

SECOND READING

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2145-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING A COMPREHENSIVE SIGN CODE FOR THE CITY, BY AMENDING PROVISIONS OF THE OVERLAY ZONES; AMENDING DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS; ADOPTING NEW GENERAL SIGN PROVISIONS; AMENDING THE DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City Commission has determined the need to clarify and simplify the regulations and provisions of the city code pertaining to signs; and

WHEREAS, the City Commission has determined that compliance with constitutional guidelines requires the provision of sign regulations that are viewpoint and content neutral, that provide for reasonable time, place and manner restrictions on the appearance, size, number, and location of signs, and that are narrowly tailored to meet the city's interest in providing for control of the appearance, size, number and location of signs within the city; and

WHEREAS, the City Commission wants to assure the public that it will not engage in the suppression of ideas or censorship; and

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The City Land Development Code of the City of Stuart, Florida as amended, is hereby amended at Chapter III, OVERLAY ZONES, as follows:

CHAPTER III

OVERLAY ZONES

* * * * *

Sec. 3.01.04 (O) – Signage in Urban Sub-Districts

O. *Signage.* The use of exposed neon tubing, or similar, on any property is prohibited. All signage in the urban district shall comply with the sign requirements as described in section 8.00.00, the sign code, with the following exceptions:

1. Backlit sign panels and internally illuminated cabinet signs shall be prohibited
2. Signs affixed to the exterior of a building should be architecturally compatible with the style, composition, materials, colors and details of the building and with other signs used on the building site.
3. Signs shall predominantly utilize colors that are represented in the urban district color wheel. No greater than 50 percent of the area of any sign, including logos and corporate signature design elements, may be a primary color or a color that is outside those defined in the urban district color wheel.

Sec. 3.02.11 (A) - Signage in East Stuart Overlay District

A. *Signage.* The use of exposed neon tubing on any property is prohibited. All signage in the urban district shall comply with the sign requirements as described in section 8.00.00, the sign code, with the following exceptions:

1. Backlit sign panels and internally illuminated cabinet signs shall be prohibited.

2. Signs affixed to the exterior of a building should be architecturally compatible with the style, composition, materials, colors and details of the building and with other signs used on the building site.

SECTION 2: The City Land Development Code of the City of Stuart, Florida as amended, is hereby further amended at Chapter VI, DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS, as follows:

CHAPTER VI

DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

Sec. 6.09.12 Signage of all commercial development

A. *Purpose and intent.* Signs shall be designed to complement rather than detract from the visual impact of a commercial or mixed use development by utilizing design elements consistent with those employed in the building architecture and by minimizing conflicts with on-site landscaping areas and vehicular use areas. Signs shall promote pedestrian access to commercial developments.

B. *Unified signage plan.* Where multiple on-premise signs are proposed for a commercial or mixed use development, a unified signage plan shall be required. An application for site plan approval shall be accompanied by a graphic and narrative representation of the unified signage plan to be utilized on the site. The unified signage plan may be amended and resubmitted for approval to reflect style changes or changing tenant needs. Any amendment or modification to the unified signage plan shall require minor amendment to the Planned Unit Development (PUD) agreement. The unified signage plan shall include the following:

1. Colors;
2. Construction materials and method;
3. Architectural design;
4. Illumination method;
5. Copy style;
6. Sign type(s) and location(s).

C. *Sign design and dimensions.* All signs provided within a commercial development shall comply with the following criteria:

1. Monument signs shall be the only type of freestanding elevated sign that is permitted, except as otherwise provided herein. All monument signs shall incorporate architectural design features, including colors and materials common to those used in the design of the buildings within the LCD. A 100-square-foot planting area shall be provided around the base of the monument sign and shall include trees and ground cover which are consistent with the provisions of section 6.06.00, Landscaping, of this Code.
2. No wall sign shall exceed 80 percent of the width of the unit occupied by a business with a minimum of ten percent clear area on each outer edge of the unit.
3. All wall signs for multi-use buildings shall be located at a consistent location on the building facade, except that anchor tenants may vary from this location requirement in scale with the anchor's larger primary facade dimension.
4. All signs shall adhere to the dimensions provided for in the unified signage plan.

SECTION 3: The City Land Development Code of the City of Stuart, Florida as amended, is hereby further amended at Chapter VIII, SIGNS, as follows:

CHAPTER VIII

SIGNS

8.00.00 General Provisions

Sec. 8.00.01. Purpose. The purposes of these sign regulations are: to encourage the efficient and effective use of signs as a means of communications in the City; to balance, maintain and enhance the aesthetic environment of the city, and its ability to attract sources of economic development and growth; to improve pedestrian and traffic flow and safety; to minimize the possible adverse affects of signs on nearby public and private property; to foster the integration of signage with architectural and landscape designs permitted in the land development code; to streamline the approval process by requiring master signage plans; and to enable the fair and consistent enforcement of these sign regulations. These concerns are reflected by the city actively participating in

and regulating the size, location and number of signs, as well as the overall appearance and design of signs.

To accomplish these purposes, the following goals are incorporated into the regulations:

A. **communication:** Signs should not deny other persons or groups the use of sight lines on or to public rights-of-way, should not obscure important public messages or warnings, and should not overwhelm readers with too many messages. Signs can and should help persons to identify and understand the city and the character of its sub-areas

B. **preservation of community's beauty:** The city includes a historic district, as well as major office and retail centers, and residential areas. The city relies heavily on its natural riverine and marine surroundings, and the beautification efforts of its active population to retain its economic advantage.

C. **property value protection:** Signs should not create a nuisance to the occupancy or use of other properties as a result of their size, height, brightness, or movement. They should be in harmony with buildings, the neighborhood, and other conforming signs in the area.

Sec. 8.00.02. Permit required. It shall be unlawful for any person to post, display, change, or erect a non-exempt sign or any sign structure that requires a permit, without first having obtained a permit therefor. Signs or sign structures erected without a valid permit shall be in violation, and it shall be mandatory to obtain a permit, based on this chapter, or failing which the sign or sign structure shall be removed by the owner or occupant, or by the city, as provided herein. All signs not expressly allowed by these regulations are prohibited.

Sec. 8.00.03. Non-conforming signs. Signs erected, under a valid permit, prior to January 1, 2008, which have since become non-conforming shall be allowed to remain in accordance with the time limitation and structure requirements set forth in the Land Development Code (LDC).

Sec. 8.00.04. Permit procedures.

A. issuance of permits, validity and renewal: Permit applications shall be reviewed by the development director within thirty (30) days of submission of the permit application. Upon satisfactory compliance with the minimum submission requirements of the LDCs and a determination that the proposed sign meets all applicable standards set

forth in the LDCs, the development director, shall cause a sign permit to be issued to the applicant. The permit shall be valid for 180 days from its approval, during which period the sign may be erected; however, the development director, for good cause shown and upon payment of 100% of the original application fee, may renew the permit for an additional 90 day period provided there have not been enacted, in the 180 day period, standards for which the permit would be in violation. Permits shall be required for all signs not listed within this code as either exempt or prohibited.

