

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 114 SIGNS

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FOOTNOTE(S):

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Cross reference— Buildings and building regulations, ch. 14; planning and development, ch. 54; planning and development, ch. 108; site plans for signs, § 108-285. [\(Back\)](#)

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ARTICLE I. IN GENERAL

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Sec. 114-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Banner sign means any sign having the characters, letters, illustrations or ornamentations applied to cloth, paper or fabric of any kind.

Facade sign means any sign erected parallel to the facade of a building and mounted on the outside wall thereof, or mounted between the posts, columns, or other similar structural component or the building's porch or portico.

Flat sign means any sign erected parallel to and mounted on a wall, which wall is an integral part of the landscape design of the site, such as a wall screening off-street parking, bounding the site or lot, or serving as a principal landscape feature, and which wall is clearly not intended for the sole purpose of sign display.

Historic marker means any sign or placard approved by the historic architectural review commission that explains by word or symbol the historical significance of the building, site or structure to which it is affixed.

Horizontal projecting sign means any sign projecting at any angle from the outside wall of any building and which has its greatest dimension in a horizontal plane.

Marquee sign means any sign placed flat along and on the edges of a marquee.

Pole sign means any sign erected on a pole and which is wholly or partially independent of any building for support.

Roof sign means any sign erected completely over the roof of any building.

Sign means any display of characters, letters, illustrations or any ornamentations or the complete structure on which any such characters, letters, illustrations or ornamentations are supported or applied, except that guys or their anchorages or the poles of pole signs will not be considered to be any part of a sign.

Sign erector means all individuals, firms or corporations engaged in the construction or erection of any sign having a structural frame, using electric power or requiring a scaffold for its application.

Sign writer means any individual, firm or corporation engaged in the painting or application of signs on windows, doors, walls, awnings, etc., where no framework is required for the sign or scaffolding for its application.

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Vertical projecting sign means any sign projecting at any angle from the outside wall of any building and which has a vertical dimension equal to or exceeding the horizontal dimension.

(Ord. No. 97-10, § 1(3-16.2(A)), 7-3-1997; Ord. No. 10-02, § 1, 1-5-2010)

Cross reference— Definitions generally, § 1-2.

Sec. 114-2. Posting notices, signs or advertising matter on trees, poles or public property.

No notice, sign or any advertising matter shall be posted on any tree or telegraph or telephone pole erected on the city streets nor on the walls of any city building nor on any property of the city, without the written approval of the city manager, except that legal, election and similar notices may be posted on bulletin boards.

(Ord. No. 97-10, § 1(3-16.1(A)), 7-3-1997)

Cross reference— Streets and sidewalks, ch. 62; utilities, ch. 74.

Sec. 114-3. Posting advertisement on unoccupied buildings or temporary structures.

It shall be unlawful for any person to post advertising matter on any unoccupied building or any temporary structure in the city. This chapter shall not apply to any owner or to any person acting under the authority of the owner of such building.

(Ord. No. 97-10, § 1(3-16.1(B)), 7-3-1997)

Cross reference— Buildings and building regulations, ch. 14.

Sec. 114-4. Placing signs on surface of streets or sidewalks.

It shall be unlawful for any person to stencil, write, paint, erect or place advertising signs or notes upon the surface of any street or sidewalk, except signs or decorations placed by the city.

(Ord. No. 97-10, § 1(3-16.1(E)), 7-3-1997)

Cross reference— Streets and sidewalks, ch. 62.

Sec. 114-5. Destroying lawful posters.

It shall be unlawful for any person to wrongfully and maliciously tear down, deface or cover up any posted advertisement or bill of any person when the advertisement or bill is lawfully posted and put up and during the time such sign or advertisement shall be of value.

(Ord. No. 97-10, § 1(3-16.1(G)), 7-3-1997)

Secs. 114-6—114-30. Reserved.

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Sec. 114-31. General requirements for construction or reconstruction.

