

MEMORANDUM

DATE: August 8, 2016

TO: Planning and Zoning Board

FROM: Alaina Ray, AICP
Director – Planning, Zoning and Building Department

SUBJECT: Sign Code Update

At the Planning and Zoning Board's (PZB) June 21, 2016 workshop, Staff provided information to PZB as to how the Supreme Court's decision in *Reed vs. Town of Gilbert, Arizona* impacts sign codes across the country, including the existing sign regulations for Longboat Key. The draft Sign Code was discussed and comments gathered.

Staff was directed to provide additional information regarding several specific major policy decisions. The following are major policies decisions that need to be determined in order to move forward with the Sign Code rewrite.

Temporary Ground Graphics

All temporary ground graphics (signage) must be treated the same, with one set of regulations applied equally to all, regardless of message. In other words, real estate signs, contractor signs, special event signs, future development signs, political signs, and all other temporary signage must be allowed to be the same size, remain up for the same length of time, etc. This is unlike the Town's current Code, which regulates size, placement, duration, and other characteristics based on the content and purpose of the sign.

For the purpose of discussion, Staff has provided the following preliminary recommendations for regulating temporary ground graphics.

- Number
 - Staff recommends that each property may have no more than *two (2)* temporary ground graphics at any point in time. Allowing property owners to display two (2) temporary ground graphics provides owners flexibility in what they choose to display. For instance, if a home is for sale a real estate sign could be allowed, while also allowing one other sign at the same time, such as a political sign, garage sale sign, etc.
- Time
 - Staff recommends that a non-illuminated temporary ground graphic may be permitted for not more than *six (6) months*. *Permits may be renewed for no more than two consecutive 6-month periods. Permits will not be issued for 12 months after the expiration of the final renewal.* The Town's current Temporary Use permit is given for 6 months, so it will coincide with the Temporary Ground Graphic permit.

- Size
 - Staff recommends that each property be allowed no more than *one (1) square foot of temporary ground graphics per ten (10) linear feet of street frontage. Lots that front more than one street may only count the linear footage of one abutting street. The maximum height for temporary ground graphics is 4 feet in residential districts and 10 feet in any other district.* The suggested language provides flexibility, while keeping the size of the ground graphic proportionate to the size of the property it is located on.
- Clause for existing permits
 - Permits that have been granted for temporary signs that do not conform to these regulations shall be considered existing legal non-conforming, but shall not be renewed.

Dynamic Elements

The draft code defines a dynamic element as, “Any characteristic of a street graphic that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the street graphic face or its components, whether the apparent movement or change is in the street graphic, the street graphic structure itself, or any other component of the street graphic. This definition includes a display that incorporates a technology or method allowing the street graphic display to change the image without having to replace the street graphic display or its components physically or mechanically. This definition also includes any rotating, revolving, moving, flashing, blinking, or animated graphic or illumination, and any graphic that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the street graphic display to present a series of images or displays.”

The Town’s current Code does not allow dynamic elements; however, one dynamic element was added to the sign at the gas station at the south end of the island. This appears to have been done sometime between 2010 and 2013, but Staff can find no records of a permit or if/how approval was granted. At this point, the sign would be considered non-conforming.

If the Board desires to consider an allowance for dynamic elements, Staff recommends the following regulations to keep the impact to a minimum.

- Place
 - Staff recommends that a dynamic element may only be permitted on a property zoned C-3 that sells gasoline.
- Time
 - Staff recommends that a dynamic element must not change or move more often than every 20 minutes.
- Size
 - Staff recommends that dynamic elements shall not exceed 20 percent of the sign face.

Draft Code

Staff has attached the draft Sign Code for your further review and comment. We have not made any changes to the draft, as we intend to discuss the major policies detailed in this report and make changes to the document after the workshop discussion.

Staff will gather comments regarding the policy decisions and will provide a final draft in ordinance form at the next Planning and Zoning Board meeting. Staff also intends to conduct meetings with businesses, the Chamber of Commerce, and other appropriate parties.

SECTION 1. INTENT AND PURPOSE

(a) The intent and purpose of this chapter of the code is to establish the legal framework for a comprehensive and balanced system of **street graphics** to:

(1) Provide functional flexibility, encourage variety, and create an incentive to relate street graphics to basic principles of good design.

(2) Assure that public benefits derived from expenditures of public funds for the improvement and beautification of rights-of-way and other public structures and spaces are protected by exercising reasonable controls over the character and design of street graphic structures.

(3) Provide an improved visual environment and protect prominent **view sheds** within the community.

(4) Promote the free flow of vehicular traffic and protect pedestrians and motorists from injury and property damage caused by—or that may be fully or partially attributable to—cluttered, distracting, or illegible street graphics.

(5) Promote the use of street graphics that are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape, in order to meet the community's expressed desire for quality development.