B. permits for individual signs: Permits for all lawful signs shall be on a form as promulgated by the development director.

C. minimum submission requirements: The application form and associated submission materials shall include, at least, the following:

1. The type of sign and/or sign structure as set forth in the LDC.
2. The street address of the property upon which the sign and/or sign structure is to be located along with identification of where on said property the sign will be located. If there is no street address another suitable method of identifying the location shall be provided.
3. The area per sign face and the aggregate area of the sign and/or sign structure.
4. The name and address of the owner or other person in control or possession of the real property upon which the sign or sign structure is to be located.
5. Written consent of the owner, or his designated agent, granting permission for the construction, operation, maintenance, or displaying of the sign and/or sign structure.
6. Three (3) copies of a computer assisted drawing (CAD) file, blueprint, sketch, blue line print, or similar presentation, drawn to scale and dimensioned, showing elevations of the sign as proposed and its relationship to other existing or proposed signs or sign structures in the area. In the case of a free-standing sign, the representation shall include a sketch site plan showing the location of the sign, and the immediately surrounding proposed landscape.
7. Appropriate exhibits showing the proposed location of the sign with respect to nearby structures and vegetation.

8. The seal of a state registered engineer or architect shall be affixed to drawings of signs and/or sign structures where the sign face is in excess of thirty-two square feet (32 sq.ft.) certifying that it is designed in accordance with wind load requirements of the Florida Building Code. However, an engineer's seal shall not be required solely for the application or alteration of individual letters, numbers or characters composed of high density architectural foam, cast metal or formed plastic, or the like.

9. A sign contractor shall provide a signed certificate stating that wind loading to withstand a pressure of fifty (50) pounds per square foot when an application for signs less than or equal to 32 square feet in area is submitted.

Sec. 8.00.05. Aesthetic qualifications and applicability. The following subsections describe basic aesthetic qualifications which apply to signs. The aesthetic quality of a building, or of an entire neighborhood, is materially affected by achieving visual harmony of the sign on or about a structure as it relates to the architecture or the building and its adjacent surroundings. In addition to the limitations on signs imposed elsewhere in these regulations, the following aesthetic considerations must be met:

- A. **garishness:** The overall effect of the lettering, configuration or color of a sign shall not be garish. "garish" signs are those that are too bright or gaudy, showy, glaring, and/or cheaply brilliant or involving excessive ornamentation. Garish signs are not in harmony with and are not compatible with the building or adjacent surroundings.
- B. **scale and conformity with surroundings:** The scale of the sign in terms of area, shall be consistent with the scale of the building on which it is to be placed or painted and the neighborhood or streetscape where it is to be located. Scale shall also be considered in terms of site design standards as described herein with respect to height and area.
- C. **quality:** All signs shall be of a professional quality and have a professional appearance that enhances the visual aesthetics of the area.

The following subsections describe basic standards which apply to signs. The application of these standards to specific types of signs and their location in specific land use (zoning) districts is set forth in a following matrix contained in Table ____.

Sec. 8.00.06 Types of signs permitted:

A. ground signs: A ground sign shall not be affixed to any structure and is limited to no more than two (2) faces. It may be either a freestanding sign or a monument sign.

1. All freestanding signs shall be wood or composite material supported by one or two wood or composite posts, with the top edge of the sign no more than six feet (6') above the finished grade, and shall contain post caps or covers.
2. All monument signs shall be no higher than they are wide, composed of textured brick, concrete block, or other masonry, and finished with stucco or other textured material. The top edge of the sign shall be no higher than ten feet (10') above the finished grade, unless otherwise provided herein.
3. All ground signs shall contain the street address number.

B. projecting sign: A projecting sign is affixed to a structure and extends at a right angle from the structure.

1. A projecting sign shall not have more than two (2) sign faces. Projecting signs must clear sidewalks by at least nine feet, and be no closer than two feet from the curb.
2. Signs must not project more than six feet from the wall face of a building.
3. The permitted size of a fixed projecting sign shall not exceed one-half square foot per linear foot of front wall of building, measured in a straight line parallel to the building street.
4. All businesses in Old Downtown District are encouraged to have a projecting sign.

C. under canopy sign: A sign hung from a canopy or ceiling of an arcade covered walkway or portico . It may be rigid or it may swing. The swinging sign must be removed during storm event. Such a sign may not have more than two (2) sign faces.

D. wall sign: A wall sign may be flush mounted or hand painted. Such a sign may be applied to a canopy/awning, mansard, or building face.

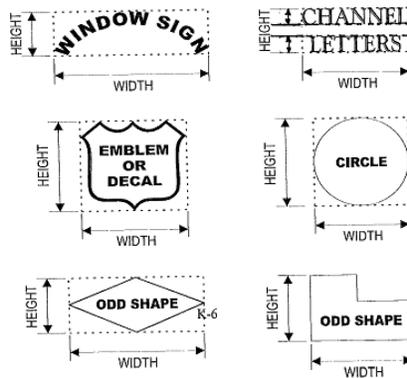
E. off-premises signs and billboards.

1. Off-premises signs and billboards shall not be erected except on property zoned industrial district or B-4 business district.

2. Off-premises signs and billboards shall not exceed a size of 100 square feet per sign face, with a maximum of 2 faces per sign.
3. Off-premises signs or billboards shall not be located closer than 300 feet to any residentially zoned land, nor less than 1000 feet from each other, with such measurement to be made from the point of location of the sign structure to the nearest point of residentially zoned land or to the nearest point of location of the sign structure, as applicable.
4. Off-premises signs designed to serve properties without direct frontage on a public road, exclusive of easements for ingress and egress, shall be subject to the zoning regulations of the applicable district upon which the sign is situated.
5. Prior to the issuance of a permit for such an off-premises sign, the applicant shall furnish a certified copy of the recorded ingress/egress easement upon which the sign shall be placed.
6. No off-premises sign or billboard shall exceed 20 feet in width or 6 feet in height, with the overall height of the sign and structure not to exceed 20 feet.

Sec. 8.00.07. Sign area and height.

A. basis for measurement: The sign area shall be expressed in square feet or square inches that is allowed in accordance with these regulations for each sign face. The sign face includes any background material, panel, trim, color, and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface, or object upon which, or against which, it is placed. When there is no such differentiation, the sign face shall be a rectangle just large enough to enclose all lettering, illustrations, ornamentation, symbols, or logos. A sign structure shall not be computed in sign area provided that no message, symbol, or any of the aforementioned are displayed on, or designed as part of, the sign structure.



B. height: The vertical distance measured from the highest point of the sign to the finished grade at the base of the sign, where the finished grade is defined as the grade adjacent to the sign, as set by flood elevation requirements on the property, but not including any artificial berm or swale.

Sec. 8.00.08. Setback requirements.

The setback for a ground sign shall be a minimum of ten feet (10') from the right-of-way line. The setback is measured from the closest portion of the sign, sign structure or sign footer to the right-of-way. Projecting signs, canopy signs, and wall signs may not extend into the setback areas. No signs, sign structure or sign footer shall extend into a right-of-way. Relief from the ten (10') foot setback requirements of up to five (5') feet, may be obtained by administrative variance, for good cause shown, which causes may included, but shall not be limited to sign encroachment into required parking, provision for additional landscape area and materials, a smaller sign, and less than permitted total signage.