No sign shall be erected, constructed or reconstructed within the city limits which does not conform to the following requirements:

- (1) *Single-family districts.* No sign shall be erected in any single-family district, except that signs in connection with new construction work will be permitted without any area restrictions only during such time as the actual construction work is in progress.
- (2) *Property which is advertised only.* No sign of any kind shall be displayed or erected except in connection with the advertisement of the particular building or property on which the sign is located or of some merchandise or service dispensed or rendered on the same premises on which the sign is located.
- (3) *Obstruction of doors, windows or fire escapes.* No sign shall be constructed in such a manner as to obstruct any door, window or fire escape on any building.
- (4) *Signs having structural framework.* Signs, having a structural framework, will be considered an addition and will not be permitted on buildings which are nonconforming for any reason.
- (5) *Proximity to electrical conductor.* No sign shall be erected closer than five feet to any overhead electrical conductor, where the difference in potential between any two conductors or between any one conductor and ground exceeds 750 volts.
- (6) *Projecting or pole-mounted signs.* Projecting or pole-mounted signs over public right-of-way shall be erected or repaired by a licensed sign erection contractor or general contractor.

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Electrical work associated with erection or repair shall be performed by a licensed electrical contractor.

(Ord. No. 97-10, § 1(3-16.2(C)), 7-3-1997)

Sec. 114-32. Permission of property owner required for construction.

Permission of the owner or lessee of the property on which any sign is to be located shall be indicated either by letter or signature on the plans, such signed letter or plans to be filed with the building official.

(Ord. No. 97-10, § 1(3-16.2(D)), 7-3-1997)

Sec. 114-33. Stress calculations.

All stress calculations for a sign may be required at the discretion of the building official.

(Ord. No. 97-10, § 1(3-16.2(E)), 7-3-1997)

Sec. 114-34. Hazardous signs; appeals from decisions of building official.

No permit will be issued for a sign which, in the opinion of the building official, will constitute a hazard of any kind. Appeals from the decisions of the building official shall be to the city commission, whose decision in the matter shall be final. The city reserves the right, after 48 hours notice, to remove any sign which is not properly maintained, which shows neglect, which becomes dilapidated or which is, in the opinion of the building official, unsafe or hazardous in any way.

(Ord. No. 97-10, § 1(3-16.2(F)), 7-3-1997)

Sec. 114-35. Banner signs.

No sign of any character shall be suspended across any public street, avenue or alley nor shall any sign of any description be painted, pasted, printed or nailed on any curb or sidewalk or upon any tree, light standard, utility pole, hydrant, bridge, or any structures, other than an awning, within the city limits, except with the permission of the city commission. No sign of any kind shall be attached to any private wall, window, door, gate, fence or to any other private structure except with the written permission of the owner or lessee as restricted otherwise in division 2 of article II of [chapter 106](#) and this chapter. Such written permission shall be filed with the building official.

(Ord. No. 97-10, § 1(3-16.2(G)), 7-3-1997)

Sec. 114-36. Flat and facade signs.

Flat and facade signs shall not be restricted as to area, except that in the historic zoning districts they shall be restricted to ten percent of front building facade area, but they shall not project more than four inches from the face of the building, nor shall they extend above the top of the adjoining parapet wall on a building with a flat roof or above the adjoining eave line on a building with a pitched roof. No portion of any such sign which extends over city property shall be less than eight feet above the sidewalk grade of any street or avenue or 15 feet above the crown grade where such sign is located parallel to and abutting on any alley.

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(Ord. No. 97-10, § 1(3-16.2(H)), 7-3-1997)

Sec. 114-37. Horizontal projecting signs.

Horizontal projecting signs shall have no more than 24 square feet of horizontally projected areas as calculated from any angle. There shall not be over 12 inches of clear space adjacent to the building wall, and such signs shall not extend or project from the face of the building wall more than seven feet. No part of such sign shall extend above the top of the adjoining parapet wall on a building with a flat roof or above the adjoining eave line on a building with a pitched roof. No horizontal projecting sign, except a marquee sign, or where located in the historic zoning districts shall be constructed or erected so as to extend or project over any portion of any sidewalk, street, alley, or other public way or any public property. Where such signs are allowed, no portion which extends over city property shall be less than eight feet above the sidewalk or grade.

