular signs shall not exceed four (4) square feet per side.

6. Window signs

- a. *Permanent window* signs shall not occupy more than twenty (20) percent of the total area of the window in which they are displayed. This area will be subtracted from the signable area of the wall mounted sign on the same frontage.
- b. *Temporary window* signs shall be placed on the windows for no longer than four (4) consecutive weeks for no more than four (4) times per year, and shall not exceed fifty (50) percent of the overall window area.

7. Awning signs

Signs on awnings must occur within and not exceed thirty (30) percent of the horizontal area of the valance on the awning. Signs on the sloped or angled face are not permitted. Images or logos will comprise the thirty (30) percent space limit.

8. Directory signs

One sign for a multi-tenant building may be displayed at the street level entrance through the use of a directory sign. Directory signs are exempt from the limitations on number of signs and sign area in this district. The maximum area for directory sign shall be eight (8) square feet. All directory signs shall be attached to the building.

9. MonumentGround signs

- a. MonumentGround signs may be displayed only on a frontage of ~~seventy-five (75)~~ fifty (50) feet or more and may not be closer than ~~seventytwo (72)~~ seventy-five (75) feet to another ground mounted sign.

- b. The maximum area for monumentground signs not fronting First Street or Sixth Street shall be sixteen (16) square feet. MonumentGround signs fronting First Street, N/S or Sixth Street, NW/SW shall follow the standards for monumentground signs for the OP, and C-2 zoning districts.
- c. No sign or sign structure or part thereof shall exceed four (4) feet in height above the ground except for those fronting on First Street and Sixth Street which shall have a maximum height of eight (8) feet.
- ~~d. No monument sign shall be placed in the right-of-way.~~

10. Sandwich board/easel signs

- a. Only one sandwich board/easel shall be allowed for any single business. The sandwich board/easel sign must be located in front of the business for which it advertises.
- b. Sandwich board/easel signs on public or private property shall not exceed twenty-four (24) inches in width and forty-eight (48) inches in height; provided, however, that a minimum unobstructed sidewalk width of forty ~~two (42)~~ four (44) inches shall be maintained. The sign must be removed when the business it advertises is not open.

11. Removal of prohibited signs

Signs listed in Paragraph (2)(b), which are prohibited in the Downtown Commercial (C-1) district and which were permitted prior to the adoption of this article, may continue until two one (January 1) years from the date of adoption of this article, 2015.

Prior to the aforementioned removal date, a prohibited sign may be maintained as a non-conforming sign, provided that such sign shall not be enlarged, changed, or altered in any way except as required to maintain its original characteristics.

- (4) Signs located in the C-3, C-4, I-1, and I-2 zoning districts shall comply with the following additional requirements:

- a. All new signs erected within the C-3, C-4, I-1 and I-2 zoning districts shall be wall mounted or a-monumentground signs. Pole signs shall not be permitted. Existing pole signs may remain in place until altered or replaced, or until January 1, 2015, whichever occurs first.
- b. Sign area for the primary street frontage shall be determined by Table 21-247246(b). Highway lanes shall be for the average number of lanes for the roadway excluding intersections.

Table 21-247246(b)

Sign Type	Formula	Maximum Signage (Less than 4 lane roadway)	Maximum Signage (4-6 lane roadways)
Wall	1.5 sf / linear foot of building frontage	75 square feet	80 square feet
<u>MonumentGround</u>	0.5 sf/ linear foot of street/lot frontage	75 square feet	100 square feet
All signs		150 square feet	180 square feet

- c. Buildings set back greater than one hundred (100) feet from the primary street providing access may increase the wall signage by up to twenty-five (25%) over that permitted in Table 21-247246(b).
- d. The maximum height for monumentground signs on roadways four lanes or greater shall be fifteen (15) feet. MonumentGround signs on roadways less than four lanes shall have a maximum height of ten (10) feet.
- e. The use of electronic message centers for the display of changeable copy shall be permitted. Messages displayed by the electronic message center shall change no more frequently than once every ninety (90) seconds. The electronic message center shall not exceed twenty-five percent (25%) of the area of the sign in which it is installed. No electronic message center shall be permitted unless it is part of another legally approved sign structure.

(c) *On-site institutional, recreation, and conservation district signs*

This section shall apply to all signs in zones designated by this code as PI, PR or CN.

(1) Signs located in the PI or PR zoning districts shall comply with the following requirements:

- a. All new signs erected within the PI or PR zoning districts shall be a wall or monumentground sign. Pole signs shall not be permitted. Existing pole signs may remain in place until altered or replaced, or until January 1, 2015, whichever occurs first.
- b. Sign area for the primary street frontage shall be determined by Table 21-247246(c).

