



NEW PORT RICHEY

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TO: City of New Port Richey City Council
FROM: Lisa L. Fierce, Development Director
DATE: 5/17/2016
RE: Second Reading, Ordinance 2016-2078: Sign Regulations, Phase I

REQUEST:

Council is to conduct a (second) public hearing of the ordinance.

DISCUSSION:

The City Council held a first hearing on the proposed amendments to the sign regulations on May 3, 2016.

The proposed ordinance includes several changes to the temporary sign regulations (Section 13.05.00) and a few to the permanent sign regulations that are designed to enhance the defensibility of the regulations and respond to a recent U.S. Supreme Court case (*Reed v. Town of Gilbert*, described below):

- Removal of regulation by sign categories based on content or function, including political signs or election signs, grand opening and closing signs, garage-yard sale signs and holiday decoration;
- Replacement of the above regulations with more generic and simplified signage opportunities, without specifying that the signs must convey a particular message;
- Reduction in the number of sign types exempted from the regulations (Section 13.08.00) and the number of sign types prohibited (Section 13.07.00); and
- Revision and, where appropriate, removal of definitions for consistency with the regulations and case law standards (Section 13.02.00).

The changes to the intent, scope and purpose of the article are necessary to better articulate the compelling and substantial governmental interests that justify the regulation of signs: traffic safety and preserving aesthetics. The changes specifically reference and respond to the governing case law, and articulate that the requirement for local government sign regulation in Florida Statutes, the Florida Constitution's protection of scenic beauty, and the relevant goals, objectives and policies of the City's comprehensive plan and Community Redevelopment Plan, all factors that were missing from the *Reed* decision, all present compelling governmental interests supporting sign regulation in New Port Richey.

This ordinance is intended as Phase One of the City's work on its sign code, to make the regulations more closely conform to the recent case law. The City intends to revisit the sign code in a second phase, where staff and consultants will comprehensively evaluate and update all of the standards applicable to signage in the City, and provide opportunities for public input and outreach.

The Constitutional Issue:

Signs are protected under the free speech guarantees of the First Amendment of the U.S. Constitution and local government sign regulation must be in conformance. The regulations cannot vary based on the content of speech that the sign is intended to express, and cannot favor or punish points of view or topics. "Content-based" regulation is presumptively unconstitutional and must be justified by a compelling governmental interest. If a sign regulation is content-based on its face, its purpose, its justification and its function do not matter. If it is content-neutral, then these

factors can be considered in evaluating the constitutionality of the regulation. However, the courts have been unclear about exactly how to determine whether a particular regulation is “content-based.”

Sign regulations must be narrowly tailored to achieve the City’s governmental purposes for regulating signs, which can be generally characterized as aesthetics and traffic safety. The regulations must not be substantially overbroad, exceeding the scope of the governmental interests justifying regulation. But they also must not be substantially under-inclusive, so narrow or exception-ridden that the regulations fail to further the governmental interests. And, the regulations for commercial signage cannot be looser than those for noncommercial signage, because noncommercial speech is more highly protected by the First Amendment.

A 2015 U.S. Supreme Court case (*Reed v. Town of Gilbert*) places greater limitations on how much the City’s sign regulations can be tailored based on the functions or content of sign types. The case arose from a temporary sign category that allowed a number of small directional signs to be briefly placed in the right-of-way prior to and following a special event of a nonprofit entity. This categorical sign type was used by a small itinerant church, led by Pastor Reed, to publicize its church services at various locations including elementary schools and nursing homes. The Town of Gilbert cited the church for placing signs that failed to comply with the regulations for this sign type, because they were too large, were posted for too long and did not contain directional content.

Pastor Reed and the church sued because the Gilbert code treated these event directional signs differently from other noncommercial signs, and allowed temporary signs related to elections in the right of way and permanent ideological signs on private property to be larger and to be posted for a longer time. The *Reed* opinion modifies prior Supreme Court precedent by holding 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. The majority opinion of the Court was delivered in an opinion by Justice Thomas, but three of the six justices who joined his opinion also joined a more narrow concurring opinion by Justice Alito.

The two opinions differ in some aspects; read together as the holding of the case they suggest that a regulation creating a category for 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” and may be considered content-based. Sign regulations tied to the identity of the speaker may be content-based. Event-based sign regulations may also be considered content-based.

Justice Alito’s opinion assures local governments that *Reed* does not affect their continued ability to regulate based on key distinctions such as commercial vs. noncommercial, off-premise vs. on-premise, temporary vs. permanent, and regulation by zoning district and land use. Governmental signs on governmental property, including traffic control devices, are not affected by the First Amendment, and can be controlled in the broad discretion of the City. Private signs are not required to be allowed on governmental property.

Most sign codes in Florida, and across the country, fail to meet all of the requirements of *Reed*. Thus, this Ordinance was prepared for your consideration.

The proposed new language is shown with underlining and deleted language is shown with ~~strike through~~.

Compatibility with Comprehensive Plan:

The proposal is consistent with the following Comprehensive Plan goals, objectives and policies:

- FLU Goal 1 - To promote compatible land uses which will maximize, enhance and preserve New Port Richey’s unique and attractive characteristics in a manner consistent with the economic, physical, ecological and social needs, capabilities and desires of the community.
- FLU Policy 1.1.2 - To implement this Comprehensive Plan, the City shall continue to implement land development regulations that contain specific and detailed provisions which, at minimum, shall:
 - e. Regulate signage;
 - 1. Provide requirements for the provision of open space, and safe and convenient on-site traffic flow and parking requirements;
- FLU Objective 1.3 - Design commercial development that is compatible with environmental and economic resources, to enhances access and circulation, results in a positive and attractive built environment and will be in keeping with the needs and character of the community.
- FLU Policy 1.3.2 - The City shall promote commercial development that serves to maintain or enhance the economic health of the City, and to increase job opportunities, per capita income and convenience for residents.
- FLU Policy 1.6.4 - The New Port Richey Redevelopment Plan shall, at minimum, address the following

issues:

- h. Reduction of confusion and visual clutter through the control of the size, placement and related aspects of signage;
- i. Assurance of safe and efficient traffic flow to and from the downtown and surrounding areas;
- LIV Objective 4.6 - Provide standards for the design and construction of signs that reflect the existing or intended neighborhood character and are expressive of individual businesses and community facilities.
- LIV Policy 4.6.1 - Encourage high quality signs that are attractive, appropriate for the location and balances visibility needs with aesthetic needs.
- LIV Policy 4.6.2 - Develop sign regulations to require monument (ground) signs in lieu of pole signs. Ground signs shall be designed and constructed:
 - a. To complement the architectural character of on-site buildings;
 - b. To include a street address number or range of address numbers for the building(s) it identifies (considered as a part of the sign area);
 - c. With roof, capital or base design detail; and
 - d. With landscaping in the area surrounding the sign base.
- LIV Policy 4.6.3 - Create special sign districts, where appropriate, to reflect neighborhood identity, historical or environmental features, or architectural character.
- TRA Goal 1 - To provide a street network that is safe, convenient, attractive, cost-effective and efficient; integrated with other transportation modes; and available to all residents and visitors to the City.
- TRA Objective 1.2 - Promote efficient and safe traffic circulation through transportation planning and administration of land use controls.
- TRA Objective 2.2 - A multimodal transportation system that emphasizes safety and aesthetics.
- TRA Policy 2.2.2 - The City shall develop and enforce the signage requirements along roadways in the Land Development Code.

RECOMMENDATION:

Staff recommends approval of the ordinance. The Land Development Review Board recommend approval at its April 21, 2016 meeting.

BUDGET/FISCAL IMPACT:

None.

ATTACHMENTS:

| Description | Type |
|-------------------------------|-----------------|
| ☐ Ordinance #2016-2078 | Ordinance |
| ☐ LDRB Minutes April 21, 2016 | Backup Material |

ORDINANCE # 2016-2078

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING APPENDIX “A” OF THE CODE OF ORDINANCES, “LAND DEVELOPMENT CODE,” CHAPTER 1, “GENERAL PROVISIONS,” TO AMEND THE GENERAL FINDINGS; AND TO AMEND CHAPTER 13, “SIGNS AND ADVERTISING,” TO AMEND THE LEGISLATIVE FINDINGS, REGULATIONS, PROCEDURES AND PROHIBITIONS APPLICABLE TO SIGNAGE; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City of New Port Richey (“City”) enacted Ordinance No. 2005-1744 which adopted a new Appendix “A,” Land Development Code (the LDC); and

WHEREAS, the City Council adopted Ordinance Nos. 2006-1792, 2007-1870, 2007-1865 and 2013-2000 which amended Chapter 13, “Signs and Advertising” of the LDC; and

WHEREAS, the City Council desires to modify and update certain sign regulations in order to respond to recent case law including *Reed v. Town of Gilbert*, ___U.S.___, 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015); and

WHEREAS, in order to address changed and changing conditions as the City continues to develop, the City Council further desires to clarify the wording and structure of the sign regulations; and

WHEREAS, the City finds and determines that the purpose and intent provisions of its signage regulations should be detailed so as to further describe the beneficial aesthetic, traffic safety, and other effects of the City's sign regulations, and to reaffirm that the sign regulations are concerned with the secondary effects of speech and are not designed to censor speech or regulate the viewpoint of the speaker; and

WHEREAS, various signs that serve as signage for particular land uses are based upon content-neutral criteria in recognition of the functions served by those land uses, but not based upon any intent to favor any particular viewpoint or control the subject matter of public discourse; and

WHEREAS, the City finds and determines that the sign regulations adopted hereby allow and leave open adequate alternative means of communications, such as newspaper advertising, digital media, internet advertising and communications, advertising in shoppers and pamphlets, advertising in telephone books, advertising on cable television, advertising on UHF and/or VHF television, advertising on AM and/or FM radio, advertising on satellite radio, advertising on internet radio, advertising via direct mail and other avenues of communication available in the City [*see State v. J & J Painting*, 167 N.J. Super. 384, 400 A.2d 1204, 1205 (Super. Ct. App. Div. 1979); *Board of Trustees of State University of New York v. Fox*, 492 U.S. 469, 477 (1989); *Green v. City of Raleigh*, 523 F.3d 293, 305-306 (4th Cir. 2007); *Naser Jewelers v. City of Concord*, 513 F.3d 27 (1st Cir. 2008); *Sullivan v. City of Augusta*, 511 F.3d 16, 43-44 (1st Cir. 2007); *La Tour v. City of Fayetteville*, 442 F.3d 1094, 1097 (8th Cir. 2006); *Reed v. Town of Gilbert*, 587 F.3d 866, 980-981 (9th Cir. 2009)]; and

WHEREAS, in *Reed v. Town of Gilbert, Ariz.*, -U.S.-, 135 S. Ct. 2218, 2221, 192 L. Ed. 2d 236 (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*, 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 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 City 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 (alternatively referred to as on-site and off-site signs); and

WHEREAS, under established Supreme Court precedent and Eleventh Circuit 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 City finds and determines that the regulation of signs within the City strongly contributes to the development and maintenance of a pleasing, visually attractive environment, and that these sign regulations are prepared with the intent of enhancing the environment and promoting the continued well-being of the City; and

WHEREAS, the City finds and determines that the regulation of signage for purposes of aesthetics has long been recognized as advancing the public welfare; and

WHEREAS, the City finds and determines that, as far back as 1954, the United States Supreme Court recognized that "the concept of the public welfare is broad and inclusive," that the values it represents are "spiritual as well as physical, aesthetic as well as monetary," and that it is within the power of the legislature "to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled" [in *Berman v. Parker*, 348 U.S. 26, 33 (1954)]; and

WHEREAS, the City finds and determines that aesthetics is a valid basis for zoning, and that the regulation of the size and appearance of signs and the prohibition of certain types of signs can be based upon aesthetic grounds alone as promoting the general welfare [see *Merritt v. Peters*, 65 So. 2d 861 (Fla. 1953); *Dade County v. Gould*, 99 So. 2d 236 (Fla. 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 878 (1970)]; and

WHEREAS, the City finds and determines that these sign regulations further the single-family residential character and ambiance of the City, and reflect its commitment to maintaining and improving an attractive environment; and

WHEREAS, the City finds and determines that the beauty of the City's natural and built environment has provided the foundation for the economic base of the City's development, and that the City's sign regulations help create an attractive residential community for its residents; and

WHEREAS, the City finds and determines that the goals, objectives and policies of its plans over the years demonstrate a strong, long-term commitment to maintaining and improving the City's attractive and visual environment; and

WHEREAS, the City finds and determines that, from a planning perspective, one of the most important community goals is to define and protect aesthetic resources and community character; and

