ORDINANCE NO. 408

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, REPEALING CHAPTER 74 "SIGNS" IN FULL AND ADOPTING A NEW CHAPTER 74 "SIGNS" TO UPDATE SIGN REGULATIONS WITHIN THE TOWN AND TO ADDRESS TEMPORARY SIGNS IN ACCORDANCE WITH CURRENT CASELAW OUT OF THE UNITED STATES SUPREME COURT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Sewall's Point, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town of Sewall's Point Commission ("Town") finds and determines that it is appropriate to ensure that its Code of Ordinances as it relates to signs is in compliance with all constitutional and other legal requirements and adequately addresses the needs of its residential and business districts; and

WHEREAS, the Town has endeavored to adopt regulations governing signage that will comply with the First Amendment of the U.S. Constitution as interpreted by the U.S. Supreme Court; and

WHEREAS, the Town finds and determines that it is appropriate to update and revise its Code relative to signs; and

WHEREAS, the Town recognizes that there have been decisions delivered by the U.S. Supreme Court over the past forty years that provide guidance to local governments in their regulation of signage, including *Linmark Associates, Inc. v. Township of Willingboro*, 431 U.S. 85 (1977); *Metromedia, Inc. v. San Diego,* 453 U.S. 490 (1981); *Village Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984); *Village of Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410 (1993), and, *Village of Ladue v. Gilleo,* 512 U.S. 43 (1994); and

WHEREAS, the Town wishes to preserve the aesthetic beauty of the Town of Sewall's Point, Florida; and

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

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

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

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

WHEREAS, under established Supreme Court precedent, aesthetics is not a compelling governmental interest; and

WHEREAS, until a recent Supreme Court decision released in June 2015, there had not been clarity as to what constitutes a content-based law as distinguished from a content-neutral law; and

WHEREAS, in *Reed v. Town of Gilbert,* 575 U.S. TBD (2015), the United States Supreme Court, in an opinion authored by Justice Thomas, and joined in by Chief Justices Roberts, Scalia, Alito, Kennedy and Sotomayer, addressed the constitutionality of a local sign ordinance that had different criteria for different types of temporary noncommercial signs; and

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

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

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

WHEREAS, in *Reed*, the Supreme Court held that if a sign regulation on its face is content-based, neither its purpose, nor function, nor justification matter, and the sign regulation is therefore subject to strict scrutiny and must serve a compelling governmental interest; and

WHEREAS, in *Reed,* Justice Alito in a concurring opinion joined in by Justices Kennedy and Sotomayer pointed out that municipalities still have the power to enact and enforce reasonable sign regulations; and

WHEREAS, Justice Alito in the concurring opinion joined in by Justices Kennedy and Sotomayer provided a list of rules that would not be content-based; and

WHEREAS, Justice Alito noted that these rules, listed below, were not anything like a comprehensive list of such rules; and

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

WHEREAS, Justice Alito further noted that in addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech [see *Pleasant Grove Village* v. *Summum,* 555 U.S. 460, 467-469 (2009)], and that government entities may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots; and

WHEREAS, Justice Alito noted that the *Reed* decision, properly understood, will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate aesthetic objectives, including rules that distinguish between on-premises and off-premises signs; and

WHEREAS, as a result of the *Reed* decision, it is appropriate and necessary for local governments to review and analyze their sign regulations, beginning with their temporary sign regulations, so as to make the necessary changes to conform with the holding in *Reed*; and

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

WHEREAS, the Town finds and determines that under Florida law, whenever a portion of a statute or ordinance is declared unconstitutional, the remainder of the act will be permitted to stand provided (1) the unconstitutional provisions can be separated from the remaining valid provisions, (2) the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void, (3) the good and the bad features are not so inseparable in substance that it can be said that the legislative body would have passed the one without the other, and (4) an act complete in itself remains after the valid provisions are stricken [*see*, *e.g.*, *Waldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990)]; and

WHEREAS, the Town finds and determines that there have been several judicial decisions where courts have not given full effect to severability clauses that applied to sign regulations and where the courts have expressed uncertainty over whether the legislative body intended that severability would apply to certain factual situations despite the presumption that would ordinarily flow from the presence of a severability clause; and

WHEREAS, the Town finds and determines that the Town has consistently adopted and enacted severability provisions in connection with its ordinance code provisions, and that the Town wishes to ensure that severability provisions apply to its land development regulations, including its sign regulations; and

WHEREAS, the Town finds and determines that there be an ample record of its intention that the presence of a severability clause in connection with the Town's sign regulations be applied to the maximum extent possible, even if less speech would result from a determination that any provision is invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the Town finds and determines that the amendments to its Code, as set forth herein, are consistent with all applicable policies of the Town's adopted Comprehensive Plan; and

WHEREAS, the Town finds and determines that these amendments are not in conflict with the public interest.

WHEREAS, the Town Commission has reviewed this Ordinance and determined that such Ordinance furthers the public health, safety and general welfare of the residents and citizens of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the legislative findings of the Town Commission.

Section 2. Chapter 74 "Signs", of the Town Code of Ordinances is hereby repealed in full.

Section 3. Chapter 74 "Signs", of the Town Code of Ordinances is hereby adopted as set forth in **Exhibit "A"** attached hereto and incorporated herein by this reference.

Section 4. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or the particular application thereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

Section 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Codification. The sections of the ordinance may be made a part of the Town Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "division," or any other appropriate word.

Section 7. Effective Date. This ordinance shall take effect immediately upon adoption.

Vice Mayor Campo offered the Ordinance for its first, reading and moved its adoption. The motion was seconded by Commissioner Luger, and upon being put to a vote, the vote was:

	AYE	NAY
DAN MORRIS, MAYOR	____	____
JAMES W. CAMPO, VICE MAYOR	____	____
VINCENT N. BARILE, Commissioner	____	____
PAUL LUGER, Commissioner	____	____
JACQUI THURLOW-LIPPISCH, Commissioner	____	____

Passed second reading at the Regular Meeting of the Town Commission held on the 22nd day of March, 2016. The _____ thereupon declared this Ordinance approved and adopted by the Town Commission on this 22nd day of March, 2016.