Table 21-247246(c)

Sign Type	Formula	Maximum Area
Wall	0.5 sf/ linear foot of total building frontage	60 square feet
<u>MonumentGround</u>	0.5 sf / linear foot of lot/street frontage	120 square feet
All signs		120 square feet

- c. Signs identifying individual buildings at a public or private school shall be exempt from compliance with the regulations of this section.
- d. The maximum height for monumentground signs shall be six (6) feet.
- e. The use of electronic message centers for the display of changeable copy shall be permitted. Messages displayed by the electronic message center shall change no more frequently than once every ninety (90) seconds. The electronic message center shall not exceed twenty-five percent (25%) of the area of the sign in which it is installed. No electronic message center shall be permitted unless it is part of another legally approved sign structure.

(2) Signs located in the CN zoning district shall comply with the following requirements:

- a. All new signs erected within the CN zoning district shall be a monumentground type sign. Pole type and wall mounted signs shall not be permitted.

- b. Maximum sign area shall not exceed sixteen (16) square feet in area, nor exceed four (4) feet in height.
- c. Informational/educational displays are not considered signage and shall not be subject to the provisions of this Article.

(d) Planned Unit Development (PUD) zoning districts

Signage for properties subject to a Planned Unit Development (PUD) zoning ordinance shall follow the requirements contained in the PUD. For PUDs lacking provisions regulating signage, signage shall be based on permitted uses. Residential uses within a PUD shall follow the requirements of Section 21-248. Shopping Center-246(a). Commercial or industrial uses within the PUD shall follow the requirements of Section 21-246(b)(4).

(e) Portable signs:

Portable or non-permanent signs are those types of signs that are not permanently attached to the ground and can be removed or relocated with minimal effort. For the purpose of this code, banners and flags advertising businesses, products, or special sales, are classified as portable signs. Portable signs shall comply with the following requirements:

- 1) No portable sign shall be placed within the city without a permit.
- 2) Each commercially or institutionally zoned property is limited to one (1) portable sign per roadway frontage not exceeding thirty-two (32) square feet. Multi-tenant properties with more than 300 feet of roadway frontage shall be permitted a second portable sign not exceeding thirty-two (32) square feet.
- 3) All portable signs shall be placed on private property no closer than five (5) feet from the property line or public sidewalk if the sidewalk is located within an easement outside of the right-of-way.
- 4) No portable sign shall be located in such a manner as to interfere with the visibility triangle for streets, alleys, and driveways as defined by Section 21-126 of this Code.
- 5) No portable sign shall be permitted on an unimproved property.
- 6) No portable sign shall be permitted for a period greater than thirty (30) days. Permits for portable signs shall not be issued more than twice during any one twelve (12) month period.

- 7) The use of sandwich board/easel signs in the Downtown Commercial (C-1) zoning district shall be exempt from the requirements of this subsection.
- 8) No portable sign shall be illuminated in any manner.
- 9) To protect persons and property from flying debris, in the event of an anticipated tropical storm, hurricane, or other severe weather event, all portable signs shall be removed at least twenty-four (24) hours before the expected arrival of the storm. Signs not removed within twenty-four (24) hours before the storm event may be subject to removal by the City.

Section 21-247. Shopping Center and Multi-tenant Building Signs

Shopping centers are multi-tenant buildings containing several individual businesses. Customarily, the buildings are located on the rear or central portion of the parcel separated from streets or highways by a parking area or out-parcels. With businesses in shopping centers being at a distance from the traffic flow, unique signage issues arise for these uses. The following standards shall apply to shopping centers as a whole, and to the individual businesses located within them.

- (a) All new signs associated with a shopping center or multi-tenant building shall be either a monumentground or wall sign. Pole signs shall not be permitted. Existing pole signs may remain in place until altered or replaced, or until January 1, 2015. Each shopping center or multi-tenant building is permitted to have one monumentground sign per three hundred (300) linear feet of roadway frontage. Shopping centers or multi-tenant buildings that have frontage on multiple roads shall be permitted at least one (1) sign per frontage.
- (b) MonumentGround signs shall not exceed fifteen (15) feet in height.
- (c) No monumentground sign shall be permitted within five (5) feet of the property line or sidewalk, whichever results in the greatest setback. No signs-ground sign shall be erected-withinlocated in such a manner as to interfere with the visibility triangle as-establishedfor streets, alleys, and driveways as defined by sectionSection 21-126 of this codeCode.
- (d) The maximum permitted area for shopping center or multi-tenant building signs and individual storefronts is based on shopping center sizeor building square footage. Table 21-~~248~~247(a) establishes the maximum sign area for shopping centers and multi-tenant buildings and individual businesses within shopping-centersthem.