Sec. 8.00.09. Location, safety, illumination and design requirements and restrictions.

A. Location.

1. **agreement required:** Whenever a sign requires a permit and is allowed within a setback area or easement the person erecting the sign shall be required to execute an agreement, which shall be countersigned by the property owner, providing that it is the obligation of the owner of the sign and/or the property owner to relocate the sign at such time as the City determines that additional right-of-way or setback is required, or if conflicts occur with it being located in an easement. A performance surety may be required.

2. **obstructions:** A sign shall not be located in such a manner as to obscure another sign or to be obscured by an existing sign, a structure, or existing vegetation unless provisions are made for the removal of the obscuring sign, structure, or vegetation.

B. Safety.

1. **safety determination required:** Whenever consideration is given to locating a sign within a setback area, the development director must determine that the location of the sign does not present a hazard to pedestrians or to vehicular traffic circulation.

2. **traffic safety:** No sign shall be located in such a manner that it is a hazard to automotive or pedestrian traffic nor shall any sign or lighting of a sign be so placed as to obstruct the vision of the driver of any motor vehicle where vision is necessary for safety.

3. Height of ground signs at intersections: Anything else in this section to the contrary notwithstanding, three feet (as measured from the crown of the road) shall be the maximum height of any section of new ground signs which is located within 10 feet of the following intersections, unless protected by a traffic-control device:

(a) The right-of-way lines of two streets;

(b) The right-of-way lines of a street and a right-of-way line of an alley;

(c) The right-of-way line of a street and the right-of-way line of a railroad.

C. Illumination. Signs may be illuminated directly or indirectly, unless specifically prohibited elsewhere in the LDC. In residential zoning districts, all illumination shall be "cut off luminaires" or equivalent, so that the light is not directed toward adjacent residentially zoned property. Illumination of monument or free-standing signs shall be external and directed from the ground via "uplighting" or from behind individual letters via "backlighting." Wall signs or fixed projecting signs may include individual illuminated letters or letters which are lighted from behind via "backlighting." Illumination of signs shall exclude exposed neon tube lighting, or similar, and electronic changeable copy, unless permitted elsewhere in this code.

D. Design requirements and restrictions.

1. **intermittent lighting, animation, moving or rotating signs:** A sign shall not involve or contain intermittent lighting, animation, motion or rotation of any part of a sign or sign structure or display; except for governmental traffic signals, traffic devices and traffic signs, as required by law.
2. **noise producing signs:** A sign shall not produce noise or sounds.
3. **obscene signage:** A sign shall not exhibit thereon any lewd, lascivious, or obscene character or illustration, as the same may be defined by law.
4. **restrictions as to functions:** The use of a sign may be restricted to functions as set forth in the matrix under the heading column of "type of sign" in the design standards matrix.
5. **smoke or odor producing signs:** A sign shall not produce or emit smoke, vapor, particles, or odor.

E. Limitations and requirements for certain sign types on a property:

1. Wall signs, monument and free-standing signs – only two types of signs permitted per street frontage.
2. Each separate building or location shall have the street number address located on a sign that is identifiable and readable (using normal 20/20 vision) from the adjacent roadway to which the building address is assigned.

F. Design standards matrix: The following matrix table sets forth the standards for various types of signs when located in various zoning districts or defined by use. The standards set forth therein are subject to descriptions, interpretations, exceptions, and limitations as provided for elsewhere in the LDC.

Table
DESIGN STANDARDS MATRIX

SIGNS IN B-1, B-2, B-4, I, H					
Type of Sign	Quantity	Area (max.)	Location*	Height	Illumination
Wall	Not more than two per occupant	1.5 sq. ft. for first 25 linear feet occupancy; then 1 sq. ft. per linear foot over 25 linear feet occupancy (not to exceed 100 sq. ft. per occupancy)	on building face	-	Allowed
Projecting	One per street frontage per occupant	16 sq. ft./face	from building face	-	Allowed
Under canopy	One per street frontage per occupant	4 sq. ft./face	under canopy	-	Allowed
Monument	One per frontage	3/4 sq. ft. per linear foot of frontage (not to exceed 100 sq. ft per frontage) with a minimum 300' separation	10' front yard setback	15' max on US1, otherwise 10' max	Allowed
Free-standing	One per frontage	16 sq. ft./face with a minimum 100' separation	10' front yard setback	6' max	Allowed
Directory	One per building	24 sq. ft.	on building face	-	Allowed
Tenant	One per business	2 sq. ft.	at the entrance of the office	-	-
Billboard ("I" or "B-4" districts only)	1000' separation and 300' from residential	100 sq. ft / face with (2) face maximum per sign	At least 20 feet from road right of way	20' max	Allowed

SIGNS IN R-3 and B-3					
Type of Sign	Quantity	Area (max.)	Location*	Height	Illumination
Wall ¹	One per occupant	not to exceed 24 sq. ft.	on building face	-	Allowed
Projecting	One per business	8 sq. ft./face	from building	-	Allowed
Under canopy	One per business	4 sq. ft./face	under canopy	-	Allowed
Monument ¹	One per frontage	not to exceed 24 sq. ft.	10' front yard setback	6' max	Allowed
Free-standing	One per frontage	10 sq. ft./face	10' front yard setback	6' max	Allowed
Directory	One per building	16 sq. ft.	on building face	-	Allowed
Tenant	One per business	2 sq. ft.	at the entrance of the office	-	-

¹ In R-3 and B-3 districts, a monument sign shall not be allowed, and a wall sign shall be limited to 12 sq. ft. unless the property fronts SE Ocean Boulevard or US-1.

8.00.10. special purpose signs and signing. Permits for the following signs may be issued provided that the provisions contained herein are complied with.

A. motor fuel pricing signs: Signs may advertise the price of motor fuels, subject to the following regulations:

1. One (1) motor fuel price sign shall be permitted per street frontage with a maximum of two (2) signs per fuel station. It shall be affixed to a permanent sign structure or to a building and shall not be located closer than 10 feet to any side property line. The price sign shall be included in the total area of signage otherwise permitted.
2. The motor fuel price sign shall be permitted to change price no more than four (4) times within a 24-hour period. Prohibited lighting for electronic motor fuel price signs shall include; lamps or bulbs in excess of 30 watts, exposed reflectorized lamps or bulbs, lamps or bulbs not covered by a lens, filter or sunscreen and lamps or bulbs that scroll, flash, zoom, twinkle or sparkle.
3. Not more than twelve square feet (12 sq. ft.) per sign face.
4. If a part of a ground sign, the price sign shall be included in the total area of the sign.
5. Signs placed on fuel pumps shall not exceed three square feet (3 sq.ft.) per sign face nor a total of six square feet (6 sq. ft.) per sign.

