

CITY COMMISSION OF THE CITY OF WILDWOOD**EXECUTIVE SUMMARY****SUBJECT:** Sign Ordinance**REQUESTED ACTION:** Approval of Ordinance O2017-3**CONTRACT:** No Vendor/Entity: City of Wildwood
Effective Date : 1/9/2017 Termination Date:
Managing Division / Dept: Development Services Department**BUDGET IMPACT:****HISTORY/FACTS/ISSUES:**

This ordinance repeals and replaces existing sign provisions in the Design District Standards, prohibiting Outdoor Advertising as a use category in all zoning districts; bringing the City of Wildwood's sign code in line with new state standards regarding content regulation on signs; and otherwise providing for a clearer, more enforceable sign code.

The Ordinance has been drafted by the City Attorney in concert with Development Services and Code Enforcement. Staff believes the changes brought by this Ordinance will clarify requirements, better enabling Code Enforcement to administer signage regulations.

Staff recommends approval.



Melanie D. Peavy
Development Services Director

ORDINANCE NO. O2017-3

AN ORDINANCE RELATING TO SIGNS; PROVIDING FOR THE REPEAL OF THE EXISTING CITY OF WILDWOOD SIGN ORDINANCE CODIFIED AT CHAPTER 1, SECTION H OF THE CITY OF WILDWOOD DESIGN DISTRICT STANDARDS; PROVIDING FOR A NEW CITY OF WILDWOOD SIGN ORDINANCE IN PLACE OF CHAPTER 1, SECTION H OF THE CITY OF WILDWOOD DESIGN DISTRICT STANDARDS; PROVIDING FOR A PURPOSE, INTENT AND SCOPE; PROVIDING FOR DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR PROHIBITED SIGNS IN ALL ZONING DISTRICTS; PROVIDING GENERAL PROVISIONS FOR SIGNS (INCLUDING, BUT NOT LIMITED TO, THE MEASUREMENT OF SIGN SIZE, MEASUREMENT OF SIGN HEIGHT, SIGN ILLUMINATION, VIEWPOINT NEUTRALITY, SUBSTITUTION OF NONCOMMERCIAL SPEECH FOR COMMERCIAL SPEECH; SIGNS PRESENTING IMMEDIATE PERIL TO PUBLIC HEALTH OR SAFETY, AND THE REGULATION OF VARIOUS SIGN TYPES (E.G., WALL, UMBRELLA, CANOPY, MONUMENT, AND SO FORTH)); PROVIDING FOR ALLOWED TEMPORARY SIGNS IN ZONING DISTRICTS; PROVIDING FOR ALLOWED PERMANENT SIGNS IN ZONING DISTRICTS; PROVIDING FOR BUILDING PERMITS; PROVIDING FOR SIGN PERMITS; PROVIDING FOR NONCONFORMING SIGNS; PROVIDING FOR MISCELLANEOUS SIGN PROVISIONS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY IN GENERAL; PROVIDING FOR SEVERABILITY WHERE LESS SPEECH RESULTS OR CERTAIN SIGN TYPES ARE PROHIBITED; PROVIDING FOR THE ADDITION OF SECTION 3.24 TO CHAPTER 3 OF THE LAND DEVELOPMENT REGULATIONS TO EXPRESSLY PROVIDE THAT THE BUSINESS OF OUTDOOR ADVERTISING IS A PROHIBITED USE IN ALL ZONING DISTRICTS; PROVIDING FOR AN AMENDMENT TO CHAPTER 3.19(C) TO EXPRESSLY EXCLUDE THE REQUIREMENTS OF THE NEW SIGN ORDINANCE AS DEFINED IN SECTION 3.24 OF THE LAND DEVELOPMENT REGULATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Wildwood finds and determines that it is appropriate to update and revise its Land Development Code relative to signs;

WHEREAS, the City of Wildwood finds and determines that it is appropriate to delete sections, subsections, paragraphs, subparagraphs, divisions, subdivisions, clauses, sentences, phrases, words, and provisions of the existing ordinance which are obsolete or superfluous,

and/or which have not been enforced, and/or which are not enforceable, and/or which would be severable by a court of competent jurisdiction;

WHEREAS, the City of Wildwood finds and determines that it is appropriate to ensure that the Land Development Code as it relates to signs is in compliance with all constitutional and other legal requirements;

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

WHEREAS, the City of Wildwood finds and determines that the limitations on the size (area), height, number, spacing, and setback of signs, adopted herein, are based upon sign types;

WHEREAS, the City of Wildwood finds and determines that limitations on signs are related to the zoning districts for the parcels and properties on which they are located;

WHEREAS, the City of Wildwood finds and determines that various signs that serve as signage for particular land uses, such as drive-through lanes for businesses, 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;

WHEREAS, the City of Wildwood finds and determines that the sign standards and regulations adopted hereby still allow adequate alternative means of communications;

WHEREAS, the City of Wildwood finds and determines that the sign standards and regulations adopted hereby allow and leave open adequate alternative means of communications, such as newspaper advertising and communications, internet advertising and communications, advertising and communications in shoppers and pamphlets, advertising and communications on cable and satellite television, advertising and communications on television, advertising and communications on AM and/or FM radio, advertising and communications on satellite and internet radio, advertising and communications via direct mail, and other avenues of communication available in the City of Wildwood [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. 2008); *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)];;

WHEREAS, the City of Wildwood finds and determines that the provisions of Chapter 3.24, City of Wildwood Land Development Regulations, that replace the current Chapter 1, Section (H) of the City of Wildwood Design District Standards are consistent with all applicable policies of the City's adopted 2035 Comprehensive Plan;

WHEREAS, the City of Wildwood finds and determines that these amendments are not in conflict with the public interest;

WHEREAS, the City of Wildwood finds and determines that these amendments will not result in incompatible land uses;

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

WHEREAS, the City of Wildwood recognizes that under established Supreme Court precedent, a compelling government interest is a higher burden than a substantial or significant governmental interest;

WHEREAS, the City of Wildwood recognizes that under established Supreme Court precedent, aesthetics is not a compelling governmental interest but is a substantial governmental interest;

WHEREAS, the City of Wildwood recognizes that until a Supreme Court decision released in June 2015, there had not been clarity as to what constitutes a content-based law as distinguished from a content-neutral law;

WHEREAS, the City of Wildwood recognizes that in *Reed v. Town of Gilbert, Ariz.*, 576 U.S. -, 135 S. Ct. 2218, (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;

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

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

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

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

WHEREAS, the City of Wildwood recognizes that 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;

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

WHEREAS, the City of Wildwood recognizes that Justice Alito noted that these rules, listed below, were not a comprehensive list of such rules;

WHEREAS, the City of Wildwood recognizes that Justice Alito included the following rules among those that would not be content-based: (1) rules regulating the size of signs, which rules may distinguish among signs based upon any content-neutral criteria such as those listed below; (2) rules regulating the locations in which signs may be placed, which rules may distinguish between freestanding signs and those attached to buildings; (3) rules distinguishing between lighted and unlighted signs; (4) rules distinguishing between signs with fixed messages and electronic signs with messages that change; (5) rules that distinguish between the placement of signs on private and public property; (6) rules distinguishing between the placement of signs on commercial and residential property; (7) rules distinguishing between on-premises and off-premises signs [see discussion in Memorandum dated September 11, 2015 from Lawrence Tribe to Nancy Fletcher, President, Outdoor Advertising Association of America, re Applying the First Amendment to Regulations Distinguishing Between Off-premises and On premises Signs After *Reed v. Town of Gilbert*]; (8) rules restricting the total number of signs allowed per mile of roadway; and (9) rules imposing time restrictions on signs advertising a one time event, where rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed;

WHEREAS, the City of Wildwood recognizes that 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, Utah 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;

WHEREAS, the City of Wildwood recognizes that 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 esthetic objectives, including rules that distinguish between on-premises and off-premises signs;

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

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

WHEREAS, the City of Wildwood 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)];

WHEREAS, the City of Wildwood 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;

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

WHEREAS, the City of Wildwood finds and determines that there 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;

WHEREAS, the City of Wildwood finds and determines that objects and devices such as graveyard and cemetery markers visible from a public area, vending machines or express mail drop-off boxes visible from a public area, decorations that do not constitute advertising visible from a public area, artwork that does not constitute advertising; a building's architectural features visible from a public area, or a manufacturer's or seller's markings on machinery or equipment visible from a public area are not within the scope of what is intended to be regulated through "land development" regulations that pertain to signage under Chapter 163 of the Florida Statutes;

WHEREAS, the City of Wildwood finds and determines that the aforesaid objects and devices are commonly excluded or exempted from being regulated as signs in land development regulations and sign regulations, and that extending a regulatory regime to such objects or devices would be inconsistent with the free speech clause of the First Amendment;

WHEREAS, the City of Wildwood finds and determines that it should continue to prohibit discontinued signs regardless of whether or not there was any intent to abandon the sign;

WHEREAS, the City of Wildwood finds and determines that a traffic control device sign, exempt from regulation under the City's land development regulations for signage, is any government sign located within the right-of-way that functions 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 according to the MUTCD traffic control device signs include 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 designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information);

WHEREAS, the City of Wildwood finds and determines that it is appropriate to prohibit certain vehicle signs similar to the prohibition suggested in Article VIII (Signs) of the Model Land Development Code for Cities and Counties, prepared in 1989 for the Florida Department of Community Affairs by the UF College of Law's Center for Governmental Responsibility and by a professional planner with Henigar and Ray Engineering Associates, Inc., and that is nearly

identical to Section 7.05.00(x) of the Land Development Regulations of the Town of Orange Park, which were upheld against a constitutional challenge in *Perkins v. Town of Orange Park*, 2006 WL 5988235 (Fla. 4th Cir. Ct.);

WHEREAS, the City of Wildwood finds and determines that the city is a crossroad of major Florida cities, a support and neighbor to a very large retirement community and a unique destination place;

WHEREAS, the City of Wildwood finds and determines that in order to preserve the city as a desirable community in which to live, visit and do business, a pleasing, visually-attractive urban environment is of foremost importance;

WHEREAS, the City of Wildwood finds and determines that the regulation of signs within the city is a highly contributive means by which to achieve this desired end, and that the sign standards and regulations in Exhibit A attached to proposed Ordinance 2017-03 are prepared with the intent of enhancing the urban environment and promoting the continued well being of the city;

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

WHEREAS, the City of Wildwood finds and determines that the regulation of signage for purposes of aesthetics is a substantial governmental interest and directly serves the policy articulated in Article II, Section 7, of the Florida Constitution , by conserving and protecting its scenic beauty;

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

WHEREAS, the City of Wildwood 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" [Justice Douglas in *Berman v. Parker*, 348 U.S. 26, 33 (1954)];

WHEREAS, the City of Wildwood finds and determines that aesthetics is a valid basis for zoning, and the regulation of the size 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 Town v. Gould*, 99 So. 2d 236 (Fla. 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade Town*, 425 F.2d 1141 (5th Cir. 1970), cert. dismissed, 400 U.S. 805 (1970)];

WHEREAS, the City of Wildwood finds and determines that the sign control principles set forth herein create a sense of character and ambiance that distinguishes the city as one with a commitment to maintaining and improving an attractive environment;.