(b) This system will preserve the right of free speech and expression, provide convenient and pleasant communication between people and their environment, and avoid the visual clutter that is potentially harmful to vehicular traffic and pedestrian safety, property values, business opportunities, and community appearance. In furtherance of this intent and purpose, this chapter authorizes the use of

street graphics that are:

- (1) compatible with their surroundings,
- (2) appropriate to the activity that displays them,
- (3) expressive of the identity of individual activities and the community as a whole,
- (4) legible in the circumstances in which they are seen,
- (5) unlikely to distract the public to a dangerous degree, and
- (6) able to preserve the right of free speech and expression.

SECTION 2. NONCOMMERCIAL STREET GRAPHICS AND MESSAGES

Any street graphic authorized by this chapter may contain a **noncommercial message**.

SECTION 3. DEFINITIONS.

Above-roof graphic: A street graphic displayed above the peak or parapet of a building.

Activity: An economic unit designated in the classification system given in the **Standard Industrial Classification (SIC) Manual as published by the U.S. Department of Commerce** on the adoption date this ordinance.

Activity: An individual tenant, business, or other establishment.

Animation or animated: (*See also **changeable copy and movement***) The movement or the optical illusion of movement of any part of the street graphic structure, design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a street graphic.

Architectural detail: (*See also **signable area, wall graphics***) Any projection, relief, cornice, column, change of building material, window, or door opening on any building.

Architectural, historic, or scenic area: An area that contains unique architectural,

historic, or scenic characteristics that require special regulations to ensure that street graphics displayed within the area enhance its visual character and are compatible with it.

Awning: A cloth, plastic, or other nonstructural covering that is permanently attached to a building or other structure, or that can be raised or retracted to a position against the building or other structure when not in use.

Banner: A street graphic on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere.

Bare-bulb illumination: A light source that consists of light bulbs with a [20]-watt maximum wattage for each bulb.

Building: A structure having a roof supported by columns or walls.

Canopy: (*See awning*)

Canopy: A structure other than an awning made of cloth, metal, or other material with frames affixed to a building and carried by a frame that is supported by the ground.

Changeable copy: Copy that changes at intervals [of more than once every six (6) seconds].

Dynamic element: Any characteristic of a street graphic that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the street graphic face or its components, whether the apparent movement or change is in the street graphic, the street graphic structure itself, or any other component of the street graphic. This definition includes a display that incorporates a technology or method allowing the street graphic display to change the image without having to replace the street graphic display or its components physically or mechanically. This definition also includes any rotating, revolving, moving, flashing, blinking, or animated graphic or

illumination, and any graphic that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the street graphic display to present a series of images or displays.

External illumination: Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

Façade: The side of a building below the eaves.

Façade, blank: The side of a building below the eaves that is blank and does not have windows or architectural detail.

Government Graphic: A street graphic placed on public property by an agency of federal, state, or local government.

Graphic: A street graphic or special street graphic, as defined by this chapter.

Ground graphic: A street graphic affixed upon or in the ground and not attached to any part of a building. Ground graphics may be supported by one or more uprights, posts, or bases and include monument graphics and pole graphics.

Height: The vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the street graphic. (The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.)

Illumination or illuminated: A source of any artificial or reflected light, either directly from a source of light incorporated in the street graphic, or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the street graphic.

Indirect illumination: A light source not seen directly.

Indirect illumination: A source of external illumination, located away from the sign,

that lights the sign, but which is itself not visible to persons viewing the sign from any right-of-way, walkway, or adjacent property.

Internal illumination: A light source that is concealed or contained within the street graphic and becomes visible in darkness through a translucent surface.

Intersection visibility standard:

Marquee: A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from the elements.

Monument graphic: A ground graphic permanently affixed to the ground at its base, supported entirely by a decorative base structure of brick, wood, metal or other material, and not mounted on a pole or supported by a building.

Movement: Physical movement or revolution up or down, around, or sideways that completes a cycle of change.

Multi-use building: A building consisting of [four (4)] or more separate commercial uses.

Multitenant or multibuilding complex: A grouping of two or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached.

Neon tube illumination: A source of light for externally lit street graphics supplied by a neon tube that is bent to form letters, symbols, or other shapes.

Nit: A photometric unit of measurement referring to luminance. One nit is equal to one (1) candela per square meter (cd/m²).

Non-commercial message:

Nonconforming street graphic: A street graphic that was lawfully constructed or installed prior to the adoption or amendment of this ordinance and was in compliance with all of the provisions of the ordinances then in effect, but that does not presently comply with this ordinance.

Occupant: A use located in a multi-use building or shopping center.

Peak: The highest point on a roof or the highest point on another architectural element that blocks the rear view of a street graphic.

Pole graphic: A ground graphic permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground and not supported by a building or a base structure.

Portable graphic: A street graphic not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building.

Premise: The lot, lots, plots, portions, or parcels of land considered as a unit for a single use or development, whether owned or leased, and not a shopping center or multi-use building.

Projecting graphic: A street graphic attached to and projecting from the wall of a building and not in the same plane as the wall.