(Ord. No. 97-10, § 1(3-16.2(I)), 7-3-1997)

Sec. 114-38. Vertical projecting signs.

Vertical projecting signs shall have no more than 40 square feet of horizontally projected area, as calculated from any angle, and shall not project more than four feet from the building to which they are attached, nor shall the vertical height of such sign exceed 18 feet. No part of such sign shall extend more than five feet above the top of the adjoining parapet wall on a building with a flat roof nor more than five feet above the adjoining eave line on a building with a pitched roof. No vertical projecting sign, except where located in the historic zoning districts, shall be constructed or erected so as to extend or project over any portion of any sidewalk, street, alley or other public way or public property. Where such signs are allowed, no portion which extends over city property shall be less than eight feet above the sidewalk or grade.

(Ord. No. 97-10, § 1(3-16.2(J)), 7-3-1997)

Sec. 114-39. Roof signs.

Roof signs shall have no more than 224 square feet of horizontally projected area, as calculated from any angle. The overall height above the roof shall not exceed 14 feet, and such signs shall be so arranged as to provide a minimum of six feet vertical clear space immediately above the roof over not less than 75 percent of its length. Roof signs shall be so placed that the least distance from any building line measured perpendicular to the face of the sign shall not be less the total height above the roof. No roof sign shall extend horizontally past the building lines at the roof.

(Ord. No. 97-10, § 1(3-16.2(K)), 7-3-1997)

Sec. 114-40. Pole signs.

Pole signs shall have no more than 30 square feet of horizontally projected area, as calculated from any angle. No pole sign, except where located in the historic zoning districts, shall be constructed or erected so as to extend or project over any portion of any sidewalk, street, alley or other public way or public property. Where such signs are allowed, no portion which extends over city property shall be less than eight feet above the sidewalk or grade.

(Ord. No. 97-10, § 1(3-16.2(L)), 7-3-1997)

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Sec. 114-41. Marquee signs.

Marquee signs shall have an overall height of not more than six feet.

(Ord. No. 97-10, § 1(3-16.2(M)), 7-3-1997)

Sec. 114-42. Signs on construction walls.

When an opaque, solid wall is required by the city during construction of a project, 20 percent of the wall area fronting a public street may be used for unlighted signs for construction and professional firms associated with the project and for marketing the development. In addition, the walls may be used for public art as coordinated with the city's Art in Public Places Board.

(Ord. No. 05-28, § 1, 11-2-2005)

Sec. 114-43. Exception for historical markers.

Historic markers shall be exempt from regulation in this article and shall not be deemed a sign as defined in article I nor shall it be considered in the allotment of signs for a property provided only one historic marker exists per property placed by a private entity.

(Ord. No. 10-02, § 2, 1-5-2010)

Secs. 114-44—114-70. Reserved.

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DIVISION 2. RESIDENTIAL DISTRICTS

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[Sec. 114-71. Sign requirements.](#)

[Sec. 114-72. Nonilluminated nameplates or professional nameplates in single-family districts.](#)

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[Sec. 114-75. For sale, for lease, open for inspection or similar signs.](#)

[Secs. 114-76—114-100. Reserved.](#)

Sec. 114-71. Sign requirements.

In single-family districts all signs shall be set back at least 12 feet from all property and right-of-way lines. In residential districts signs shall be restricted to the signs listed in this division.

(Ord. No. 97-10, § 1(3-16.2(B)), 7-3-1997)

Sec. 114-72. Nonilluminated nameplates or professional nameplates in single-family districts.

A nonilluminated nameplate or professional nameplate not exceeding two square feet in area is permitted in the single-family districts.

(Ord. No. 97-10, § 1(3-16.2(B)(1)), 7-3-1997)

Sec. 114-73. Nonilluminated projecting or pole signs in conjunction with permitted public and semipublic uses.

Nonilluminated projecting or pole signs not exceeding five square feet in area in conjunction with permitted public and semipublic uses are permitted.

(Ord. No. 97-10, § 1(3-16.2(B)(2)), 7-3-1997)

Sec. 114-74. Identification of building containing multiple-family dwellings in multiple-family residential districts.