Table 21-~~248247~~(a)

Total Shopping Center or Multi-tenant Building Size	Monument Ground Sign(s)	Wall Signs for individual businesses
Less than 25,000 sf	75 square feet	1.50 sf / linear ft of business frontage
25,000 -99,999 sf	150 square feet	1.50 sf / linear ft of business frontage
100,000-150,000 sf	200 square feet	1.50 sf / linear ft of business frontage
Over 150,000 sf	250 square feet	1.25 sf/ linear ft of business frontage

- (e) Manually changeable readerboards are permitted as a portion of the maximum allowable area for the main shopping center or multi-tenant building sign(s). Readerboards may not consist of more than twenty-five (25%) of any one sign's total area.
- (f) Signs hanging from a covered sidewalk, that are not visible from the front of the shopping center, shall not be calculated as part of the total sign area for that business. These signs shall maintain a minimum clearance of ~~ten~~-eight (~~10~~-8) feet above the sidewalk.
- (g) Shopping centers containing a movie theater are permitted an additional fifty (50) square feet over the maximum allowable sign area of the shopping center sign for the use as a theater marquee listing titles and showtimes. Should a shopping center have frontage on two arterial roadways, a theater marquee shall be permitted along each roadway frontage. The theater is permitted an additional fifty (50) square feet for a marquee located at the box office windows. The marquee located at the box office windows may be of an electronic message board type.
- (h) One (1) copy box not to exceed fifty (50) square feet in area may be allowed for the announcement of community events. The copy box shall not be required to be permitted unless the box is illuminated.
- (i) Signage for out-parcels shall comply with the following standards:
 - (1) Each out-parcel shall be limited to one monument/ground sign not to exceed sixty (60) square feet in area and ten (10) feet in height. A second monument/ground directory sign, not to exceed thirty (30) square feet, may be located along the out-parcel's frontage with the shopping center's internal roadway. Pole signs shall not be permitted. All monumentground signs shall be located a minimum of five (5) feet from the property line.

- (2) Wall signage shall be calculated at 1.50 square feet / linear foot of building frontage; however, total signage on the building shall not exceed eighty (80) square feet.
 - (3) Signage for out-parcels shall be reviewed and permitted separately from that of the shopping center.
 - (4) MonumentGround signs for an out-parcel shall maintain a separation of at least fifty (50) feet from any other monumentground sign associated with the shopping center.
- j. The use of electronic message centers for the display of changeable copy shall be permitted. Messages displayed by the electronic message center shall change no more frequently than once every ninety (90) seconds. The electronic message center shall not exceed twenty-five percent (25%) of the area of the sign in which it is installed. No electronic message center shall be permitted unless it is part of another legally approved sign structure.

Sec. 21-~~249~~248. Billboards.

- ~~(1)~~(a) Billboards shall only be allowed ~~only~~ on unimproved real property within ~~business or industrial~~ the C-2, C-3, C-4, I-1, or I-2 zoning districts; ~~excepting business professional zones that are adjacent to arterial streets as defined in the major street and base building line ordinance.~~
- ~~(2)~~(b) Billboards ~~are~~ shall not be less than one hundred fifty (150) square feet nor more than four hundred (400) square feet in area.
- ~~(3)~~(c) Billboards shall be setback at least forty (40) feet from the street right-of-way ~~or conform to the base building line, whichever is greater, providing that in any event a setback,~~ shall not be ~~not setback~~ less than fifty (50) feet from any intersection, and shall not be placed closer than ~~three~~ eight hundred (~~3~~800) feet from another billboard or improved real property as measured parallel to the street.
- ~~(4)~~(d) Billboards shall not exceed eighteen (18) feet in height, except in locations having unusual or steep grades, the ~~building and zoning director~~ City Manager or his or her designee may issue permits for billboards not exceeding feet thirty (30) feet in height where the terrain and circumstances justify and reasonably require the additional height of such billboards.

~~(5)~~(e) Should any billboard otherwise meeting the requirements set forth ~~hereinabove~~ in these regulations lie within ~~three~~ eight hundred (3800) feet of each other as measured parallel to the street, then such billboard which was installed earlier in point of time shall be allowed to remain and the other, or others, shall be removed.