TOWN OF SEWALL'S POINT, FLORIDA

_____

DAN MORRIS, MAYOR

Sign Here

ATTEST:

_____

Lakisha Q. Burch, Town Clerk
(TOWN SEAL)

Approved as to form and legal sufficiency:

_____

Glen J. Torcivia, Town Attorney
Florida Bar No. 343374

EXHIBIT "A"

Chapter 74 - SIGNS

ARTICLE I. - IN GENERAL

Sec. 74-1. – Purpose.

The regulations and requirements set forth in this chapter are intended to preserve the character of the Town by controlling the size, location and use of signs in all zoning districts within the Town. It is further intended to protect property values and to create a more attractive, economic and business climate through the reinforcement and encouragement of graphic excellence and to reduce conflicts between signs. It is the goal of the Town to promote the Town's interest in aesthetics, to reduce urban clutter, to eliminate nuisance forms of advertising and to promote traffic safety by the avoidance of distractions to motorists caused by objectionable signage. It is not the intent or purpose of this article to impermissibly regulate signage by giving commercial speech greater protection than noncommercial speech, nor to discriminate among various noncommercial messages exhibited or conveyed by signs. Notwithstanding anything contained in the Town of Sewall Point's Sign Code to the contrary, any sign erected pursuant to the provisions of this Code may, at the option of the applicant, contain either a noncommercial 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. The noncommercial message may occupy the entire sign face or portion thereof. The sign may be changed from commercial to noncommercial messages as frequently as desired by the owner of the sign, provided that the size and design criteria conform to the applicable portions of this Code, the sign is allowed by this Code, the sign conforms to the requirements of the applicable zoning district, and the appropriate permits are obtained. For the purposes of this sign code, noncommercial messages, by their very nature, shall never be deemed an off premise sign.

Sec. 74-2. - Penalty for violation of chapter.

Violations of this chapter shall be a Class A violation, punishable as set forth in chapter 18.

Sec. 74-3. - Right-of-way violations.

If a prohibited sign is unlawfully located in a public right-of-way, the town may immediately remove said sign. Information contained in the sign, including names, addresses or phone numbers of persons or entities advertising on the sign shall establish a rebuttable presumption of ownership for purposes of enforcement of this violation. Such signs shall be handled in the following manner:

(1) *Illegal signs of negligible or no value*. Any sign placed or erected in a public right-of-way in violation of this chapter which has negligible or no value due to its perishable or nondurable composition, including, but not limited to, those made out of paper, cardboard, posterboard, or similar material, including such signs mounted on wire, aluminum, other metal or wood, shall be deemed abandoned and may be destroyed by the town after removal. No opportunity to reclaim such a sign shall be given by the town. In addition to the town's rights to remove and destroy the prohibited sign, the town may issue the owner, if the owner's identity and whereabouts are known to the town, a citation as set forth in chapter 18 of this Code.

(2) *Recovery of impounded signs; abandonment and destruction*. Except for those signs described in subsection (a) above, any sign removed from a public right-of-way and impounded by the town shall be held in storage and the owner, if the owner's identity and whereabouts are known to the town, shall be provided with a citation for such violation and shall be given 3 business days from the date the citation is received to reclaim any such sign. Any impounded sign stored by the town may be destroyed if not reclaimed within 3 business days of the receipt of the citation by the owner or within 7 business days of mailing of the citation if no signed return receipt is received or within 3 business days of the date of removal if the identity and whereabouts of the owner are not known to the town.

Secs. 74-4—74-25. - Reserved.

ARTICLE II. - SIGN REGULATIONS

DIVISION 1. - DEFINITIONS

Sec. 74-26. – Definitions. The following words, terms and phrases, shall have the meaning ascribed to them in this section:

Abandoned sign means a sign is abandoned if the land use or business advertised in that sign is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at the location of the sign or the location noted on the sign.

Adjacent property means property immediately adjacent to the property.

Animated sign means a sign of which all or any part visibly moves in any fashion; and any sign which contains or uses for illumination any light, lights, or lighting device or devices which change color, flash, alternate, show movement, or motion, or change the appearance of the sign or any part thereof.

Area (See copy area; overall area.)

Attachment means brochure holder, balloons, flags or any other attention-getting device attached to a sign.

Awning means a cover or screen, usually consisting of canvas fabric, supported and stiffened by a rigid frame, extending over or before windows, doors, outside walks, or the like, and providing shelter or protection against the elements.

Banner means a sign produced on cloth, paper or fabric of any kind, either with or without frame.

Business Occupant means any person, firm, entity, partnership, trust, corporation, association, or other organization that is doing business in a commercial building, or a portion or portions thereof, for a period exceeding thirty (30) days, whether said building or portion of a building is rented, leased, or owned.

Changeable copy means a sign with characters, letters, or illustrations that can be changed, rearranged, or altered without changing the face of the sign or surface or wall.

Commercial sign means a sign that advertises a trade, business, industry or other activity for profit, or a product, commodity or service, whether or not for profit, including, but not limited to, vehicle signs, construction signs and real estate signs.

Construction sign means a temporary sign giving the name or names of principal contractors, architects, lending institutions, or sponsor responsible for construction or development on the premises where the sign is erected, and/or identifying the structure or project being constructed on the premises where the sign is placed.

Copy area means the actual area of the sign copy applied to any background as computed by drawing precisely four straight lines, in the shape of a square or rectangle, drawn closest to copy extremities encompassing all individual letters, words and graphics including logos.

Courtyard means an open space surrounded by walls or buildings on the same lot.

Directional sign means a sign which only provides directional instructions or information, no commercial information, for pedestrian or vehicular traffic, such as the terms: parking, one-way, exit, or entrance, and/or arrows.

Double-faced sign means a sign which has two sides, parallel to each other, facing in exact opposite directions.

Election sign means a temporary sign erected to support or oppose a candidate, political party, or ballot measure in an upcoming election, or to encourage citizens to vote in an upcoming election.

Finished grade means the completed or settled level of the ground, asphalt, or pavement on which a sign is erected; except that if the sign is erected on an artificial mound or similar artificial rise, the term shall mean the completed or settled level of the ground, asphalt, or pavement which surrounds all or a majority of the building on the premises or site on which the sign is erected.