In multiple-family residential districts, a nonilluminated sign not exceeding six square feet in area only for purposes of identifying a building containing multiple-family dwellings is permitted.

(Ord. No. 97-10, § 1(3-16.2(B)(3)), 7-3-1997)

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Sec. 114-75. For sale, for lease, open for inspection or similar signs.

Notwithstanding anything contained in the land development regulations inconsistent with this division, there shall not be displayed, constructed, reconstructed, situated, maintained or erected upon any lot or parcel of land or upon the premises located thereon, which lot or parcel of land or premises is or may be zoned for residential purposes only, whether such residential purposes be single-family, duplex or multifamily, any for sale, for lease, open for inspection, or kindred sign, unless such sign shall meet the following requirements:

- (1) No such sign shall be displayed, constructed, reconstructed, situated, maintained or erected by anyone other than the owner or lessee of the lot, parcel of land or premises, and then only on the lot or premises as set forth in this section.
- (2) There may be only one such sign on the lot or parcel of land or on the improvements thereon, regardless of the size of such lot, parcel or improvements, and such sign may contain only one of the following designations: for lease, for sale, for sale or lease, open for inspection, furnished room for rent, for rent. No name, address or telephone number other than that of the owner or lessee shall appear on such sign; provided, however, that the telephone number of a registered real estate broker may be contained or placed thereon, upon written request of the owner or lessee duly filed with the building official.
- (3) Such temporary real estate signs shall not exceed eight square feet in area for each quarter acre in the lot or tract, provided that no such sign shall exceed 32 square feet in area.
- (4) Permits for such signs may be issued by the building official upon application by the owner or lessee, in person and giving proof of such ownership or tenancy, and all such permits shall automatically expire within six months from the date of issuance.

(Ord. No. 97-10, § 1(3-16.2(B)(4)), 7-3-1997)

Secs. 114-76—114-100. Reserved.

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DIVISION 3. HISTORIC DISTRICTS

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[Sec. 114-101. Definitions.](#)

[Sec. 114-102. Restrictions.](#)

[Sec. 114-103. Prohibited signs.](#)

[Sec. 114-104. Restriction on number of signs permitted.](#)

[Sec. 114-105. Authority to adopt additional provisions.](#)

[Sec. 114-106. Amortization of legal nonconforming signs.](#)

[Secs. 114-107—114-135. Reserved.](#)

Sec. 114-101. Definitions.

The definitions set forth in [section 114-1](#) shall be applicable to this division. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animated sign means any sign that uses motion of any part by any means, or that displays flashing, oscillating, sequential or intermittent lights other than time or temperature. An electronic message board shall be deemed an animated sign.

Awning sign means any sign placed on an awning that is supported entirely from the exterior wall of a building and composed of a nonrigid material; the awning itself when it contains words or images of advertisement or information.

Bus bench sign means any sign painted on or attached to a bench or to a shelter for persons awaiting public transportation.

Flat and facade signs. Flat and facade signs shall not be restricted as to area, except that in the historic zoning districts they shall be restricted to ten percent of front building facade area, but they shall in no case project more than four inches from the face of the building or wall, nor shall they extend above the top of the adjoining parapet wall on a building with a flat roof or above the adjoining eave line on a building with a pitched roof. No portion of any such sign which extends over city property shall be less than eight feet above the sidewalk grade of any street or avenue or 15 feet above the crown grade where such sign is located parallel to and abutting on any alley.

Fluorescent light means an electric-discharge lamp, usually tubular in shape, containing a metallic vapor which becomes luminous on the passing of the current and energizes a layer of fluorescent material coating the tube.

Interior illuminated sign means any sign having translucent characters, letters, designs, logos or outlines illuminated by electric lights located within the sign or having luminous tubes designed for that purpose.

Marquee means a covered structure projecting from, and supported by, a building when such covered structure extends beyond the building line.

Miniature light means a light or light-emitting device employing a bulb two inches or less in length and normally found strung together in multiples.

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Neon light means a lamp, usually tubular in shape, employing the element neon (Ne) or other luminous gases.

Neon sign means an arrangement of luminous or gaseous tubes to form letters or numbers or an abstract or representational element or both, specifically including advertising logos, punctuation marks, emblems, and registered trademarks.