B. grand opening banner: One banner may be placed on the building of a newly opened location pursuant to the following:

1. Display is limited to four (4) weeks.
2. The banner shall not exceed one (1) square foot per linear foot of occupancy frontage, and a total area of fifty square feet (50 sq.ft.).
3. The banner shall not be higher than fifteen feet (15)' above the finished grade, and must be placed on the building on the predominate street front.

4. Banners shall be made of color fast material, and shall be securely fastened so as not to become a safety hazard.

C. drive-thru window signs: Signs used at locations in conjunction with service at a drive-thru window may be permitted as long as the size of the menu board does not exceed seven feet (7') in height, nor twenty four square feet (24 sq. ft.) in size. A maximum of two (2) signs per drive thru window.

D. special event non-roadway banner signs: Special banner signage, in accordance with this Subsection, may be permitted by the Development Director, for special events if it is determined that the sign type meets the following criteria:

1. The sign provides notice to the general public of a public meeting or other public event and
2. The sign shall be temporary and for a stated limited period of not more than fourteen (14) days prior to the event, and it must be removed by the second (2nd) day after the event.
3. Each sign shall be limited to less than twenty square feet (20 sq. ft.) in area.
4. If permitted, the sign must meet the following additional criteria:
 - (i) the sign will not conceal or obstruct adjacent land uses or signs,
 - (ii) the sign will not conflict with the principal permitted use of the site or adjoining sites,
 - (iii) the sign will not interfere with, or obstruct the vision of, or distract motorists, bicyclists or pedestrians, and
 - (iv) the sign will be installed and maintained in a safe manner.
 - (v) The approval, or disapproval, of such sign shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such sign.
 - (vi) The Building Official or his/her designee shall render a decision within ten (10) days after an application is made for utilizing this sign type for a special event. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision to the City Manager, in writing within 10 days of the written rendering of the decision by the building official.

E. special event roadway banners. These signs may be approved and issued by the Development Director for special events. Such signing shall be subject to the following standards:

(i) The roadway banner sign must be no more than three feet (3') in height by twenty-four feet (24') in length, and placed at least fifteen feet (15') above the surface of the roadway on city installed or controlled poles. The roadway banner sign must be constructed with a standard vinyl awning material or similar and meet wind load requirements established by the development director.

(ii) The content of the message contained on a roadway banner shall be approved at the discretion of the Development Department. The text of a roadway banner may be but not limited to the name of the special event, the location, the date or dates of the event, the name or logo of the City, and/or the name or logo of the association or organization co-sponsoring the event.

(iii) Display of the roadway banner sign will be limited to a maximum of fourteen (14) days prior to the event and must be removed no later than two (2) days after the event.

(iv) The sign will not conceal or obstruct adjacent land uses or signs.

(v) The sign will not conflict with the principal permitted use of the site or adjoining sites.

(vi) The sign will not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians, and

(vii) The sign will be installed and maintained in a safe manner. The approval, or disapproval, of such sign shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such sign. The development director shall render a decision within fourteen (14) days after an application is made for utilizing this sign type for a special event. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision to the city manager, in writing, within 21 days following the written rendition of the development director's decision.

F. subdivision identification signs: Residential subdivision identification signs shall be located only at the entrance to the subdivision and subject to the following standards:

1. Such signs may be either one double faced sign or two signs where there are two walls at the entrance and where the signs are permanently affixed to the walls at each entrance of the subdivision;
2. Each sign area shall be no greater than thirty-six square feet (36 sq. ft.) in area;
3. Such subdivision entrance signs are permitted within all residential zoning districts;
4. Such subdivision entrance signs may be erected within rights-of-way or median strips adjacent to the subdivision if approved by the city. A subdivision sign may also be located within the setbacks of private property within the subdivision or adjacent to the subdivision.
5. Any such sign erected within a right-of-way or setback shall be at least ten feet (10') from a paved roadway and signs located within a median shall be at least five feet (5') from any paved roadway;
6. Any such signs approved for location within the right-of-way or median, if such right-of-way or median is not within the jurisdiction of the city, shall obtain written permission from the governmental entity controlling the right-of-way or median to erect the sign in a requested and approved location;
7. Any signs proposed to be located on adjacent private property shall be approved and permitted by the owners of the adjacent property. Any such signs lying on private property shall be considered an additional permitted sign without regard to other applicable sections of this code; and
8. All signs proposed to be located within a right-of-way or median shall be reviewed and approved by the development director and the public works director, for compliance with this section.

G. construction signs: Temporary construction signs identifying where an approved active on-site development project is underway, provided that such signs shall be subject to the following standards:

1. One (1) temporary freestanding sign per street frontage, non-illuminated, with a sign area of not more than thirty-two square feet (32 sq.ft.), nor more than seven feet (7') in height; or
2. One (1) temporary wall sign per street frontage, which shall be non-illuminated with a sign area of not more than thirty-two square feet (32 sq. ft.).

All major development projects shall be allowed to install a construction fence with a temporary six-foot chain link fence with obscure fabric that may include graphics depicting the development project, or other visual barrier material around the site prior to the initiation of the construction phase.

3. Signs approved in Planned Unit Development (PUD) projects are additionally subject to any conditions specified in the PUD Agreement.
4. Construction signs may be installed at the time of submission of a building permit application. It must be removed upon expiration of building permit or building permit application or when the project obtains a Certificate of Occupancy.

H. Awning signs:

1. No portion of any sign projecting over a public sidewalk shall be less than nine feet above the grade of the sidewalk, with the exception of awning valances which shall not be less than eight feet above the sidewalk.
- I. Any sign projecting over private property and located where motor trucks may be required to pass beneath it shall be erected and maintained at a height of not less than 14 feet.
- J. Signs consisting of one line of letters not exceeding nine inches in height may be painted, placed or installed upon the hanging border only of any awning erected and maintained in accordance with this chapter. An identification emblem, insignia, initial or other similar feature not exceeding an area of eight square feet, may be painted, placed, or installed elsewhere on any awning provided that any sign, insignia or other such similar items shall comply with all other provisions of this chapter.

K. Window Signs:

1. Plastic signs, or signs painted on the glass may be placed upon windows when limited to 20% of the aggregate glass area, per tenant space or per main use.
2. Signs displayed from the inside of the glass but which are visible from the outside shall be considered as window signs.

L. Time and temperature signs: Signs giving time and temperature information shall be permitted when attached to or made part of an otherwise permitted sign. Such signs shall not be larger than 20 percent of the permitted area of the sign to which they are attached. Such signs shall be counted as part of the permitted area of the sign to which they are attached.

M. Manual changeable copy signs: Changeable copy information signs shall be permitted when attached to or made part of an otherwise permitted monument sign. Such signs shall be limited to two manual changeable copy message signs per parcel and shall be counted as part of the permitted area of the sign to which it is attached. The changeable copy element of the sign shall not exceed twenty-five (25%) percent of the total sign area.