Flag means a piece of fabric (most often rectangular or quadrilateral) with a distinctive design that is used as a symbol, a signaling device, or a decoration, but for purposes of this sign code, does not include flags used for a commercial promotion or as an advertising device.

Font means an assortment or set of type all of one size and style.

Freestanding Directory sign means a permanent sign which is supported by structures or supports in or upon the ground and independent of support from any building used only for the purpose of identifying occupants of the premises.

Government sign means a sign erected, owned, leased, or maintained by any city or county, the state, or federal government for the purpose of discharging any government function.

Gross glass area means and shall include all glass on the side of a structure facing the same or generally same direction.

Ground floor means the floor of the building constructed at or slightly above the same level as the parking lot at the main entrance to the building.

Ground sign means a permanent sign which is supported by structures or supports in or upon the ground and independent of support from any building.

Height. (See overall height.)

Illuminated means receiving light from an artificial internal or external source.

Non-conforming sign means a sign legal at the time of its erection, which does not conform to the requirements of this sign code.

Normal Business Hours means 8:00 a.m. through 5:00 p.m. Monday through Saturday.

Obscene sign means that quality of any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it (1) Predominately appeals to the prurient, shameful, or morbid interests of minors in sex, and (2)Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors, and (3) Taken as a whole, lacks serious literary, artistic, political, or scientific value.

Off-premises sign means a sign relating its subject matter to premises other than the premises on which it is located or to products, accommodations, services or activities available on premises other than the premises on which the sign is located.

Overall area means the total area of the sign face, not including any supporting structure provided that such supporting structure is used exclusively for and is necessary for support and does not carry any lettering or identifying markings.

Overall height means total height of sign including any frame, background, supporting member or other component part measured from finished grade level.

Overall width means total width of sign including any frame, background, supporting member or other component part.

Pedestal means the lower portion or base of a ground sign; said pedestal shall be solid, and made of stucco, cement, stone or similarly appearing material.

Perimeter Wall or Entry Feature Identification sign means a permanent sign which by symbol or name identifies a multi-lot residential neighborhood.

Permanent sign means sign permanently affixed to a building or structure or to the ground.

Permanently attached means using bolts and screws.

Premises means all contiguous lands, structures, places, used in connection with any businesses conducted on such site, including the interior of the establishment and the contiguous exterior walls under common ownership, control or possession.

Professional office means the office of an establishment in which a person or persons are engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon.

Property means an area of vacant land or land containing one or more buildings which, because of its unity of use, shall be regarded as one unit for the purpose of this sign code.

Property Identification Name means text and/or graphics used to distinguish one commercial property from another. A Property Identification name may be the name of a single occupant of the property, or any name that is unique within the Town's jurisdiction and not specifically prohibited in Sec. 74-150.

Real-estate sign means a temporary sign, which advertises the sale, rent, lease or open house of the premises upon which it is located.

Residential Identification sign means a sign which by symbol or name identifies a residential property.

Setback means the distance between a property line or right-of-way line and the edge of a sign, which is nearest to the property line or right-of-way.

Sign means any display of characters, ornamentation, letters, or other display such as, but not limited to , a symbol, logo, picture, sculpture or other device used to attract attention, or to identify, advertise, announce, or to indicate directions or to otherwise convey a message, including the structure or frame used in the display.

Snipe sign means any sign placed on any tree, shrub, plant, utility pole, or similar object. Also, any sign installed without permission of the owner(s) or agent of the property where the sign is placed.

Strip lighting means long narrow lights.

Temporary sign means a sign of a non-permanent nature not requiring a permit and as regulated in this sign code, including real-estate signs, construction signs, election signs, or any other temporary sign. Temporary signs are those signs that are not intended or not constructed for permanent placement pursuant to the technical requirements of this article, as well as the town's building and other technical codes, including electrical codes. Temporary signs shall not include holiday or seasonal decorations.

Traffic sign means a sign or signal for the control of pedestrian or vehicular traffic, such as, but not limited to: stop, merge, and yield.

Uniform Sign Program means a document which specifies, and provides for, consistent color, font, style and materials for all wall signs within a development. Said Uniform Sign Program shall be subject to the approval of the Town Commission.

Vehicle sign means any lettering or graphic depiction painted on, magnetically attached to, or otherwise visible on or in a vehicle of any nature. Separate sign structures mounted on any vehicle(s) are expressly prohibited.

Wall sign means sign mounted parallel to and affixed to the face of a structure or wall.

Secs. 74-27—74-30. - Reserved.

DIVISION 2. - SIGN REGULATIONS IN RESIDENTIALLY ZONED AREAS

Sec. 74-31. - General provisions. Except as specifically provided elsewhere, signs in residentially zoned areas shall be:

(1) limited to the types and numbers of permanent signs permitted below;
(2) no greater than two square feet overall area;
(3) placed so that the top of sign, if freestanding, is no higher than three feet above finished grade at nearest property line and, if affixed to a building, is not above the eave of the building;
(4) placed no closer than ten feet from the paved surface of any roadway abutting the property on which the sign is located; in the event that a hedge or other obstruction exists closer than ten feet from the paved surface, signs must be placed as close as possible to said hedge or other obstruction; and
(5) not be illuminated, except as provided in 74-32 below.

Sec. 74-32. – Permitted signs. Except as specifically provided herein or elsewhere, the following signs shall be permitted in residentially zoned areas:

(1) **Vehicle signs**.
   a. Vehicle signs are prohibited unless otherwise authorized in section 42-24 of this Code or unless the driver of the vehicle with the Vehicle sign is making a delivery or service call at the residence and is parked at the residence no longer than 30 minutes.
   b. Notwithstanding any provision to the contrary, when a commercial sign is affixed, in any manner, to a car, truck, bus, trailer, or other vehicle, which has as its primary purpose the display of such sign, such vehicle is prohibited from parking in all residential and public service districts. This prohibition on parking does not apply if the vehicle is maintained and operated primarily for normal business purposes other than the display of the commercial sign, such as deliveries and service calls.
   c. For purposes of enforcement, the following persons may be considered the violator: the driver of the vehicle or the owner of the vehicle.