WHEREAS, the City of Wildwood finds and determines that the goals, objectives and policies from planning documents developed over the years, demonstrate a strong, long-term

commitment to maintaining and improving the City's attractive and visual environment;

WHEREAS, the City of Wildwood 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;

WHEREAS, the City of Wildwood finds and determines that two decades ago a growing number of cities had begun prohibiting pole signs, allowing only ground signs (also referred to as monument signs), and monument signs are typically used and preferred by planned communities, and other cities that seek a distinctive image; the City of Wildwood seeks to maintain that distinctive image for as part of its community character;

WHEREAS, the City of Wildwood finds and determines that the purpose of the regulation of signs as set forth in Exhibit A to proposed Ordinance 2017-03 is to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements;

WHEREAS, the City of Wildwood finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2017-03 are intended to enable the identification of places of residence and business;

WHEREAS, the City of Wildwood finds and determine that the sign regulations in Exhibit A to proposed Ordinance 2017-03 are intended to allow for the communication of information necessary for the conduct of commerce;

WHEREAS, the City of Wildwood finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2017-03 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;

WHEREAS, the City of Wildwood finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2017-03 are intended to enhance the attractiveness and economic well-being of the city as a place to live, visit and conduct business;

WHEREAS, the City of Wildwood finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2017-03 are intended to protect the public from the dangers of unsafe signs;

WHEREAS, the City of Wildwood finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2017-03 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;

WHEREAS, the City of Wildwood finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2017-03 are intended to encourage signs that are appropriate to the zoning district in which they are located and which are consistent with the category of use to which they pertain;**WHEREAS**, the City of Wildwood finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2017-03 are intended to 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 business;

WHEREAS, the City of Wildwood finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2017-03 are intended to establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;

WHEREAS, the City of Wildwood finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2017-03 are intended to preclude signs from conflicting with the principal permitted use of the site or adjoining sites;

WHEREAS, the City of Wildwood finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2017-03 are intended to regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;

WHEREAS, the City of Wildwood finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2017-03 are intended to require signs to be constructed, installed and maintained in a safe and satisfactory manner;

WHEREAS, the City of Wildwood finds and determines that the regulation of signage was originally mandated by Florida's Local Government Comprehensive Planning and Land Development Regulation Act in 1985 (see Chapter 85-55, § 14, Laws of Florida), and this requirement continues to apply to the City of Wildwood through Section 163.3202(2)(f), Florida Statutes;

WHEREAS, the City of Wildwood finds and determines that it has adopted a land development code, known as the Land Development Code, in order to implement its Comprehensive Plan, and to comply with the minimum requirements in the State of Florida's Growth Management Act, at Section 163.3202, Florida Statutes, including the regulation of signage and future land use;

WHEREAS, the City of Wildwood finds and determines that the Land Development Code is the manner by which the City has chosen to regulate signage;

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

WHEREAS, the City of Wildwood finds and determines that consistent with the foregoing preambles, it is appropriate to prohibit and/or to continue to generally prohibit the sign types listed in Sec. 34-444 Prohibited Signs within Exhibit A to proposed Ordinance 2017-03;

WHEREAS, the City of Wildwood finds and determines that billboards detract from the natural and manmade beauty of the City;

WHEREAS, the City of Wildwood agrees with the American Society of Landscape Architects' determination that billboards tend to deface nearby scenery, whether natural or built and the Sierra Club's opposition to billboard development and proliferation and the American Society of Civil Engineers Policy Statement 117 on Aesthetics that aesthetic quality should be an element of the planning, design, construction, operations, maintenance, renovation, rehabilitation, reconstruction, and security enhancement of the built environment;

WHEREAS, the City of Wildwood recognizes that states such as Vermont, Alaska, Maine, and Hawaii have prohibited the construction of billboards in their states and are now billboard-free in an effort to promote aesthetics and scenic beauty;

WHEREAS, the City of Wildwood 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 signs are 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;

WHEREAS, the City of Wildwood agrees with the courts that have recognized that outdoor advertising signs tend to interrupt what would otherwise be the natural landscape as seen from the highway, whether the view is untouched or ravished by man, and that it would be unreasonable and illogical to conclude that an area is too unattractive to justify aesthetic improvement [see *E. B. Elliott Adv. Co. v. Metropolitan Dade Town*, 425 F.2d 1141 (5th Cir. 1970), cert. dismissed, 400 U.S. 805 (1970); *John Donnelly & Sons, Inc. v. Outdoor Advertising Bd.*, 339 N.E.2d 709, 720 (Mass. 1975)];

WHEREAS, the City of Wildwood recognizes 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)];

WHEREAS, the City of Wildwood finds and determines that billboards attract the attention of drivers passing by the billboards, thereby adversely affecting traffic safety and constituting a public nuisance and a noxious use of the land on which the billboards are erected;

WHEREAS, the City of Wildwood finds, determines and recognizes that billboards are a form of advertisement designed to be seen without the exercise of choice or volition on the part of the observer, unlike other forms of advertising that are ordinarily seen as a matter of choice on the part of the observer [see *Packer v. Utah*, 285 U.S. 105 (1932); and *General Outdoor Advertising Co. v. Department of Public Works*, 289 Mass. 149, 193 N.E. 799 (1935)];

WHEREAS, the City of Wildwood acknowledges that the United States Supreme Court and many federal courts have accepted legislative judgments and determinations that the prohibition of billboards promotes traffic safety and the aesthetics of the surrounding area. [see *Markham Adver. Co. v. State*, 73 Wash.2d 405, 439 P.2d 248 (1969), appeal dismissed for want of a substantial federal question, 439 U.S. 808 (1978); *Markham Adver. Co., Inc. v. State*, Case No. 648, October Term, 1968, Appellants' Jurisdictional Statement, 1968 WL 129277 (October 14, 1968); *Suffolk Outdoor Adver. Co., Inc. v. Hulse*, 43 N.Y.2d 483, 372 N.E.2d 263 (1977), appeal dismissed for want of a substantial federal question, 439 U.S. 808 (1978); *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 509-510 (1981); *Members of the City Council of the City of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 806-807 (1984), *City of Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410, 425 and 442 (1993); *National Advertising Co. v. City and County of Denver*, 912 F.2d 405, 409 (10th Cir. 1990), and *Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1239 (D. Kan. 1999)];

WHEREAS, the City of Wildwood finds, determines and recognizes that on-site business signs are considered to be part of the business itself, as distinguished from off-site outdoor

advertising signs, and that it is well-recognized that the unique nature of outdoor advertising and the nuisances fostered by billboard signs justify the separate classification of such structures for the purposes of governmental regulation and restrictions [see *E. B. Elliott Adv. Co. v. Metropolitan Dade Town*, 425 F.2d 1141, 1153 (5th Cir. 1970), cert. denied, 400 U.S. 805 (1970), quoting *United Advertising Corp. v. Borough of Raritan*, 11 N.J. 144, 93 A.2d 362, 365 (1952)];

WHEREAS, the City of Wildwood 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. 805 (1970)];

WHEREAS, the City of Wildwood finds and determines that billboard signs are public nuisances given their adverse impact on both traffic safety and aesthetics;

WHEREAS, the City of Wildwood finds and determines that billboards are a traffic hazard and impair the beauty of the surrounding area, and the prohibition of the construction of billboards will reduce these harms [see *Outdoor Systems. Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1239 (D. Kan. 1999)];

WHEREAS, the City of Wildwood finds and determines that the presence of billboards along the federal interstate and the federal-aid primary highway systems has prevented public property in other jurisdictions from being used for beautification purposes due to view zones established by state administrative rule;

WHEREAS, the City of Wildwood recognizes that many Florida communities have adopted ordinances prohibiting the construction of billboards in their communities in order to achieve aesthetic, beautification, traffic safety, and/or other related goals;

WHEREAS, the City of Wildwood 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, commonly known as billboard signs or billboards, so as to prohibit the construction of billboards in all zoning districts, and to provide that the foregoing provisions shall be severable;

WHEREAS, the City of Wildwood finds and determines that the continued prohibition of billboards as set forth herein will improve the beauty of the City, foster overall improvement to the aesthetic and visual appearance of the City, preserve and open up areas for beautification on public property adjoining the public roadways, increase the visibility, readability and/or effectiveness of on-site signs by reducing and/or diminishing the visual clutter of off-site signs, enhance the City as an attractive place to live and/or work, reduce blighting influences, and improve traffic safety by reducing driver distractions;

WHEREAS, the City of Wildwood wishes to assure that new billboards are effectively prohibited as a sign-type within the City;

WHEREAS, the City of Wildwood finds and determines that anything beside the road which tends to distract the driver of a motor vehicle directly affects traffic safety, and 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)];

WHEREAS, the City of Wildwood acknowledges that the Seven Justices' views in *Metromedia*, as expressly recognized in the later Supreme Court decisions in *Taxpayers for Vincent* and *Discovery Network*; and in more than a dozen published Circuit Court of Appeal decisions following *Metromedia*, on the permissible distinction between onsite signs and offsite signs-when it comes to government's substantial interest in prohibiting the latter sign type (the offsite sign), including: *Major Media of the Southeast, Inc. v. City of Raleigh*, 792 F.2d 1269, 1272 (4th Cir. 1986); *Georgia Outdoor Advertising, Inc. v. City of Waynesville*, 833 F.2d 43, 45-46 (4th Cir. 1987); *Naegele Outdoor Adver., Inc. v. City of Durham*, 844 F.2d 172, 173-174 (4th Cir. 1988); *Nat'l Adver. Co. v. City and County of Denver*, 912 F.2d 405, 408-411 (10th Cir. 1990); *Nat'l Adver. Co. v. Town of Niagara*, 942 F.2d 145 (2nd Cir. 1991); *Outdoor Systems, Inc. v. City of Mesa*, 997 F.2d 604, 610-612 (9th Cir. 1993); *Outdoor Graphics, Inc. v. City of Burlington, Iowa*, 103 F.3d 690, 695 (8th Cir. 1996); *Ackerley Communications of Northwest v. Krochalis*, 108 F.3d 1095, 1099 (9th Cir. 1997); *Southlake Property Associates. Ltd. v. City of Morrow, Ga.*, 112 F.3d 1114, 1117-1119 (11th Cir.1997), cert. denied, 525 U.S. 820 (1998); *Bad Frog Brewery, Inc. v. New York State Liquor Authority*, 134 F.3d 87, 99 (2nd Cir. 1998); *Lavey v. City of Two Rivers*, 171 F.3d 1110, 1114-1115 (7th Cir. 1999); *Long Island Bd. of Realtors, Inc. v. Incorp. Village of Massapequa Park*, 277 F.3d 622, 627 (2nd Cir. 2002); *Clear Channel Outdoor, Inc. v. City of Los Angeles*, 340 F.3d 810, 814-816 (9th 2003); *Riel v. City of Bradford*, 485 F.3d 736, 753 (3rd Cir. 2007); *Naser Jewelers, Inc. v. City of Concord*, N.H., 513 F.3d 27, 36 (1st Cir. 2008); and *RTM Media, L.L.C. v. City of Houston*, 584 F.3d 220, 225 (5th Cir. 2009);