WHEREAS, the City finds and determines that the purpose of the regulation of signs as set forth in this Ordinance is to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements; and

WHEREAS, the City finds and determines that the sign regulations in this Ordinance are intended to lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic; and

WHEREAS, the City finds and determines that these sign regulations are intended to protect the public from the dangers of unsafe signs; and

WHEREAS, the City finds and determines that these sign regulations are intended to permit signs that are compatible with their surroundings and aid orientation, and to preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs; and

WHEREAS, the City finds and determines that these sign regulations are intended to regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians; and

WHEREAS, the City finds and determines that these sign regulations are intended to require signs to be constructed, installed and maintained in a safe and satisfactory manner; and

WHEREAS, the City finds and determines that in meeting the purposes and goals established in these findings, it is appropriate to prohibit and to continue to prohibit certain sign types; and

WHEREAS, the City finds and determines that the prohibition of the construction of billboards and certain other sign types, as well as the establishment and continuation of height, size and other standards for on-premise (on-site) signs, is consistent with the policy set forth in the Florida Constitution that it shall be the policy of the State to conserve and protect its scenic beauty; and

WHEREAS, the City finds that local governments may separately classify off-site and on-site advertising signs in taking steps to minimize visual pollution [*see City of Lake Wales v. Lamar Advertising Association of Lakeland Florida*, 414 So. 2d 1030, 1032 (Fla. 1982)]; and

WHEREAS, the City finds and determines that a prohibition on the erection of off-site outdoor advertising signs will reduce the number of driver distractions and the number of aesthetic eyesores along the roadways and highways of the City [*see, e.g., E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1154 (5th Cir. 1970), *cert. denied*, 400 U.S. 878 (1970)]; and

WHEREAS, the City finds and determines that in order to preserve, protect and promote the safety and general welfare of the residents of the City, it is necessary to regulate off-site advertising signs, so as to prohibit the construction of off-site signs and billboards in all zoning districts, and to provide that the foregoing provisions shall be severable; and

WHEREAS, the City hereby finds and determines that anything beside the road which tends to distract the driver of a motor vehicle directly affects traffic safety, and that signs, which divert the attention of the driver and occupants of motor vehicles from the highway to objects away from it, may reasonably be found to increase the danger of accidents, and agrees with the courts that have reached the same

determination [*see In re Opinion of the Justices*, 103 N.H. 268, 169 A.2d 762 (1961); *Newman Signs, Inc. v. Hjelle*, 268 N.W.2d 741 (N.D.1978)]; and

WHEREAS, the City finds and determines that the City has allowed noncommercial speech to appear wherever commercial speech appears; and the City desires to continue that practice through the specific inclusion of a substitution clause that expressly allows noncommercial messages to be substituted for commercial messages; and

WHEREAS, the City finds and determines that, by confirming in this Ordinance that noncommercial messages are allowed wherever commercial messages are permitted, the City will continue to overcome any constitutional objection that its ordinance impermissibly favors commercial speech over noncommercial speech [*see Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1236-1237 (D. Kan. 1999)]; and

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

WHEREAS, the City finds and determines that the Code's severability clauses were adopted with the intent of upholding and sustaining as much of the City's regulations, including its sign regulations, as possible in the event that any portion thereof (including any section, sentence, clause or phrase) be held invalid or unconstitutional by any court of competent jurisdiction; and

WHEREAS, the City finds and determines that there must be an ample record of its intention that the presence of a severability clause in connection with the City'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 City finds and determines that there must be an ample record that it intends that the height and size limitations on freestanding and other signs continue in effect regardless of the invalidity or unconstitutionality of any, or even all other, provisions of the City's sign regulations, other ordinance Code provisions, or other laws, for any reason(s) whatsoever; and

WHEREAS, the City finds and determines that there must be an ample record that it intends that each prohibited sign-type continue in effect regardless of the invalidity or unconstitutionality of any, or even all, other provisions of the City's sign regulations, other ordinance Code provisions, or other laws, for any reason(s) whatsoever; and

WHEREAS, the City Council makes the detailed findings set forth in Section 13.03.00 of Section 3 of this Ordinance as to the purpose, scope and intent of the City's sign regulations, and the substantial and compelling governmental interests that are advanced by these regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA AS FOLLOWS:

SECTION I. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

SECTION II. Chapter 1 "General Provisions" of Appendix "A" "Land Development Code" of the City of New Port Richey Code of Ordinances is hereby re-numbered and amended as follows:

APPENDIX A. LAND DEVELOPMENT CODE

CHAPTER 1. - GENERAL PROVISIONS

* * * * *

1.02.00 – Findings

1.02.01 - General findings.

A. Chapter 163, Florida Statutes, requires each Florida local government to enact a unified land development code which implements and is consistent with the local comprehensive plan, and which contains all land development regulations for the Ccity.

B. Controlling the location, design and construction of development within the Ccity is necessary to maintain and improve the quality of life in the Ccity as more fully described below.

1.02.02 - Specific findings relating to the various subject area of this Ccode.

With regard to the following specific subject areas of this Ccode, the Ccity Council finds:

A. Administration and enforcement.

* * * * *

~~B. Signs.~~

- ~~1. The manner of the erection, location and maintenance of signs affects the public health, safety, morals, and welfare of the people of this community.~~
- ~~2. The safety of motorists, cyclists, pedestrians, other users of the public streets is affected by the number, size, location, and appearance of signs that divert the attention of drivers.~~
- ~~3. The size and location of signs may, if uncontrolled, constitute an obstacle to effective fire-fighting techniques.~~

4. ~~The construction, erection and maintenance of large signs suspended from or placed on the tops of buildings, walls or other structures may constitute a direct danger to pedestrian and vehicular traffic below, especially during periods of strong winds.~~
5. ~~Uncontrolled and unlimited signs may degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation and permanent economic growth.~~

* * * * *

1.03.02 - Specific intent relating to the various subject areas of this Cecode.

The provisions of this Cecode dealing with the following specific subject areas shall be construed and implemented to achieve the following intentions and purposes of the Ceity Ceouncil:

A. Administration and enforcement.

* * * * *

B. Signs.

1. ~~To create a comprehensive and balanced system of sign control which accommodates both the need for a well-maintained, safe and attractive community, and the need for effective business identification, advertising and communication.~~
2. ~~To permit signs that are:

 - a. ~~Compatible with their surroundings.~~
 - b. ~~Designed, constructed, installed and maintained in a manner which does not endanger public safety or unduly distract motorists.~~
 - c. ~~Appropriate to the type of activity to which they pertain.~~
 - d. ~~Large enough to convey sufficient information about the owner or occupants of a particular property, the products or services available on the property, or the activities conducted on the property, and small enough to satisfy the needs for regulation.~~
 - e. ~~Reflective of the identity and creativity of individual occupants.~~~~

* * * * *

SECTION III. Chapter 13, “Signs and Advertising” of Appendix “A”, “Land Development Code” of the City of New Port Richey Code of Ordinances is hereby renumbered and amended as follows:

CHAPTER 13. - SIGNS AND ADVERTISING

ARTICLE I. – SIGNS

13.01.00 - Title; Incorporation of recitals and provisions of Land Development Code.

This article shall be known and cited as the sign ordinance of the Ceity. The recitals contained in Ordinance No. ~~1744~~2016-2078, and the provisions of Land Development Code relating to signs contained in sections ~~1.02.01, 1.02.02 and 1.03.02~~ are hereby ratified and confirmed and are incorporated herein by reference.

13.02.00 - Definitions.

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

Abandoned or discontinued sign or sign structure shall mean any sign on which is advertised a service that is no longer available, a business that is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at that location and such circumstances have continued for a period of one hundred eighty (180) days. A sign or sign structure is considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of one hundred eighty (180) days or the sign is left blank for said period.

Address signs shall mean a sign displaying the street address of the premises upon which the sign is located, provided that the letters or numerals shall be no more than six (6) inches in height and the total sign area shall not exceed two (2) square feet.

Advertisement or advertising shall mean commercial sign copy intended to aid, directly or indirectly, in the sale, use, or promotion of a business entity, product, commodity, service, activity, or form of entertainment.

Advertising poster. See definition for *Window sign*.

A-frame sign. See definition for *Sandwich sign*.

Animated sign shall mean any sign which includes action or motion, or the optical illusion of action or motion, or color changes of or over all or any part of the sign face, requiring electrical energy or set in motion by movement of the atmosphere or wind; and includes any sign made up of a series of sections that turn and stop to show two (2) or more pictures or messages in the copy area, ~~except time and temperature signs;~~ and includes electronic reader boards with text or graphics that scroll across the screen and signs displaying full motion video.

Architectural detail shall mean any projection, relief change of material, window or door opening, exterior lighting, inlay, or other exterior building features not specifically classified as a sign. The term includes, but is not limited to relief or inlay features or patterns that distinguish window or door openings, and changes in façade materials to create an architectural effect.

Architectural lighting shall mean any exterior lighting that frames building features.

Artwork shall mean a two- or three-dimensional representation of a creative idea that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to ~~specifically convey the name of the business or a commercial message about the any products or services offered on the property upon which the artwork is displayed.~~

Area or surface area of signs shall mean that area enclosed by one (1) rectangle, parallelogram, triangle, circle or semicircle, the sides of which make contact with the extreme points or edges of the sign, including the supporting structure which does not form part of the sign proper or of the display. The area of a sign composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest rectangle, parallelogram, triangle, circle or semicircle which encloses the whole group of words or characters.

Attached sign shall mean any sign attached to, on or supported by any part of a building (e.g., walls awning, windows, or canopy) which encloses or covers useable space.

Awning sign shall mean any sign that is a part of or attached to a canopy, awning, or other fabric, plastic, or structural protective cover projecting from and supported by a building. ~~Canopy/awning sign.~~ May also be referred to as a *Marquee sign* or a *Canopy sign*.

Balloon sign shall mean ~~an~~ temporary inflatable sign, figure, character, balloon, blimp or other inflatable item used for advertising ~~purposes on the same zone lot on which the balloon sign is located.~~

Banner shall mean any sign comprised of a mounted piece of cloth, fabric or other nonrigid material and includes, but is not limited to, any streamer, bunting, pennant, ribbons, wind flaps, wind banners, teardrop banners, feather banners, air puppet dancer signs, ensign or standard which is used to attract attention, whether or not imprinted with words or characters. *Flags* as defined elsewhere in this subsection shall not be considered banners.

Beacon shall mean a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which is intended to attract or divert attention.

Bench sign shall mean a bench or bus shelter upon which a sign is drawn painted, printed or otherwise affixed thereto that is authorized in writing by the City Council.

Billboard shall mean a large, immobile on-premises or off-premises commercial sign structure that may or may not be illuminated or have moving parts (e.g. tri-vision signs) that is designed to stand apart from its surroundings by reason of its attributes including, but not limited to, its size (area) and height. A sign shall be considered a billboard if its size (area) is in excess of two hundred (200) square feet and/or its height is greater than twenty-five (25) feet.

Building line shall mean a line beyond which no building may extend, as established by ordinance. A building line in some instances may coincide with the property line.

Building official or city building official shall mean all code enforcement officers, code enforcement inspectors, sworn law enforcement officers, building code and fire inspectors.

Building sign. See definition for *Projecting sign*.

~~*Bulletin board* shall mean a sign of permanent character, but with removable letters, words, numerals, or symbols, indicating the names of persons associated with, or events conducted upon, or products or services offered upon, the premises upon which a sign is maintained.~~

Bus shelter sign. See definition for *Bench sign*.

Canopy sign. See definition for *Anning sign*.

Changeable copy sign shall mean a sign in which message copy may be changed manually or automatically through the utilization of attachable, changeable or interchangeable letters, numbers, symbols, and other similar characters. A changeable copy sign that meets the standards of this Code is not an animated sign. Displays on automatic changeable copy signs shall be static.

City ~~M~~anager shall mean the City Manager of the City of New Port Richey or his/her designee.

Commercial, Commercial message or Commercial sign shall mean any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

Construction site sign shall mean a temporary on-site sign ~~identifying the ongoing construction activity during the time that a building permit is active and prior to the completion of the work for which the permit was issued, containing sign copy limited to the ongoing construction activity and identifying the architect,~~

~~engineer, contractor, and/or any subcontractor or builder engaged to perform construction activity on the site.~~

Development review committee shall mean the development review committee of the City of New Port Richey.