Roof graphic: A street graphic attached to the roof or uppermost edge of a parapet wall of a building, and which is wholly or partially supported by the building.

Shopping center: A commercial development under unified control consisting of [four] or more separate commercial establishments sharing a common building, or that are in separate buildings that share a common entranceway or parking area.

Signable area [or Display area]: A two-dimensional area that describes the largest square, rectangle, or parallelogram on the façade of a building or structure that is free of architectural details.

Size: The total display area of the street graphic structure, not including its supporting poles or structures. If a street graphic structure has two (2) display areas that are parallel, not more than two feet apart, and supported by the same poles or structures, the measured size of the street graphic is one-half the total area of the two display areas.

Special street graphic: A street graphic, other than a ground, projecting, or wall graphic that is regulated by Section 8 of this code.

Street graphic: Any structure that has a visual display visible from a public right-of-way and designed to communicate to the public.

Structure: Anything built, constructed, or manufactured that requires a permanent or temporary location. This term includes a building. [Revise to accord with NFIP definition of structure].

Temporary ground graphic: A ground graphic displayed for a limited period of time.

Temporary window graphic: A window graphic displayed for a limited period of time.

Town center: The central business district designated by the zoning ordinance.

Viewshed: A geographic area visible from a location or point, including all surrounding points that are in line-of-sight with that location.

Wall graphic: A street graphic attached to or painted on an exterior wall of a building or dependent upon a building for support, with the exposed face of the graphic located in

a place substantially parallel to the exterior building wall to which the graphic is attached or which supports the graphic, and in the same plane as the wall.

Window graphic: A street graphic applied, painted or affixed to or in the window of a building. A window graphic may be temporary or permanent.

SECTION 4. GENERALLY.

- (a) **Permit required.** Any person seeking to display a street graphic regulated by this ordinance is required to apply for and obtain a specific street graphic permit prior to lawful placement of the street graphic structure and street graphic.
- (b) **Street graphics allowed.** One (1) wall graphic, awning graphic, of a projecting graphic is allowed to be permitted for each on premise activity or tenant on a property. If only one (1) on premise activity or tenant exists on a property, one (1) wall graphic or one (1) ground graphic may be permitted, but not both.
- (c) If a projecting graphic or awning graphic is proposed to be placed parallel to the building, a wall graphic for that activity or tenant is prohibited. However, if an projecting graphic is proposed to be placed perpendicularly to the building, then one (1) wall graphic or awning graphic may also be permitted.

SECTION 5. GROUND GRAPHICS.

- (a) **Where permitted.** A premises may display one (1) on premises ground graphic on each right-of-way on which it has frontage in the following zoning districts: [list the zoning districts in which a ground graphic may be displayed]
- (b) **Size, setback, and height regulations.**

- (1) Ground graphics must comply with the following size, setback, and height regulations: [Specify these regulations in text or tabular form by zoning district]
- (2) The maximum height of the lowest display area must not exceed two (2) feet above the base.

Lineal Feet of Frontage [156.08(B)(1)]	Maximum Size of Sign Face and Structure
0—99 Feet	16 Square Feet
99+ Feet	42 Square Feet
Property type [156.08(B)(3)]	Maximum Height of the Sign Structure
Single tenant properties	8 Feet
Multi-tenant, residential or tourism development	12 Feet
Property type [156.08(B)(9)]	Maximum Size of Address Numbers
Business, service, or establishment	6 Inches by 6 Inches
Single-family residential	4 Inches by 4 Inches

(c) **Gulf of Mexico Drive planned unit developments.** Premises located in a planned unit development that fronts Gulf of Mexico Drive that do not have specific frontage along Gulf of Mexico Drive may request, through the outline development plan process [the public hearing process] the placement of ground graphics on the site of a Gulf of Mexico Drive-fronting premise in the same planned unit for both premises. These ground graphics are not within the definition of off-premise graphics. [156.08(B)(10)]

(d) Shopping Centers. A shopping center may display one ground graphic at each exit and entrance. Occupants within a shopping center must not display ground graphics.

(e) Multi-Use Buildings. A multi-use building may have one (1) ground graphic facing each street or highway on which the building has frontage if no ground graphics are displayed by the occupants of the multi-use building. The maximum size restriction for such ground graphic may be increased by up to [50] percent if [three (3)] or more occupants share the same ground graphic.

(f) Landscaping. All ground graphics must provide a landscaped area located around the base of the ground graphic equal to 2.5 square feet for each square foot of ground graphic display area. The landscaped area must contain living landscape material consisting of native shrubs, perennial ground cover plants, or a combination of both, placed throughout the required landscape area with a plant spacing not exceeding three feet on center. Where appropriate, deciduous or evergreen trees may be planted in a manner that frames or accents the ground graphics structure. [158.08(B)(6)].

SECTION 6. WALL GRAPHICS.