~~(6)~~(f) No billboards other than freestanding shall be allowed.

~~(7)~~(g) Double-faced billboards connected, but angled at not more than forty-five (45) degrees shall be considered as a single billboard and the area set forth above and the required square footage shall be computed on the basis of one (1) face only.

(h) All new billboards erected after the effective date of this code shall be supported by a single monopole structure. Any non-conforming billboard shall be required to come into compliance with this code upon replacement or by January 1, 2015, whichever occurs first.

(i) ~~Billboard Relocation Program~~

In accordance with s. 70.20(1), F.S. (2007), any owner of a billboard made nonconforming by this code, other than by operation of subsection (h) herein, may apply to the City Manager's office for entry into a relocation and reconstruction agreement on whatever terms may be agreeable to the sign owner and the City Manager. The City Manager is specifically authorized to enter into relocation agreements with billboard owners pursuant to this subsection on whatever terms may be agreeable, including authorization for relocation of billboards to any eligible commercial or industrial zoning district.

~~Sec. 21-250. Maintenance of signs-249. Murals~~

Notwithstanding anything in these regulations to the contrary, murals that (a) have serious artistic value, (b) contribute directly to the public's artistic education and welfare, (c) are not obscene; and (d) are not intended, in whole or part, to constitute advertising or advancement of commercial interests, when viewed as a whole by a reasonable person are not "signs" and are not intended to be regulated by these code provisions, except that prior to painting of a mural, a property owner must apply to the City for a permit under Section 21-240 of this code and comply with any and all general and special conditions as stated on the approved permit document.

Purported works of art applied directly to the surface of a wall advancing commercial interests however, in whole or part, by depiction, representation, or idealization of any type of goods or services presented to the general public for sale or consumption, are hereby found and determined by the City Commission of the City of Winter Haven to constitute commercial speech that detracts from the aesthetic beauty of the City and as such, should be prohibited in protection of the welfare of the general community. The City Commission further finds that the regulations contained in this Part allow for ample alternative channels to present commercial ideas that otherwise could be advanced by such purported works of art and finds that restricting wall paintings to serious art is the least restrictive means to advance the legitimate and compelling government interest in preserving the aesthetic beauty of the City, including its historic downtown commercial area. As such, purported works of art applied directly to the surface of a wall advancing commercial interests, in whole or in part, shall be subject to these code provisions, in their entirety, and, in particular, Section 21-245 of this code.

Sec. 21-250. Maintenance of Signs

- (a) All signs, and components thereof, shall be kept in good repair and in safe, neat, clean, and attractive condition.
- (b) Whenever it appears to the ~~bBuilding~~Building Official that any sign has been constructed, erected or is being maintained in violation of ~~any of the terms~~ the provisions of this article, or after a permit therefore has been revoked or become void, or that a sign is unsafe or insecure, or in such condition as to be a menace to the safety of the public, he/she shall thereupon issue a notice in writing to the owner of the sign, or to the owner or tenant of the premises upon which the sign is erected or maintained, informing such person of the violation or of the dangerous condition of such sign and directing him/her to make such alteration or repair or do such things or acts as are necessary to make the ~~same~~ sign comply with the requirements of this article. ~~within such reasonable time limit as shall be stated in such notice which, in no case, shall be less than twenty (20) days or more than sixty (60) days~~ The notice shall provide the owner or tenant of the premises a reasonable time limit of no less than twenty (20) days, but no more than sixty (60) days, to bring the sign in question into compliance with the provisions of this article. Such notice may be given by personal service, by depositing a copy thereof in the U.S. mail in a postage prepaid wrapper addressed to the street address of the premises upon which such sign is erected or maintained, or by posting a copy thereof on the premises upon which such sign is erected or maintained. Upon failure to comply with such notice within the time mentioned therein, the building official shall cause such sign or such parts thereof as is constructed or maintained in an unsafe condition or otherwise in violation of this article, to be removed, altered or repaired so as to make

it a conforming sign and shall charge the expense thereof to the persons so notified and such charge shall stand as a lien against the real property involved. When any sign is in such condition as to be an immediate hazard and peril to the safety of the public or to property, the building official is hereby authorized to cause such signs to be removed summarily and without notice. Any costs of removal incurred by the ~~city~~City shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge shall be a lien on the property.

- (c) Any nonstructural sign shall be immediately removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. Structural signs shall be removed by the owner or lessee of the premises ~~upon~~ which the sign is located when the business which it advertises has not been conducted on the premises for six (6) months and no new business is presently conducted on the premises. If the owner or lessee fails to remove it, the building official shall give the owner fifteen (15) days written notice to remove it. Upon failure to comply with this notice, the building official or his duly authorized representative may remove the sign at cost to the owner.