~~*Development sign* shall mean a sign which, by symbol or name, identifies a development. It may also provide an index of uses (tenants) included in the development.~~

~~*Directional sign* shall mean any sign which is used solely for the purpose of indicating the direction or location of any object, place, or area including, but not limited to, those signs which indicate the avenues of ingress and egress from a particular premises.~~

~~*Directory sign* shall mean any sign identifying listing only the name(s) of location of tenants or occupants of a building, group of buildings, and/or business district, their professions or business activities, and their direction or location.~~

Double-faced sign shall mean a sign which has two (2) surfaces for display of copy, backed against the same background, one (1) face of which is designed to be seen from one (1) direction and the other face from the opposite direction, every point on each face being either in contact with the other face or in contact with the same background.

Downtown Zoning District shall mean that area designated as having a downtown zoning designation on the City's zoning map or any modification thereof or amendment thereto.

~~*Election sign* shall mean any temporary sign erected or displayed for the purpose of expressing support for or opposition to a candidate or stating a position regarding an issue upon which the voters of the city shall vote.~~

Erect shall mean to build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of signs.

Façade shall mean any side of a building including its roofline.

~~*Flag* shall mean any cloth, fabric or other nonrigid material containing distinctive color(s), pattern(s), symbol(s), emblem(s) or insignia(s) containing noncommercial speech or used as a symbol include the emblem of any nation, organization of nations, State, City, religious, fraternal or civic organization on cloth, fabric or other nonrigid material. Flags shall not be considered as signs for the purposes of this Code.~~

Free expression sign shall mean a sign not in excess of ~~six (6)~~ sixteen (16) square feet in size (area) and the top of which is not more than ~~four (4)~~ six (6) feet off the ground, communicating information, ideas or views, or containing any ~~other~~ noncommercial message that is otherwise lawful.

Freestanding or pole sign shall mean any sign supported by poles, posts, or similar structural members that are placed on or anchored in the ground and that are independent of any building or other structure.

Frontage shall be defined as differentiated below:

Lot frontage shall mean the length of the property line for a parcel which runs parallel to, and along, a public road right-of-way or street, exclusive of alleyways.

Building frontage shall mean the single façade constituting the length of a building which runs parallel to a public road right-of-way or street, exclusive of alleyways.

Business frontage shall mean that portion of a building occupied by a single office, business, or enterprise abutting a street, parking area, or other means of customer access such as an arcade, mall, or walkway.

~~*Garage yard sale sign* shall mean any on-site temporary sign pertaining to the sale of personal property in, at or upon any residentially zoned property located in the city. Garage or yard sales shall include but not be limited to all such sales, and shall include the advertising of the holding of any such sale, or other offering to make any sale, whether made under any name such as garage sale, lawn sale, yard sale, front yard sale, back yard sale, attic sale, rummage sale, patio sale, moving sale, estate sale or any similar designation.~~

~~*Gasoline price display sign* shall mean a changeable message sign, typically mounted on a freestanding sign, which displays retail prices for sale of gasoline or other vehicle fuel.~~

~~*Grand opening or closing sign* shall mean an on-premises temporary sign announcing the opening of a newly licensed business, or the closing or going out of business of an existing business.~~

Ground level shall mean the lowest finished grade of a parcel of land nearest to or below a sign, as the context may require, exclusive of any filling, berming, mounding, or excavating solely for the purpose of erecting or supporting such sign.

Hanging sign shall mean a sign suspended by a supporting device usually affixed perpendicularly to a building or other structure.

Height shall mean the vertical distance measured from ground level nearest the base of the sign to the highest point of the sign.

~~*Holiday or seasonal decoration* shall mean decorations that pertain to legal or other recognized holidays or to a season of the year.~~

~~*Identification sign* shall mean any sign structural device, display board, screen, surface, or wall with characters, letters or illustrations placed, by any method or means whatsoever, where the material displayed is used only to indicate to the public the legal or exact firm name or the character of the business or use carried on therein. Identification signs are subject to the size and height restrictions delineated elsewhere in this Code. An identification sign is differentiated from a directory sign in that the identification sign identifies the occupant or use of an individual or address or business premises. Individual addresses or business premises may have both an identification sign and a directory sign. Identification signs are not used to advertise services and goods provided. May also be referred to as *Identity sign*.~~

Identity sign. See definition for *Identification sign*.

Illuminated sign shall mean any sign containing integral artificial illumination or a sign which is artificially illuminated from an exterior source or any sign containing electric wiring.

~~*Integral signs* shall mean a sign the names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or which are of other permanent-type construction and made an integral part of the structure and are not in excess of nine (9) square feet in area.~~

Location shall mean a lot, premises, building, wall, or any place whatsoever upon which a sign is located.

Logo shall mean any seal, service mark, trademark, slogan, motto, written message, or any other similar type of design which signifies or is identified with the sale, use, or promotion of a business entity, political party or affiliation, product, commodity, service, activity, or form of entertainment.

Lollypop sign shall mean a sign which is attached to a single pole or stake that is designed to be driven into the ground and is not stabilized into the ground or affixed in place by any other device than the stake to which the sign is attached.

Maintenance shall mean the repairing or repainting of a sign structure or renewing copy which has been made unusable by ordinary wear, weather, or accident.

Marquee sign shall mean a sign attached to or hung from a marquee, canopy, awning or other similar structure projecting from and supported by the building and extending beyond the building wall. May also be referred to as *Canopy sign* or *Awning sign*.

~~*Memorial sign* shall mean a sign with the name and/or date of building erection cut into any masonry surface or constructed of bronze or other noncombustible material. A *memorial sign* may also be referred to as an integral sign.~~

~~*Menu display signs* shall mean a fully enclosed or otherwise protected from the elements sign structure, including but not limited to a box, shadow box or cabinet, attached to a wall or freestanding, which is used solely for the purpose of displaying restaurant menus.~~

Monument sign shall mean any sign attached to a permanent foundation and not attached or dependent for support from any building, pole, posts, or similar uprights.

Multifaced sign shall mean any sign having three (3) or more faces which are not parallel or back-to-back, upon which the same or dissimilar copy is displayed.

Multiple dwelling shall mean any building comprised of more than three-family dwelling units, unless otherwise defined by the zoning ordinance.

~~*Multifamily development sign* shall mean a sign intended to identify a multifamily residential development.~~

~~*Mural* shall mean any picture or graphic design painted on, or otherwise applied to, the exterior of a building or structure or painted on, or otherwise applied to, the interior or exterior of a window. However, this shall not include any advertising, logo, or sign of any type.~~

Non-commercial message shall mean any message which is not a commercial message.

Non-commercial on-site directional sign shall mean an on-site sign of no more than four (4) square feet in sign face area, providing direction or information to pedestrian or vehicular traffic that is related or reasonably necessary to the movement of pedestrian or vehicular traffic on the premises, and provided that business logos or other non-traffic control symbols do not exceed twenty-five (25) percent of the sign face area and which conform to the current MUTCD published by the Federal Highway Administration. ~~not displaying a commercial message.~~ Examples are "entrance", "exit," "caution", "no parking", "one way only", "no trespassing".

Nonconforming sign shall mean any sign that does not conform to the requirements of this article. Prohibited signs are not nonconforming signs.

~~No trespassing/posted sign shall mean a sign on public or private property intended to ward against intrusion or unlawful entry onto or into the property.~~

~~Obsolete sign shall mean any sign which identifies or advertises any product, accommodation, service or business, which is no longer available to the public at the location indicated on the sign.~~

~~Occupant sign shall mean a sign bearing only property numbers, post box numbers or names of occupants or premises.~~

~~Off-premises sign or off-site sign shall mean any commercial sign identifying or advertising a product, business, person, activity, condition, or service not located or available on the same zone lot where the sign is installed and maintained.~~

~~On-premises sign or on-site sign shall mean any sign relating to any noncommercial content, or in its subject matter to commodities, accommodations, services, business or activities to be rendered on the same zone lot on which the sign is located.~~

~~Parapet shall mean a false front or wall extension above the roofline of a building.~~

~~Parking and traffic sign shall mean a sign intended to direct and guide traffic to a parking area(s) on the same zone lot provided no advertising is used.~~

~~Pennant shall mean any series of small flag-like or streamer-like pieces of cloth, plastic, or paper, or similar material attached in a row to any staff, cord, building, or at only one (1) or two (2) edges, the remainder hanging loosely.~~

~~Permit holder shall mean the person in legal possession of any permit required under this Code.~~

~~Pole sign. See definition for Freestanding sign.~~

~~Political sign shall mean any temporary sign which constitutes a political advertisement, the primary purpose of which is related to the candidacy of any person for public office or any issue which has been submitted to the voting public for referendum approval.~~

~~Portable sign shall mean any temporary sign whose design and/or construction is manifestly intended to be of a portable nature, whether anchored, carried, freestanding, towed, self-propelled, or attached to a vehicle including signs attached to a truck, bus, trailer, taxi or other vehicles while in the course of business; provided, that the primary use of the vehicle is not for the purpose of advertisement; portable sign shall also include a sign converted from an A-frame or sandwich board sign; and any umbrella or balloon or other inflatable device, when such umbrella, balloon or device is used for advertising. “Portable sign” shall not be interpreted to include a sandwich sign or bench sign in the Downtown Residential Overlay District.~~

~~Prohibited sign shall mean any sign which is proscribed, banned, outlawed or otherwise prohibited by this Code.~~

~~Projecting sign shall mean any sign affixed perpendicularly to a building or wall in such a manner that any leading edge extends more than six (6) inches beyond the surface of such building or wall.~~

~~Property shall mean the overall area represented by the outside boundaries of a parcel of land or development.~~

~~Real estate sign shall mean a temporary sign indicating the real property which is available for showing, advertising the sale, rental, or lease of premises or part of the premises on which the sign is displayed.~~

~~Recitals shall mean the recitals of legislative intent contained in Ordinance No. 1744.~~

Roof line shall mean either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

Roof sign shall mean any sign located or erected on or attached to a roof and which extends above the roofline; *roof sign* shall also include any sign which receives partial or total support from a roof by means of girders, wires or other type of supporting structure which is attached to, located or erected on a roof.

Sandwich sign shall mean any double- or single-faced commercial sign which is portable and may be readily moved from place to place. This type of sign is generally freestanding and not affixed to the ground in any way although some temporary type of attachment to the ground is occasionally used. A sandwich sign is not considered to be a changeable copy sign despite the means or method by which the message is displayed on the sign structure.

~~*Service entrance sign* shall mean a sign intended to direct trucks and similar vehicles to a specific area for loading and unloading.~~

Shopping center or business center shall mean a group of three (3) or more business establishments within a single architectural plan or unified development concept, with common ownership of property, or cooperative or condominium ownership.

Sign shall mean any surface, device, fixture, placard, fabric, or structure which bears colors, letters, figures, designs, symbols, trademarks, reflecting or illuminating devices, including forms shaped to resemble any human, animal or product, architectural style or design with text, or writing to advertise, attract attention, announce the purpose of, identify the purpose of any person or entity or to communicate or convey information of any kind to the public and is visible from an abutting property, public right-of-way, or body of water and which is not artwork as defined herein or architectural detail as defined herein. The term includes any structural member of the sign. The term does not include wayfinding, directional, hazard and traffic control devices and similar signs required or installed by a government agency on private property or notices required to be posted by law or ordinance on private property.

Sign face shall mean the part of the sign that is or can be used to identify, display, advertise, communicate information, or for visual representation which attracts or intends to attract the attention of the public for any purpose.

Snipe sign shall mean any ~~small~~ sign painted on or of any material including paper, cardboard, wood and metal when tacked, nailed or attached in any way to trees, poles, walls, trash receptacles, fences or other objects not designed or intended to carry or display a sign.

~~*Statutory sign* shall mean a sign required by any statute of the State of Florida or the United States of America.~~

Street shall mean a public right-of-way used for vehicular and pedestrian traffic, exclusive of alleyways.

Subdivision sign shall mean a sign which ~~contains only~~ identifies the name of a platted subdivision.