(a) Where permitted. In the following zoning districts, a premises, and each occupant of a shopping center or multi-use building, may display wall or roof graphics, or a combination of both, on walls or roofs adjacent to each street or highway on which it has frontage: [List the commercial zoning districts in which these street graphics can be displayed]

(b) Signable area designation. A premises displaying wall or roof graphics I allowed one signable area on each facade of the building that has frontage on a street or highway.

See the definition of “signable area” for wall and roof graphics.

- (c) **Sign structure or graphic display area allowed.** The aggregate area of the wall and roof graphics a premises displays must not exceed the following maximum wall graphic display area: [These percentages can be stated in text or tabular form for each commercial zoning district]

Linear Feet of Frontage [156.08(C)(4)]	Maximum Wall Graphic Display Area
0-99 Feet	16 Square Feet
99+ Feet	32 Square Feet

- (d) **How displayed.** The sign structure or graphic display area may be displayed as one or divided among two or more wall or roof graphics.
- (e) **Additional limitations.** Wall graphics may be painted on or attached to or pinned away from the wall, but must not project from the wall by more than [12 inches] and must not interrupt architectural details. Roof graphics must not be more than [20] feet from the ground. [156.08(C)(2)].

SECTION 7. PROJECTING GRAPHICS

- (a) **Where permitted.** A premises, and each occupant of a shopping center or multi-use building, that does not display a ground graphic may display one projecting graphic on each street or highway frontage in the following zoning districts: [list the commercial zoning districts in which a projecting graphic may be displayed]
- (b) **Size of projecting graphics.** Projecting graphics must comply with the following size regulations: [Specify size regulations in text or tabular form for each commercial zoning district.]

	Maximum Size of Sign Face and Structure
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(c) **Signable area.** Any signable area selected for graphic display as a projecting graphic must not exceed and must be subtracted from the signable area allocated to wall and roof graphics permitted for each premises and each occupancy under Section 5.

(d) **Additional limitations.** The following additional limitations apply to projecting graphics:

(1) Projecting graphics must clear sidewalks by at least [eight (8)] feet and may project no more than [four (4)] feet from a building or [one-third] the width of the sidewalk, whichever is less.

(2) Projecting graphics must be pinned away from the wall at least [six (6)] inches and must project from the wall at an angle of [90] degrees.

(3) [Angular projection from the corner of a building is prohibited.]

SECTION 8. AWNING GRAPHICS

(a) **Where permitted.** A premises, and each occupant of a shopping center or multi-use building, may display an awning on each street or highway frontage in the following zoning districts: [list the zoning districts in which awning street graphics may be displayed]

(b) **Signable area.** A street graphic may be displayed on one (1) signable area selected for display on an awning. It must not exceed [40] percent of the area of the [principal face of the awning] and must not exceed and must be subtracted from the area selected for wall graphics permitted for each premises and each occupancy under [Section 5].

(c) **Height and width.** Awnings must clear sidewalks by at least [eight] feet and may

extend to within one foot of the vertical plane formed by the curb or the right-of-way line.

SECTION 9. SPECIAL STREET GRAPHICS.

(a) Window street graphics.

- (1) A premises, or an occupant of a shopping center or mixed-use building, may display permanent window graphics not to exceed 20 percent of the window area of the facade of the building and temporary window graphics, not to exceed an additional 20 percent of the window area of the facade of the building, for no more than 14 days during any 12 consecutive calendar months.
- (2) Window street graphics must not be placed on the exterior of a window.
- (3) Illuminated window signs are limited to two (2) square feet maximum.

(b) Multiple-driveway street graphics. A premise with multiple driveways, or an occupant of a mixed-use building on a premise with multiple driveways, may display one multiple-driveway graphic at each entrance or exit. A multiple-driveway graphic may not be more than two square feet on two-lane streets or highways and on any highway with a posted travel speed less than 35 miles per hour, and not more than four square feet on multi-lane roads and on any highway with a posted travel speed greater than 35 miles per hour.

(c) Temporary ground graphics.

- (1) Non-illuminated temporary street graphics may be permitted for not more than nine (9) months
- (2) Temporary ground graphics must not exceed five (5) square feet.
- (3) No more than one (1) temporary ground graphic will be permitted to be located on

each 100 linear or curvilinear feet, or fraction thereof, of the premise's right-of way boundaries.

SECTION 10. ILLUMINATION AND DYNAMIC ELEMENTS.

(a) Dynamic elements. Dynamic elements on street graphics are allowed subject to the following conditions in this section. Dynamic elements are allowed only on monument graphics.

- (1) Only one contiguous dynamic element is allowed on a street graphic display.
- (2) A dynamic element must not change or move more often than once every [20 minutes].
- (3) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects.
- (4) Dynamic elements must be designed and equipped to freeze the element's display in one position if a malfunction occurs.

(b) Illumination, prohibited. A street graphic must not have exposed neon tube, animated, flashing, or changeable illumination.