(2) **Flags**, subject to the following:
   a. Shall be limited to one flagpole per property , which shall be set back at least fifteen feet from the closest public right-of-way;
   b. Said flagpole shall have a maximum height of twenty-five feet measured from the finished grade of the property;
   c. Shall be limited to three flags per flagpole per property with a maximum size of twenty-five square feet per flag;
   d. Shall provide evidence that the flag and flagpole meet the current wind load established for Sewall's Point; and
   e. A flag attached to a pole that is permanently attached to the ground shall be considered a permanent sign and shall be subject to the regulations and criteria set forth in this subsection. Flags that do not meet this definition and, otherwise, fall under the definition of a Temporary sign shall be subject to the regulations and criteria set forth in Division 5 below.

(3) **Residential Identification signs**, subject to the following:
   a. Limited to one (1) per property;
   b. Lettering shall be of a single color;
   c. The background shall be of a single color;
   d. Trim or borders may contain one additional color;
   e. Colors shall be aesthetically compatible with the residential building(s) on the property; and
   f. Signs may be illuminated within the edges of the sign.

(4) **Perimeter Wall or Entry Feature signs**, subject to the following:

a. Up to a maximum of two ground signs or two wall signs may be placed at the main entrance of a neighborhood, and one ground sign or wall sign may be placed at each auxiliary entrance;
b. Signs may only contain the name and/or street address of the neighborhood at which it is located;
c. Maximum overall area of each sign shall be ten square feet;
d. Maximum overall height shall be five feet;
e. Maximum width shall be five feet; and
f. Ground signs shall be made of stucco, cement, stone, or similarly appearing material in all areas except for the text and logo.

(5) **Temporary signs**, subject to the regulations and criteria set forth in Division 5 below.

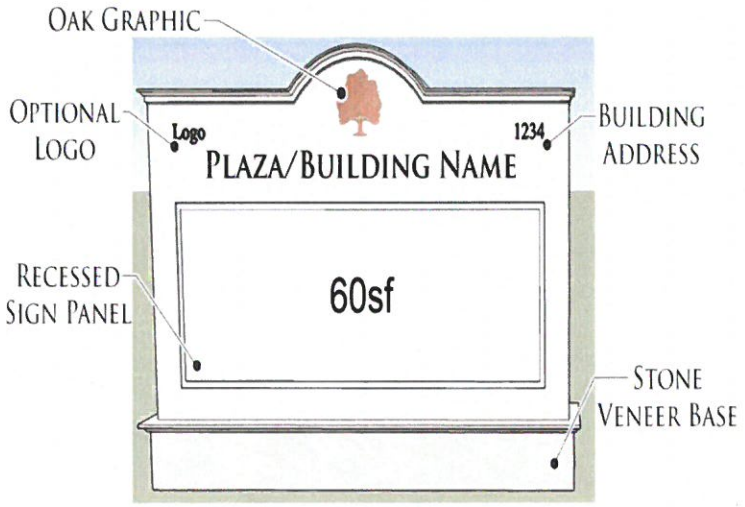
Secs. 74-33—74-70. - Reserved.

DIVISION 3. - SIGN REGULATIONS FOR COMMERCIALLY ZONED AREAS

Sec. 74-71. – Purpose. The purpose of Division 3 of this code is to set out the design regulations, size limitations, and other regulations controlling the different types of signs allowed in commercially zoned areas (B-1 and B-2). Division 4 of this code will prescribe the number, location, and other rules relative to each type of sign as they apply to the respective uses within the B-1 and B-2 Zoning Districts.

Sec. 74-72. – Ground signs. Where Ground signs are allowed in Division 4 of this code, they shall conform to the following regulations:

(1) All Ground signs shall conform to the following design in order to provide for a consistent aesthetic in the Town's commercial corridor:



GROUND SIGN
(9'-6"X 13'-6": CAP 1'-6")

(2) In addition, all Ground signs:

a. Shall comply with the construction detailed plan provided by the Town in conformance with the relevant illustration above;
b. Shall be consistent with the aesthetics, architecture, materials, and color of the main structure(s) and/or character of the premises;
c. May be only single, or double-faced;
d. May include graphics and/or stylized and colored font in the copy area;
e. Shall require that letters be attached directly to the monument sign structure ("pin-mounted"); panels, raceways, and cabinet signs are expressly prohibited;
f. Shall require that letters be of a minimum size of four (4) inches;
g. Shall be setback at least twelve feet from the paved surface of the abutting roadway;
h. Shall be limited in overall height to a maximum of nine (9) feet six (6) inches (9'6"), excluding the curved cap portion of the sign, from finished grade of the property where the sign is located; provided however, that overall height can be measured from the finished grade of the crown of adjacent roadway where measurement from the sign's location would make the ground sign not visible from the adjacent roadway;
i. Shall not exceed thirteen (13) feet six (6) inches (13'6") in overall width;
j. May be placed at an angle when located at the intersection of two streets;
k. Shall be limited to one sign per 195 linear feet of frontage on State Road A1A up to a maximum of three signs per property;
l. If illuminated, shall have only permanently fixed and encased face lighting on the ground from in front of and generally below the level of the sign surface; and
m. Shall comply with the following landscaping and irrigation requirements:

i. All trees and vegetation planted in conformance with this chapter shall be installed in accordance with good planting procedures as prescribed by the American Society of Landscape Architects. All existing trees, trees being planted on the site, and other required plant material shall be permanently maintained in healthy growing condition or shall be promptly replaced within 30 days. Severe pruning or maintenance practice(s) upon any tree with a minimum caliper of two inches that results in stunted, abnormal, or other unreasonable deviation from normal healthy growth shall be considered as removal of vegetation, which requires a permit;

ii. The exterior perimeters of all Ground signs shall be landscaped with a strip of land which is at least 1.5 feet in width;

iii. The applicant must submit for approval by the Building Department a combination ground sign/landscape plan ("ground sign landscape plan"). The use of "Florida-friendly" plant materials is preferred. The design should include: low maintenance design; low volume irrigation; use of mulch ground cover; use of drought tolerant plant material; and soil augmentation. Turf shall not be considered sufficient plant material to meet the requirements of this section. The ground sign landscape plan shall be submitted to the Building Department and shall contain the following information: The name, address, and telephone number of the owner and designer; landscape architect and irrigation maintenance contractor; a site plan indicating dimensions and property lines, existing and proposed easements, utility lines, parking

spaces, access aisles, driveways, sidewalks, curbs, the location of curb cuts and median openings adjacent to the ground sign(s); irrigation system; proposed planting areas. Proposed planting areas must indicate the quantity, spacing, size, and name of proposed plant material.