~~Temporary portable sign shall mean any portable sign which is designed to be towed by a vehicle and which is intended for use for a period not to exceed thirty (30) days. The sign must conform to all requirements for trailers, including wheels, stop and turn signals and a trailer hitch, and be able to be pulled by another vehicle.~~

~~Temporary sign shall mean a sign or advertising display constructed of cloth, canvas, fabric, paper, plywood or other light material and which may be displayed for no more than ninety (90) consecutive days if a different duration is not specified herein. Temporary signs may convey either commercial or noncommercial messages, and intended to be displayed for a short period of time.~~

~~Trailer sign shall mean any sign that is affixed or placed on a trailer or other portable device that may be pulled by a vehicle.~~

~~Traffic control device sign shall mean any sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard and as may be revised from time to time. A traffic control device ~~sign~~ includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route destinations, directions, distances, services, ~~pa~~oints of interest, and other geographical, recreational, or cultural information). These devices are not regulated as signs under this article.~~

~~Vehicle or vehicles shall mean automobiles, trucks, trailers, construction equipment and other such mobile equipment whose major purpose is other than the display of advertising.~~

~~Vehicle sign shall mean a sign attached to or placed on a vehicle, including automobiles, trucks, boats, campers, and trailers which is parked on or otherwise utilizing a public right-of-way, public property or on private property so as to be intended to be viewed from a vehicular right-of-way for the basic purposes of providing advertisement for products or services or directing people to a business or activity. This definition is not to be construed to include those signs that identify a firm or its principal products on a vehicle, unless such vehicle is parked in such a manner that it is intended to provide advertisement of products or services or to direct people to a business or activity, or such advertising devices as may be attached to and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that period of time said vehicle is regularly and customarily used to traverse the public highways during the normal course of business.~~

~~Wall sign shall mean a sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.~~

~~Warning sign shall mean a sign of no more than four (4) square feet in size, located on a property posting the property for warning of pedestrian or vehicular dangers, access or safety issues (e.g. or prohibitions on “no parking,” “no trespassing,” “do not enter,” “no hunting,” “no swimming,”) fishing, swimming, or other activity, or of a hazardous condition or dangerous object or animal in the immediate vicinity and provided such sign does not carry any commercial message or identification.~~

~~Waterside identification sign shall mean a sign intended to identify a single business property or shopping center, and intended to be viewed only from the waters of the Pithlachascotee River.~~

~~Window shall mean any panel of transparent material surrounded by a framing structure and placed into the construction material comprising the building facade. A window panel shall be deemed a unified whole regardless of framing materials that define smaller areas within the window sash.~~

Window sign shall mean any sign placed in or affixed to a window in such a manner as to be observable from the exterior of the premises. For purposes of this article, any sign placed inside a premises which may be observed from outside the premises shall be deemed a window sign if it is placed within a distance not exceeding the greatest horizontal or vertical dimension of the window through which such sign may be observed.

Zone lot shall mean a parcel of land that is of sufficient size to meet minimum zoning requirements for area, coverage, and use; and that can provide such setbacks and other open spaces as required by the applicable zoning regulations.

13.03.00 - Purpose, intent and scope.

A. Scope.

(1) The provisions of this article shall govern the number, size, location, and character of all signs which may be permitted either as a main or accessory use under the terms of this article. No signs shall be permitted on a plot or parcel either as a main or accessory use except in accordance with the provisions of this article.

(2) This article does not regulate government signs on government property, including but not limited to City signs on property owned by the City, the County or the State of Florida, and traffic control devices.

(3) In the event of any conflict between this article and any declaration of covenants, bylaws, or other restrictions applying to any property within the City, the language affording the more restrictive interpretation shall apply.

(4) The City specifically finds that these sign regulations are narrowly tailored to achieve the compelling and substantial governmental interests of traffic safety and aesthetics, and that there is no other way for the City to further these interests.

B. Purpose.

(1) **Florida Constitution.** Article II, Section 7 of the Florida Constitution provides that “[i]t shall be the policy of the state to conserve and protect its natural resources and scenic beauty...” A beautiful environment preserves and enhances the desirability of the City as a place to live and to do business. Implementing the Florida Constitution is a compelling governmental interest.

(2) **Florida Statutes.** Florida law requires cities to adopt comprehensive plans and implement them through land development regulations (also known as zoning regulations) and approval of development orders that are consistent with the comprehensive plan. See Part II of Chapter 163, Florida Statutes. Florida law specifically requires that the City adopt sign regulations. See Section 163.3202(2)(f), Florida Statutes. Complying with state law is a compelling governmental interest.

(3) **City Comprehensive Plan.** The City’s Comprehensive Plan has several provisions that require the City to ensure the aesthetic character of the City and to ensure traffic safety on roads within the City through the regulation of signs, as set forth in detail below. Implementing the City Comprehensive Plan is a compelling governmental interest.

(a) **City Comprehensive Plan Elements.** Located in west central Florida along the Pithlachascotee River, New Port Richey is a City of approximately 14,900 people and comprises 4.6 square miles. The City has a long tradition of planning for its future and setting goals for development and redevelopment. Plans for the City were first drawn up in 1911 and the present configuration of streets and avenues shows little

deviation from the original plan. The current Comprehensive Plan consists of the mandatory elements, including land use and transportation, and the optional Livable Cities Element. The Future Land Use Element recognizes the need to enhance and preserve the City's unique and attractive characteristics through, among other things, signage regulation. The Transportation Element emphasizes the critical need of promoting a safe yet attractive multi-modal system. Finally, the Livable Cities Element specifically calls for attractive, high quality signage.

(b) City Comprehensive Plan Goals, Objectives and Policies. Several goals, objectives and policies of the City's Comprehensive Plan require the City to maintain its scenic beauty and traffic safety through its land development regulations and actions:

GOAL FLU 1: To promote compatible land uses which will maximize, enhance and preserve New Port Richey's unique and attractive characteristics in a manner consistent with the economic, physical, ecological and social needs, capabilities and desires of the community.

FLU 1.1.2: To implement this Comprehensive Plan, the City shall continue to implement land development regulations that contain specific and detailed provisions which, at minimum, shall:...

e. Regulate signage;

* * *

l. Provide requirements for the provision of open space, and safe and convenient on-site traffic flow and parking requirements;

* * *

Objective FLU 1.3: Design commercial development that is compatible with environmental and economic resources, to enhances access and circulation, results in a positive and attractive built environment and will be in keeping with the needs and character of the community.

FLU 1.3.2: The City shall promote commercial development that serves to maintain or enhance the economic health of the City, and to increase job opportunities, per capita income and convenience for residents.

FLU 1.6.4: The New Port Richey Redevelopment Plan shall, at minimum, address the following issues:...

h. Reduction of confusion and visual clutter through the control of the size, placement and related aspects of signage;

i. Assurance of safe and efficient traffic flow to and from the downtown and surrounding areas;

GOAL TRA 1: To provide a street network that is safe, convenient, attractive, cost-effective and efficient; integrated with other transportation modes; and available to all residents and visitors to the City.

Objective TRA 1.2: Promote efficient and safe traffic circulation through transportation planning and administration of land use controls.

Objective TRA 2.2: A multimodal transportation system that emphasizes safety and aesthetics.

Policy TRA 2.2.2: The City shall develop and enforce the signage requirements along roadways in the Land Development Code.

Objective LIV 4.6: Provide standards for the design and construction of signs that reflect the existing or intended neighborhood character and are expressive of individual businesses and community facilities.

Policy LIV 4.6.1: Encourage high quality signs that are attractive, appropriate for the location and balances visibility needs with aesthetic needs.

Policy LIV 4.6.2: Develop sign regulations to require monument (ground) signs in lieu of pole signs. Ground signs shall be designed and constructed:

- a. To complement the architectural character of on-site buildings;
- b. To include a street address number or range of address numbers for the building(s) it identifies (considered as a part of the sign area);
- c. With roof, capital or base design detail; and
- d. With landscaping in the area surrounding the sign base.

Policy LIV 4.6.3: Create special sign districts, where appropriate, to reflect neighborhood identity, historical or environmental features, or architectural character.

(4) **Community Redevelopment Plan.** Through the adoption of the Community Redevelopment Plan (CRP), the City of New Port Richey has taken a further step in memorializing the vision for the community's future and the goals and objectives of redevelopment. In particular, the CRP sets forth the following goals, objectives and policies:

4.1 Community Enhancements. Higher Standards of Development. Development regulations currently in place need to be strengthened to include greater aesthetic considerations, especially for commercial properties on US Highway 19 and other neighborhood commercial centers. The design guidelines for the downtown should be reevaluated and adopted as regulations to be enforced. Greater emphasis should be placed on integrated signage and landscaping into commercial developments...

4.2 Neighborhood Impact. Physical and Social Quality. The Plan's recommendations to continue to improve the Redevelopment Area's streetscapes, public spaces and riverfront access; redevelopment of vacant and underutilized parcels; establishing urban design guidelines for new development; policy and zoning recommendations to ensure compatible land uses and character; building rehabilitation services and community policing and continued code enforcement will have a positive impact on the area's physical and visual character. Implementation of the Redevelopment Plan recommendations will improve the overall quality of life for area residents....

(5) **Case law.** In accordance with the U.S. Supreme Court's cases on sign regulation, the regulations in this article are not intended to regulate or censor speech based on its content or viewpoint, but rather to regulate the secondary effects of speech that may adversely affect the City's substantial and compelling governmental interests in preserving the scenic beauty and community aesthetics, and in vehicular and pedestrian safety in conformance with the First Amendment. These cases and their holdings include, but are not limited to:

- a. *Reed v. Town of Gilbert*, U.S. _____, 135 S. Ct. 2218, 192 L.Ed.2d 236 (2015) on the topic of noncommercial temporary signs;
- b. *Metromedia, Inc. v. City of San Diego*, 435 U.S. 490 (1981) on the topic of commercial signs and offpremise signs;
- c. *City of Ladue v. Gilleo*, 512 U.S. 43 (1994) on the topic of political protest signs in residential areas;
- d. *Linmark Assocs., Inc. v. Township of Willingboro*, 431 U.S. 85 (1977) on the topic of real estate signs in residential areas;
- e. *Burson v. Freeman*, 504 U.S. 191 (1992) on the topic of election signs near polling places;
- f. *Central Hudson Gas & Electric Corp. v. Public Service Commission*, 447 U.S. 557 (1980) on the topic of regulation of commercial speech; and
- g. *City Council v. Taxpayers for Vincent*, 466 U.S. 789 (1984) on the topic of signs on public property.

(6) **Impact of sign clutter and sign safety.** Excessive signage and sign clutter impairs the legibility of the environment, and undermines the effectiveness of governmental signs, traffic control devices and other required signs (such as identification signs, directory signs, non-commercial on-site directional signs, address signs and warning signs) that are essential to identifying locations for the delivery of emergency services and

other compelling governmental purposes. In addition, the size and location of signs may, if uncontrolled, constitute an obstacle to effective fire-fighting techniques. Further, the construction, erection and maintenance of large signs suspended from or placed on the tops of buildings, walls or other structures may constitute a direct danger to pedestrian and vehicular traffic below, especially during periods of strong winds. The intent of these sign regulations is to enhance the visual environment of the City, ensure that the City residents and visitors can safely navigate through the City to their intended destinations, and promote the continued well-being of the City. It is therefore the purpose of this article to promote aesthetics and the public health, safety and general welfare, and assure the adequate provision of light and air within the City through reasonable, consistent and nondiscriminatory standards for the posting, displaying, erection, use, and maintenance of signs that are no more restrictive than necessary to achieve these governmental interests.

4.C. Intent

~~The legislative intent regarding this article is set forth in the recitals. Further, it~~ It is the purpose of this article to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards in order to effectively regulate all exterior signs. The sign regulations in this article are not intended to censor speech or to regulate viewpoints, but instead are intended to reach the secondary effects that may adversely impact aesthetics and safety. In order to preserve and promote the City as a desirable community in which to live, vacation and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the City is a highly contributive means by which to achieve the desired end of safety and aesthetics. Outdoor signs suspended from or placed on the top of structures and otherwise erected above the ground and signs not permanently affixed, either to a building or implanted in the ground, frequently present a danger to the public. The prohibition against large, moving or portable signs including, without limitation, billboards, rooftop signs, signs that move in the wind or have moving parts and other nonpermanent signs are hereby implemented for the safety of the public. These sign regulations have been prepared with the intent of enhancing the visual environment of the City and promoting the continued well-being of the community, and are intended to:

- (a) Encourage the effective use of signs as a means of communication in the City;
- (b) Maintain and enhance the scenic beauty of the aesthetic environment and the City's ability to attract sources of economic development and growth;
- (c) ~~Improve~~ Ensure pedestrian and traffic safety;
- (d) Minimize the possible adverse effect of signs on nearby public and private property;
- (e) Foster the integration of signage with architectural and landscape designs;
- (f) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for attention of pedestrian and vehicular traffic and are not necessary to aid in wayfinding;
- (g) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land users or signs;
- (h) Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with and serving the needs of the land uses, activities, the category of use and functions to which they pertain;
- (i) Curtail the size and number of signs ~~and sign messages~~ to the minimum reasonably necessary to identify a residential or business location and the nature of any such use, and to allow smooth navigation to these locations ~~business~~;
- (j) Establish ~~sign size in relationship~~ dimensional limits and placement criteria for signs that are legible and proportional to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- (k) ~~Categorize~~ Regulate signs so that they are effective in performing based upon the function of identifying and safely directing pedestrian and vehicular traffic to a destination; that they serve and tailor the regulation of signs based upon their function;

- (l) Preclude signs from conflicting with the ~~principle~~ principal permitted use of the ~~site~~ lot and adjoining ~~sites-lots~~;
- (m) Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclist or pedestrians;
- (n) Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- (o) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zones of the City;
- (p) Allow for traffic control devices and government signs without regulation consistent with national standards ~~and whose purpose is to~~ because they promote highway safety and efficiency by providing for the orderly movement of road ~~trafficeusers~~ users on streets and highways, and ~~that notify~~ by notifying road users of regulations and ~~provide~~ providing nationally consistent warnings needed for the safe, uniform and efficient operation of all elements of the traffic stream and modes of travel, while regulating private signs to ensure that their size, location and other attributes do not impair the effectiveness of such traffic control devices;
- (q) Protect property values by precluding, to the maximum extent possible, ~~sign types-signs~~ that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (r) Protect property values by ensuring that ~~sign types, as well as the number of signs,~~ are in harmony with buildings, neighborhoods, and conforming signs in the area;
- (s) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the City and that complements the natural surroundings in recognition of this City's reliance on its natural surroundings and beautification efforts ~~in retaining~~ as a source of economic advantage for its community, as well as for its major subdivisions, shopping centers and industrial parks; ~~and~~
- (t) Enable the fair and consistent enforcement of these sign regulations;
- ~~(u) Classify and categorize signs by type; and~~
- ~~(v) Not regulate signs more than necessary to accomplish the compelling and substantial governmental objectives described herein.~~

~~2. The uncontrolled use, shape, motion, color and illumination of signs and their insistent and distracting demand for attention can be injurious to the mental and physical well-being of the public, to adjacent property value and to the natural beauty of the city.~~

13.04.00 - Illumination.

1. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not cast directly into surrounding areas.
2. No sign shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness, color or direction. Beacon lights, architectural lighting and strobe lights are not permitted.
3. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic-control devices.
4. Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
5. No exposed, reflective type bulbs or any light source which exceeds fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.
6. Signs in violation of this section shall be removed, altered or repaired in accordance with the provisions hereof within ninety (90) days of the date of passage of this article, notwithstanding the provisions of section 13.06.00.

13.05.00 - Temporary signs.

The following types of temporary signs shall be permitted ~~on privately owned property in all zones~~ and are exempted from the provisions of this article except construction, illumination and safety regulations and where otherwise specified or indicated. All such signs shall meet applicable requirements of the land development code relating to location, setbacks and structural requirements. Sign permits are not required for signs and sign types described and identified below in this subsection. Prior to installing such signs the owner shall submit to the Building Official a written statement specifying for each such sign (i) the structural details sufficient to indicate compliance with this Code, (ii) the location, and (iii) the installation date.

1. ~~Construction site signs, which identify the architects, engineers, contractors and other individuals or firms involved with the construction, but not including any advertisement of any product, or sale or lease of the premises or portion thereof, and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of sixteen (16) square feet for each firm. up to a total area of six (6) square feet per side of a double-faced sign for residential purposes, and thirty-two (32) square feet of total sign face area on parcels of land designated or used for non-residential purposes.~~ The signs shall be confined to the site of the construction and shall be removed within seven (7) days of the completion of the project or sale or lease of the premises or any portion thereof or improvement thereon or cessation of construction activity for a period of ninety (90) days or immediately upon abandonment.
2. ~~Real estate signs advertising the sale, rental or lease of premises or part of the premises on which the signs are displayed, up to a total area of six (6) square feet per side of a double-faced sign for residential purposes, and thirty-two (32) square feet of total sign face area on parcels of land designated or used for non-residential purposes. Real estate signs permitted in other sections of this article shall not require permits but shall adhere to all specified requirements.~~ In the event that more than one (1) dwelling unit or non-residential space on a single parcel of land is for sale, for lease or otherwise available, one (1) attached sign per dwelling unit or space is allowed. Such signs shall be removed within seven (7) days of the commencement of occupancy or commencement of the leased term, whichever is sooner, or the conveyance of title.
3. ~~Political signs or election signs up to an area of thirty two (32) square feet for each premises. One (1) temporary yard sign shall be allowed for each political candidate or issue for each frontage per parcel of land. These signs shall be confined within private property and removed three (3) days after the election for which they were intended. The removal of political signs shall be the responsibility of the candidate and/or the persons, organizations or property owners posting such signs. No political sign shall be placed within any public right of way or on any tree, pole, post, meter or any object found within the public right of way. A political sign placed in violation of these provisions may be removed by the city. Each candidate will pay a nonrefundable administrative fee and post a bond to ensure removal of the signs within three (3) days. Upon compliance, the bond will be refunded. The administrative fee amount and the bond amount shall be established via a resolution of the city council.~~
34. ~~Special Temporary commercial signs not exceeding thirty-two (32) sixteen (16) square feet in size and six (6) feet in height. Not permitted in residential districts. advertising a public entertainment event during and for fourteen (14) days before and three (3) days after the event provided that (a) all such signs shall meet applicable requirements of the land development code relating to location, setbacks and structural requirements, and (b) prior to installing such signs the owner shall submit to the building official a written statement specifying for each such sign (i) the structural details sufficient to indicate compliance with (a) above, (ii) the location, and (iii) the installation date.~~
5. ~~Grand opening and closing signs and advertising displays, limited to an additional sign not exceeding twenty five (25) feet in height, thirty-two (32) square feet on a side and not exceeding sixty four (64) square feet total, and banners, anchored to withstand inclement weather, in addition to the signs allowed in this section, advertising the opening of a new business or enterprise, for a period not exceeding fourteen (14) days within the first three (3) months that the establishment is~~

~~open for business provided that (a) all such signs shall meet applicable requirements of the land development code relating to location, setbacks and structural requirements, and (b) prior to installing such signs the owner shall submit to the building official a written statement specifying for each such sign (i) the structural details sufficient to indicate compliance with (a) above, (ii) the location, and (iii) the installation date. All grand opening and closing signs shall meet the minimum requirements of section 10.02.00 of the Land Development Code relating to *Free Vision Zone*.~~

- ~~6. Garage yard sale signs, limited to one (1) for each parcel within the city, may be displayed on each frontage per parcel of land. A garage yard sale sign shall not exceed three (3) square feet in area and three (3) feet in height. A garage yard sale sign may not be displayed for a period longer than two (2) days during any calendar month and shall be removed upon conclusion of the sale.~~
- ~~47. Window signs, limited to an aggregate of three (3) square feet in sign area for residential and twenty-four (24) square feet in sign area for non-residential use, may be displayed on the inside of the window. Window signs shall not cover more than twenty-five (25) percent of any window surface.~~
- ~~8. Holiday and seasonal decorations.~~

13.06.00 - Nonconforming signs.

1. Consistent with the public policy to restrict and eventually eliminate nonconforming uses and structures, it is the policy of the Ccity that nonconforming signs shall be brought into conformity or removed as expeditiously as possible while allowing such signs to be maintained in the interim. A nonconforming sign that was lawfully erected may continue to be maintained: (a) until the nonconforming sign or sign structure meets the definition of abandoned or discontinued sign or sign structure or is substantially altered, damaged or destroyed, or (b) until the real property on which the sign is located is redeveloped, or (c) until the real property on which the sign is located is sold or transferred, whichever of the foregoing occurs first. At such time the sign is substantially altered, damaged or destroyed or at such time the real property is redeveloped or at such time as the real property is sold or transferred, the nonconforming sign must either (a) be removed or (b) be brought into conformity with all provisions of this article and with any other applicable law or regulation.
2. Except as otherwise provided in section 13.06.00(3) below, signs existing on December 7, 2004, which were not in compliance with previous regulations or ordinances are illegal signs and shall be brought into compliance with this article or removed within ninety (90) days of the effective date of this article.
3. Signs existing at the time of the enactment of Ordinance No. 1460 which became nonconforming by reason of Ordinance No. 1460 and are not the subject of a variance became illegal on July 21, 2003. Any such signs that remain are not subject to the ninety-day extension period provided for in section 13.06.00(2) and remain illegal and shall be removed.

13.07.00 - Prohibited signs.

- ~~4. Signs listed within this subsection are prohibited unless provisions of section 13.06.00, regarding nonconforming signs, or section 13.20.00 regarding sign regulations specifically for the Downtown Zoning District, are applicable. Such prohibited signs are:~~
 - ~~a. Off-premises signs and billboards. Relocation notices, however, may be posted for a period of sixty (60) days.~~
 - ~~b. Signs which project beyond the property line or which encroach on or over public property except for approved subdivision signs located immediately adjacent to an entrance to the subdivision. An affidavit stating who will be responsible for the maintenance of the subdivision signs allowed by this subsection shall be filed with the application for a sign permit; signs placed on public property.~~
 - ~~c. Roof signs.~~
 - ~~d. Billboards.~~

- d. Signs that resemble any official sign or marker erected by any governmental agency, the position, shape, or color of which would conflict with the proper functioning of any traffic sign or signal, or the size, location, movement, color, words, symbols, or illumination of which may be reasonably confused with, construed as, or conceal a traffic control device, thereby creating a safety hazard.
- e. ~~Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go slow," "caution," "danger," "warning" or similar words;~~
- f. ~~Signs which are of a size, location, movement, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;~~
- g. ~~Animated signs, spinners, and signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment. Signs which move in any manner or have a moving part;~~
- h. ~~Signs which contain or consist of banners, posters, pennants, ribbons, streamers, or strings of light bulbs, spinners, or other similarly moving devices. These devices, when not part of any sign, are similarly prohibited, unless they are permitted specifically by other legislation;~~
- i. ~~Signs which may swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment;~~
- j. ~~Signs which are painted on or attached to trees or public utility poles;~~
- g. Vehicle signs.
- h. ~~Signs which are painted, pasted or printed on any curbstone, flagstone, pavement or any portion or part of any sidewalk or street that are not traffic control devices, excepting house numbers and traffic control signs;~~
- i. ~~Signs which are Lollypop or snipe signs or are of any type of sign not permanently affixed to the ground or building of the premises which it identifies or advertises except as specifically allowed in this article.~~
- m. ~~Bench signs, except when authorized in writing by action of the city council.~~

13.08.00 - Exemptions.

The following types of signs are exempted from all of the provisions of this article except for construction, illumination and safety regulations and the following requirements:

1. ~~A sign (except a window sign which shall be subject to the provisions of this article) located entirely inside the premises of a building or enclosed space that is not visible outside of the premises.~~
2. ~~A sign on a car, other than a prohibited vehicle sign or signs.~~
3. ~~A statutory sign.~~
4. ~~A traffic control device sign.~~
51. Integral signs.
62. Address signs.
73. Artwork ~~that. All outdoor artwork shall conform to the maximum height and size restrictions in any particular zone in which it was located. All outdoor artwork shall also conform to any applicable building and safety standards.~~
84. ~~Bulletin board. One (1) manually changeable copy sign bulletin board not exceeding thirty-two (32) square feet in sign area located in religious, public, charitable or educational premises.~~
95. Noncommercial on-site directional signs ~~no more than four (4) square feet of sign face area provided that business logos or other non traffic control symbols do not exceed twenty five (25) percent of the sign face area and which conform to the current MUTCD published by the Federal Highway Administration.~~
106. Signs incorporated on equipment, machinery, or vehicles at the manufacturer's level and cover not more than twenty (20) percent of the exterior surface of such equipment or machinery.
147. Free expression signs ~~that conform to Section 13.17.00. Free expression signs shall be allowed on any lot provided that such signs are located on private property, are not within the rights-of-way,~~

~~are not located in a visibility triangle, do not exceed six (6) square feet, and are not higher than four (4) feet. One (1) free expression sign shall be allowed on each lot or parcel.~~

- ~~12. Government and public purpose signs, including but not limited to, signs for special events, and signs that provide direction to places of interest. These sign will only be permitted as long as they do not totally conceal adjacent land uses or signs, do not obstruct or interfere with vision or distract motorists, bicyclists or pedestrians in such manner as to cause a safety issue. These signs must be installed and maintained in a safe manner and conform to the size and height restrictions found elsewhere in this chapter.~~
- ~~13. Official notices or advertisements posted or displayed on private property by or under the direction of any public or court officer in the performance of his or her official directed duties, or by trustees under deeds of trust or deeds of assignment or other similar instruments, so long as the signs do not exceed four (4) square feet of sign face area per sign.~~
- ~~14. Safety or w Warning signs which do not exceed four (4) square feet in sign face area per sign.~~

13.09.00 - Substitution of non-commercial speech for commercial speech.