Sec. 21-251. Non-conforming ~~signs~~.Signs

- (a) Signs existing at the time of the enactment of this article in compliance with ~~the~~ previous ordinances and regulations, but not conforming to the provisions of this article, shall be permitted to continue as nonconforming signs, subject to the following conditions:
 - (1) Nonconforming signs shall be maintained in a safe condition that meets all the requirements of the building code adopted by the ~~e~~City and shall not in any respect be dangerous to the public or ~~to~~ ~~the~~ property. Nonconforming signs that become damaged from any cause whatsoever, or if renovation of the sign is undertaken, and such damage or renovation will cost in excess of fifty (50) percent of the average of the original sign cost, the most recent appraised Polk County valuation, and estimated replacement cost, shall be removed or made to conform within ninety (90) days from date of damage or simultaneous with renovation.
 - (2) Any changes in the copy, alteration, or modification shall not be permitted if the cost of such copy, alteration and modification exceeds fifty (50) percent of the average of the original sign cost,

the most recent appraised Polk County valuation, and estimated replacement cost. Provided ~~further~~, that in no case shall the degree of nonconformity be increased.

- (3) Nonconforming signs that are changed, altered, modified, or damaged to any extent, or changed in a manner requiring the issuance of a sign permit, shall be required to meet the ~~height limitation as defined in Article II~~ requirements of this code.

(4) Nonconforming signs, to continue as permitted uses subject to the above conditions, must be registered within sixty (60) days of enactment of this code in accordance with subsection (d) below.

- (b) If, at any time, any sign should become in violation of the above conditions, the owner, agent, or persons having beneficial use of the structure or land on which such sign is located shall immediately abate or remove such sign.

- (c) Amortization of existing pole-mounted signs.

Pole signs existing prior to the effective date of this article shall be converted to a monumentground or other legally permitted sign upon alteration or replacement, or no later than January 1, 2015. Prior to this date any pole sign replaced, or damaged beyond the thresholds provided for above, shall be required to come into compliance with the provisions of this code.

- (d) Registration of non-conforming signs required.

Non-conforming signs, to continue as permitted uses under this code until a triggering event requires replacement and conformity, must be registered with the Building Official within sixty (60) days of enactment of this code by filing with said Building Official a form, to be prescribed by said Building Official, which must contain the following:

- ~~(d) Non-conforming signs of cultural or historical significance.~~

- (1) AnyA description and photograph of the existing sign;
- (2) The sign owner's contact information; and
- (3) Where applicable, the property owner's contact information

Registration of a nonconforming sign with the City confers no right or privilege to continued use of a sign, other than as prescribed herein in this section.

- (e) Non-conforming signs of cultural or historical significance.

- (1) Notwithstanding anything in this section to the contrary, any sign not meeting the requirements of this code may be reviewed by the Board of Adjustment as a sign of local cultural or historic interest. Cultural or historic sign designation shall be based on meeting the following criteria:
- a. The sign has been in place for a continuous period of at least twenty (20) years
 - b. The sign is structurally sound and is in a state of good repair
 - c. The sign was a legal, conforming sign prior to the adoption of these regulations
 - d. The sign is characteristic of a specific time period
 - e. The sign is associated with historic figures, events, or places
 - f. The sign identifies a local landmark or popular focal point in the community.
- (2) Cultural or historic sign designations shall apply to the life of the sign. Should the sign be removed or destroyed, the replacement sign shall meet all applicable requirements of this code.

Sec. 21-252. Particular Items Not Signs:

Notwithstanding anything in these regulations to the contrary, vending machines, gasoline pumps, telephone booths, newspaper racks, "take-out" or "pick-up" windows, and menus posted for reading in drive-in restaurant parking lots do not communicate ideas, are functional in nature only, are not "signs", are regulated elsewhere in the Code of Ordinances of the City of Winter Haven, and are not intended to be regulated by these code provisions. However, vending machines, gasoline pumps, telephone booths, newspaper racks, "take-out" or "pick-up" windows and menus posted for reading in drive-in restaurant parking lots and any facility dispensing merchandise or service should be appropriately placed such that they are confined within a space adjacent to or part of the dependent main structure and are an aesthetic asset to the main structure and neighborhood, do not contain commercial advertising, other than the name of the sponsoring business, and are otherwise not a nuisance.