Portable sign means any sign not permanently attached to the ground or other permanent structure or any sign designed to be transported. Portable signs shall include but not be limited to signs designed to be transported by wheels; skid-mounted signs; chalkboard signs converted to A- or T-frames; menu and sandwich signs; and signs attached to or painted on vehicles parked for the purpose of providing advertising, close to or on the public right-of-way, unless such vehicle is used in the ordinary day-to-day operations of the business.

Snipe sign means a sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, walls, trash receptacles or fences or to other objects. Legal notices required by law are exempted.

Storefront means the portion of a single business premises owned or rented by a single licensed business and fronting a street, normally characterized by display windows and a recessed entrance.

Storeside means the portion of a single business premises owned or rented by a single licensed business and perpendicular to a storefront.

(Ord. No. 97-10, § 1(3-16.3(A)), 7-3-1997)

Cross reference— Definitions generally, § 1-2.

Sec. 114-102. Restrictions.

The following shall apply in the historic zoning districts only (HRO, HRCC-1, HRCC-2, HRCC-3, HRCC, HMDR, HNC-1, HNC-2, HNC-3, HCT, HPS, and HHDR as designated on the future land use map and zoning map):

- (1) *Fluorescent lights*. All fluorescent lights located within five feet of the plane of the exterior wall of a storefront or storeside must be baffled or otherwise shielded so that the direct source of light is not visible from the exterior or from a street, sidewalk, right-of-way, beach, or waterway owned by a public body. Furthermore, all such baffling or other shielding shall direct the light emitted by the fluorescent light toward the interior of the structure and away from the storefront or storeside where the fluorescent light is located.
- (2) *Neon lights*. Except as provided in subsection (4) of this section, no neon lights shall be placed, attached, hung, or affixed within five feet of the plane of the exterior wall of a storefront or storeside, except that one or more, but not to exceed two, neon signs with a total maximum area of ten square feet per storefront shall be allowed. Neon lights shall not be used to illuminate or outline building facades or window or door openings.
- (3) *Motion lights*. Restrictions on motion lights are as follows:
 - a. No blinking or flashing lights, chaser or moving lights, revolving or rotating lights, or lights which are otherwise in motion located within five feet of the plane of the exterior wall of a storefront or storeside shall be allowed except as provided in subsection (3)c. of this section.

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- b. No lights typically associated with holiday use shall be allowed except as provided in subsection (3)c. of this section.
 - c. During the period from Thursday preceding Thanksgiving through January 10 of each year, residences and the storefronts and storesides of businesses may display lights typically associated with holiday use, whether or not blinking.
- (4) *Miniature lights.* Miniature lights shall not be used to illuminate or outline commercial building facades, storefronts or storesides, or a window or door opening or as an element in a window display, but may be used as a landscaping element. Miniature lights shall not be used to illuminate residential building facades, or the front or side of a residence, or a window or door opening, or as an element in a window display, but may be used as a landscaping element.
 - (5) *Marquee signs.* Marquee signs which are historically significant, as evidenced by continuous presence at one business location for ten years or more, and existing on September 1, 1991, shall be exempt from subsection (2) of this section.
 - (6) *Enforcement.* Any light, sign, or display prohibited by subsection (1), (3) or (4) of this section which was lawful when placed, attached, hung or affixed shall be removed or made lawful within 180 days after the effective date of the ordinance from which this section derives. Any light, sign, or display prohibited by subsection (2) of this section which was lawful when placed, attached, hung, or affixed shall be removed or made lawful within three years after the effective date of the ordinance from which this section derives, requiring compliance by September 3, 1994.
 - (7) *Projecting signs in historic commercial zoning districts.* In the HRCC-1, HRCC-2, HRCC-3, HNC-1, HNC-2, HNC-3, and HCT districts, only one projecting sign not exceeding five square feet in area shall be allowed per identifiable business property. No such projecting sign shall have internal illumination.

(Ord. No. 97-10, § 1(3-16.3(B)), 7-3-1997; Ord. No. 06-22, § 1, 11-8-2006)

Sec. 114-103. Prohibited signs.