N. Manual or electronic changeable copy marquee event signs for theaters, auditoriums, convention centers, sport fields and arenas, and regional attraction facilities:

1. Content: the name, logo and address of the field or building and occupant to which the sign is accessory and other information relating to on-site events and performances.
2. Signs permitted for theaters shall be permitted to change their message no more than four times within a 24-hour period.
3. Signs permitted for auditoriums, convention centers, sport arenas and regional attraction facilities shall be permitted to change their message no more than once per twelve second period.
4. Maximum sum total area of changeable copy event signage shall be pursuant to zoning district regulations in sec. 8.00.05.F the Design Standard Matrix, Table ____.

5. Maximum number of changeable copy event signs: two manual or electronic message sign faces for each individual location or business.
6. Minimum setbacks for monument event signs: Not closer than 10 feet to any side property line.
7. Maximum height: pursuant to zoning district regulations of sec. 8.00.05.F – Design Standard Matrix. However, monument signs in Urban Sub-Districts and East Stuart Overlay District shall not exceed 6 feet in vertical height.
8. Prohibited lighting for electronic message sign:
 - a. Lamps or bulbs in excess of 30 watts.
 - b. Exposed reflectorized lamps or bulbs.
 - c. Lamps or bulbs not covered by a lens, filter, louver or sunscreen.
 - d. Modes of operation that scroll, flash, zoom, twinkle or sparkle.

O. Landmark or Historic Signs: Approval of the restoration, rehabilitation, or reconstruction of landmark or historic signs shall be based upon documentation of at least 25 years prior existence and shall have existed as a character-defining feature of a landmarked or historic building and/or historic event. Any landmark sign is subject to the final approval by the Development Department.

1. Landmark signs shall be classified as legal signs and shall be permitted to be maintained and repaired.
2. Landmark signs shall maintain not greater than the historic square footage dimensions.
3. Landmark signs placement shall leave street corners free of obstructions to allow for safe traffic movement and placement of utilities.
4. Landmark signs shall be exempt from dimensional, height, and area requirements of this section.

P. Mural signs: Mural signs shall be painted only on the side or rear walls of a building, and shall be of such a design as to compliment the architectural style of the subject building and shall be in keeping with the general character of the land

use district. There shall be a maximum of only one (1) mural sign per building. Mural signs shall comply with the dimensional requirements of a wall sign.

Q. Commercial and Non-Commercial Messages: Notwithstanding anything contained in this sign regulation to the contrary, any sign erected pursuant to the provisions of this code may, at the option of the applicant, contain either a non-commercial message unrelated to the business located on the premises where the sign is erected, or a commercial message related to the business and located on the business premises. Either a commercial or non-commercial message may occupy the entire sign face or portion thereof. The sign face may be changed from commercial to non-commercial messages as frequently as desired by the owner of the sign, provided that 1) the size and design criteria conform to the applicable portions of this section; 2) the sign is allowed by this Code; 3) the sign conforms to the requirements of the zoning designation; and 4) the appropriate permits are obtained, and the permitted construction methods and results obtained. Noncommercial copy may be substituted for commercial copy wherever commercial copy appears. For the purposes of these regulations, non-commercial messages, by their very nature, shall never be deemed "off-premises signs."

8.00.11. Exempt Signs (not requiring a permit). The following signs are allowed to be erected on private property in the City, without a permit, so long as they conform to the following criteria:

A. Sidewalk signs. Use of sidewalk signs, not exceeding two (2) square feet per face, for uses in the Old Downtown District shall be allowed, on the sidewalk portion of the public rights of way, subject to strict enforcement of the following restrictions:

1. Valet parking signage shall be limited to one sandwich board. The sign area shall not exceed six square feet in area. The location of such sign shall be approved by the development director, and the police chief. The sign must be removed during hours when the approved valet parking queue is not in use. Traffic control cones may be used for queuing purposes; however they shall not contain any additional signage or markings, and must be removed when the valet parking queue is not in use.

2. Ground floor uses (only) may have one sidewalk sign, immediately adjacent to the building they occupy, in areas where the remaining sidewalk is not less than four (4') feet in width, after the sign is placed, and subject to review and approval by the development director. All such signs must be removed when the use is not open.

3. In the event that a sidewalk sign shall not strictly conform to any of the requirements herein, it may be removed from the public right of way by the city, and held by the city until the owner of the sign shall pay a fine to the city as follows: 1st offense = \$25.00; 2nd offense = \$50.00; additional offenses = \$100.00.

B. Automated Teller Machine (ATM) Panels: One panel which is physically constructed within and is an integral part of an ATM, and bears the name of the financial institution and the ATM system to which it belongs.

C. Directional Signs: Such signs shall be for the purpose of directing vehicular and pedestrian traffic, and shall not extend more than five feet (5') from the ground and shall not be greater than four square feet (4 sq. ft.) in area.

D. Flags: Flags may be displayed on any real property in the city in accordance with the following rules:

1. One American national and two additional flags may be flown on any individual parcel of property. The American national flag may be any American national flag officially approved by Congress. The additional flag or flags shall not be greater in area or in vertical or horizontal dimension than the American flag.

2. A flag pole shall not exceed 50 feet in height. Not more than two flags may be flown on a single pole. Three flags may be flown from a single pole with a yardarm designed for such purpose. The maximum area of each flag shall be determined by the height of the flag pole as follows:

- 15 feet . . . 3x 5 feet
- 20 feet . . . 3x 5 feet
- 25 feet . . . 4x 6 feet
- 30 feet . . . 5x 8 feet
- 35 feet . . . 5x 8 feet
- 40 feet . . . 6x 10 feet
- 45 feet . . . 6x 10 feet
- 50 feet . . . 8x 12 feet

3. A temporary flag may be flown for a time not to exceed seven days to commemorate holidays or special events provided the foregoing size limitations are met. The flying of flags shall be in accordance with all applicable federal and

state laws, and any conflict with the provisions herein shall be resolved in favor of the state or federal law.

4. One flag or banner, not to exceed 15 square feet in area, per model home or model apartment may be flown only during the daylight hours when such model home or model apartment is actually open to the public for inspection. Such flag banner can only be located on the property on which such model home or model apartment is located, and can only be located within 50 feet of the front door of such model home or model apartment.

E. Hours of Operation Signs: Signs denoting hours of operation shall be non-illuminated; have a sign face of not more than one square foot (1 sq. ft.) and be located close to the entry of the establishment.

F. Instructional Signs: Instructional signs are signs which convey information or instructions with respect to the premises on which located, such as "no trespassing", a "danger" sign, and similar signs (other than parking signs). Such signs shall not extend more than five feet (5') from the ground and shall not be greater than three square feet (3 sq. ft.) in area.

G. Nameplates: One (1) nameplate sign per building, not exceeding three square feet (3 sq. ft.) in area, and bearing the name or street address of the principal occupant.

H. Non-Residential Real Estate Signs:

1. One (1) freestanding sign shall be permitted for each street frontage.
2. Signs shall not exceed sixteen (16) square feet in area, and shall not be higher than six (6') feet above the adjacent finished grade.

I. Residential Real Estate Signs:

1. One (1) freestanding sign shall be permitted for each single family or duplex property, and shall not exceed three (3) square feet in area, and shall not be higher than five (5') feet above the adjacent finished grade. One (1) additional sign per lot may be erected on a lot which borders a waterway or which is a corner lot, provided that the additional sign is located along the waterways or placed so there is only one (1) sign per street frontage.