74-73. - Freestanding Directory signs: Where Freestanding Directory signs are allowed in Division 4 of this code, said Freestanding Directory signs:

(1) Shall have an overall area maximum of fifteen square feet;
(2) Shall have a maximum overall height of five feet (six feet with optional logo area);
(3) Shall include a 6-inch minimum pedestal clear of any copy;
(4) Shall have a maximum width of three feet;
(5) Shall be consistent in color and materials with the premises;
(6) May be illuminated;
(7) Shall have a maximum copy area of fourteen square feet;
(8) Shall require that letters be of a minimum size of two inches;
(9) Shall have lettering that is consistent in font and color; and
(10) Shall require that letters be permanently attached to the surface of the sign or, to removable panels of a uniform type, color, and material.

Sec. 74-74. - Wall signs. Where Wall signs are allowed in Division 4 of this code, said Wall signs:

(1) Shall be permanent signs;
(2) Shall be parallel to the surface of the walls on which they are painted or attached and shall not project more than fourteen inches from the wall surface;
(3) Shall indicate only the Property Identification name or the name of a single business occupant;
(4) Shall only be illuminated by internal lighting or permanently fixed and encased face lighting from below the sign surface; however, no Wall sign facing the St. Lucie Rivier or the Indian River Lagoon shall be illuminated . Neon, fluorescent, or any suitable light source may be used for internal lighting of a sign, provided that the actual lamps or tubes are not visible;
(5) Shall be in the shape of the text in a single font only, with no backgrounds permitted; while fonts may vary from sign to sign, each wall sign shall contain one consistent font;
(6) May append a logo as graphics and/or stylized and colored font in the copy area only for the logo portion of the sign only;
(7) Shall require that all text be white in color with a black border, except where a Uniform Sign Program has been approved pursuant to the terms of this Code; and
(8) Shall not extend above the eave of the building to which it is attached.

Sec. 74-75. – Directional and Traffic signs. Where Directional and Traffic signs are allowed in Division 4 of this code, said Directional and Traffic signs:

(1) Directional signs shall be:
    a. No greater than two square feet in overall area;
    b. No higher than five feet in overall height above the adjacent paved surface;
    c. Either single-or-double-faced;
    d. Setback at least two feet from the property line.
(2) Traffic control signs required for public safety shall be:
    a. No greater than six square feet overall area;
    b. No higher than seven feet above the adjacent paved surface;
    c. Either single- or double-faced;
    d. Setback at least two feet from the property line.
(3) Should a conflict arise between this chapter and the FHWA Manual, the FHWA Manual shall prevail.

Sec. 74-76. – Window signs. Where Window signs are allowed in Division 4 of this code, said Window signs:

(1) May contain the name of the occupant, hours of business operation, open/closed designations, credit card designation and telephone numbers in an area not to exceed five percent of the gross glass area;
(2) May contain advertising of goods and services in an additional area not to exceed fifteen percent of the gross glass area;
(3) Shall require all window sign lettering to be of a permanent nature, with cardboard or paper materials expressly prohibited (except for restaurant menus); and
(4) Shall in no event exceed a total coverage in excess of twenty square feet of the gross glass area.

Sec. 74-77. – Restaurant Menu signs. Where Restaurant Menu signs are allowed in Division 4 of this code, said Restaurant Menu signs:

(1) Shall be attached to a wall on a portion of a building occupied by said restaurant;
(2) Shall be enclosed in a casing that is architecturally compatible with the building design and color; and
(3) Shall extend no more than three inches in depth away from the wall to which it is attached.

Sec. 74-78 - Automated teller machines. Where Automated Teller Machine (ATM) signs are allowed in Division 4 of this code, said ATM signs:

(1) Shall be limited to ATMs that are attached to a bank;
(2) Shall be an integral part of the ATM;
(3) May not exceed two and one-half square feet in total size, including any border or background color; and
(4) May also include informational and instructional signs up to a maximum of 60 square inches.

Sec. 74-79 – Flags. Where Flags are allowed in Division 4 of this code, said Flags:

(1) Shall be limited to one flagpole per property , which shall be set back at least fifteen feet from the closest public right-of-way;
(2) Said flagpole shall have a maximum height of twenty-five feet measured from the finished grade of the property;
(3) Shall be limited to three flags per flagpole per property with a maximum size of twenty-five square feet per flag;
(4) As a part of the building permit application for installation of the Flag, shall provide evidence that the Flag and flagpole meet the current wind load established for Sewall's Point.
(5) A flag attached to a pole that is permanently attached to the ground shall be considered a permanent sign and shall be subject to the regulations and criteria set forth in this subsection. Flags that do not meet this definition and, otherwise, fall under the definition of a Temporary sign shall be subject to the regulations and criteria set forth in Division 5 below.

Secs. 74-80—74-100. - Reserved.

DIVISION 4. – SIGNS PERMITTED IN COMMERCIALLY ZONED AREAS

Sec. 74-101. – Purpose. The purpose of Division 4 of this code is to prescribe the number, location, and other rules relative to each type of sign allowed for each permitted use within the B-1 and B-2 Zoning Districts. The signs allowed in this Division 4 are subject to the regulatory controls laid out in Division 3 of this code.

Sec. 74-102 - Shopping centers. The following signs may be erected, placed or maintained for shopping centers in the B-1 District:

(1) **Ground signs**: One Ground sign subject to the criteria set forth in Sec. 74-72(1) shall be permitted for every 195 linear feet of frontage on State Road A1A up to a maximum of three signs per property.

(2) **Freestanding Directory signs**: One Freestanding Directory sign subject to the criteria set forth in Section 74-73 shall be permitted for each detached building on the property or one for each point of

access to a courtyard. The location of such sign shall comply with the American with Disability Act (ADA) requirements not to obstruct accessibility to the building, sidewalks and pedestrian flow throughout the property.