WHEREAS, the City of Wildwood recognizes that the distinction between the location of off-premises signs and on-premises signs is a time, place and manner regulation, and recognizes that in 1978 in *Suffolk Outdoor*, over the objection of Justices Blackmun and Powell, the U.S. Supreme Court denied review of the underlying decision for the want of a substantial federal question and that the denial on this basis was a decision on the merits, wherein the decisions was framed by the petitioner's jurisdictional statement which presented its first question as to whether a total ban on billboards within an entire municipality was constitutional, claiming that this disparate treatment of off-premises billboards from on-premises accessory signs was a violation of the First Amendment;

WHEREAS, the City of Wildwood acknowledges that the significance of *Suffolk Outdoor* is that it was a merits decision that recognized that it is constitutionally permissible to distinguish between on-site signs and off-site signs (Billboards) for regulatory purposes, and to ban the latter, and that this merits decision has never been overturned;

WHEREAS, the City of Wildwood finds and determines, consistent with the foregoing preambles, that the business of outdoor advertising should be a prohibited use in each of the City's zoning districts and in all of the City's zoning districts;

WHEREAS, the City of Wildwood finds and determines that it is appropriate to prohibit discontinued signs and/or sign structures because the same visually degrade the community character and are inconsistent with the general principles and purposes of Chapter 3.24 as set forth in Exhibit A to proposed Ordinance No. 20 16-XXX;

WHEREAS, the City of Wildwood finds and determines that under state law, which may be more permissive than local law, a nonconforming sign is deemed "discontinued" when it is not operated and maintained for a set period of time, and the following conditions under Chapter 14-10, Florida Administrative Code, shall be considered failure to operate and maintain the sign so as to render it a discontinued sign: (1) signs displaying only an "available for lease" or similar message; (2) signs displaying advertising for a product or service which is no longer available; or (3) signs which are blank or do not identify a particular product, service, or facility;

WHEREAS, the City of Wildwood finds and determines that it is appropriate to specify that in addition to land development regulations identified in Exhibit A to proposed Ordinance 2017-03, signs shall comply with all applicable building and electrical code requirements;

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

WHEREAS, the City of Wildwood finds and determines that by confirming in its 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)];

WHEREAS, the City of Wildwood finds and determines that the district court in *Granite State Outdoor Advertising, Inc. v. City of Clearwater Fla. (Granite Clearwater)*, 213 F.Supp.2d 1312 (M.D.Fla. 2002), aff'd in part and rev 'd in part on other grounds, 351 F.3d 1112 (11th Cir. 2003), cert. denied, 543 U.S. 813 (2004), cited the severability provisions of both Section 1-107 of the Code and the Development Code, Ord. No. 6348-99, § 4 (January 21 , 1999) of the City of Clearwater, as a basis for severing isolated portions of Article 3 of the Land Development Code [see *Granite-Clearwater* at 1326, n.22];

WHEREAS, the City of Wildwood finds and determines that its Land Development Code's severability clause was 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;

WHEREAS, the City of Wildwood finds and determines that the failure of some courts to uphold severability clauses has led to an increase in litigation seeking to strike down sign ordinances in their entirety so as to argue that the developers' applications to erect prohibited sign types, such as billboards , must be granted;

WHEREAS, the City of Wildwood finds and determines that there 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 exceptions, limitations, variances or other provisions are invalid or unconstitutional for any reason whatsoever;

WHEREAS, the City of Wildwood finds and determines that the prohibition on billboards, as contained herein, continue in effect regardless of the invalidity or unconstitutionality of any, or

all, other provisions of the City's sign regulations, other ordinance code provisions, or other laws, for any reason(s) whatsoever;

WHEREAS, the City of Wildwood finds and determines that there be an ample record that it intends that the height and size limitations on free-standing 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;

WHEREAS, the City of Wildwood finds and determines that there 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;

WHEREAS, the City of City of Wildwood finds and determines that it is aware that there have been billboard developers who have mounted legal challenges to a sign ordinance, either in its entirety or as to some lesser portion, and argued that there existed a vested right to erect a billboard through the mere submission of one or more prior permit applications, so that in the event that the billboard developer is successful in obtaining a judicial decision that the entirety or some lesser portion of a sign ordinance or its permitting provisions are invalid or unconstitutional, the billboard developer might then seek to compel the local governmental unit to issue a permit to allow the billboard developer to erect a permanent billboard structure within the local government's jurisdiction; and

WHEREAS, the City of Wildwood finds and determines that it desires to make clear that billboards are not a compatible land use within the City and that there can be no good faith reliance by any prospective billboard developer under Florida vested rights law in connection with the prospective erection or construction of new or additional billboards within the jurisdictional limits of the City;

WHEREAS, the City of Wildwood finds and determines that it is appropriate to allow for the display of allowable temporary signage without any prior restraint or permit requirement;

WHEREAS, the City of Wildwood finds and determines that it is appropriate to prohibit direct illumination of the surface of any temporary sign but such prohibition shall not be construed to constrain the general illumination of flags and flagpoles unless otherwise expressly prohibited;

WHEREAS, the City of Wildwood finds and determines that when an application for a permanent sign is deemed denied that the applicant shall have an avenue to immediately request in writing via certified mail to the City a written explanation as to why the application was not approved and the City shall promptly respond in writing and provide the reason(s) the application was not approved [see *Covenant Media of South Carolina, LLC v. City of North Charleston*, 493 F.3d 421,435-437 (4th Cir. 2007)];

WHEREAS, the City of Wildwood finds and determines that an applicant for a permanent sign who is aggrieved by the decision of the Development Services director upon a sign permit application, or aggrieved by any failure by the Development Services Director by any other city official to act upon a sign permit application in accordance with the Land Development Regulations, shall have the right to seek an appeal to the Board of Adjustment in

accordance with Section 1.11 of the City of Wildwood Land Development Regulations and thereafter seek judicial review by the Circuit Court of the Fifth Judicial Circuit in and for Sumter County, Florida, or by any other court of competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available;

WHEREAS, the City of Wildwood finds and determines that local governments are, at times, vulnerable to schemes whereby false assertions are made as to the delivery or submission of sign permit applications when in fact such applications were never submitted or left with city officials and claims of unconstitutional failures to timely act upon the applications are then made so as to obtain permits that could otherwise not be granted;

WHEREAS, the City of Wildwood finds and determines that the "deemed denial" of applications after the passage of a set amount of time after their purported submission dates protects local governments from schemes to obtain ineligible permits, and is a fair resolution when balanced by a right of the applicant to submit a request to the local government, via certified mail, for an explanation for lack of action on a purported application and for the reason(s) for the lack of approval so as to ensure that the local government has the opportunity to act on an application, if no application had initially been submitted or had been misplaced or lost;

WHEREAS, the City of Wildwood finds and determines that this opportunity for an applicant to make such request, via certified mail, provides an additional chance to secure an explanation of the reason(s) for no approval within a defined and short period of time and also aids in the protection of the applicant's rights, especially when combined with access by the applicant to a judicial remedy for no response to such a request; and

WHEREAS, the City of Wildwood finds and determines that it is appropriate that there shall be no criminal penalties for a violation of Chapter 3.24 of the Land Development Code, and that any penalty for a violation of Chapter 3.24 shall be limited to civil penalties only;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF WILDWOOD, FLORIDA:

SECTION 1. Chapter 1, Section H of the City of Wildwood Design District Standards shall be deleted in its entirety.

SECTION 2. City of Wildwood Code of Ordinances, Article II - Billboards and Off-Site Advertising Signs shall be deleted in its entirety.

SECTION 3. Chapter 3.24 of the City of Wildwood Land Development Code shall be adopted to replace the current Chapter 1, Section H of the City of Wildwood Design District Standards and shall provide as set forth in EXHIBIT A hereto.

SECTION 4. Chapter 3.19(C) of the City of Wildwood Land Development Regulations shall be amended to exclude the Villages of Wildwood DRI from compliance to the new Chapter 3.24 of the City of Wildwood Land Development Regulations.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

SECTION 6. Codification of this Ordinance in the Code of Ordinances of the City of Wildwood is authorized and directed.

SECTION 7. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

AUTHENTICATED THIS __ DAY OF _____, A.D., 2017.

Ed Wolf

Mayor

Cassandra Lippincott

City Clerk

**EXHIBIT A
TO
ORDINANCE 2017-036~~-XXX~~**

#4.b.a: EXHIBIT A [Revision 1] (O2017-3 : Sign Ordinance)

- 3.24 Sign Standards
- (A) Purpose, Intent and Scope.
 - (B) Definitions.
 - (C) Applicability.
 - (D) Prohibited Signs.
 - (E) General Provisions for Signs.
 - (1) Measurement of Sign Size (Sign Area).
 - (2) Measurement of Sign Height of a Freestanding Sign.
 - (3) Sign Illumination for Temporary and Permanent Signs.
 - (4) Viewpoint Neutrality.
 - (5) Substitution of Noncommercial Speech for Commercial Speech.
 - (6) Consent of Legal Owner of Property.
 - (7) Signs on Public Property.
 - (8) Signs That Obstruct Means of Egress.
 - (9) Signs That Interfere with Ventilation Openings.
 - (10) Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage.
 - (11) Signs Shall Not Be Attached to Certain Property and Shall Not Impair Roof Access.
 - (12) Signs Declared a Nuisance and Repair; Signs Presenting Immediate Peril to Public Health or Safety.
 - (13) Street Address Signs.
 - (14) Flagpoles and Flags; Flag Brackets, Flag Stanchions and Flags.
 - (15) Noncommercial Onsite Parking Space Signs.
 - (16) Signs at Service Station Islands.
 - (17) Monument Signs.
 - (18) Wall Signs.
 - (19) Wall Signs at Restaurants.
 - (20) Drive-Through Lane Signs.
 - (21) Umbrella Signs.
 - (22) Awning Signs
 - (23) Canopy Signs.
 - (24) Changeable Copy Signs.
 - (25) Projecting Signs.
 - (26) Window Signs.
 - (27) Door Signs.
 - (F) Temporary and Permanent Signs Allowed in Zoning Districts.
 - (1) Temporary Signs Allowed in Zoning Districts
 - (2) Permanent Signs Allowed in Zoning Districts
 - (G) Sign Permits
 - (H) Building Permits.
 - (I) Nonconforming Signs.
 - (J) Miscellaneous Provisions.
 - (K) Penalties.
 - (L) Severability.