2. One (1) freestanding sign shall be permitted for each multi-family property, and shall not exceed sixteen (16) square feet in area, and shall not be higher than six (6') feet above the adjacent finished grade. One (1) additional sign per lot may be erected on a lot which borders a waterway or which is a corner lot, provided that the additional sign is located along the waterways or placed so there is only one (1) sign per street frontage.

3. An additional "rider" sign of not greater than three square feet (3 sq. ft.), may be attached to or accompany a residential real estate sign

J. Temporary Signs:

1. No temporary sign shall exceed twelve (12) square feet per sign face in area on any private lot or parcel. Signs may not be placed in a location that constitutes a safety hazard or hindrance to pedestrian or vehicular traffic.

2. No temporary sign shall be placed on any public right of way or public property, without the written permission of the city development director, and for good cause shown. Generally, signs shall not be placed upon public rights of way or public property unless the government is a sponsor or unless the sign is for public benefit, such as the wayfinder signs below.

K. Tenant Panels: A change of a tenant panel in a directory sign, or a sign which accommodates a tenant, is exempt from needing a permit provided that the sign was permitted and there is no change in colors or letter style.

L. Political Signs: Temporary political signs containing sixteen (16) square feet or less on private property.

8.00.12. Exempt Signs (requiring a city permit): The following signs are allowed to be erected on private property in the City, with a "NO-FEE" permit, so long as they conform to the following criteria:

A. Wayfinder and Directional Signs within Public Rights-of-Way:

1. These signs provide notice to the public of a public meeting or other public or special event; and include:

2. An off-premise sign designed to guide or direct pedestrians or vehicular traffic and which may include kiosks that provide information of general benefit to the community; and

3. A temporary sign, which meets the following additional criteria:
 - a. the signs will not conceal or obstruct adjacent land uses or signs,
 - b. the signs will not conflict with the principal permitted use of the site or adjoining sites,
 - c. the signs will not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians, and
4. As with all signs within the city, the approval, or disapproval, of such signs shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such signs. The development director shall render a decision within ten (10) days after an application is made for utilizing this sign type at a special event. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision to the city's magistrate.
5. Directional signs shall be no greater than eight (8) inches by thirty (30) inches per sign. The public works director or the police chief may require the location or relocation based on potential or actual traffic obstruction.

8.00.13. Prohibited Signs. The following signs, or sign features, are prohibited within the City of Stuart; however, certain exceptions as noted herein are allowed. It shall be unlawful for any persons to erect prohibited signs or use prohibited sign features. Further, any sign not provided for, or expressly permitted by these regulations is also prohibited.

A. Banners and Wind Signs: Prohibited

B. Off-Premise Signs: Any commercial sign that advertises an establishment, merchandise, service, or entertainment which is sold, produced, manufactured, or furnished at a place other than the property on which the sign is located. Non-commercial messages shall not be considered off-premise signs. No off-premise sign shall be permitted unless it is a billboard.

C. Roof Signs: A sign erected on the roof, or above the roof line, or on the parapet.

D. Snipe Signs: Prohibited.

- E. Traffic Confusion:** A sign or other advertising matter erected at the intersection of any streets or in any street right-of-way in manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, a traffic signal, or traffic device; or which makes use of the words "stop", "look", "drive-in", "danger", or any other word, phrase, symbol, or character in a manner as to interfere with, mislead, or confuse vehicular traffic.
- F. Vehicular Signs:** Signs placed on vehicles or trailers that are parked in the street, public right-of-way or on private property for the primary purpose of displaying the sign for advertising a commercial enterprise.
- G. Waterborne Signs:** No sign or advertising shall be displayed on a vessel plying the waterways, excluding, the identification of the vessel.
- H. Private Signs in Public Rights-of-Way:** Prohibited.
- I. Pole Signs:** Prohibited
- J. Marquee Signs:** Prohibited except for theaters, auditoriums, convention centers, stadiums, sport fields, arenas and regional attraction facilities.

Sec. 8.00.14. Structural Standards. In addition to provisions of the Florida Building Code, the following structural standards shall be required for all signs erected in the City.

- A. Securing Signs:** Wall signs shall be securely attached to the building or structure by means of metal anchors, bolts, or expansion screws. No wood blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of wall signs attached to buildings or structures with walls of wood. No sign shall be attached to a non-structural parapet wall.
- B. Wind Loading:** Every sign shall be constructed in a manner as to withstand 140 miles per hour based on 3-second gust wind speed. Sign contractors or the owner shall submit plans showing location, structural members, and design calculations for wind loading and for signs thirty-two square feet (32 sq. ft.) or over, a certification sealed by a state registered engineer or architect stating that the design will meet the requirements of this code shall be submitted. All sign contractors shall sign a certificate stating wind loading will meet requirements of this chapter where signs under thirty-two square feet (32 sq. ft.) are submitted.

Sec. 8.00.15. Removal and disposition of signs.

A. Removal and Disposition of Non-Complying Signs. It shall be unlawful to erect, use or maintain a sign or sign structure when it does not comply with the requirements of Section 4.6.7. The City is authorized to remove unlawful signs and sign structures pursuant to the provisions of Section 4.6.7. Unauthorized signs are subject to removal pursuant to the following provisions:

1. **Temporary Signs.** The City finds that, in view of the inexpensive nature of these signs and the administrative burden which would be imposed by elaborate procedural prerequisites prior to removal, any procedure other than summary removal of these signs when unlawfully erected and maintained would defeat the purpose of regulating such signs. The City Development Director, or designee, or any code enforcement officer, is hereby authorized to remove such signs when unlawfully erected and maintained, subject to the provisions contained herein. After removal of a sign pursuant to this section, and in addition to any notice of violation, citation or summons issued, a notice will be sent, either by hand delivery or by first-class mail to the occupant of the property from which the sign was removed, or if the sign identifies a party other than the occupant of the property, the party so identified. The notice shall advise that the sign has been removed and shall state that the sign may be retrieved within thirty (30) days of the date of the notice upon payment of the fee established therefore, and that, if the sign is not retrieved within thirty (30) days, it will be disposed of by the City.

2. **Permanent Signs.** Signs and sign structures not subject to removal pursuant to the provisions herein above, which are or have been erected or maintained unlawfully, are subject all remedies available at law or equity to it to remove signs or sign structures which are or have been unlawfully erected or maintained.

3. **Unsafe Signs.** Notwithstanding the above provisions, any sign which is declared to be a dangerous sign shall be removed or made to conform with the current building code immediately, upon notice, by the Chief Building Official.

B. Responsibility of maintenance; unsafe signs; abandoned signs.

1. All signs shall be properly maintained. Exposed surfaces shall be cleaned and painted, if paint is required. Defective or damaged parts shall be replaced.