(3) **Wall signs** subject to the criteria set forth in Section 74-74 shall be permitted in accordance with the following:

a. Individual Wall signs shall not exceed sixty (60) square feet in overall area;
b. Wall signs shall be permitted limited to one wall sign per occupant of an individual business space, assigned at the discretion of the property owner, with the maximum wall sign coverage limited to one square foot of wall signage per one linear foot of frontage on State Road A1A;
c. In addition to a Wall sign, one removable hanging sign may be permitted; provided that such removable hanging sign shall not exceed two square feet; shall be one- or two-sided; shall be hung from a walkway soffit or structure in front of a business occupant's space at the main entrance door of a directly accessible business occupant's space; shall not project lower than eight feet from the walkway below; shall be uniformly hung perpendicular with respect to the building face; and shall be removed in the event of a hurricane or other such event; or
d. In lieu of a Wall sign, an awning with name of a business occupant may be permitted; provided that the overall area of the sign does not exceed one foot in height and ten feet in length; the sign is placed on the vertical edge of awning only; no additional identification signs larger than two square feet exist on the premises; and the awning sign contains one message only.

(4) **Directional and Traffic control signs** are permitted subject to the criteria set forth in Sec. 74-75;

(5) **Window signs:** individual business occupants within a shopping center shall be permitted one Window sign subject to the criteria set forth in Section 74 - 76;

(6) **Restaurant Menu signs:** a restaurant within a shopping center shall be permitted one restaurant menu sign subject to the criteria set forth in Section 74 - 77;

(7) **Automated Teller Machine signs** (ATM) are permitted subject to the criteria set forth in Section 74-78;

(8) **Flags** are permitted subject to the criteria set forth in Sec. 74 – 79;

(9) **Vehicle signs** are permitted during Normal Business Hours. During other hours, Vehicle signs are permitted for a reasonable time, not to exceed four hours, if one of the following applies:
a. The driver of the vehicle with the Vehicle sign is patronizing the location at which they are parked; or
b. The vehicle with the Vehicle sign is parked at the location of the business advertised on such Vehicle sign and it is during the business' regular hours of operation;

(10) **Temporary signs**, subject to the regulations and criteria set forth in Division 5 below.

Sec. 74-103 - Stand-alone restaurants. The following signs may be erected, placed or maintained for Stand-Alone Restaurants in the B-1 District:

(1) **Ground signs:** One Ground sign subject to the criteria set forth in Sec. 74-72(1) shall be permitted for every 195 linear feet of frontage on State Road A1A up to a maximum of three signs per property.

(2) **Freestanding Directory signs**: One Freestanding Directory sign subject to the criteria set forth in Section 74-73 shall be permitted for each detached building on the property, or one for each point of access to a courtyard. The location of such sign shall comply with the American with Disability Act (ADA) requirements not to obstruct accessibility to the building, sidewalks and pedestrian flow throughout the property.

(3) **Wall signs:** Wall signs subject to the criteria set forth in Section 74-74 shall be permitted in accordance with the following:

a. The maximum Wall sign coverage is limited to one square foot of wall signage per three linear feet of frontage on State Road A1A;

b. The maximum size of an individual Wall sign shall not exceed forty (40) square feet in overall area;

c. One Wall sign may be water-facing.

(4) **Directional and Traffic control signs** are permitted subject to the criteria set forth in Sec. 74-75;

(5) **Window signs:** subject to the criteria set forth in Section 74 – 76, one window sign and one matted or framed window menu sign shall be permitted;

(6) **Restaurant Menu signs**: One restaurant menu sign shall be permitted subject to the criteria set forth in Section 74 - 77;

(7) **Flags** shall be permitted subject to the criteria set forth in Sec. 74 – 79;

(8) **Vehicle signs** shall be permitted during Normal Business Hours. During other hours, Vehicle signs are permitted for a reasonable time, not to exceed four hours, if one of the following applies:

a. The driver of the vehicle with the Vehicle sign is patronizing the location at which they are parked; or

b. The vehicle with the Vehicle sign is parked at the location of the business advertised on such Vehicle sign and it is during the business' regular hours of operation;

(9) **Temporary signs**, subject to the regulations and criteria set forth in Division 5 below.

Sec. 74-104 – Professional and business office buildings. The following signs may be erected, placed or maintained for Professional and Business Office Buildings in the B-1 and B-2 Districts:

(1) **Ground signs:** One Ground sign subject to the criteria set forth in Sec. 74-72(1) shall be permitted for every 195 linear feet of frontage on State Road A1A up to a maximum of three signs per property.

(2) **Freestanding Directory signs:** One Freestanding Directory sign subject to the criteria set forth in Section 74-73 shall be permitted for each detached building on the property, or one for each point of access to a courtyard. The location of such sign shall comply with the American with Disability Act (ADA) requirements not to obstruct accessibility to the building, sidewalks and pedestrian flow throughout the commercial property.

(3) **Wall signs** subject to the criteria set forth in Section 74-74 shall be permitted in accordance with the following:

a. The maximum Wall sign coverage is limited to one square foot of wall signage per three linear feet of frontage on State Road A1A;

b. The maximum size of an individual Wall sign shall not exceed forty (40) square feet in overall area;

c. One Wall sign may be water-facing;

d. One additional Wall sign in the form of a directory for the purpose of listing occupants of the building, which shall be located on the face of the building at the main ground floor entrance, affixed immediately outside and directly adjacent to the entrance at a height not exceeding the entrance door to the building, which may contain changeable copy but shall not exceed six square feet of total area.

(4) **Directional and Traffic control signs** are permitted subject to the criteria set forth in Sec. 74-75;

(5) **Flags** are permitted subject to the criteria set forth in Sec. 74 – 79;

(6) **Vehicle signs** are permitted during Normal Business Hours. During other hours, Vehicle signs are permitted for a reasonable time, not to exceed four hours, if one of the following applies:

a. The driver of the vehicle with the Vehicle sign is patronizing the location at which they are parked; or
b. The vehicle with the Vehicle sign is parked at the location of the business advertised on such Vehicle sign and it is during the business' regular hours of operation;

(7) **Temporary signs**, subject to the regulations and criteria set forth in Division 5 below.