(A) *Purpose, Intent and Scope.* It is the purpose of this section to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this section are also designed and intended to meet the statutory requirement that this municipality adopt land development regulations that regulate signage, a requirement set forth in Section 163.3202(t), Florida Statutes. The sign regulations in this section are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics and safety. The sign regulations are designed to serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety and warning signs of threats to bodily injury or death.

This section regulates signs, as defined in these Land Development Regulations, which are placed on private property or on property owned by public agencies including the city and over which the city has zoning authority. This section is not intended to extend its regulatory regime to objects that are not traditionally considered signs for purpose of government regulation.

The City of Wildwood is primarily a single family residential community. In order to preserve and promote the city as a desirable community in which to live, visit, and do business, a pleasing and visually attractive environment is of foremost importance. The regulation of signs within the city is a highly contributive means by which to achieve this desired end.

These sign regulations have been prepared with the intent of enhancing the visual environment of the city and promoting its continued well-being, and are intended to:

- (1) Encourage the effective use of signs as a means of communication in the city;
- (2) Maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
- (3) Improve pedestrian and traffic safety;
- (4) Minimize the possible adverse effect of signs on nearby public and private property;
- (5) Foster the integration of signage with architectural and landscape designs;
- (6) 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 the attention of pedestrian and vehicular traffic;
- (7) 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 uses or signs;
- (8) Encourage and allow signs that are appropriate to the zoning district in which they are located;
- (9) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- (10) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- (11) Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
- (12) 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;
- (13) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the city;

- (14) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways , and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
 - (15) Protect property values by precluding, to the maximum extent possible, sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height , illumination, brightness, or movement;
 - (16) 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;
 - (17) 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 economic advantage for its resort community, as well as for its major subdivisions, shopping centers and industrial parks;
 - (18) Enable the fair and consistent enforcement of these sign regulations;
 - (19) Promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and advance the city's goals of quality development;
 - (20) Provide standards regarding the non-communicative aspects of signs, which are consistent with city, county, state and federal law;
 - (21) Provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design; and
 - (22) Assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.
- (B) *Definitions.* In addition to the definitions set forth herein, the Definitions in Chapter 2 of these Land Development Regulations shall apply to this section to the extent that they do not conflict with the definitions set forth herein. Any term or phrase not defined therein shall have its commonly understood meaning. The following definitions shall apply to this section:
- (1) *Abandoned sign* means a sign that is not operated or maintained for a period of ninety (90) calendar days or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (1) the sign displays advertising for a product or service which is no longer available, (2) the sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. An abandoned sign includes a sign on which is advertised a business that no longer has a certificate of occupancy or that is no longer doing business on the parcel where the sign is located. An abandoned sign includes a sign for a purpose for which the purpose has lapsed.
 - (2) *Animated sign* means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by movement of the atmosphere, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays, such as an LED (light emitting diode) screen or any other type of video display.
 - (3) *Area of sign* means the square foot area within a continuous perimeter enclosing the extreme limits of the sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of the actual surface area. In

the case of painted wall signs composed of letters, shapes, or figures, or skeleton letters mounted without a border, the sign area shall be the area of the smallest rectangle or other geometric figure that would enclose all of the letters, shapes and figures. The calculation for a double-faced sign shall be the area of one face only provided the sign is parallel and no greater than 24" apart or angled more than 30 degrees. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than twenty-four (24) inches apart.

- (4) *Attached sign* means 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.
- (5) *Awning* means any secondary covering attached to the exterior wall of a building. It is typically composed of canvas woven of acrylic, cotton or polyester yarn, or vinyl laminated to polyester fabric that is stretched tightly over a light structure of aluminum, iron or steel, or wood.
- (6) *Awning sign* or *canopy sign* means any sign that is a part of or printed, stamped, stitched or otherwise applied onto a protective awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- (7) *Bandit sign* means the same as a snipe sign. See *Snipe sign*.
- (8) *Banner* shall mean a temporary sign made of wind and weather resistant cloth or other lightweight material, intended to hang either with or without frames or in some other manner as not to be wind activated, and possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. Flags shall not be considered banners for the purpose of this definition.
- (9) *Banner, vertical streetlight* means a temporary government sign made of wind and weather resistant cloth or other lightweight material, displaying government speech and intended to be hung in the public right-of-way from rods and brackets attached to a government-owned streetlight pole.
- (10) *Beacon sign* means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting or diverting attention, except, however, this term does not include any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration or other similar governmental agency. This definition does not apply to any similar type of lighting device contained entirely within a structure and which does not project light to the exterior of the structure.
- (11) *Billboard* means an advertising sign or other commercial sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed
- (12) *Cabinet sign* means a sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.
- (13) *Canopy* means an overhead roof or structure that is able to provide shade or shelter.
- (14) *Changeable copy sign* means a sign with the capability of content change by means of manual or remote input, including the following types:
 - (1) Manually activated. Changeable sign whose message copy can be changed manually on a display surface.

- (2) Electronically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or may be from an external light source designed to reflect off of the changeable component display. See also *Electronic message sign; LED display sign; and Animated sign*.
- (15) *Commercial message* means any sign wording, copy, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, commodity, service, sale, sales event, activity, entertainment or other commercial activity.
- (16) *Copy* means the linguistic or graphic content of a sign.
- (17) *Discontinued sign* means a sign that is not operated or maintained for a period of ninety (90) calendar days or longer, and the intent of the owner of the sign shall not be a consideration in whether or not the sign is a discontinued sign. The following conditions shall be conclusively considered as the failure to operate or maintain a sign: (1) a sign displays advertising for a product or service which is no longer available, or (2) a sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. A discontinued sign includes a sign advertising a business that no longer has a certificate of occupancy or that no longer does business at the location at which the sign is located.
- (18) *Double-faced sign* means a sign which has two display surfaces backed against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction, every point on which face being either in contact with the other face or in contact with the same background.
- (19) *Drive-through lane sign* shall mean a sign oriented to vehicles utilizing a drive-through lane at an establishment
- (20) *Electronic message sign* means an electronically activated changeable copy sign whose variable message capability can be electronically programmed.
- (21) *Fixed aerial advertising sign* means any aerial advertising medium that is tethered to, or controlled from the ground.
- (22) *Flag* means a sign consisting of a piece of cloth, fabric or other non-rigid material mounted on a flag pole.
- (23) *Flag pole* means a pole on which to raise a flag.
- (24) *Flashing sign* means any illuminated sign, on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign.
- (25) *Freestanding commercial canopy* means an overhead canopy not supported by another structure or building which has been constructed for the purpose of permitting a commercial business' customers to use or obtain the services of the business while under the shelter of the canopy.
- (26) *Frontage, building* means the maximum width of a building measured in a straight line parallel with the abutting street, public parking lot, or pedestrian walkway.

- (27) *Government sign* shall mean any temporary or permanent sign erected by or on the order of a public official or quasi-public entity at the federal, state or local government level in the performance of any duty including, but not limited to, noncommercial signs identifying a government building or service, traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of events, public notice of government actions, proposed changes of land use, any proposed rezoning, or any other government speech.
- (28) *Illuminated sign* means any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light (including but not limited to plasma or laser), whether or not the source of light is directly affixed as part of the sign, and shall also include signs with reflectors that depend upon sunlight or automobile headlights for an image.
- (29) *Indirectly illuminated sign* means any sign, the facing of which reflects light from a source intentionally directed upon it.
- (30) *Internally illuminated sign* means any sign which has the source of light not visible to the eye and entirely enclosed within the sign.
- (31) *LED display sign* means any sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro luminescence (OEL), or any similar technology.
- (32) *Marquee* means any permanent wall or roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. A marquee is not an awning or canopy.
- (33) *Marquee sign* means any sign painted or printed onto or otherwise attached to a marquee.
- (34) *Monument sign* means a type of sign that is not supported by a pole structure and is placed upon the ground independent of support from the face of a building and that is constructed of a solid material such as wood, masonry or high-density urethane.
- (35) *Multi-prism or tri-vision sign* means a sign made with a series of triangular sections that rotate and stop, or index, to show multiple images or messages in the same area at different times.
- (36) *Non-commercial message* means any message which is not a commercial message.
- (37) *Nonconforming sign* means any sign that was validly installed under laws or ordinances in effect prior to the effective date of the LDR or subsequent amendments, but which is in conflict with the current provisions of the LDR.
- (38) *Offsite commercial advertising* means a nonaccessory billboard or sign which directs attention to a business, commodity, service, entertainment, or attraction that is sold, offered or existing elsewhere than upon the same lot where such sign is displayed.
- (39) *Offsite commercial sign* means a nonaccessory billboard or sign that displays offsite commercial advertising.

- (40) *On-site sign* means any commercial sign which directs attention to a commercial or industrial occupancy, establishment, commodity, good, product, service or other commercial or industrial activity conducted, sold or offered upon the site where the sign is maintained. The on-site/off-site distinction applies only to commercial message signs. For purposes of this section, all signs with noncommercial speech messages shall be deemed to be "on-site," regardless of location.
- (41) *Permanent sign* means any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall or building. Unless otherwise provided for herein, a sign other than a temporary sign shall be deemed a permanent sign unless otherwise indicated elsewhere in these Land Development Regulations.
- (42) *Pennant* means any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, which will flutter or swing in the wind.
- (43) *Pole sign* means a ground sign that is supported by one or more poles and otherwise separated from the ground by air. A pole sign is not a monument sign, another type of ground sign.
- (44) *Portable sign* means any sign, banner, or poster that is not permanently attached to the ground or to a structure that is attached to the ground or a sign capable of being transported, including, but not limited to, signs designed to be transported by means of wheels or carried by a person, and signs converted to an A-Frame sign or a T-frame sign. For purposes of this division, a natural or man-made air, inflatable sign shall be considered to be a portable sign.
- (45) *Projecting sign* means any sign affixed perpendicular, or at any angle to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall.
- (46) *Roof sign* means any sign which is mounted on the roof of a building or which extends above the top edge of the wall of a flat roofed building, the eave line of a building with a hip, gambrel, or gable roof.
- (47) *Rotating sign (or revolving sign)* means an animated sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.
- (48) *Sign* means any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area (collectively referred to as a "public area"). For the purposes of these regulations, the term "sign" shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed 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 to be a single sign. The term "sign" for regulatory purposes shall not include the following objects: Grave yard and cemetery markers

visible from a public area, vending machines or express mail drop-off boxes visible from a public area, decorations that do not constitute advertising visible from a public area, artwork that does not constitute advertising or a building's architectural features visible from a public area, or a manufacturer's or seller's markings on machinery or equipment visible from a public area. The foregoing objects are not signs for purpose of regulation herein.