2. If any sign regulated in this article is found by the building official to be unsafe, insecure, a menace to the public or constructed, erected or maintained in violation of the provisions of this article, written notice by the building official shall be given to the owner of the sign and of the property the sign is located on. If the owner or person in possession fails to remove or alter the structure so as to comply with the provisions of this article within ten days after the notice is delivered, the village manager shall approve the removal or alteration of the sign to comply, at the expense of the owner of the property upon which it is located. The land development director may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.
3. If any sign regulated in this article is found to be abandoned or the business advertised shall move from the property where the sign is located, the owner, agent or responsible person shall be responsible to remove the sign, cover the sign with a plain fabric cover or place a blank copy panel in the sign frame within 30 days of the abandonment or relocation of the business.
4. Upon the failure, neglect or refusal of any owner, agent or responsible person to remove or repair any sign in violation of this article, after notification by the building official, the city manager is hereby authorized and empowered to effect the removal of the sign which is in violation.

C. Responsibility for cost of repair or removal; lien right. When the City has effected the repair or removal of a sign or has paid for the repair or removal thereof, the actual cost thereof, plus accrued interest at the rate of ten percent per annum, shall be charged to the owner of the property on the next regular tax bill forwarded to the owner. The charge shall be due and payable to the City within 30 days following written notice, given to the property owner, of the amount due. If the amount shall not be paid by the property owner, then such amount due to the City shall become a lien upon the property of the owner, and the City Manager may cause the filing of such lien in the public records of Martin County or any other county in which the property owner owns real property.

D. Amortization of certain signs.

1. All message units on existing signs on November 28, 2005, which are not otherwise permitted herein, shall be allowed to remain operational, and may be repaired, but not replaced, until the fifth anniversary of their installation date, which in no event shall be later than January 1, 2011, at which time the

message unit shall be removed from the existing sign, or the sign replaced or modified to comply with the then current sign requirements.

2. All pole signs existing on December 31, 2007 shall be allowed to remain operational, and may be repaired, but not replaced, until the tenth anniversary of their installation date, which in no event shall be later than January 1, 2017, at which time the pole sign shall be removed, or the sign replaced with a sign that complies with this code. Replacement of an existing pole sign with a new monument sign will require site plan review and approval by the Development Department.
3. Any non-conforming off-premises sign or billboard constructed prior to March 26, 2001 shall be brought into compliance with the provisions of this section 8.03.02 B. by April 1, 2009. The existence of an off-premises sign or billboard that does not comply with the provisions of this section 8.03.02 B. on and after April 1, 2009 shall be deemed a violation of this Code.
4. The city development director shall be responsible for notifying the owner of each existing sign with a message unit or with a pole sign of this provision, and the expected removal date.

E. Procedure to Appeal Permit Denial.

1. Permit application may be denied for the following reasons:
 - a. The application for permit is not fully completed and executed;
 - b. The applicant has not tendered the required application fee with the application;
 - c. The application for permit contains a material falsehood or misrepresentation;
 - d. The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the City.
2. Permit denials, appeal and notice.
 - a. If a permit is denied, written notice of denial shall thereupon be given the applicant; and the applicant may appeal the decision to the city magistrate by giving written notice thereof, specifying grounds for the

appeal within 30 days of the decision, to the city clerk who shall, upon receipt thereof, cause the same to be placed upon the commission agenda for public hearing.

- b. An appeal from an adverse decision by the city development director shall be in the nature of a hearing de novo and must be noticed to all persons or entities as described in Section 11.11.00 of the City Code hereof by certified mail, return receipt requested, not less than ten days prior to said hearing. A newspaper notice must be placed by the applicant in a newspaper of general circulation in the city not less than seven days prior to the hearing. Proof of such notices shall be provided the city clerk at or before the hearing by presentation of a U.S. Postal Service receipt, showing delivery of written notice, and proof of publication of a newspaper notice.

SECTION 4: The City Land Development Code of the City of Stuart, Florida as amended, is hereby further amended at Chapter XII, DEFINITIONS, to include the following:

Chapter XII

DEFINITIONS

ABANDONED SIGNS – A sign located on a property where the use advertised on the sign is unlicensed; has failed to pay its local business taxes or which use is no longer located on the premises.

AGGREGATE SIGN AREA – Total area of all permanent signs on the premises.

ANIMATED SIGN - A sign which uses movement or change of lighting to depict action or to create a special effect or scene.

APPURTENANCES - That which is an accessory to another structure, including but not limited to stonewalls, fences, light fixtures, steps, paving, sidewalks, shutters, and signs.

AWNING SIGN – Letters or characters placed upon an awning or awning valance.

BANNER - A temporary sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper, or fabric of any kind with only the material for a

backing. "Banner" shall include any animated or fluttering devices designed to attract attention.

BILLBOARD – A flat surface (such as a panel, wall or fence) on which bills are placed; specifically, a large panel designed to carry outdoor advertising, particularly for an off-premise sale.

BUILDING FRONTAGE - (a) The building frontage for an interior lot is the portion of the lot abutting the primary street minus the required side setbacks.

(b) The building frontage for the primary street side of a corner lot is the portion of the lot abutting the primary street minus the required side setbacks.

(c) The building frontage for the secondary street side of a corner lot is the portion of the lot abutting the secondary street minus the required front and rear setbacks.

(d) Building frontage is expressed in percentages and may vary from floor to floor.

BUILDING HEIGHT - The vertical distance from grade to the highest finished roof surface of a flat roof or to the mean level between eaves and ridge for gable, hip, or gambrel roofs.

CABINET SIGN - A sign incorporating a rigid frame, which supports and retains the sign face panel(s) and/or background constructed of plastic or similar material, and which has an internal light source. Cabinet signs do not include signs composed of individually-mounted and individually-illuminated letters, or logos no larger than the lettering to which they relate.

CHANGEABLE COPY SIGN means a sign with informational content that can be changed or altered by manual or electronic means to display a message.

COMBUSTIBLE SIGN - Any sign or sign structure which has an internal electrical circuit which may ignite or support flames and which has a low flame point. Prime examples of combustible signs would be wood, cloth, and the like.

DIRECTIONAL SIGN - An on premise, incidental sign designed to guide or direct pedestrians or vehicular traffic. No commercial message shall be placed on directional signs.

DIRECTORY SIGN - A sign listing the tenant's names, locations, buildings or group of buildings.

FINISHED GRADE means the final elevation of the ground surface after completion of all site preparation and development, and conforming to the approved plans, but not including berms or artificial fills to elevate signs above the surrounding finished grade.

FLAG - A piece of cloth usually attached at one edge to a staff/pole or cord.

FLAT WALL SIGN - A sign erected parallel to the building to which it is attached, and supported entirely by the façade.

FREESTANDING SIGN - A free-standing sign is not affixed to any other structure and is limited to no more than two (2) faces. All signs supported by one or two posts, with the top edge of the sign no more than six feet (6') above the finished grade, shall have a pole cover. All free-standing signs shall contain the street number.

Example:



FRONTAGE - A lot boundary adjoining a street.

FRONTAGE WALL FACE - The building facade, including parapet and fascia, excluding soffit, mansard, and roof, which faces the frontage of the premises.