Secs. 74-105—74-129. - Reserved.

DIVISION 5. - TEMPORARY SIGNS

Sec. 74-130. Findings of fact; purpose and intent.

(a) *Findings of fact.* The Town Commission finds that the location and maintenance of Temporary signs affects the public health, safety, and general welfare of the people of this community, and that in order to preserve and enhance the town as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance. The town commission further finds that the regulation of Temporary signs within the town is a highly contributive means by which to achieve this desired end, and that uncontrolled and unlimited Temporary signs would degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine property values and the quaint character of the town.

(b) *Purpose and intent.* It is the purpose of this division to promote the public health, safety and general welfare through reasonable, consistent, and non-discriminatory standards for temporary signs. The Temporary sign regulations in this division are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech, and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. It_is the intent of the town commission that the temporary sign regulations shall provide uniform sign criteria which regulate the size, height, number and placement of signs in a manner that is compatible to the scale and character of the town, and which place the fewest possible restrictions on personal liberties, property rights, commerce, and the free exercise of Constitutional rights while achieving the town's goal of creating a healthy, safe and attractive environment that does not contain excessive clutter and visual distraction in rights-of-way and adjacent properties, the surrounding natural environment, and residential neighborhoods. These sign regulations have been prepared with the intent of enhancing the visual environment of the town and promoting its continued well-being, consistent with the most recent pronouncements of the United States Supreme Court regarding the regulation of temporary signage, and are further intended to:

1. Encourage the effective use of signs as a means of communication in the town;
2. Maintain and enhance the aesthetic environment and quaint character of the town;
3. Improve pedestrian and traffic safety;
4. Minimize the possible adverse impact of Temporary signs on nearby public and private property;
5. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of Temporary signs which compete for the attention of pedestrian and vehicular traffic.
6. Allow Temporary signs that are compatible with their surroundings, while precluding the placement of Temporary signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
7. Encourage and allow Temporary signs that are appropriate to the zoning district in which they are located;
8. Regulate Temporary signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;

9. Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the town;
10. Protect property values by precluding to the maximum extent possible Temporary signs that create a nuisance to the occupancy or use of other properties as result of their number, size, height, illumination, brightness, or movement; and
11. Enable the fair and consistent enforcement of these Temporary sign regulations.

74-131. Temporary signs. Temporary signs shall be subject to the following:

(1) Temporary signs are exempt from the permitting process required of permanent signs pursuant to this article; however, Temporary signs shall comply with the requirements of this division and those other sections referenced herein.
(2) No Temporary sign shall be placed in any public right-of-way or on any public property.
(3) Notwithstanding the foregoing, the town manager may authorize the placement within a right-of-way of Temporary signs identifying by name open businesses adjacent to ongoing road construction. Any such sign shall comply with FDOT or other applicable standards regarding lettering, size, material and placement.
(4) No Temporary sign shall be placed in a location in such a manner as to constitute a safety hazard, or hindrance to pedestrian or vehicular traffic.
(5) No Temporary sign shall be attached to a temporary structure.
(6) The failure to remove a Temporary sign pursuant to the provisions of this section shall subject the property owner upon whose property the sign is located to code enforcement. Each day that a Temporary sign remains in violation of this section shall be deemed to be a separate offense.
(7) Government signs may be located at the discretion of the town manager to serve a governmental purpose.
(8) If a Temporary sign pertains to an event, the Temporary sign shall be removed within and by no later than three days after the event is concluded. Types of events include, but are not limited to, the sale or lease of property, the holding of an election, the issuance of a certificate of occupancy, the conclusion of a garage sale or special event, etc.
(9) A Temporary sign may not be placed on property without the permission of the owner of the real property.
(10) A Temporary sign may not display any lighting or illuminations and must remain static.
(11) A Temporary sign may not obstruct the view of a permanent sign as viewed from any road, street or highway or any sidewalk.

Sec. 74 – 132. Permitted Temporary signs. The criteria for Temporary signs are set forth in the Table and regulations below. A Temporary sign is unlawful if it does not meet the criteria established for the zoning district in which the sign is located.

ZONING DISTRICT	R-1	B-1 AND B-2
Maximum number of Temporary signs per property for residential district and per premises for business districts	3	3
Maximum per sign area	2 sf.	8 sf.
Maximum sign height for freestanding signs	3 ft.	3 ft.
Minimum sign setback	10 ft.	10 ft.
Maximum area per flag	25 sf.	25 sf.
Maximum height for flags	25 ft.	25 ft.

(1) *Maximum number for residential districts.* A maximum number of three Temporary signs per property shall be permitted for R-1 districts. The total number of Permanent signs in residential districts is as set forth in Division 2 of this Article.

(2) *Maximum number for commercial districts.* A maximum number of three Temporary signs per premises shall be permitted in commercial zoning districts. The total number of Permanent signs in commercial districts is as set forth in Division 4 of this Article.

(3) *Size of Temporary signs.* Temporary signs in residential zoning districts are limited to 2 square feet. Temporary signs in commercial zoning districts are limited to eight square feet. The square footage limitation is per side for a back-to-back sign. For example, a 2 square foot limitation means that there is a limit of 2 square feet of surface area per side of a back-to-back sign, and an aggregate limit of 4 square feet is allowed if the sign is a back-to-back temporary sign.

(4) *Height of Temporary signs.* Freestanding Temporary signs in both residential and commercial zoning districts shall be a maximum overall height of three feet measured from the finished grade of the property on which the sign is located.

(5) *Setbacks for Temporary signs.* Minimum sign setbacks are measured from the edge of the property line. In the event that a hedge or other obstruction exists closer than ten feet from the property line, signs must be placed as close as possible to said hedge or other obstruction.

(6) *Flags.* Except as otherwise regulated under this chapter, flags shall be permitted as follows:
   a. One (1) flag shall be permitted per property in residential zoning districts;
   b. Flags shall be limited to 25 square feet;
   c. Flags shall not exceed the height of the roofline or the ground floor whichever is lower.
   d. The flags authorized herein shall be included in the calculation of the maximum number of temporary signs authorized in this article.
   e. Flags shall be subject to all other requirements set forth under this Division unless a conflict exists.