- (49) *Sign height* means the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The base or structure erected to support or adorn a monument, pole or other freestanding sign is measured as part of the sign height.
- (50) *Sign size* means area of sign.
- (51) *Snipe sign* means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to or placed on public property such as but not limited to a public utility pole, a public street sign, a public utility box, a public fire hydrant, a public right-of way, public street furniture, or other public property; except for A-frame and T-frame signs that are temporarily placed on public property under such limitations and constraints as may be set forth in the Land Development Regulations
- (52) *Statutory sign* means a sign the city is required to erect by any statute of the State of Florida or the United States for safety, directional, or traffic control purposes.
- (53) *Temporary sign* means a sign intended for a use not permanent in nature. Unless otherwise provided for in these Regulations, a sign with an intended use for a period of time related to an event shall be deemed a temporary sign. A flag shall be deemed a temporary sign.
- (54) *Umbrella sign* means a sign printed on umbrellas used for legal outdoor seating area at a business establishment, which is made of a lightweight fabric or similar material.
- (55) *Unsafe sign* means a sign posing an immediate peril or reasonably foreseeable threat of injury or damage to persons or property.
- (56) *Vehicle sign* means a sign which covers more than twenty (20) square feet of the vehicle, which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized or drawn vehicle, and is parked and visible from the public right-of-way; unless said vehicle is used for transporting people or materials in the normal day to day operation of the business.
- (57) *Wall wrap sign* means a sign composed of fabric, plastic, vinyl, mylar or a similar material that drapes or hangs over the side of a building, wall or window.
- (58) *Wall sign* means any sign attached parallel to, but within twelve (12) inches of a wall; painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
- (59) *Warning sign* or safety sign means a sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

- (60) *Wind sign* means a sign which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include, pennants, ribbons, spinners, streamers or captive balloons, however, the term wind sign shall not include flags.
- (61) *Window or door sign*, permanent means any sign visible from the exterior of a building or structure which is painted, attached, glued, or otherwise affixed to a window or door.
- (C) *Applicability*. This section does not pertain and is not applicable to:
- (1) A sign, other than a window sign, located entirely inside the premises of a building or enclosed space.
 - (2) A sign on a car, other than a prohibited vehicle sign or signs.
 - (3) A statutory sign.
 - (4) A traffic control device sign.
 - (5) Any sign not visible from a public street, sidewalk or right-of-way or from a navigable waterway or body of water; except that the foregoing does not exempt a sign for a commercial use that is visible from an abutting residential use.
- (D) *Prohibited Signs*. The signs and sign types listed below are prohibited within the city limits and shall not be erected, operated or placed on any property. Any lawfully existing permanent sign structure or sign type that is among the prohibited signs and sign types listed below shall be deemed a nonconforming sign subject to the provisions of Section 3.24(l), Nonconforming Signs.
- (1) Abandoned or discontinued signs.
 - (2) Attached signs that are taller than the wall of the building to which the sign is attached.
 - (3) Attached signs that exceed two hundred fifty (250) square feet in sign area.
 - (4) Billboards and off-site commercial signs.
 - (5) Bandit signs and snipe signs.
 - (6) Bus bench advertising signs and bus shelter advertising signs.
 - (7) Flashing signs.
 - (8) Floodlights and beacon lights, except when required by the Federal Aviation Administration.
 - (9) Freestanding or ground signs which are higher than (16) feet including any ground mounted monument signs, which are higher than sixteen (16) feet.
 - (10) Freestanding or ground signs that exceed two hundred (200) square feet in sign area.
 - (11) Holographic display signs.
 - (12) Moving, twirling, or swinging signs, including multi-prism and tri-vision signs.
 - (13) Pavement markings, except for official traffic control markings and building address markings required by law.
 - (14) Flutter signs, feather signs, streamers, balloons, wind signs, wind activated banners, natural or man-made air inflatables, pennants and other fixed aerial signage used for commercial advertising.
 - (15) Permanent pole signs, unless allowed within certain zoning districts pursuant to this section.
 - (16) Portable signs, except for A-Frame and T-Frame signs as allowed herein.
 - (17) Revolving signs and rotating signs.
 - (18) Roof signs.
 - (19) Signs within a sight visibility triangle, obstructing a clear view of pedestrian or vehicular traffic, as defined in Design District Standards, Chapter 1, Section (G)(6).
 - (20) Signs attached to a seawall, dock, buoy, tie pole or pier; other than warning signs and safety signs.

- (21) Signs in, on, or over the public right-of-way; other than fixed projecting signs in the Central Mixed Use (CMU), Downtown Mixed Use (CDT), and Community Commercial Mixed Use (CC) districts, traffic control device signs, bus stop informational signs, warning signs; safety signs, vertical streetlight banners, A-Frame signs, T-Frame signs, and awning or attached canopy signs over a public right-of-way as allowed in this division.
- (22) Signs in or upon any river, bay, lake, or other body of water within the limits of the city; except government regulatory signs, warning signs, and safety signs.
- (23) Signs located on real property without the permission of the property owner.
- (24) Signs nailed, fastened, affixed to, or painted on any tree or part thereof (living or dead), or other vegetation.
- (25) Signs, other than traffic control device signs, that use the word "stop" or "danger," or present or imply the need or requirement of stopping or the existence of danger, or which are a copy or imitation of traffic control device signs and which are adjacent to the right-of-way of any road, street, or highway.
- (26) Signs that are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled public rights-of-way thereby creating a potential traffic or pedestrian hazard or a nuisance to inhabitants of an adjacent neighborhood. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.
- (27) Signs that contain any food or other substance that attracts large numbers of birds or other animals and causes them to congregate on or near the sign or create a health or sanitary nuisance.
- (28) Signs that emit sound, vapor, smoke, odor, or gaseous matter.
- (29) Signs that obstruct, conceal, hide or otherwise obscure from view any traffic control device sign or official traffic signal.
- (30) Wall wrap signs.
- (31) Vehicle sign or signs with a total sign area in excess of twenty (20) square feet on any vehicle, and
 - (a) The vehicle is not "regularly used in the conduct of the business," and
 - (b) The vehicle is visible from a street right-of-way within fifty (50) feet of the vehicle, and
 - (c) The vehicle is parked for more than two (2) consecutive hours in any twenty-four (24) hour period within fifty (50) feet of any street right-of-way, and
 - (d) A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily for advertising, and
 - (e) This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal hours of business; and which is currently licensed, insured and operable; provided, however, that no such vehicle shall be parked on public or private property with signs attached or placed on such vehicle primarily for the purpose of advertising a business establishment or firm or calling attention to the location of a business establishment or firm.

(E) *General Provisions for Signs.* The following general sign provisions shall apply to this division and to all lawful conforming and nonconforming signs, unless otherwise indicated.

- (1) Measurement of Sign Size (Sign Area). The area of a sign is measured or calculated as follows:

- (a) Background panel signs. Sign copy that is mounted, affixed, or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangles, squares, triangles, parallelograms, circles or ellipses that will enclose both the sign copy and the background.
 - (b) Background surface signs. The area of a sign consisting of copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building surface or another surface, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest rectangles, squares, triangles, parallelograms, circles or ellipses that will enclose each word, graphic or discrete visual element in the total sign.
 - (c) Illuminated background signs. The area of a sign with copy mounted, affixed, or painted on an illuminated surface or illuminated element or a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy.
 - (d) Double-faced signs. If a sign has two display faces, and the interior angle between the two faces is thirty (30) degrees or less or parallel and less than 24" apart, then the sign area is considered one sign face only, for purposes of calculation; however, if the two faces are of different sizes or shapes, then the larger is used. If the sign has two display faces, and the interior angle between the two faces is greater than thirty (30) degrees or parallel and more than 24" apart, then the sign area is the sum of the areas of the two faces.
 - (e) Multi-faced signs. If a sign has three or more faces, then the sign area is equal to fifty (50) percent of the aggregate area of all sign faces. The area of each face shall be determined according to subsection (a) or (b) of this section, as applicable.
 - (f) Sculptural and nonplanar signs. The area of a spherical, free form, sculptural or other nonplanar sign is fifty (50) percent of the sum of the areas, using only the four vertical sides of the smallest four-sided polyhedron which will completely enclose the entire sign structure.
- (2) Measurement of Sign Height. The height of a freestanding sign shall be measured as the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The maximum height allowed for a freestanding sign, however, shall not include any architectural embellishment provided the embellishment does not exceed thirty-six (36) inches at the base of the sign and eighteen (18) inches at the top of the sign.

For the purposes of this section, average finished grade shall be considered the lower of (a) the lowest elevation where the base of the sign meets ground level; or (b) the top of the curb of the nearest public street adjoining the property upon which the sign is erected, or (c) the grade of the land at the principal entrance to the lot on which the sign is located.