(c) Illumination requirements. All permanent street graphics may be non-illuminated, illuminated by internal, internal indirect (halo), or by external indirect illumination. Street graphics that are externally illuminated must be illuminated only with steady, stationary, and shielded light sources directed solely onto the street graphic. Notwithstanding other provisions within this chapter, all lighting must comply with Chapter 100, Sea Turtles.

- (1) **Brightness:** No street graphic may be brighter than is necessary for clear and adequate visibility, and no street graphic may be of such intensity or brilliance as

to impair the vision of a motor vehicle operator with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle, and no street graphic may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.

(2) **Ambient conditions adjustment:** All street graphics installed after [insert the effective date of this ordinance] that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.

(3) **Malfunctions in dynamic elements or illumination:** Dynamic elements and illumination elements must also be equipped with a means to discontinue the element immediately if it malfunctions. The owner of a street graphic with a dynamic element or illumination element must immediately stop the element's operation when notified by the town that it is not complying with the standards of this code, except to bring the street graphic into conformance, or after conformance is confirmed by the town.

(d) **Glare.** Any lighting fixture on a street graphic that is located within 10 feet of a property line of a residential zoning district or an existing residential use, or within 10 feet of a public right-of-way, [except as permitted by this ordinance,] must be:

- (1) aimed away from the property line, residential use, residential zoning district, or public right-of-way;
- (2) classified as an IES Type III or Type IV lighting fixture; and
- (3) shielded on the side closest to the property line, residential use, residential zoning district, or public right-of-way.

SECTION 11. AREAS OF SPECIAL CHARACTER.

(a) Designation. This ordinance cannot adequately regulate all street graphics in an area as diverse as the Town. The Town Commission, by ordinance and after required notices and hearings, may therefore designate a contiguous area as an Area of Special Character if it contains unique features that require special regulations so that street graphics will enhance its character. Areas of Special Character may include, but are not limited to:

- (1) Architecturally significant, historic, and scenic areas
- (2) Commercial strips and shopping centers
- (3) Town centers and urban plazas

(b) Zoning map. The director will maintain and revise a zoning map of the Town that indicates the boundaries of all designated Areas of Special Character.

(c) Special regulations. The Town may adopt special regulations for street graphics in Areas of Special Character consistent with the character of the Area of Special Character.

(d) Effect of special regulations. Special regulations for Areas of Special Character supersede, and may be either more or less restrictive than, the regulations for street graphics contained in this ordinance.

(e) Graphics Plans for Areas of Special Character. The Planning and Zoning Board may approve a street graphics plan for an Area of Special Character. The street graphics plan shall contain visual representations of the lettering, illumination, color, area and height of street graphics and may also indicate the areas and buildings where they may be placed and located. The street graphics plan may also contain

special regulations authorizing the display of street graphics in the Area of Special Character. The special regulations may incorporate by reference the visual representation of street graphics in the street graphics plan.

The Planning and Zoning Board may approve a street graphics plan if the street graphics illustrated in the plan and authorized by any special regulations included in the plan are consistent with the purposes of this ordinance and the character of the Area of Special Character. An approved street graphics plan shall supersede and may be either more or less restrictive than the regulations contained in this ordinance.

(f) Programs for Street Graphics. The [name approval body] may approve a Program for Graphics in an Area of Special Character as authorized by Section 1.11.

SECTION 12. PROGRAMS FOR GRAPHICS.

(a) Intent and purpose. A Program for Graphics is a written and visual statement that provides for the creative design of street graphics, and that integrates this design with the design of the building on which the street graphics will be displayed, with surrounding buildings, and with the surrounding area.

(b) When allowed. The owners of one or more adjacent premises, or one or more occupants of a shopping center or multi-use building, [not located in an Area of Special Character,] may submit a Program for Graphics to the [name board or commission] that need not comply with some or all of the requirements of this ordinance. The Program for Graphics shall contain a visual representation of the [lettering, illumination, color,] size, height, placement, and location of the street graphics proposed for display.

(c) Standards for approval. The [name board or commission] may approve a Program for Graphics if the street graphics visually represented in the Program are:

- (1) consistent with the purposes of this ordinance; and
- (2) compatible with the theme, visual quality, and overall character of the surrounding area or an Area of Special Character, if the street graphics included in the Program for Graphics are located in such an area; and
- (3) appropriately related in size, shape, materials, [lettering, color, illumination], and character to the function and architectural character of the building or premises on which they will be displayed, and are compatible with existing adjacent activities.

(c) Display of street graphics. A premises or occupancy for which a Program for Graphics has been approved by the [name board or commission] may only display street graphics that comply with the approved program, which shall supersede and replace the regulations for street graphics in this ordinance.

SECTION 13. STREET GRAPHICS PROHIBITED.