- (a) The following signs are prohibited in the historic zoning districts (HRO, HRCC-1, HRCC-2, HRCC-3, HRCC-4, HMDR, HNC-1, HNC-2, HNC-3, HCT, HCL, HPS, HPS-1, HPRD and HHDR as designated on the future land use map and zoning map):
 - (1) Animated signs.
 - (2) Banners, including fringed and pennant string banners, except with the permission of the city commission.
 - (3) Bus bench signs.
 - (4) Interior illuminated signs.
 - (5) Plastic signs.
 - (6) Portable signs.
 - (7) Roof signs.
 - (8) Signs painted directly on the exterior wall of a building, unless deemed historically appropriate by the historic architectural review commission.
 - (9) Snipe signs.

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- (10) Temporary store window signs, including going out of business signs, when their number cause a violation of [section 114-104](#); provided, however, that menus and public notice signs are not included in this prohibition. A public notice sign means a sign advertising an arts event, a political event or candidate, a community event, or such other event open to the public.
- (11) Posterboard signs.
- (b) If a flag advertises or promotes the availability of a business or a product sold by that business, then it shall be deemed a sign and is subject to the limit on signs in the historic district pursuant to [section 114-104](#)
- (c) This regulation, as set forth in Ordinance No. 05-03, shall be reviewed by the city commission six months after its effective date for a determination of whether a limit on flag display in the historic district should be restored. At no time shall a right to legal nonconformity accrue to a property owner for a number of flags.

(Ord. No. 97-10, § 1(3-16.3(C)), 7-3-1997; Ord. No. 02-20, § 2, 8-6-2002; Ord. No. 05-03, § 1, 1-4-2005)

Sec. 114-104. Restriction on number of signs permitted.

No business shall display more than two permitted signs at its location; provided, however, that a business located on a street corner may display up to three permitted signs upon approval of the historic architectural review commission. A business shall be determined by its business tax receipt. Each side of an awning on which words or images of advertising or information are displayed shall constitute one awning sign. Any sign displayed in a store window shall count toward the maximum number of allowed signs under this section. Where the rear or side of any sign permitted under division 2 of article II of [chapter 106](#) and this chapter is visible from any street or private property, the rear or side of the sign shall present a finished appearance.

(Ord. No. 97-10, § 1(3-16.3(D)), 7-3-1997; Ord. No. 02-20, § 3, 8-6-2002; Res. No. 06-292, § 1, 9-6-2006)

Sec. 114-105. Authority to adopt additional provisions.

The historic architectural review commission shall have the authority to adopt in its design guidelines additional provisions related to permitted signs in the historic districts, so long as they do not conflict with division 2 of article II of [chapter 106](#) and this chapter.

(Ord. No. 97-10, § 1(3-16.3(E)), 7-3-1997)

Sec. 114-106. Amortization of legal nonconforming signs.

Except as provided in this division, any sign prohibited by [section 114-103](#) but which lawfully existed in the historic district as of September 3, 1991, may be continued. Nonconforming banner signs, portable signs, and snipe signs shall be removed within 30 days of the effective date of the ordinance from which this section derives. Abandonment of a legal nonconforming sign shall immediately terminate its nonconforming status.

(Ord. No. 97-10, § 1(3-16.3(F)), 7-3-1997)

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Secs. 114-107—114-135. Reserved.

FOOTNOTE(S):

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Cross reference— Historic preservation, ch. 102. [\(Back\)](#)

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DIVISION 4. CERTAIN BOULEVARDS

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[Sec. 114-136. Definitions.](#)

[Sec. 114-137. Boulevard safety zone.](#)

[Sec. 114-138. Boulevard appearance zone.](#)

[Sec. 114-139. Nonconforming uses.](#)

[Sec. 114-140. Variances.](#)

[Sec. 114-141. Enforcement.](#)

Sec. 114-136. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boulevard means any portion of the pavements, sidewalks, and entire rights-of-way of North and South Roosevelt Boulevards, Kennedy Drive, and the four-lane portion of Flagler Avenue, which is located within the New Town commercial district.