- (3) Sign Illumination for Temporary Signs and Permanent Signs.
 - (a) Sign illumination is prohibited for temporary signs.
 - (b) Permanent sign on a parcel in residential use. A permanent sign located on a

- parcel in residential use in any zone may not be separately or specially illuminated, unless otherwise specified in this division.
- (c) Permanent sign on a parcel in nonresidential use. A permanent sign on a parcel in nonresidential use may be illuminated by internal illumination, or lit by external indirect illumination, unless otherwise specified in this division. However, a permanent sign may not be illuminated in a manner that leaves the illumination device exposed to public view except with the use of neon tubing as provided in subsection (h) of this section.
- (d) Internal illumination. Outdoor internally illuminated signs, including but not limited to awning/canopy signs, cabinet signs (whether freestanding or building mounted), or changeable copy panels, shall be constructed with an opaque background and translucent letters or other graphical elements, or with a colored background and lighter letters or graphics.
- (e) Indirect illumination. Indirectly lit signs are permitted to be illuminated only with steady, stationary, down directed and shielded light sources directed solely onto the sign. Light bulbs or tubes (excluding neon), used for illuminating a sign, shall not be visible from the adjacent public rights-of-way or residential properties.
- (f) Illumination of signs adjacent to single-family residential uses. No sign located within 50 feet of a property with a single-family use or zoned for a single-family use shall be internally illuminated.
- (g) Any portion of the sign face or sign structure that is illuminated shall count against the total square footage of allowable sign area.
- (h) Neon.
- (i) Exposed neon. Exposed neon tube illumination is not permitted in residential zones, or for residential uses in any zone. It is allowed in all other places, unless otherwise specified.
- (ii). Neon borders. Neon illumination used as a sign copy projection, border, frame or other embellishment of sign copy shall not be included in the total size or area of the sign, provided the measured area of any such projection or detailed embellishment does not exceed 12 square feet in area, or 25 percent of the sign display face area, whichever is greater. If neon embellishments exceed these limits, then the embellishments shall be included and counted as part of the permitted sign area for the use.
- (i) Changeable copy signs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot-candle meter at a pre-set distance. The pre-set distances to measure the foot-candles is calculated using the following formula:
- $$\text{Measurement Distance} = \sqrt{\text{Area of Sign} \times 100}$$
- The measurement distance can be rounded to the nearest whole number.
- (j) Changeable copy signs shall be sited in a manner that the intensity or brilliance does not interfere with the effectiveness of an official traffic sign, device or signal.
- (4) Viewpoint Neutrality. Notwithstanding anything in this section to the contrary, no sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.
- (5) Substitution of Noncommercial Speech for Commercial Speech. Notwithstanding

anything contained in this section to the contrary, any sign erected pursuant to the provisions of this division may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another non-commercial message; provided, however, that there is no change in the size, height, setback or spacing criteria contained in this section.

- (6) Consent of Legal Owner of Property. No sign may be displayed without the signed and notarized consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and any party and person holding a present legal right to possession, control, or use of the property.
- (7) Signs on Public Property. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign. The foregoing shall not apply to temporary A-Frame signs and T-Frame signs as allowed pursuant to the conditions and limitations set forth herein.
- (8) Signs That Obstruct Means of Egress. No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.
- (9) Signs That Interfere with Ventilation Openings. No sign shall be erected that interferes with any opening required for ventilation.
- (10) Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage.
- (11) Signs Shall Not Be Attached to Certain Property and Shall Not Impair Roof Access. Signs shall not be attached to standpipes, gutters, drains or fire escapes. Signs shall not be installed so as to impair access to a roof.
- (12) Signs Declared a Nuisance and Repair; Signs Presenting Immediate Peril to Public Health or Safety. The building official, code enforcement officer, or special magistrate may order the repair of signs declared a nuisance, and with or without notice may cause any structurally unsafe or structurally insecure sign to be immediately removed if in his or her professional judgment and professional opinion the sign presents an immediate peril to the public health or safety.
- (13) Street Address Signs. For each parcel and for each tenant space, one sign for the official street address shall be displayed for public safety and to serve as visible street address for delivery of mail and official governmental notification. This type of sign does not require a sign permit and does not count toward a property's sign area calculation.
 - (a) For a parcel in residential use, the street address sign shall not exceed two (2) square feet in sign area.

- (b) For a parcel in non-residential use, the street address sign shall not exceed four (4) square feet in sign area.
 - (c) The street address sign in a residential use may be externally illuminated and in a non-residential use may be externally or internally illuminated.
- (14) Flagpoles and Flags; Flag Brackets, Flag Stanchions and Flags.
- (a) Flagpoles and Flags. For each parcel and development site in residential use with one principal structure, one flagpole may be installed and two (2) flags may be displayed per flagpole. For each parcel and development site that is over one-half(1/2) acre in size and is in nonresidential use, up to three flagpoles may be installed and up to two (2) flags may be displayed per flagpole. A flag shall not exceed twenty-four (24) square feet in size.
 - (b) Flag Brackets, Flag Stanchions, and Flags. For each principal structure on a parcel, up to two flag brackets or stanchions may be attached or placed for the display of flags. A flag displayed from a flag bracket or a flag stanchion shall not exceed twenty-four (24) square feet in size.
 - (c) For the purpose of determining the size of a flag, only one side of the flag shall be counted as the display surface.
 - (d) Flags on parcels in non-residential use may be externally illuminated.
- (15) Noncommercial Onsite Parking Space Signs. Parking space signs identifying parking spaces necessary for traffic safety, regulation, control and circulation. A parking space sign shall carry no commercial message and shall not exceed two (2) square feet of sign face per sign. Parking space signs shall be allowed on each parcel having multiple parking spaces onsite. One such sign shall be allowed for each parking space. The maximum height for a freestanding or an attached parking space sign shall be six (6) feet.
- (16) Signs for Freestanding Commercial Canopies. For freestanding commercial canopies, one (1) double-sided sign or two (2) single-sided signs are allowed per commercial canopy. Such signs shall not exceed four (4) square feet per side and shall not be mounted higher than eight (8) feet. Such signs shall not be mounted on any bollard or barrier designed to protect equipment from damage. Such signs may not be illuminated. For freestanding commercial canopies, one (1) canopy sign may be installed for each canopy side facing a public street or driveway. A canopy sign shall not exceed ten (10) square feet and shall not be mounted higher than the top of the canopy itself. A canopy sign may be internally illuminated. The square footage of all canopy signs on a canopy shall be counted against the maximum square footage of allowed wall signage for any building wall sign on the same parcel.
- (17) Monument Signs.
- (a) Monument signs for single occupant or tenant buildings. One monument sign is allowed for each single occupant or tenant building. The maximum size of a monument sign shall be the lesser of:
 - (1) two hundred (200) square feet; or
 - (2) one and one half (1 ½) square feet of sign area for each one (1) linear foot of road frontage along the street toward which the monument sign is oriented. For purposes of this subsection, the frontage of only one (1) street shall be used in making the calculation described above.

The maximum height of the monument sign shall be ten (10) feet. Up to fifty (50) percent of the sign surface of the monument sign may consist of a

changeable copy sign; provided, however, that the sign copy cannot be changed more frequently than once every eight (8) seconds. The monument sign may be illuminated.

- (b) Monument signs for multiple occupant or tenant developments. One monument sign is allowed for each multiple occupant or tenant development inclusive of a shopping center. The maximum size of the monument sign shall be the lesser of:
- (1) two hundred (200) square feet; or
 - (2) one (1) square foot of sign area for each one (1) linear foot of road frontage along the street toward which the monument sign is oriented for the first one hundred (100) feet of frontage plus one-fourth (1/4) square foot of sign area for each additional linear foot over 100 feet of the aforesaid road frontage.

The maximum height of the monument sign shall be sixteen (16) feet. Up to fifty (50) percent of the sign surface of the monument sign may consist of a changeable copy sign; provided, however, that the sign copy cannot be changed more frequently than once in a twenty-four (24) hour time period. The monument sign may be illuminated.

- (c) Monument signs at entrances to residential developments. One monument sign is allowed at each point of ingress or egress from or to a residential development. The maximum size of a monument sign shall not exceed twenty-four (24) square feet in size and shall not exceed six (6) feet in height. The twenty-four (24) square feet of sign area may be split equally between two monument signs located on each side of the entry or exit street. The monument sign shall be located on a landscaped island or lawn area protected from vehicular contact, and shall not encroach into any corner sight visibility triangle required pursuant to Design District Standards, Chapter 1, Section (G)(6). The sign may be internally or indirectly illuminated.
- (d) Monument sign for a parcel in educational, religious or public use. In addition to any monument sign allowed above, one (1) additional permanent monument sign may be allowed for a parcel in educational, religious or public use. The sign shall not exceed thirty-two (32) square feet in sign area and shall not exceed eight (8) feet in height. The sign may be illuminated. However, this additional monument sign shall not be allowed if there is an additional permanent wall sign on the same parcel.
- (18) Wall Signs. One (1) wall sign is allowed for each face of a building or part of a building that is occupied by a permitted or conditional non-residential use. The size (area) of the wall sign for an occupant or a tenant shall be the lesser of the following:
- (a) two hundred fifty (250) square feet; or
 - (b) one and one half (1 ½) square feet per one (1) linear foot of building frontage for a single occupant building; or
 - (c) one and one half (1 ½) square feet per one (1) linear foot of building frontage for the occupant or tenant space in a multi-tenant development, each as measured on the street toward which the wall sign is oriented.

A wall sign shall not extend higher than the building wall to which it is attached. Up to fifty percent (50%) of the wall sign surface may consist of a changeable copy sign; provided, however, that the sign copy of the changeable copy sign shall not change

more than once in any twenty-four (24) hour time period. The wall sign shall not project more than twelve (12) inches from the wall. If the wall sign projects more than two and one-half (2 and 1/2) inches from the wall, the wall sign shall be mounted so that the bottom of the wall sign is at least nine (9) feet above ground at finished grade below the wall sign. The wall sign may be illuminated.

In addition to any wall sign allowed above, one (1) additional permanent wall sign may be allowed for a parcel in educational, religious or public use, where a permissible secondary use is occurring on the same parcel. The wall sign shall not exceed thirty two (32) square feet in sign area and shall not exceed eight (8) feet in height. The wall sign may be illuminated. However, this additional permanent wall sign shall not be allowed if there is an additional monument sign on the same parcel.