GARISH - Too bright or gaudy; showy, glaring; also cheaply brilliant or involving excessive ornamentation.

GROUND SIGN - A sign affixed to the ground and supported by a masonry foundation with posts, uprights, or braces extending from the ground, or a permanently mounted object on the ground, but not attached to any part of a building.

HEIGHT (OF A SIGN) - The vertical distance measured from the highest point of the sign, to the finished grade at the base of the sign.

IDENTIFICATION SIGN - A sign, indicating the name of the primary use.

ILLEGAL SIGN - A sign which does not meet the requirements of this code and which has not received legal nonconforming status.

ILLUMINATED SIGN - A sign with an internal or external artificial light source.

LANDMARK OR HISTORIC SIGN – A sign designated as a Landmark or having historic value as determined by the City. A sign may be designated as a Landmark Sign when it is associated with one or more historic figures, events, or places, or is considered significant as evidence of the history of the product, business, or service advertised.

LICENSED SIGN ELECTRICIAN - A person who possesses the necessary qualifications, training, and technical knowledge to plan, build lay out, and supervise the installation of all types of electrical signs.

MANUAL CHANGEABLE COPY SIGN – See Changeable Copy Sign.

MARQUEE SIGN - A sign attached to or supported by a marquee structure, which is a permanent roof-like structure or canopy extending from the façade of the building.

MENU BOARD SIGN - A changeable copy sign for displaying a menu selection and pricing of the items for sale.

MONUMENT SIGN - A freestanding low profile sign with the sign area at the top of a solid base. All monument signs shall be no higher than they are wide, and shall contain the street number.

Example:



MURAL SIGN -_Sign that is painted on the wall of a building or structure in such a manner that the wall becomes the background surface of the sign.

NAMEPLATE SIGN - A non-electric, on-premise identification sign giving only the name, address and/or occupation of the occupants.

Ordinance No. 2145-07

NON-COMMERCIAL SIGN - A temporary sign erected for purposes other than advertising a commercial business.

NONCONFORMING SIGN - A sign which was erected legally but no longer complies with the current sign code regulations.

NON-ROADWAY BANNER SIGN – See Special Event Banner Sign

OFF-PREMISE SIGN - A sign advertising a business which is not located on the property where the sign is located.

PAINTED WALL SIGN - A sign applied with paint or similar substance on the face of a wall.

POLE SIGN - Any sign erected upon a pole or poles with the exception of free-standing signs or billboards and which is wholly or partially independent of any building for support.

PORTABLE SIGN - Any sign designed to be easily moved, such as a sidewalk or sandwich boards sign, and is not permanently affixed to the ground or to a building.

PROJECTING SIGN - A sign which is attached at a right angle to the outside wall of the building.

Example:



REAL ESTATE SIGN - Any temporary sign advertising the real estate where the sign is placed, stating as being for sale, rent or lease.

ROADWAY BANNER SIGN - A temporary sign that is constructed with a standard vinyl awning material that drapes above the roadway, attached to City installed poles on both sides of the road.

ROOF SIGN - A sign which projects above the roof line or is located on the roof of the building structure.

SANDWICH SIGN - see Sandwich Sign

SIDEWALK SIGN – A temporary, movable sign, made of metal and/or wood, having not more than two (2) faces, and not permanently attached to the public sidewalk, but stable enough to support its own weight.

SIGN - Any device, structure or fixture using graphics, symbols or written copy designed to advertise, or identify an establishment, product, goods or services.

SIGN AREA - The sign area shall be the area of a rectangle enclosing all lettering, illustrations, ornamentation and logos which form an integral part of the display, or differentiates the display area from the background on which it is placed.

SNIFE SIGN - Any sign located in the public right-of-way or placed in the ground for commercial purposes, excluding garage sales, yard sales, homeowners and civic meeting signs.

SPECIAL EVENT BANNER SIGN - A sign which announces a special event or function which is of general benefit to the community at large.

SUBDIVISION ENTRANCE SIGN - An entrance sign identifying the name of the subdivision or residential development.

SWINGING SIGN - A flexible swinging sign hanging from the outside wall or walls of any building or any pole structure which is not rigidly affixed thereto.

TEMPORARY SIGN - Any sign erected for a limited time period not to exceed six (6) months.

TENANT - A person who pays rent to occupy or use, but who acquires no interest, in land, a building, dwelling, or dwelling unit.

UNDER-CANOPY SIGN - A sign attached or suspended under the canopy or roof of a walkway.

Example:

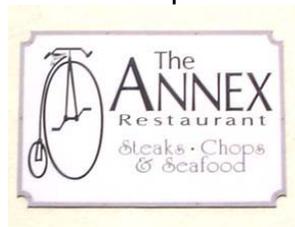


UNLAWFUL SIGN - A sign which does not meet the requirements of this code and which has not received legal nonconforming status.

ULTIMATE RIGHT-OF-WAY – The area claimed by the city, county or state as required for a planned road right of way within the ensuing five (5) year period, as reflected in the city’s capital improvement program, or the county’s or state’s five year roadway plan.

WALL SIGN - A sign painted or attached parallel to the outside of a building.

Example:



WAYFINDER SIGN - An off-premise sign designed to guide or direct pedestrians or vehicular traffic.

WIND SIGN - Signs consisting of banners, pennants, ribbons, spinners, streamers, balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by natural or artificial wind.

SECTION 5: Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: Severability:

(1) **Generally.** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article 8.00.00 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall

not affect the following subsections of this Article, Section 8.00.09.F, “Design Standards Matrix” and Section 8.00.10.Q, “Non-Commercial Message”.

(2) **Severability where less speech results.** Without diminishing or limiting in any way the declaration of severability set forth above in section 6, severability, herein or elsewhere in this article, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect Subsections 8.00.09.F of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

(3) **Severability of provisions pertaining to prohibited signs.** Without diminishing or limiting in any way the declaration of severability set forth above in subsection (1) and (2), immediately above, or elsewhere in this Article, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article that pertains to prohibited signs. Specifically, if such declaration shall apply to those signs and sign-types prohibited and not allowed under Subsection 8.00.13, then the declaration of such unconstitutionality shall not affect any part, word or paragraph of Subsections 8.00.09.F, thereby ensuring that sign height, size and location continue to be regulated.

SECTION 7: The provisions of this ordinance shall be codified.

SECTION 8: This ordinance shall take effect immediately upon adoption.

PASSED on first reading this _____ day of _____, 2007.

Commissioner _____ offered the foregoing ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

MARY L. HUTCHINSON, MAYOR
JEFFREY KRAUSKOPF, VICE-MAYOR
MICHAEL MORTELL, COMMISSIONER
CAROL S. WAXLER, COMMISSIONER

YES	NO	ABSENT

Ordinance No. 2145-07

JAMES A CHRISTIE, COMMISSIONER

--	--	--

ADOPTED on second and final reading this ____ day of _____, 2007.

ATTEST:

CHERYL WHITE
CITY CLERK

MARY L. HUTCHINSON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

PAUL J. NICOLETTI
CITY ATTORNEY