The following street graphics are prohibited:

- (a)** Graphics which by color, location, or design, including reflective materials, resemble or conflict with traffic control displays or signals.
- (b)** Street graphics attached to light poles or standards, or to any part of a mail box structure or container attached to a mailbox.
- (c)** Portable street graphics.
- (d)** Roof street graphics.
- (e)** Above-roof graphics.
- (f)** Street graphics displaying an obscene, pornographic, or immoral message.

- (g) Street graphics emitting or projecting moving graphics, animations, audible sound, vapor, smoke, odor, gaseous matter, radio, television, or other electronic communication interference.
- (h) Street graphics that interfere with or obstruct:
 - (1) the visibility of emergency vehicle lighting, vehicular, or pedestrian mobility, or
 - (2) any fire safety equipment, window, door, or other fenestration or opening in a structure used as a means of ingress or egress for fires safety, or required for light and ventilation.
- (i) Street graphics displayed off-premises, including on public property or within public rights-of-way.
- (j) Wind, snipe, balloons, banners, pennants, flags, or similar street graphic devices.
- (k) Street graphics on the side or rear of any nonresidential building or property directly facing and visible from property used or zoned for residential purposes.
- (l) Neon tubing and neon-style street graphics over two (2) square feet in area.
- (m) Advertising-for-hire street graphic displays available to message sponsors and advertisers for a rental fee or other consideration.
- (n) Unpermitted street graphics or containers attached to any street graphic or structure.
- (o) Any street graphic that is not permitted is prohibited.

SECTION 14. STREET GRAPHICS EXEMPT.

The following street graphics are exempt from the regulations contained in this ordinance:

- (a) Government street graphics and street graphics required by law.
- (b) Navigational graphics in conformance with government regulations.
- (c) Graphics on vehicles.

(d) Any street graphic integrated into or on an ATM, coin-operated machine, gasoline pump, telephone booth, vending machine, or similar equipment or machine.

(e) A street graphic that cannot be viewed from a public way that is:

- (1) No higher than three (3) feet, and
- (2) No larger than six (6) square feet, and
- (3) No further than ten (10) feet from the activity, and
- (4) Removed when the activity is closed.

(f) A street graphic carried by a person.

(g) Non-commercial flags, limited to:

- (1) Three (3) per premise at any given time;
- (2) 24 square feet each in residential zoning districts and 48 square feet each in non-residential zoning districts;
- (3) The maximum building height for the zoning district;
- (4) If mounted on a flagpole, the flagpole must be no closer than ten (10) feet from the premise property line.

SECTION 15. VARIANCES (OPTIONAL).

(a) **Variance authorized.** The Zoning Board of adjustment may grant variances from the regulations contained in this ordinance:

- (1) To permit a setback for a street graphic that is up to [25] percent less than the required setback, and
- (2) To permit the area or height of a street graphic to be increased by up to [25] percent more than the maximum height or area allowed.

(b) Approval standards. The **Zoning Board of adjustment** may grant a variance authorized by this section if it finds the street graphic variance requested is required [warranted] by special or unique hardship because of:

- (1) exceptional narrowness, shallowness, or shape of the premises; or
- (2) exceptional topographic conditions or physical features uniquely affecting the premises.

A showing that the display of a street graphic would be more profitable or the street graphic would be more valuable is not a special or unique hardship required by this section.

Additional requirements. The **Zoning Board of adjustment** will grant a variance only if it also finds that the variance is consistent with the comprehensive plan and there are no other reasonable alternatives for displaying a street graphic permitted by this ordinance if the variance is not granted. The **Zoning Board of adjustment** will not grant a variance solely because the display of a street graphic would be more profitable if the variance were granted.

SECTION 16. NONCONFORMING STREET GRAPHICS.

(a) Change and modification. A nonconforming street graphic or street graphic structure must be brought into conformity with this ordinance if it is altered, reconstructed, replaced, or relocated. A change in copy is not an alteration or replacement for purposes of this subsection.

(b) Maintenance. Nonconforming street graphics must be maintained in working condition. Required maintenance includes replacing or repairing of worn or damaged parts of a street graphic or street graphic structure to assure its continued working condition, and is not a change or modification prohibited by subsection (a), above.

(c) Removal. Removal of a nonconforming street graphic, or replacement of a nonconforming street graphic with a conforming street graphic is required when:

- (1) A nonconforming street graphic, or a substantial part of a nonconforming street graphic, is blown down, destroyed, or for any reason or by any means taken down, altered, or removed. As used in this subsection, “substantial” means 50 percent or more of the entire street graphic structure; or
- (2) The condition of the nonconforming street graphic or nonconforming street graphic structure has deteriorated without maintenance required by this section; or the nonconforming street graphic structure or building it is mounted on is destroyed or damaged by a fire, flood, windstorm, or similar extraordinary event; and the cost of restoration of the street graphic to its condition immediately prior to such deterioration or event exceeds 50 percent of the cost of reconstruction of the street graphic; or
- (3) The use of the nonconforming street graphic, or the property on which it is located, has ceased, become vacant, or more. An intent to abandon is not required as the basis for removal under this subsection.