- (19) Wall Signs for Walk-up Window or Entrance. In addition to any other wall sign allowance, a business shall be allowed one (1) wall sign installed within thirty (30) feet of its main entrance if the business uses a separate window or entrance designed to allow customers to be served without entering the building. The wall sign shall be located near the walk-up window or entrance and shall not exceed six (6) square feet in area and shall not exceed six (6) feet in height. The wall sign may be illuminated.
- (20) Drive-Through Lane Signs. For a drive-through establishment, an additional display sign is allowed for each drive-through lane provided that such sign does not exceed forty (40) square feet in size and does not exceed eight (8) feet in height. The additional display sign may be internally illuminated and may emit sound only as part of a business transaction. Any sounds emitted must comply with Chapter 13, Article IV of the Code of Ordinances of the City of Wildwood.
- (21) Umbrella Signs. For each table in an outside seating area for a licensed business establishment, one (1) umbrella sign per umbrella is allowed. An umbrella sign shall not exceed three (3) square feet in area and shall not exceed eight (8) feet in height. An umbrella having an umbrella sign shall be mounted on or in the table or in an umbrella holder adjacent to the table. A sign permit is not required for an umbrella sign.
- (22) Awning Signs. For each awning, one sign is allowed. The awning sign shall not exceed an area greater than twenty (20) percent of the surface area of the awning or canopy. The total square footage of the awning sign shall count toward the maximum square footage of the wall sign area allowed for a parcel or a tenant. An awning sign may be internally illuminated.
- (23) Canopy Signs. For each canopy, one sign is allowed. Except for the sign area limitation for canopy signs at service station islands, a canopy sign shall not exceed an area greater than twenty (20) percent of the surface area of the canopy. The total square footage of the canopy sign shall count toward the maximum square footage of the wall sign area allowed for a parcel or a tenant. A canopy sign may be internally illuminated.
- (24) Changeable Copy Signs. As part of a permitted monument sign or wall sign, a changeable copy sign, manual or electronic (LED), may be installed. The changeable copy sign shall not exceed fifty (50) percent of allowable area of the monument sign or wall sign. The changeable copy sign shall not exceed ten (10) feet in height when installed as a part of a monument sign for a single occupant or tenant building. The changeable copy sign shall not exceed sixteen (16) feet in height if part of the monument sign is for a multiple occupant or tenant building. A changeable copy sign that is a part of wall sign shall not be installed higher than the wall of the building. The sign copy on a changeable copy sign shall not be changed more than once every eight

- (8) seconds. Changeable copy signs may be internally illuminated.
- (25) Projecting Signs. For buildings in the Central Mixed Use (CMU), Downtown Mixed Use (CDT), and Community Commercial Mixed Use (CC) districts, one (1) projecting sign is allowed for each ground floor occupant or tenant space. The projecting sign shall be attached to the building frontage on the street or driveway on which the sign is located. The maximum size of the projecting sign shall be the lesser of sixteen (16) square feet OR one (1) square foot per linear foot of occupant or tenant building frontage on the street or private driveway on which it is located; however, the square footage of a projecting sign shall count toward the maximum square footage of wall signage allowed for the building. The maximum thickness of the sign face of a projecting sign shall not exceed twenty-four (24) inches when such sign is of solid construction. A projecting sign shall have a minimum vertical clearance of nine (9) feet, and shall not be mounted higher than the wall of the building. A projecting sign that extends over a sidewalk in the public right-of-way shall be limited to a projection distance not to exceed two-thirds (2/3) of the width of the sidewalk. A projecting sign may be illuminated.
- (26) Window Signs. Window signs are permitted provided that the window sign may not cover more than twenty-five percent (25%) of the area of any window. Window signs may be internally illuminated. A sign permit is not required for a window sign.
- (27) Door Signs. Door signs are permitted provided that the door sign may not cover more than twenty-five percent (25%) of the area of any door. Door signs shall not be illuminated. A sign permit is not required for a door sign.
- (F) *Temporary and Permanent Signs Allowed in Zoning Districts.*
- (1) The signage rights and responsibilities for temporary signs and permanent signs shall be determined by the provisions of Section 3.24(E), General Provisions for Signs, and by the sign provisions for the zoning districts as set forth below in Sections 3.24(F)(1), Temporary Signs Allowed in Zoning Districts, and 3.24(F)(2), Permanent Signs Allowed in Zoning Districts. However, in connection with residential uses in nonresidential zoning districts and nonresidential uses in residential zoning districts, the signage rights and responsibilities applicable to any particular use shall be determined as follows:
- (a) In a residential zoning district where a nonresidential use is allowed, whether as a matter of right or by way of a conditional use permit or other process with stated criteria governing the allowance of the nonresidential use, the nonresidential use shall be treated as if it was located in a zoning district where the nonresidential use would be allowed, either as a matter of right or subject to a conditional use permit or other process with stated criteria governing the allowance of the nonresidential use; and
- (b) In a nonresidential zoning district where a residential use is allowed, the residential use shall be treated as if it was located in the residential zoning district where that type of use would be allowed as a matter of right.
- (2) Temporary Signs Allowed in Zoning Districts. Within its zoning districts and subject to any applicable provisions with Section 3.24(E), General Provisions for Signs, the City shall allow temporary signs that meet the criteria and limitations set forth in Table 3-7 and Table 3-8, shown below. A government sign shall not require a sign permit and shall be allowed in all zoning districts on public property and public rights-of-way unless otherwise provided herein. However, the foregoing shall have no impact on any

separate requirements established by state statute for building permits, electrical permits or other statutory permits. A temporary sign displayed on a window surface must be displayed on the inside of the window surface, shall cover no more than twenty-five (25%) of the window surface, and shall not be illuminated.

- (3) Permanent Signs Allowed in Zoning Districts. Within its zoning districts and subject to any applicable provisions within Section 3.24(E), General Provisions for Signs, the City shall allow permanent signs that meet the criteria and limitations set forth in the subsections below. Unless otherwise provided herein, a permanent sign shall require a sign permit; however, a government sign on public property or public rights-of-way shall not require a sign permit and shall be allowed in all zoning districts on public property or public rights-of-way unless otherwise provided herein. The foregoing shall have no impact on separate requirements established by state statute for building code permits or other code permits. Within all Zoning Districts and subject to the provisions with Section 3.24(E), General Provisions for Signs, the City shall allow permanent signs that meet the criteria and limitations set forth in Table 3-9 below.

TABLE 3-7 Criteria and Limitations for Temporary A-Frame and T-Frame Signs – CMU, CDT, and CC Districts	
Maximum Number of Signs	1 per business
Maximum Width	3 feet
Maximum Height	3.5 feet
Minimum Setback/Distance from Curb	1 foot
Maximum Width of Public Sidewalk that the Sign May Obstruct	No more than one-third of width of public sidewalk
Maximum Distance of Sign from Main Entrance to Business	10 feet
Duration Allowed	Only during hours while business is open
Allowed on Public Property and Right-of-Way	Yes
Allowed in a sight visibility triangle described in Design District Standards, Chapter 1, Section (G)(6).	No
Illumination Allowed	No

TABLE 3-8 Criteria and Limitations for All Other Temporary Signs in All Zoning Districts						
ZONING DISTRICT CATEGORY*	Agricultural	Residential	Mixed Use	Commercial	Industrial	Institutional
Maximum Number of Temporary Signs Per Parcel ¹	8	2	4	4	4	4
Maximum Sign Size (Area) for a Temporary Sign ²	4 sf.	4 sf.	16 sf.	16 sf.	16 sf.	16 sf.
Maximum Sign Height for a Temporary Freestanding Sign ³	6 ft.	6ft.	6ft.	6 ft.	6 ft.	6 ft.
Maximum Sign Height for a Temporary Wall Sign (inclusive of a Window Sign)	15 ft.	15ft.	15ft.	15 ft.	15 ft.	15 ft.
Minimum Sign Setback required to be maintained by a Temporary Ground Sign from any property line ⁴	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.
Minimum Sign Setback required to be maintained by a Temporary	3 ft.	3ft.	3 ft.	3 ft.	3 ft.	3 ft.

#4.b.a: EXHIBIT A [Revision 1] (O2017-3 : Sign Ordinance)

Ground Sign from the edge of any paved street or road						
Minimum Spacing that is required to be maintained by a Temporary Ground Sign from any other Temporary Ground Sign ⁵	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Maximum Aggregate Surface Area Allocated for All Temporary Signs on a Parcel ⁶	64 sf.	64 sf.	128 sf.	128 sf.	128 sf.	128 sf.
Whether Temporary Sign is Allowed on Public Property or Public Right-of-Way	No	No	No	No	No	No
Allowed in a sight visibility triangle described in Design District Standards, Chapter 1, Section (G)(6)	No	No	No	No	No	No
Direct Illumination of Surface of Temporary Sign Allowed	No	No	No	No	No	No
Duration Allowed After Event Ends	7 Calendar Days	7 Calendar Days	7 Calendar Days	7 Calendar Days	7 Calendar Days	7 Calendar Days

*Zoning District Categories shall be defined as follows:
 Agricultural – AG-5, AG-10, CON
 Residential – RR, ER, R-1, R-2, R-3, R-4, R-5, MHP
 Mixed Use - RMU, RM-10, RIO, C-2A, NMU-4, NMU-7, ECNMU-7, CMU, CC, CDT, BP, 466-301
 Commercial – C-1, C-2, C-3
 Industrial – M-1, M-2
 Institutional – PEU, IN

¹ The number of temporary commercial signs per parcel shall be no more than four (4) signs; however, no more than one temporary commercial sign per parcel may be a banner sign and a temporary commercial banner sign is limited to a maximum duration of display of no more than thirty (30) days per calendar year per parcel.

² The square footage limitation is per side for a back-to-back sign. For example, a four (4) square foot limitation means that there is a limit of Four (4) square feet of surface area per side of a back-to-back sign, and an aggregate limit of eight (8) square feet is allowed if the sign is a back-to-back temporary sign.

³ Not applicable to signs displayed on flagpoles.

⁴ Minimum sign setbacks do not apply to wall signs. Except as set forth in Sec. 34-447.1 a for A-Frame Signs and T- Frame Signs, all Temporary Signs are prohibited on public property and from public rights-of-way.

⁵ Not applicable to signs displayed on flagpoles.

⁶ There is no limit to the number of separate messages that may appear on the allowable surface(s) of any Temporary Sign. The maximum aggregate surface area allowed is subject to circumstances that may reduce the maximum aggregate surface area allowable on some parcels.

ZONING DISTRICT CATEGORY*	Agricultural	Residential	Mixed Use	Commercial	Industrial	Institutional
Ingress and Egress Signs	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)
Street Address Signs	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)
Flagpoles	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)
Flag Brackets and Stanchions	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)
On-Site Parking Space Signs	Not Allowed	Not Allowed ¹	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)
Signs at Service Station Islands	Not Allowed	Not Allowed	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)
Monument Signs	Not Allowed	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)

#4.b.a: EXHIBIT A [Revision 1] (O2017-3 : Sign Ordinance)

Wall Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)
Restaurant Wall Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)
Drive-Through Lane Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)
Umbrella Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)
Awning Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)
Canopy Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)
Changeable Copy Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)
Projecting Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24(E)	Not Allowed	Not Allowed	Not Allowed
Window Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)
Door Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)	Allowed per Sec. 3.24(E)

*Zoning District Categories shall be defined as follows:
 Agricultural – AG-5, AG-10, CON
 Residential – RR, ER, R-1, R-2, R-3, R-4, R-5, MHP
 Mixed Use - RMU, RM-10, RIO, C-2A, NMU-4, NMU-7, ECNMU-7, CMU, CC, CDT, BP, 466-301
 Commercial – C-1, C-2, C-3
 Industrial – M-1, M-2
 Institutional – PEU, IN

¹ On-Site Parking Signs shall be allowed only for multi-family structures

(G) *Sign Permits.* Temporary signs do not require a sign permit. Unless exempt from permitting, no permanent sign shall be erected, altered, relocated, maintained or displayed until a sign permit is obtained from and the appropriate fee paid to the city. The sign permit is in addition to any building permit required to be obtained pursuant to the provisions of the Florida Building Code.