Notwithstanding anything contained in this article to the contrary, any sign erected pursuant to the provisions of this article may, at the option of the owner, contain a non-commercial message in lieu of a commercial message and the non-commercial copy may be substituted at any time in place of commercial copy. The non-commercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed ~~form~~from commercial to non-commercial messages, or from one non-commercial message to another noncommercial message, as frequently as desired by the owner of the sign, provided that the size, height, setback and other dimensional criteria contained in this article and structural construction standards and criteria provided elsewhere in the land development code have been satisfied.

13.10.00 - Content neutrality as to sign message or viewpoint.

Notwithstanding anything in this article to the contrary, no sign or sign structure shall be subject to any limitation based upon the content or viewpoint of the message contained on such sign or displayed on such sign structure.

13.10.01 - Illegal signs on public property.

Any sign installed or placed on public property, except in conformance with the requirements of this chapter, shall be deemed illegal and shall be forfeited to the public and subject to confiscation, removal and disposal. In addition to other remedies hereunder, the Ceity shall have the right to recover ~~form~~from the owner or person placing such sign the cost of removal and disposal of such sign.

13.11.00 - Permits.

1. Required. Unless exempted from permitting no permanent sign ~~nor any temporary grand opening or closing sign~~ shall be erected, altered or relocated unless a permit is first obtained and the appropriate fees are paid to the Ceity. The required sign permit is in addition to any building or other permit required to be obtained pursuant to the provisions of the Florida Building Code or the land development code. Where electrical permits are required, they shall be obtained at the same time as the sign permit. Sign permits shall be obtained separately from building permits.
2. Application. A sign-permit application shall be submitted on forms available at the office of the Development Development ~~Department of development services~~. The sign permit application is in addition to any building permit application required by the Florida Building Code. The applicant shall furnish the following information on or with the sign permit application form:

- (a) Name, address and telephone number of the person making application for the permit. If the applicant is anyone other than the property owner, the applicant shall provide written, notarized authorization from the property owner permitting installation of the sign.
 - (b) Name, address and telephone number of the property owner. If the owner is an entity, list the contact person's name.
 - (c) Name, address and telephone number of the business tenant, if applicable. If the tenant is an entity, list the contact person's name.
 - (d) Name, address, telephone and license number of the contractor, if applicable. If the contractor is an entity, list the contact person's name.
 - (e) Address and legal description of the property upon which the sign is to be located. The legal address may be located on a certified boundary survey.
 - (f) Lot frontage on all streets and public rights-of-way.
 - (g) Indicate in feet and inches the location of the sign in relation to the property lines, public rights-of-way, easements, buildings and other signs on the property.
 - (h) Freestanding signs shall require a boundary survey prepared within the last 24 months of the permit application date, and signed and sealed by a land surveyor or engineer licensed in Florida showing the proposed location of the sign.
 - (i) For all wall mounted signs, the façade elevation with dimensions, drawn to scale. Windows and doors and other openings shall be delineated and their dimensions given.
 - (j) Sign dimensions and elevation drawn to scale.
 - (k) Maximum and minimum height of the sign measured from finished grade.
 - (l) Dimensions of the signs supporting members.
 - (m) Sign illumination, specifying illumination type, placement, intensity and hours of illumination.
 - (n) Three (3) copies of the plans, specifications, calculations and details, signed and sealed by an engineer licensed in Florida, specifications documenting the applicable wind load and electrical specifications, if applicable, meeting the minimum requirements of the applicable electric code.
 - (o) Number, type, location and surface area of all existing signs on the same property.
 - (p) Landscape plan, as applicable.
 - (q) Signature of applicant. If the value of construction is two thousand five hundred dollars (\$2,500.00) or greater, a certified copy of notice of commencement shall be required prior to permit issuance.
3. Fees. Fees for sign permits shall be fixed from time to time by the Ceity Council and shall be in an amount necessary to provide for administrative expenses and shall be paid before issuance of a permit. When a sign has been erected or constructed before a permit is obtained, the permit fee shall be quadrupled to defray the administrative costs associated with enforcement of this section.
4. Sign permit application review.
- (a) An applicant shall deliver a completed permit application for a sign to the Development Department of development services, or such other office as may be designated by the Ceity. The sign permit application shall be reviewed by the Ceity Building Official or his designated staff member to determine whether the application is complete and whether the proposed sign meets the applicable requirements of this article and any applicable zoning law. If a permit application is complete and the proposed sign meets the requirements of this article, then the Ceity Building Official shall issue a permit to the applicant. Review of the sign permit application shall be completed, and the Ceity Building Official shall in writing either (i) approve the permit, or (ii) approve the permit with conditions (meaning and restricted to legal conditions existing in the Code such as, without limitation, set back, height or dimensional requirements), or (iii) deny the permit, within thirty (30) days following receipt of a completed application and payment of any applicable fees. If the thirtieth day falls on a Saturday, Sunday, or legal holiday, then the response of the Ceity Building Official shall be due on the next business day. A written denial shall specify the reason(s) for the denial. Failure by the Ceity Building Official to issue a written decision on a permit within the time prescribed herein shall constitute a denial. If denial is the consequence of a failure to decide upon the application within the deadline set forth herein, the Ceity Manager or

designee shall, upon request by the applicant, refund any applicable fee to the person who paid the fee. Notwithstanding the foregoing time prescribed for permit application review, any permit application that shows on its face that it requests a permit for a prohibited sign shall not require technical review and shall be denied as soon as reasonably practicable, preferably within five (5) business days (excluding Saturdays, Sundays and legal holidays) of receipt of the application.

- (b) An approval, an approval with conditions, or disapproval by the Ccity Building Official or his designated staff member shall be deemed the final decision of the Ccity upon the application subject to the applicant's right to appeal as provided in this article.
- (c) In the case of an approval with conditions or a denial, including a denial by lapse of time as described herein, an applicant may ask for reconsideration of the decision on the grounds that the Ccity Building Official or his designated staff member may have overlooked or failed to consider any fact(s) that would support a different decision. A written request for reconsideration accompanied by such additional fact(s) as the applicant may wish the Ccity Building Official or his designated staff member to consider, shall be filed with the Development Department ~~of development services~~, attention: Ccity Building Official within ten (10) calendar days after the date of the written decision for which reconsideration is requested. If the written decision was mailed to the applicant, then five (5) additional days shall be allowed for filing the request for reconsideration. No fee shall be required for a request for reconsideration. Upon the timely filing of a request for reconsideration, the decision of the Ccity Building Official or his designated staff member shall be deemed stayed and not a final decision, until a written response to the request for reconsideration is issued. The request for reconsideration shall be decided within ten (10) days of receipt by the Ccity, not counting any intervening Saturday, Sunday, or legal holiday. Such decision shall be in writing and shall include a statement of the reason(s) for the decision. If a written decision on the request for reconsideration is not issued within the time prescribed in this subsection, then the request shall be deemed denied.
- (d) All written decisions shall be mailed return receipt requested, transmitted electronically via facsimile with electronic confirmation of receipt, transmitted via electronic mail, or hand delivered to the applicant. A record shall be kept of the date of mailing, electronic transmittal, or hand delivery. For the purposes of calculating compliance with the thirty-day deadline for a decision upon an application or the ten (10) deadline for a decision upon request for reconsideration, the decision shall be deemed made when deposited in the mail, transmitted electronically, or hand delivered to the applicant.
- (e) As exceptions to the foregoing, the thirty-day deadline for approval and the ten (10) day deadline for a decision upon receipt of a request for a reconsideration shall not apply (that is, the time shall be suspended):
 - (1) In any case in which the application requires a variance from any provision of the City Code of Ordinances, a rezoning of the property, or an amendment to the Comprehensive Plan of the city. In such cases, the time shall be suspended until a final decision is made upon the application for the variance, rezoning, or comprehensive plan amendment.
 - (2) If the applicant is required to make any change to the application in order to obtain an unconditional approval, the time shall be suspended while the applicant makes such change.
 - (3) If an applicant is required to obtain an approval from any other governmental agency, the time shall be suspended until such approval is obtained.
 - (4) In any of the foregoing cases, the applicant may elect to seek a variance, make no change to the application, or obtain no approval that may be required by another governmental agency, and may instead demand a decision upon the sign permit application as filed. In such event, the Ccity Building Official or designee shall make a decision on the application as appropriate within the greater of (i) the remainder of the unexpired thirty-day response period as extended, or (ii) five (5) business days after receiving such demand. If a decision is not made in such a time, the application shall be deemed denied.
 - (5) An application which is materially incomplete or which is not accompanied by the required fee shall not be deemed to be properly filed or accepted and the time for review of the application

shall not commence until a complete application accompanied by the required fee is filed with the Ceity Bbuilding Oefficial or designee. However, Ceity Bbuilding Oefficial or his designee shall keep a record of incomplete applications or any applications not accompanied by the correct fee, as required by applicable public record laws. In addition, the Ceity Bbuilding Oefficial or his designee shall, within thirty (30) days of receipt of such an incomplete application, send to the applicant a written explanation of the deficiencies in the application stating that the application can not be processed, and will not be considered to be properly filed, until a properly completed application is re-submitted with any unpaid fee. The Ceity's obligation to review and process any incomplete application will be suspended pending receipt of the required information or documentation.

- (f) Any person aggrieved by a decision of the Ceity Bbuilding Oefficial or his designee upon a sign permit application shall have the right to seek an administrative appeal as outlined in this article.
5. Nullification/revocation of sign permit. If the work under any sign permit is proceeding or has been completed in violation of this article or any other ordinance of the Ceity, or should it be found that there has been any false statement or misrepresentation of a material fact in the application or plans on which the permit was based, or if any sign is constructed, installed or altered not in conformance with the plans, specifications, site plans, drawings and other materials submitted as a part of the sign permit application pertaining thereto, the permit holder shall be notified of the violation by the Ceity Bbuilding Oefficial or his designated staff member. If the permit holder fails to make requested corrections within ten (10) days, then it shall be the duty of the Ceity Bbuilding Oefficial or his designee to revoke such permit and to serve written notice of such revocation upon such permit holder. It shall be unlawful for any person to proceed with any part of work relating to construction, installation or alteration of any sign after such notice of revocation of a sign permit is issued. A sign permit shall become null and void if the work for which the permit was issued has not completed within a period of six (6) months after the date of the permit. If the sign is an integral part of a new building structure, then the permit shall be valid until completion of the building. Any sign constructed, erected, installed or altered that does not conform to the plans, specifications, site plans, drawings and other materials submitted as a part of the sign permit application pertaining thereto, or that is constructed, erected, installed or altered after a sign permit is revoked, shall be deemed to have been constructed without a permit and shall be removed upon demand by the Ceity Bbuilding Oefficial or his designated staff member.

13.12.00 - Reserved.

13.13.00 - Compliance with building code.

All sign permit applications must demonstrate compliance, and all signs shall comply, with the pertinent requirements of the Florida Building Code and the building code and land development code of the Ceity.

13.14.00 - Reserved.

13.15.00 - Inspection.

Signs for which a permit is required may be inspected periodically by the Development Departmentbuilding inspector in order to ascertain compliance with this article, the land development code and other ordinances of the Ceity.

13.16.00 - Maintenance and miscellaneous safety requirements.

1. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition, free from deterioration, defective or missing parts (including sign panels and lighting), peeling or faded paint, and able to withstand the wind pressure for which it was originally designed. Trash, rubbish and debris shall be kept clean in front of, behind, underneath and around the base of the sign.

Signs that are blank or unused but are not abandoned as defined in this article shall be maintained so that the inner fixtures or workings of the sign remain covered by an opaque covering at all times and obsolete copy is removed or covered with an opaque covering so that the sign maintains a neat and clean appearance.

2. Any sign found to be in a state of disrepair shall constitute a public nuisance and shall be brought into compliance or be removed within thirty (30) days of receipt of written notice by the owner of the property upon which such sign is located.
3. Replacement of removable sign panels, message, text or copy where no other modifications are made is permitted and is not a change which requires a sign permit or which would terminate rights as a legal non-conforming sign. Copy shall not be replaced such that the sign changes from an on-premises sign to an off-premises sign. The following are examples of modifications that would require a permit and would terminate rights as a legal non-conforming sign:
 - a. Modification that enlarges the area of sign facing, sign structure area or adversely affects the original structural design integrity;
 - b. A modification that necessitates unfastening, loosening or removing the supporting sign structure;
 - c. Relocation of the sign on the same zone lot; and
 - d. A change of the type of material used in the structure or components of the sign.

13.17.00 - Sign standards by zones—Generally.