Secs. 74-133—74-149. - Reserved.

DIVISION 6. - PROHIBITED SIGNS; NONCONFORMING SIGNS; EXEMPT SIGNS; PERMITS; VARIANCES

Sec. 74- 150. Prohibited signs. The following signs shall not be erected, placed or maintained in any zoning district and are prohibited, unless specifically permitted elsewhere in this sign code:

(1) Any sign which obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal.
(2) Signs that by reason of position, shape, or color, would conflict with the proper function of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic control device.
(3) Snipe signs.
(4) Off-premises signs. Vehicle signs are prohibited in residential districts unless otherwise authorized in section 42-24 of this Code or unless the driver of the vehicle with the Vehicle sign is making a delivery at the residence and is parked at the residence no longer than 30 minutes. Vehicle signs are prohibited in non-residential districts except during normal business hours; provided, however, that during other hours, Vehicle signs are permitted for a reasonable time in non-residential districts, not to exceed four hours, if one of the following applies:
   a. The driver of the vehicle with the Vehicle sign is patronizing the location at which they are parked; or
   b. The vehicle with the Vehicle sign is parked at the location of the business advertised on such Vehicle sign and it is during the business' regular hours of operation;

(6) The replacement of a tenant sign with a smiliarly sized sign will not trigger the compliance requirement set forth in subsection (5) above.

Sec. 74-152. – Exemptions. The following signs, whether temporary or permanent, are exempt from the requirements of this chapter, but may be subject to other applicable laws, rules or regulations:

(1) Government signs;
(2) Signs that are required by law, rule or regulation; and
(3) Public safety signs that provide security, medical or public safety information, including, but not limited to security or alarm signs, medical alert signs, any sign warning of a danger, or other similar sign; however, there shall be no more than a total of three such signs per property in residential districts or per premises in commercial districts. Each public safety sign shall not exceed one (1) square foot.

Sec. 74-153. - Permits.

(a) It shall be unlawful for any entity or person to erect, construct, alter, enlarge, move, or replace any permanent sign or cause the same to be done, without first having obtained a building permit for the sign. The building official, in his or her sole discretion, may exempt a permanent sign from the permit requirement if the work to be done is of such a minor nature that the protections of the building permit are not necessary, and such permit is not otherwise required under the Florida Building Code or other statute, ordinance, rule or regulation.
(b) A fee in accordance with a fee schedule adopted by resolution of the town commission, as noted in section 50-102, shall be charged for each building permit issued excepted as provided elsewhere in this chapter.
(c) The permit fee shall be waived for a one time replacement of permitted signs in existence on the date of this chapter, which were made non-conforming by virtue of this chapter.
(d) All permanent signs shall conform to all applicable building codes.
(e) A building permit for a permanent sign shall become null and void unless the construction is complete and a certificate of completion from the Building Department is issued within three months after the effective date of the issuance of the permit.

Sec. 74-154. - Variance. There shall be no process by which an applicant may seek a legal variance from the terms of this sign code.

(5) Signs erected, constructed, or maintained so as to obstruct any fire escape or any window or door or opening used as a means of ingress or egress.
(6) Any sign (other than a government sign), banner, or display placed on any curb, street, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way, or other public property, or located on town owned property. Such signs shall immediately be removed by the town's police department or other designee of the town commission.
(7) Animated signs of any kind.
(8) Signs containing any type of reflective, fluorescent, or fluorescent-like paint or materials of any kind.
(9) Sign spot lights or flood lamps and any exposed incandescent lamps larger than fifteen watts or 300 lumens unless shielded to prevent glare upon a public right-of-way or adjacent property. Any sign lights that hamper the vision of motorists or bicyclists.
(10) Neon lighting or strip lighting in any fashion when the actual lights or tubes can be seen from any street or right-of-way or adjacent property.
(11) Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing copy.
(12) Signs containing extruding figures, waving or fluttering, or any device to attract attention; flags, or banners.
(13) Signs that emit odor, or visible matter such as smoke or steam.
(14) Signs in non-residentially zoned areas which face residential property other than traffic signs.
(15) In residentially zoned areas, signs closer than 100 feet from the property line of an adjacent commercial property.
(16) Signs that contain any obscene copy.
(17) Abandoned signs.
(18) Signs which emit or utilize in any manner any sound capable of being detected by a person with normal hearing.
(19) Balloons or inflatable signs of any kind, except for private parties held in individual residences.

Sec. 74-151 - Nonconforming signs. Any nonconforming sign pursuant to the regulations of this chapter, which was lawfully in existence prior to the adoption of this chapter, shall be allowed to remain as a legal nonconforming structure, pursuant to the requirements of Chapter 82, Zoning, Article III, Nonconformities, and subject to the following limitations:

(1) The sign may not be altered, expanded or extended in any way unless to bring it into conformity except that business occupant name changes on existing menu type signs may be changed to reflect a new business occupant or a business name change. Except as otherwise set forth in this code, normal repair and maintenance, including necessary nonstructural repairs and incidental work which does not extend or intensify the noncomplying features of the sign, may be performed.
(2) No nonconforming sign shall be moved, in whole or in part, to any other location where it would remain noncomplying.
(3) If a nonconforming sign is destroyed or damaged by any means to an extent of 50 percent or more of its replacement costs at the time of destruction or damage, it shall not be reconstructed or repaired except in conformance with this sign code.
(4) Perimeter Wall or Entry Feature Identification signs in residential zones, existing, and in place, as of the date of this chapter shall be exempt from compliance with this code. Replacements for existing neighborhood Perimeter Wall or Entry Feature Identification signs must comply with this code.
(5) After March 22, 2016, a property owner shall be required to bring all nonconforming signs on the property into compliance with this code within twenty-four (24) months from the date of the installation of any new sign that meets one or both of the following criteria:
    a. The sign is larger than previously authorized under the code prior to March 22, 2016; or
    b. The sign will increase the total square footage of signage on the property beyond that which was previously authorized under the code prior to March 22, 2016.