(c) De minimus differences. For purposes of this ordinance, a street graphic conforms to the size, height, and setback regulations of this ordinance if its size, height, and setback do not exceed the size, height, and setback regulations in this ordinance by more than [10] percent.

(d) Multiple graphics. If a premise has more street graphics than this ordinance allows, any street graphic in excess of that amount is nonconforming.

(e) Certificate of nonconformity. The owner of a nonconforming street graphic or

street graphic structure must register with the director the street graphics and structures it designates as nonconforming. Upon the director's confirmation that the street graphic **or structure** is entitled to the protections of this section, the director will issue a Certificate of Nonconformity for the nonconforming street graphic.

(f) Street graphic permit. Any permit issued for a street graphic under this code will require that any nonconforming street graphic displayed on the premises for which the permit is issued must be modified or removed to conform to the provisions of this code.

(g) Development permit. Any **[specify]** permit that authorizes the development of a premises, any building addition, an increase in gross floor area of 25 percent or more, or any exterior structural remodeling of a building facade on which a nonconforming street graphic is located, will require all nonconforming street graphics on the premises for which the permit is issued to be brought into conformance with the provisions of this code.

(h) Separation. A street graphic that is nonconforming solely because it violates a requirement for the spacing of ground graphics will not be required to eliminate that nonconformity if compliance with the spacing regulation on the premises is not possible.

(i) Amortization. *[Alternative# 1]* **Amortization period.** A nonconforming street graphic must be removed, modified, or altered to comply with this ordinance no later than **[three (3)]** years from the date that the street graphic becomes nonconforming. *[Alternative 2]* **Amortization period.** The Town Commission may adopt an amortization period for a nonconforming street graphic. The amortization

period will begin upon publication of an ordinance establishing the length of the amortization period. In establishing an amortization period, the Town Commission will consider each of the following factors:

- (1) The length of the amortization period in relation to the investment in the nonconforming street graphic;
- (2) Whether the public gain from amortization outweighs the loss suffered by the person displaying the nonconforming street graphic;
- (3) Whether the loss the person displaying the nonconforming street graphic will suffer will be substantial. In determining whether a loss is substantial, the Town Commission will consider the owner's initial capital investment, the extent to which that investment had been realized, the life expectancy of the investment, the existence or nonexistence of lease obligations, and whether there was a contingency clause permitting the termination of a lease;
- (4) The extent to which the nonconforming street graphic has been depreciated for purposes of reporting income under the federal income tax law;
- (5) The length of time the nonconforming street graphic has been displayed; and
- (6) The cost of removal and relocation.

SECTION 17. PERMITS

- (a) Permit required.** No person shall erect or display a street graphic unless the [title of official] has issued a permit for the street graphic or this section exempts the street graphic from the permit requirement. Unless exempted by this code, the display of a street graphic structure requires a permit approving the time, place, and manner of the specific street graphic display.

(b) Application. A person proposing to display a street graphic must file an application for a permit with the director. The application must contain the following information:

- (1) The names, addresses, and telephone numbers of the
 - a. sign contractor for the street graphic,
 - b. owner of the premises where the street graphic is to be displayed, and
 - c. occupant of the premises where the street graphic is to be displayed.
- (2) The date on which the street graphic is to be displayed.
- (3) The zoning district and the Area of Special Character, if any, in which it is located.
- (4) Any approved variance.
- (5) A drawing to scale that shows:
 - a. all existing street graphics displayed on the premises;
 - b. the location, height, and size of any proposed street graphics;
 - c. the items of information proposed to be displayed and
 - d. the percentage of the area covered by the proposed street graphics; and
 - e. specifications for the construction or display of the street graphic and for its illumination and mechanical movement, if any.

(c) Program for Graphics. This information is not required if a Program for Graphics has been approved for the premises **or occupancy** on which the street graphic will be displayed if a legible copy of the approved Program for Graphics is attached to the application.

(d) Review and time limits. Receiving a completed permit application and payment of the permit application fee, the director will promptly review the application. The director will grant or deny the permit application within twenty (20) calendar days from

the date the director received the completed application and application permit fee.

(e) Approval or denial. The director will approve a permit for the street graphic if it complies with:

- (1) the building, electrical or other adopted codes of the Town,
- (2) the regulations for street graphics contained in this code and any approved variance from these regulations,
- (3) any special regulations adopted for an Area of Special Character, and
- (4) any Program for Graphics that has been approved under this code.

If the director does not approve a permit for the street graphic, the director will state the reasons for the denial in writing and mail a certified copy of the reasons for denial to the address of the owner stated on the application.

(f) Appeals. Any applicant who is denied a permit for the display of a street graphic may file a written appeal to the Board of Adjustments within ten (10) days after receipt of the written copy of the denial by certified mail.

(g) Fees. Fees for street graphics permit applications are established from time to time in a fee schedule by town commission ordinance/resolution.