Boulevard appearance zone means an area comprised of all lots or parcels containing or contiguous to the boulevard safety zone and all lots or parcels contiguous to such lots or parcels and located within the New Town commercial district, but not including the boulevard safety zone.

Boulevard safety zone means an area comprised of all real property which is situated within 12 feet of the North or South Roosevelt Boulevard pavement edges or within ten feet of the pavement edges of Kennedy Drive or the four-lane portion of Flagler Avenue.

Facade sign means a sign painted on, or mounted flat against, the surface of a side or front wall of a building.

Freestanding sign means a sign which:

- (1) Is secured by a permanent sign structure secured in the ground, and which is wholly independent of any building, fence, vehicle or object, other than the sign structure, for support;
- (2) Has no single side or sign face which is greater than 32 square feet in area, and has a sign area (aggregate) of no more than 64 square feet, except as otherwise specifically provided in this division;
- (3) Has the lowest edge of any sign surface elevated a minimum of eight feet above the nearest curb elevation;
- (4) Has no portion of any sign surface or sign structure more than 20 feet above the nearest curb elevation; and
- (5) Is supported by a sign structure which does not affect traffic safety, as by obstructing vision.

Mobile sign means a movable sign not affixed to the premises or to any structure and having any single sign surface of four square feet or more.

New Town commercial district means an area coterminous with CL, CG, CT zoning districts, together with the following properties: the site of the Naval Hospital located east of South Roosevelt Boulevard

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Parkway, and all properties fronting on that segment of the South Roosevelt Parkway extending south from the Riviera Canal to Bertha Street; and all properties lying south of Atlantic Boulevard.

Objects means manufactured materials, vegetation, and inanimate materials, except those which are a fixed part of the natural terrain.

Political sign means a temporary sign erected by a political candidate, group or agent thereof, for the purpose of advertising a candidate, or of stating a position regarding an issue upon which the city voters shall vote.

Real estate sign means a temporary sign erected by the owner of real property or his agent which advertises for rent, lease, or sale the real property upon which the sign is located.

Shared occupancy means all businesses sharing the same structure, or sharing occupancy of adjacent structures having a common landlord or management agency, or advertising a common location.

Sign means as defined in [section 86-9](#), but not including signs meeting standards published in the Manual of Uniform Traffic Devices.

Sign area means the aggregate square-foot area enclosed by the perimeter of the sign faces, with each face contributing to the aggregate area.

Sign structure means a structure affixed to the premises, having as its primary purpose the support or display of a sign.

Temporary sign means a sign pertaining to a specific event and utilized no more than 120 days during any 12 consecutive calendar months and displayed without lighting having a primary purpose or effect of illuminating the sign.

(Ord. No. 97-10, § 1(3-16.4(A)), 7-3-1997)

Cross reference— Definitions generally, § 1-2.

Sec. 114-137. Boulevard safety zone.

- (a) *Signs*. No signs of any type whatever shall be within any boulevard safety zone, except freestanding signs as provided by [section 114-138\(a\)\(1\)](#), which otherwise conforms with local and state law, provided that such signs shall be supported by sign structures no greater than 12 inches in diameter, and except permitted facade signs.
- (b) *Vegetation*. No vegetation 36 inches or more in height above the nearest curb elevation and which is within 150 feet of any intersection, driveway, or other way of vehicle ingress/egress on the same side of the boulevard shall be within any boulevard safety zone. However, any tree which has no leaves below a height of eight feet above the nearest curb elevation and which is capable of growing to a height of 20 feet may be maintained so long as it does not affect traffic safety, as by obstructing vision.
- (c) *Objects*. No objects 36 inches or more in height above the nearest curb elevation shall be within any boulevard safety zone.

(Ord. No. 97-10, § 1(3-16.4(B)), 7-3-1997)

Sec. 114-138. Boulevard appearance zone.