1. The following sign standards by zone are intended to regulate ~~outdoor~~ signs in a manner that is consistent with the land use classification which establishes the character of the area in which the signs are located and in keeping with the overall character of the community. Said sign standards include every zone in the Ccity as defined by the zoning ordinance and official zoning map. Only signs as described in this section and as may be described under sections 13.075.00 and 13.0840.00 regarding temporary signs and exemptions will be permitted in each particular zone.
2. If any zone is omitted from this section or if a new zone is created after the enactment of this section, no signs, except those signs described under sections 13.05.00 and 13.08.00 regarding temporary signs and exemptions, shall be permitted therein until this section shall be amended to include this zone.
3. If any area is annexed into the Ccity limits, no sign, except those signs described under sections 13.05.00 and 13.08.00 regarding temporary signs and exemptions shall be permitted therein until the area annexed has been zoned by the Ccity Council. Signs in existence as of the time of annexation not in compliance with the provisions of this chapter shall be deemed non-conforming signs subject to the provisions of section 13.06.00.
4. No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.
5. No sign shall be erected which interferes with any opening required for ventilation.
6. Signs shall maintain a minimum of six (6) feet horizontal and twelve (12) feet vertical clearance from electrical conductors and from all communications equipment or lines located within the Ccity.
7. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Furthermore, placement shall not interfere with natural or artificial drainage or surface or underground water.
8. No sign shall be attached to a standpipe, gutter, drain or fire escape, nor shall any sign be installed so as to impair access to a roof.
9. No sign shall be placed within fifteen (15) feet from the present right-of-way line or public right-of-way of any street in the Ccity, except in the Downtown Zoning District whereby signs will meet the setback requirements of that district.
10. A sign shall be construed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered a single sign. ~~Except for banners, flags, temporary and portable signs, all~~ All permanent signs shall be permanently affixed to, and/or incorporated into, the sign cabinet, or building wall or other base

material. All signs shall be constructed of materials designed to be permanent, safe, withstand weather conditions, and shall have permanent supports appropriate for its size. The sign size (area) for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are a part of the same sign structure and are not more than twenty-four (24) inches apart, the sign size (area) shall be computed by the measurement of one of the sign faces.

11. No sign shall be located within the Free Vision Zone prescribed by section 10.02.00 of the land development code.
12. No signs other than temporary signs shall be constructed of cloth, canvas, fabric, paper or cardboard or plywood.
13. Balloon signs shall not exceed twenty-five (25) feet in height measured from the ground.
14. Free expression signs shall be allowed on any lot or parcel provided that such signs are located on private property, are not within the rights-of-way, are not located in a Free Vision Zone, do not exceed sixteen (16) square feet and are not higher than six (6) feet. Individual signs shall not exceed four (4) square feet.

13.18.00 - Same—Residential zones.

1. The following requirements shall apply to single-family residential zones R-1, R-2 and R-3 and multifamily residential zone MF-10. Except for those signs ~~and sign types~~ allowed in residential zones in accordance with sections 13.05.00 and 13.08.00 regarding temporary signs and exemptions above, no additional signs ~~or sign types~~ shall be permitted in residential zones, except for the signs meeting the following requirements:
 - a. One (1) sign not exceeding two (2) square feet in area shall be permitted per residence;
 - b. Signs may be wall ~~signs-mounted flush~~ or ~~ground-mounted monument signs~~ with the top of the sign or framing and structure surrounding such sign no higher than five (5) feet above ground level;
 - c. An additional real estate sign shall be allowed provided that all zone district setbacks are met and the property ~~advertised~~ for sale has not less than two hundred (200) feet of frontage on the public street providing access to the property. Such sign shall be allowed only for the sale of acreage that contains no habitable building or for the purpose of the initial sale of subdivision lots or the initial lease of condominium or apartment units. The size of the additional sign shall not exceed sixteen (16) square feet despite the size of the acreage to be sold. Such sign shall be required to be removed from the property immediately upon conveyance of the acreage or upon the initial sale of subdivision lots or upon the initial lease or rental of all condominium or apartment units.
2. The following requirements shall apply to more than three-family residential zone MF-14, multifamily residential zone MF-30, planned residential zones and mobile home residential zones. Except for those signs ~~and sign types~~ allowed in residential zones in accordance with sections 13.05.00 and 13.08.00 regarding temporary signs and exemptions above, no additional signs ~~or sign types~~ shall be permitted in residential zones, except for the signs meeting the following requirements:
 - a. One (1) sign not exceeding two (2) square feet in area shall be permitted per residence;
 - b. Not more than two (2) identification signs of a total area calculated on the basis of two (2) square feet per dwelling unit, limited to a total of twenty-four (24) square feet, shall be allowed. Additionally, not more than two (2) real estate signs calculated on the basis of two (2) square feet per dwelling unit limited to a total of sixteen (16) square feet shall be allowed. ~~Such real estate signs, advertising the rental or lease of portions of the premises or improvement thereon, may be combined with the identity signs allowed in this subsection.~~ The identity signs and the real estate signs allowed in this subsection may be combined, providing such combination shall not exceed forty (40) square feet in size for any one (1) sign. Corner properties having five hundred (500) feet of street frontage on more than one (1) public street, properties having public street frontage on more than two (2) streets which are not corner properties and parcels with greater than one thousand (1,000) feet street frontage along a single street shall all be allowed the sign allowances

referred to in this subsection on each public street frontage or on one (1) public street in the case of one thousand (1,000) feet of frontage;

- c. These additional signs may be wall ~~signs mounted flush~~ or ~~ground-mounted monument signs~~, with the top of the sign or framing and structure surrounding such sign no higher than eight (8) feet above ground level.

13.19.00 - Same—Business zones.

1. The following requirements shall apply to the office zone and all commercial zones with exceptions. Such requirements are that:
 - a. A total sign area of one and three-quarters (1¾) square feet for each lineal foot of building frontage or one-half square foot for each lineal foot of lot frontage, whichever results in the larger sign area. The maximum total area of all permitted signs for any establishment shall not exceed two hundred (200) square feet, single face, and the minimum shall be not less than thirty-two (32) square feet. Each face of a sign shall be included in the computation of allowable sign area, with the exception that only a single face of a ~~ground-mounted monument~~ sign be included. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are a part of the same sign structure and are not more than twenty-four (24) inches apart, the sign size (area) shall be computed by the measurement of one of the sign faces.
 - b. ~~Wall~~ Signs may be ~~wall~~-mounted flush anywhere on the surface of that building. Where frontage is on more than one (1) street, only the signs computed with the frontage of that street shall face that street.
 - c. ~~Monument~~ Signs are allowed ~~may be~~ ~~ground-mounted~~, except in shopping centers, with the top level of the sign no higher than twenty-five (25) feet above ground level. The framing and structure surrounding or supporting a ~~ground-mounted monument~~ sign shall not be higher than twenty-five (25) feet above ground level.
 - d. In addition, a real estate sign ~~advertising the sale or lease of the entire premises~~ up to sixteen (16) square feet in size shall be permitted. Such sign shall be set back not less than ten (10) feet from the property line and twenty (20) feet from the rear and sides of the property. Such sign shall be removed from the property immediately upon the conveyance of the property or upon the initial lease or rental of all units. Those properties which front on U.S. Highway 19, however, will have a fifteen-foot setback from the property line.
 - e. Signs shall be limited to a maximum of two (2) ~~ground-mounted monument~~ signs, except shopping centers.
2. Shopping centers shall be allowed the following signs:
 - a. One (1) ~~ground-mounted monument~~ sign no higher than twenty-five (25) feet above ground level and four (4) ~~building-mounted wall~~ signs of a total area as defined in 1.a. above; and,
 - b. One (1) additional sign which shall not exceed twenty (20) feet in height measured to the top of the sign from ground level. The size of this sign shall not exceed eighty (80) square feet or one hundred sixty (160) square feet for the two (2) faces of a double-faced sign. The sign shall be a ~~permanently ground-mounted monument~~ sign.
3. Signs placed in a window or affixed to a window shall not cover more than twenty-five (25) percent of the window and shall not be included as part of the total sign area allowed. No permit is required. ~~For the purposes of this section, windows shall be deemed to be panels of transparent material surrounded by a framing structure and placed into the construction material comprising the building facade. A window panel shall be deemed a unified whole regardless of framing materials that define smaller areas within the window sash.~~ If transparent panels are used as the primary building material comprising the building facade of a more than one-story building, window signs shall be limited to the first floor windows and only fifty (50) percent of the window area shall be considered windows for the purposes of this section.

4. Signs may be on the vertical faces of marquees and may project below the lower edge of the marquee not more than twelve (12) inches. The bottom of marquee signs shall be no less than eight (8) feet above the sidewalk or grade at any point. No part of the sign shall project above the vertical marquee face or beyond the marquee itself.

13.20.00 - Same—Downtown Zoning District.

1. Application. The following requirements shall apply to the Downtown Zoning District. All signs erected in the district or now existing in the district shall comply with all other provisions of this article and requirements relative to safety in the building code, except as otherwise specifically accepted or modified in this section.
2. New Port Richey Recommended Downtown Design Guidelines. Assistance from the City is available to any property or business owner seeking information on facade improvements, including signs in the Downtown Zoning District. The City will utilize the Downtown Design Guidelines document, prepared with the assistance of the New Port Richey Community Main St. Design Committee, which guidelines can be of assistance to the sign permit applicant when dealing with design and location issues. The Downtown Design Guidelines are available by request from the Development Department ~~city's development services office~~.
3. Permitted signs. Temporary signs that conform to Section 13.05.00 are permitted in the Downtown Zoning District. The following types of permanent signs shall be permitted in the Downtown Zoning District:
 - a. Wall.
 - b. Projecting.
 - c. Window.
 - d. Canopy/awning.
 - e. Monument.
 - f. Hanging sign.
 - g. Directory.
 - h. Sandwich.
 - ~~i. Gasoline price display.~~
4. Prohibited signs shall be those identified in 13.07.00 in addition to the following. ~~Except as otherwise provided for in this section, the following types of signs are prohibited and may not be erected within the Downtown Zoning District:~~
 - ~~a. Animated.~~
 - ~~b. Changeable copy.~~
 - ~~c. Off-premises.~~
 - ~~d. Freestanding.~~
 - ~~e. Snipe.~~
 - ~~f. Roof.~~
 - ~~g. Portable (except sandwich signs).~~
 - ~~h. Shopping center.~~
 - ~~i. Billboards.~~
 - ~~j. Vehicle.~~
5. Sign area:
 - a. Total sign area for all signs on the premises shall be limited to an area of one (1) square foot for each linear foot of building frontage along the public right-of-way on which the building is oriented. However, no individual sign in the Downtown Zoning District shall exceed fifty (50) square feet in area. For those businesses whose building frontage is less than thirty-two (32) linear feet, a total sign area not to exceed thirty-two (32) square feet shall be allowed.
 - b. In those instances where an individual building has multiple tenants each sharing common business frontage on a public right-of-way, the total sign area for all tenants within the building shall be limited as set forth in paragraph a. above.

- c. The total sign area allowed by building frontage or business frontage may be allocated among any combination of sign types permitted in the Downtown Zoning District. However, the area of any freestanding sign shall be excluded from the calculation of the total sign area allowed for a particular premises.
 - d. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back, parallel to one another, and less than twenty-four (24) inches apart. The area of such sign shall be calculated as the area of the largest face. Where a sign has two (2) or more faces, that portion of the sign structure connecting the sign faces shall not be used for display purposes.
 - e. Where building frontage is on more than one (1) street, only the signs computed with the frontage of the street shall face that street.
 - f. Where a building has a primary entrance on two (2) or more public streets, the permitted total sign area on the premises can be calculated based upon the total lineal footage of up to two (2) sides of the building that contain a primary entrance on a public street. However, no sign may violate the provisions contained in paragraphs a. through e., inclusive, of this section. For purposes of this paragraph f., a primary entrance of a building shall be an entrance to the building that is expressly utilized for day-to-day pedestrian ingress and egress.
6. Number of signs. Except as provided for elsewhere in this section, the maximum number of signs for each individual business or storefront is three (3).
7. Architectural detail. Signs shall not be located in areas which obscure architectural detail. The Downtown Design Guidelines shall be utilized in determining whether a given sign will obstruct architectural detail.
- ~~8. Illumination of signs. See section 13.04.00 of this Code for regulations on illumination of signs.~~
98. Second-story businesses. A second-story business is a business which does not occupy space at the street-story level. For purposes of this section, a second-story business shall not be deemed to occupy space at the street-story level solely because it has a street level entrance or shares a foyer or reception area at street level. Second-story businesses may have the following types and number of signs:
- a. Second-story businesses may only use a window sign at the second-story level. Awning and canopy signs are not permitted above the street level.
 - b. One (1) additional sign from the list below may appear at the street level on the building facade which includes the second story business entrance:
 - (1) Silk-screened or etched image on door glass;
 - (2) Neon sign behind available fixed, non-door glass;
 - (3) Applied lettering over the door; or
 - (4) Street-level canopy with sign.
402. Permitted sign requirements. Permitted signs in the Downtown Zoning District shall meet the following requirements.
- a. Wall signs:
 - (1) One (1) wall sign shall be permitted for each business facade having frontage on a public right-of-way.
 - (2) A wall sign may extend the length of the storefront but shall not be more than two and one-half (2½) feet high. The sign shall be mounted somewhere above the storefront display windows and below the second story window sills or, in the case of single-story buildings, the building cornice line. In the absence of such controlling architectural features, the sign shall be mounted such that the bottom edge of the sign is at least seven and a half (7½) feet above ground level at all points. Generally, lettering should be eight (8) to eighteen (18) inches high. The lettering or other images portrayed on the sign shall occupy no more than sixty-five (65) percent of the area prescribed for signs.
 - (3) Wall signs shall not project above the roofline or beyond the sidewalks of the establishment to which the sign is attached.
 - b. Reserved.}
 - c. Projecting signs:

- (1) No sign shall be erected that projects more than three (3) feet from the front of the building to which it is attached, nor more than three (3) feet into the public right-of-way in the event a building is constructed to the limit of such right-of-way. No sign shall be erected which projects closer than two (2) feet [of] the nearest edge of any vehicular travel lane.
 - (2) The bottom of any sign projecting from a building structure shall be no less than seven (7) feet above grade at all points. The top of any projecting sign shall not extend above the roofline of the building.
 - (3) No sign which projects into the public right-of-way shall exceed ten (10) square feet in area.
- d. Hanging signs:
- (1) A hanging sign shall hang perpendicular to the building face. One (1) hanging sign may be used per storefront and shall be located at the front door of the business. The area of a hanging sign shall not exceed two (2) square feet.
 - (2) When an awning or canopy is present, the hanging sign shall fit within the area beneath the awning and shall not exceed seventy-five (75) percent of the canopy's span from the building facade, and the bottom edge of the sign shall be at least seven (7) feet above ground level at all points.
 - (3) A hanging sign shall be affixed in a manner approved by the building inspector, or his designee.
- e. Window signs. Window signs shall not cover more than twenty-five (25) percent of the window and shall not be included as part of the total sign area allowed. Business owners are encouraged to utilize illuminated window display as an advertising alternative to window signage.
- f. Canopy or awning signs:
- (1) Signage may be located on the vertical faces of a canopy or awning only. Signs are not permitted on any sloping face of such sign. Signage may project below the lower edge or valance of the canopy or awning not more than twelve (12) inches. The bottom of the canopy or awning sign shall be no less than seven (7) feet above ground level at all points. No part of the sign shall project above the vertical awning or canopy face or beyond the awning or canopy itself.
 - (2) Canopy or awning signs shall be computed as part of the allowable sign area. Sign lettering is limited to one (1) line not exceeding a height of nine (9) inches. Signs on awnings and canopies must occur within and shall not exceed thirty-three (33) percent of the width of the valance of such canopy or awning. Logos, images or the like may be repeated but shall be included in the calculation of the thirty-three (33) percent width restriction.
 - (3) Canopy or awning signs are not permitted above the street-level story.
 - (4) No canopy or awning sign shall contain back lighting or be otherwise illuminated.
- g. Sandwich signs:
- (1) Sandwich signs shall be freestanding and moveable. Sandwich signs may only be placed by the owner of the adjacent property.
 - (2) All sandwich signs within the public right-of-way, public sidewalks, shall not cause the minimum width available and open for pedestrian movement to be less than four (4) feet. Additionally, no sandwich sign shall be placed within two (2) feet of the nearest edge of any vehicular travel lane or parking area. Any such sign which intrudes upon pedestrian or vehicular movement or safety is prohibited and shall be removed upon request of the City.
 - (3) Sandwich signs shall not exceed an overall height of forty-two (42) inches above ground level or an overall width of thirty (30) inches. The maximum leg spread shall be three (3) feet. Sandwich signs may be single- or double-sided.
 - (4) No sandwich sign shall be illuminated.
 - (5) The placement of sandwich signs shall be limited to the hours of operation of the activity utilizing the sign.
 - (6) No sandwich sign subject to the provisions hereof shall interfere with utility poles, street trees, streetlights, banners, or other structures.

- (7) Sandwich signs require a sign permit pursuant to section 13.11.00. All permits for sandwich signs issued in the Downtown Zoning District shall be subject to the public's use of the said public right-of-way whether or not any such specific notation is made on such permit. The Ceity Mmananager or his designee may require the immediate removal, on a temporary or permanent basis and without compensation, of any sandwich sign from the public right-of-way when such removal is reasonably necessary to protect the public health, safety or welfare or to permit other lawful and proper uses of such right-of-way.
- ~~h. Freestanding or pole signs:~~
- ~~(1) Freestanding signs are permitted in the Downtown Zoning District only for business establishments with vehicle fuel pumps involving gasoline sales, and those business establishments with store fronts which are set back from the street on which the store or office fronts by twenty-four (24) feet or more for the express purpose of providing for a parking lot. A maximum of one freestanding sign per zone lot is permitted and shall be in addition to the maximum number of signs and sign area otherwise permitted for such lot.~~
- ~~(2) Freestanding signs shall have a maximum height of fifteen (15) feet, a minimum setback of six (6) feet from property line, and a maximum area of one hundred (100) square feet. Freestanding signs shall meet the minimum requirements of section 10.02.00, Free Vision Zone.~~
- ~~(3) Each freestanding sign shall be located within a planted landscaped area which is of a shape and design that will provide a compatible setting and ground definition to the sign. Two (2) square feet of landscaped area shall be provided for each square foot of sign area.~~
- ~~ih. Monument signs:~~
- ~~(1) Monument signs shall have a maximum height of six (6) feet and a minimum setback of six (6) feet from property line. Monument signs shall meet the minimum requirements of section 10.02.00, Free Vision Zone.~~
- ~~(2) Each monument sign shall be located within a planted landscaped area which is of a shape and design that will provide a compatible setting and ground definition to the sign. Two (2) square feet of landscaped area shall be provided for each square foot of sign area.~~
- ~~ji. Gasoline price display/Fuel pumping station signs:~~
- ~~(1) A separate sign advertising the retail price of gasoline or other vehicle fuel shall be permitted at establishments selling with vehicle fuel pumps. such products. One (1) monument sign shall be permitted per street frontage located not closer than five (5) feet to the abutting street right-of-way. The size shall not exceed nine (9) square feet and shall be included as part of the total sign area allowed. Such signs shall be further subject to the provisions of 13.20(9)(h) above.~~
- ~~(2) Signs which are permitted to be placed on the top of gasoline fuel pumps in order to provide required information to the public regarding price per gallon, type of fuel, and octane rating are permitted, provided that such signs may not exceed one and one-half (1½) square feet per sign face. Such signs shall not be included as part of the total sign area allowed.~~

13.21.00 - Variances and special exceptions.

The Lland Ddevelopment Rreview Bboard may, upon the receipt of a request for a variance, authorize such variance as it deems appropriate only if such request does not exceed five (5) feet in height or setback from the right-of-way or five (5) square feet in area of sign. If such request for variance exceeds that stated above, then only the Ceity Ceouncil may authorize such variances from the terms of the regulations of this article pursuant to the procedures and criteria set forth in sections 5.03.00 through 5.03.03 of the Lland Ddevelopment Ceode.

13.22.00 - Removal of signs in violation; abandoned signs.

1. The Ceity Bbuilding Oofficial may order the removal of any sign erected or maintained in violation of this article. He shall give thirty (30) days' notice in writing to the owner of such sign at the address

reflected on the application for the sign permit or, if no address is available for any reason to the owner of the building, structure or premises on which such sign is located, to remove the sign or bring it into compliance. The Ceity Building Official may order removal of a sign immediately and without notice if the condition of the sign is such as to present an immediate threat to the health, welfare or safety of the public. If the sign is not removed within the thirty-day notice period, the building inspector shall cause the sign to be removed at cost to the owner. The penalties as provided in this Code which are incurred by the failure to remove the sign shall not be affected by the removal of the sign at the direction of the Ceity Building Official.

2. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it, the Ceity Building Official shall give the owner thirty (30) days' written notice to remove it. Upon failure to comply with this notice, the Ceity Building Official may authorize removal of the sign at cost to the owner. Where a successor to a defunct business agrees to maintain the sign as provided in this article, this removal requirement shall not apply; however, the new owner of a business shall not be allowed to maintain a nonconforming sign and upon change of ownership of the business all signs shall be brought into compliance with this article.

13.23.00 - Enforcement.

The Ceity Building Official or his administrative designee, shall be the enforcing official of this article and is hereby authorized and directed to enforce all of the provisions of this article. The enforcing official is charged with the duty of administering this article and securing compliance therewith. Further, the enforcing official shall make such inspection as may be necessary to ensure compliance with this article and shall initiate appropriate action, if any, to enforce the provisions of this article.

Upon determination by the Ceity Building Official that a sign has been erected, altered or maintained in violation of this article, the enforcing official shall give notice of violation and shall take all further and appropriate measures in prosecuting the code violation(s) as established in article VIII of chapter 2 of the New Port Richey City Code, as amended from time to time.

13.24.00 - Interpretation.

Where there is a dispute concerning the interpretation of this article, the decisions of the Ceity Building Official may be referred by the aggrieved party to the Ceity Manager who shall resolve the dispute as soon as practicable. The decision of the Ceity Manager shall prevail, subject to appeal as provided in this article.

13.25.00 - Right of appeal.

1. Any person aggrieved by any decision or order rendered by the Ceity Building Official or his designated staff member after referral to and disposition by the Ceity Manager pursuant to this article may appeal to the Ceity Council by serving written notice to the Ceity Clerk within thirty (30) days of the date of the decision or order appealed from. If an appeal is timely filed, then the decision or order appealed from shall not be deemed rendered for purposes of time limits upon filing judicial proceedings until a decision on such appeal is rendered. The decision or order appealed shall be deemed rendered as of the date thereof if an appeal is not timely filed. For purposes hereof, a denial resulting from inaction of the administrative official shall be deemed rendered as of the date of expiration of a prescribed time for response. The written appeal shall describe the alleged error or oversight and the applicable provisions of the sign ordinance, Land Development Code or applicable law pertaining to the administrative official's decision or order appealed. The Ceity Building Official shall take no further action on the matter pending the Ceity Council's decision, except in the case of unsafe signs which shall present an immediate and serious danger to the public as provided elsewhere in this article.

2. The Ceity Ceouncil shall hold a hearing within thirty (30) days following receipt of the written appeal. The appeal shall be conducted as a de novo review and the parties shall be permitted to be represented by counsel and to present evidence and testimony subject to the rules of evidence applicable in Florida court proceedings.
3. The Ceity Ceouncil board shall render a written decision within twenty (30) days following a hearing based on the requirements of this Article. The decision of Ceity Ceouncil shall be the final action of the Ceity, and may be appealed in court as provided by law.

13.30.00 - Severability.

1. Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional or unenforceable for any reason by the valid judgment or decree of any court of competent jurisdiction, it shall be deemed to be severed from this article and such declaration shall not affect any other part, section, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article.
2. Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth above in section 13.30.00, subsection 1 or elsewhere in this article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
3. Severability of provisions pertaining to prohibited signs. Without diminishing or limiting in any way the declaration of severability set forth above in section 13.30.00, subsection 1, or elsewhere in this article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article that pertains to prohibited signs, including specifically those signs ~~and sign types~~ prohibited and not allowed under section 13.07.00 of this article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 13.07.00 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 13.07.00.
4. Severability of prohibition on billboards and off-premise signs. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article and/or any other Ceode provisions and/or laws declared invalid or unconstitutional by the valid judgment or decree of any court or competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained herein.

~~**13.31.00 - Murals.**~~

~~Murals shall be considered to be signs when utilized as a means of advertising or conveying any commercial message. All such murals shall conform to the requirements relating to signs applicable to the zone lot on which the structure containing the mural is located.~~

SECTION IV. If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION V. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall be codified and made a part of the New Port Richey City Code, and that the sections of this Ordinance may be renumbered to accomplish such codification, and that the word Ordinance may be changed to “section” to accomplish such codification.

SECTION VI. This Ordinance shall become effective immediately upon its adoption.

The above and foregoing Ordinance was read and approved on first reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2016.

The above and foregoing Ordinance was read and approved on second reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2016.

ATTEST:

Doreen Summers, City Clerk

Rob Marlowe, Mayor-Council Member

APPROVED AS TO FORM

By: _____
Joseph A. Poblick, City Attorney