(h) Exemptions. The following street graphics are exempt from the permit requirement:

- (1) A street graphic specifically exempted from the provisions of this code.
- (2) A temporary window graphic.
- (3) A street graphic that is a permanent architectural detail of a building.

SECTION 18. COMPLIANCE WITH CHAPTER 100, SEA TURTLES

(a) Compliance. Where conflicts exist between provisions in this chapter and the provisions of Chapter 100, the provisions in Chapter 100 shall prevail.

TOWN OF LONGBOAT KEY



SIGN CODE UPDATE

Planning & Zoning Board

August 23, 2016



BACKGROUND

- Staff provided an update of the Sign Code at the June 21st PZB Meeting
- Staff gathered comments and suggestions regarding the draft Sign Code
- Several major policies need to be determined in order to finalize the draft Code



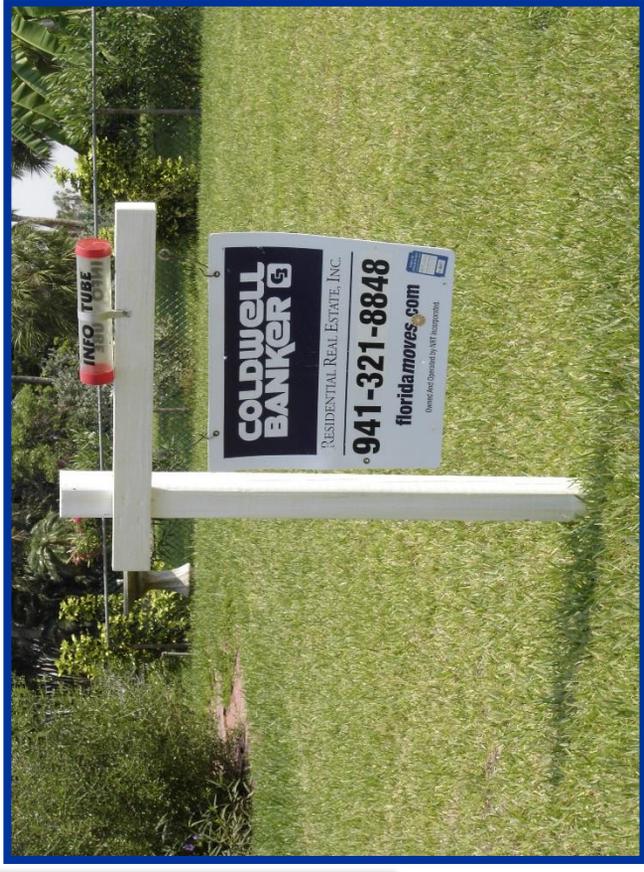
SIGN CODE REWRITE

- Updated Sign Code looks significantly different than current Sign Code
 - Signs are generally referred to as Street Graphics (the nationally accepted term)
 - Elimination of content related provisions
 - Improved Statement of Purpose (previously “Purpose and objectives”)
 - Revised language to meet current lighting technology (must also meet Turtle Lighting Code₃)

TOWN OF LONGBOAT KEY



TEMPORARY SIGNS





MAJOR POLICY DECISIONS

- Temporary Signs: NUMBER
- Staff Recommendation: One property may have no more than two (2) temporary ground graphics at any point in time.
 - Allowing property owners to display two temporary ground graphics provides owners flexibility in what they choose to display.



MAJOR POLICY DECISIONS

- Temporary Signs: TIME
- Staff Recommendation: A non-illuminated temporary street graphic may be permitted for not more than six (6) months. Permits may be renewed for no more than two (2) consecutive 6-month periods. Permits will not be issued again for 12 months after the expiration of the final renewal.
- Temporary Use permits are given for 6 months, so this will coincide with the Temporary Ground Graphic.



MAJOR POLICY DECISIONS

- Temporary Signs: SIZE
 - Staff Recommendation: Each property be allowed no more than one (1) square foot of temporary ground graphics per ten (10) linear feet of street frontage. Lots that front more than one street may only count the linear footage of one abutting street. The maximum height for temporary ground graphics is four (4) feet in residential districts and ten (10) feet in any other district.
 - The suggested language provides flexibility, while keeping the size in proportion with the size of the property.



MAJOR POLICY DECISIONS

- Temporary Signs: CLAUSE FOR EXISTING PERMITS
- Staff Recommendation: Permits that have been granted for temporary signs that do not conform to these regulations shall be legal non-conforming, but shall not be renewed.

TOWN OF LONGBOAT KEY



DYANAMIC ELEMENTS





MAJOR POLICY DECISIONS

- Dynamic Elements: Place
- Staff Recommendation: Dynamic elements are only permitted on properties zoned C-3 that sell gasoline.



MAJOR POLICY DECISIONS

- Dynamic Elements
 - Time
 - Staff recommendation: A dynamic element must not change or move more often than every 20 minutes.
 - Size
 - Staff recommendation: Dynamic elements shall not exceed 20 percent of the sign face.