- (a) *Signs*. Signs within the boulevard appearance zone shall comply with the following:

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(1) *Freestanding signs.*

- a. Except as provided in this division, no more than one freestanding sign shall be erected or maintained on any single lot or parcel of real property within the boulevard appearance zone. For purposes of this subsection, all businesses in a shared occupancy shall be considered as sharing a single lot or parcel of real property. The shared occupancy as a whole shall be entitled to one additional freestanding sign, being a total of two freestanding signs for the lot or parcel, or shall be entitled to a single freestanding sign having no single side or other single sign surface greater than 64 square feet in area.
- b. Any single lot or parcel having more than 200 linear feet of frontage on a boulevard may have one additional freestanding sign or may augment each single sign surface of one otherwise authorized freestanding sign by an additional 0.16 square foot per foot of such frontage in excess of 200 feet, up to 32 square feet (64 square feet aggregate additional sign area if two or more surfaces are augmented); this entitlement is in addition to those previously described in this subsection. Notwithstanding the foregoing, no single sign surface shall exceed 64 square feet in area; no sign area (aggregate) shall exceed 128 square feet.

(2) *Exempted signs.* The following signs shall be exempt from the terms of subsection (a)(1) of this section: temporary signs, political signs, and real estate signs, having a sign area (aggregate) no greater than 32 square feet.

(3) *Mobile signs.* No mobile signs shall be displayed in the boulevard appearance zone.

(b) *Vegetation.* Any trees which are required to be planted in the boulevard appearance zone shall be of a height of at least 50 percent of, and capable of growing to a height exceeding, the height of the tallest freestanding sign located within 100 yards of the tree. If no sign is so located, the tree shall be at least ten feet tall and capable of exceeding 20 feet in height.

(c) *Subordinate section.* This section shall be subordinate to, and shall not modify the terms of [section 114-137](#)

(Ord. No. 97-10, § 1(3-16.4(C)), 7-3-1997)

Sec. 114-139. Nonconforming uses.

Signs in place on the effective date of the land development regulations which are not in compliance with the terms of [section 114-137](#) or [114-138](#) shall be removed or brought into full compliance with such sections as follows:

- (1) Within 45 calendar days after the effective date of the land development regulations, temporary signs and signs not permanently fixed in place shall be removed or shall be brought into full compliance with [section 114-137](#) or [114-138](#); and
- (2) Any sign not subject to subsection (1) of this section in existence as of April 18, 1988, shall not be subject to the terms of this subsection except as provided for in article II of [chapter 122](#) pertaining to nonconformities.

(Ord. No. 97-10, § 1(3-16.4(D)), 7-3-1997)

Sec. 114-140. Variances.

(a) *Limitations.* Upon application and after notice as provided by sections [90-392](#) and [90-393](#), the planning board may grant variances from this division with terms and conditions for periods not to

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exceed 60 calendar months. Variances may be granted for historic, aesthetic, or other reasonable cause, including financial hardship, which cause shall be stated upon the record, and no variance shall be granted until after consideration of its impact on public safety.

- (b) *Additional requirements.* No person shall maintain on any one property more than one sign not in strict compliance with sections [114-137](#) and [114-138](#) and shall maintain such one sign only pursuant to the terms of sections [114-137](#) and [114-138](#) or subsection (a) of this section.

(Ord. No. 97-10, § 1(3-16.4(E)), 7-3-1997; Ord. No. 08-04, § 23, 5-20-2008)

Sec. 114-141. Enforcement.

- (a) *Responsibilities of landowner and/or leaseholder.* Landowners and/or authorized leaseholders shall be jointly and severally responsible for maintaining their owned/leased property in full compliance with the terms of this division. For purposes of this subsection, an authorized leaseholder shall be any person whose authority over the subject property, whether expressly derived from a lease agreement or conferred by operation of law, includes the right or responsibility to cause the property to be brought into compliance with law.
- (b) *Code enforcement procedures.* This division shall be enforced by the code enforcement procedure. However, apparent violations certified by the special master or the city manager as not being susceptible to effective resolution by the special master procedure, whether due to the emergency nature of the violation or whether due to limitations inherent in the statutory processes and enforcement capabilities of the special master, shall be referred to the state attorney for prosecution and penalty or shall be referred to a code enforcement officer for citation for civil infraction and penalty, as provided by article VI of [chapter 2](#)

(Ord. No. 97-10, § 1(3-16.4(F)), 7-3-1997)