- (1) No sign permit shall be issued for the erection of a prohibited sign.
- (2) A sign lawfully erected may be repainted or have ordinary and customary repairs performed, including replacement of plastic or glass panels, without a sign permit; however, if such sign is to be structurally altered in any manner, a new sign permit shall be required and the altered sign must meet all requirements of this division and this Code.
- (3) Exceptions from permitting. Temporary signs shall not require a sign permit. Unless identified in Table 3-10 in this Section 3.24(G) as not requiring a sign permit and unless otherwise excepted from requiring a sign permit such as a government sign, all permanent signs shall require a sign permit. However these exemptions in no way waive any requirement set forth in the Florida Building Code; or any limitation or restriction on the number, size, height, setback, placement or duration of such signs under this division, or any limitation or restriction under any other applicable law or regulation.
- (4) Permits not required for change of sign copy. No permit or permit fee shall be required for changing the copy of a sign, as long as no changes are made to the sign's height, size, location, or structure. This exemption shall also apply to any change of copy on a changeable copy sign. This exemption shall not apply to a change of occupancy or a

- change of use.
- (5) Sign permit applications. A sign permit application for a permanent sign as may be required by this division shall be prepared and submitted on forms available at the Development Services department. 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, telephone number, and e-mail address (if available) of the person making application for the permit. If the applicant is anyone other than the property owner, the applicant shall provide written and notarized authorization from the property owner permitting the installation of the sign.
 - (b) Name, address, telephone number, and e-mail address (if available) of the property owner. If the owner is an entity other than an individual, list the contact person's name.
 - (c) Name, address, telephone number, and e-mail address (if available) of the business tenant, if applicable. If the tenant is an entity other than an individual, list the contact person's name.
 - (d) Name, address, telephone, e-mail address (if available), and license number of the contractor, if applicable. If the contractor is an entity other than an individual, 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 property lines, public rights-of-way, easements, overhead utility lines, other utility facilities and equipment, buildings and other signs on the property.
 - (h) Freestanding signs, including monument signs, shall require an accurate boundary survey 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 facade 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 supporting members of the sign.
 - (m) Sign illumination, specifying illumination type, placement, and intensity.
 - (n) Two (2) copies of the plans, specifications, calculations and details, signed and sealed as required by the Florida Building Code; and specifications documenting the applicable windload 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) Notarized signature of applicant. If the value of construction is \$2,500.00 or greater, a certified copy of notice of commencement shall be required prior to permit issuance by Sumter County Building Department.
- (6) Sign construction specifications.
- (a) Florida Building Code. Construction and erection of signs shall be in accordance with the structural requirements set forth in the Florida Building Code.

- (b) National Electrical Code. Signs having electrical connections of any kind shall be wired in accordance with the National Electrical Code.
 - (c) Inspections. Any sign having an electrical connection shall be permitted, inspected and approved by the electrical inspector prior to its completion. All sign structures shall be inspected and approved by the building official. The inspection point shall be selected by the building official. All excavations for concrete sign support bases shall be inspected and approved by the building official prior to the pouring of concrete.
 - (d) Support requirements. The supporting members of all signs shall be free of any external bracing such as guy wires or cables. All supporting columns shall be designed as integral or architectural features of the sign.
 - (e) Materials. Paper or cardboard signs and cloth or plastic fabric banners may only be used in conjunction with a special event as provided herein. However, paper or cardboard signs may be used for indoor window or temporary signs, when such are allowed.
 - (f) Construction standards. All signs shall be installed and constructed in a professional and workmanlike manner; and shall be maintained in good and safe structural condition and good physical appearance. All exposed structural components shall be painted, coated, or made of rust inhibitive material.
- (7) Design requirements. All signs and sign structures, except temporary signs and except for prohibited signs such as billboards and off-premises signs, shall be subject to the design requirements below.
- (a) Monument signs. Monument sign structures may extend above the allowable height and/or permitted horizontal dimension for the purposes of architecturally embellishing and enhancing the appearance of the sign structure. Such extensions shall not exceed thirty-six (36) inches for the base, eighteen (18) inches at the top of the sign, or twelve (12) inches for each vertical side of the sign.
 - (b) Tenant panels in monument signs. All tenant panels in a monument sign, including those added to an existing sign structure, shall be constructed of similar materials and illuminated by a similar method.
 - (c) Wall signs. Wall signs shall not be installed to cover windows, doors, or other types of fenestration.
 - (d) Manufactured Signs. All manufactured signs requiring a sign permit shall have a permanent and visible weatherproof identification plate affixed to the sign exterior. The plate shall identify (1) the name of the manufacturer, (2) the date of installation, (3) the sign permit number, and (4) the electric permit number (if any) with the input VA (Volt Amperes) at full load for electric.
- (8) Sign permit application review.
- (a) An applicant shall submit a sign permit application for a permanent sign to the Development Services department, building inspection division, or such other office as may be designated by the City. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this division and any applicable zoning law of the City of Wildwood as set forth in the Code of Ordinances of the City of Wildwoods. Whenever required by state statute, the explanation for a denial of a sign permit shall include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit; in the event

that the applicant fails to receive a statutorily required explanation, the applicant shall submit a written request for the explanation to the city's Development Services director via certified mail.

- (i) The review of the sign permit application shall be completed within thirty (30) calendar days following receipt of a completed application, not counting the day of receipt and not counting any Saturday, Sunday, or legal holiday that falls upon the first or the thirtieth (30th) day after the date of receipt.
 - (ii) A sign permit shall either be approved, approved with any condition that is specifically described and set forth in the LDR or the Code of Ordinances of the City of Wildwood, or disapproved, and the decision shall be reduced to writing. A disapproval shall include or be accompanied by a statement of the reason(s) for the disapproval.
 - (iii) In the event that no decision is rendered within thirty (30) calendar days following submission, the application shall be deemed denied and the denial shall be a final decision of the City if the applicant chooses not to seek reconsideration at that time. At any time within sixty (60) calendar days, not counting any intervening Saturday, Sunday, or legal city holiday, following passage of the thirty (30) calendar day period, the applicant may submit a written request via certified mail to the city and request a decision setting forth the reason that the application was not approved and the city shall promptly respond within ten (10) calendar days after receipt of the written request, not counting the day of receipt and not counting any Saturday, Sunday, or legal holiday, by providing a written explanation of the reason(s) for the non-approval of the application for the permanent sign.
- (b) An approval, an approval with conditions, or disapproval by the Development Services director shall be deemed the final decision of the city upon the application.
- (c) In the case of an approval with conditions or a disapproval, including a disapproval by lapse of time as described herein, an applicant may ask for reconsideration of the decision on the grounds that the Development Services director may have overlooked or failed to consider any fact(s) that would support a different decision.
- (i) A written request for reconsideration accompanied by such additional fact(s) that address the deficiencies that the applicant may wish the Development Services director to consider, shall be filed with the Development Services director within fourteen (14) calendar days after the date of the written decision. No fee shall be required for a request for reconsideration.
 - (ii) Upon the timely filing of a request for reconsideration, the decision of the Development Services director, or other designee, shall be deemed stayed and not a final decision, until the request for reconsideration is decided. The request for reconsideration shall be decided within fourteen (14) calendar days of receipt by the city, not counting any intervening Saturday, Sunday, or legal city holiday. Such decision shall be in writing and shall include a statement of the reason(s) for the decision. In the event that no decision is rendered within fourteen (14)

calendar days following the request for reconsideration, the application shall be deemed denied and the denial shall then be a final decision of the City. At any time within sixty (60) calendar days, not counting any intervening Saturday, Sunday, or legal city holiday, following passage of the fourteen (14) calendar day period, the applicant may submit a written request via certified mail to the City and request a decision setting forth the reason for the denial of the request for reconsideration and the City shall promptly respond within ten (10) calendar days after receipt of the written request, not counting the day of receipt and not counting any Saturday, Sunday, or legal holiday, by providing a written explanation of the reason(s) for not approving the application upon reconsideration.

- (d) All decisions shall be mailed, transmitted electronically, 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 (30) day deadline for a decision upon an application or the fourteen (14) day 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 (30) day deadline for approval and the fourteen (14) day deadline for a decision upon receipt of a request for a reconsideration shall not apply (that is, the time shall be suspended).
 - (i) In any case in which the application requires a rezoning of the property, or an amendment to the comprehensive plan of the city, then upon written request of the applicant delivered to the Development Services director by certified mail before the applicable deadline, the time shall be suspended until a final decision is made upon the application for the variance, rezoning, or comprehensive plan amendment.
 - (ii) If the applicant is required to make any change to the application in order to obtain an unconditional approval so as to satisfy an express provision of state law, the LDR, or the City of Wildwood Code of Ordinances, then upon the written request of the applicant delivered by certified mail to the Development Services director before the applicable deadline, the time shall be suspended while the applicant makes such change.
 - (iii) If an applicant is required by state statute or by any express provision of either the LDR or the Code of Ordinances of the City of Wildwood, to obtain an approval of the sign from any other governmental agency within the limitations set forth in Section 166.033(4), Florida Statutes, then upon the request of the applicant in writing delivered by certified mail before the applicable deadline, the time shall be suspended. The time shall remain suspended until such approval is obtained or until the applicant requests in writing delivered by certified mail to the Development Services director that the city take final action. The City shall comply with the provisions of Section 166.033(4), Florida Statutes.
 - (iv) In any of the foregoing cases, the applicant may elect to not make any changes to the application or to not obtain an approval that may be required by another governmental agency, and may instead demand in

writing a final decision upon the sign permit application as filed. Such a written demand shall be delivered by certified mail to the Development Services director. In such event, the director of planning and development shall make a decision on the application as appropriate within thirty (30) business days after receiving such demand. If a decision is not made in such a time, the application shall be deemed denied.

- (f) Any person aggrieved by the decision of the Development Services director upon a sign permit application, or aggrieved by any failure by the Development Services director or by any other city official to act upon a sign permit application in accordance with the LDR, shall have the right to seek an appeal to the Board of Adjustment in accordance with Section 1.11 of the City of Wildwood Land Development Regulations, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.
- (g) If an applicant believes that his or her speech rights are being denied due to enforcement of subsection (8)c. or (8)e., above, he or she may immediately contact the Development Services Director, in writing via certified letter, and request immediate review of any pending sign permit application. If such a letter is received by the Development Services director, the city shall have twenty (20) days to review the permit application as under subsection (8)a., above, notwithstanding the provisions of subsection (8)c or (8)e., above. If the Development Services director does not respond to the applicant following receipt of the certified letter, the substance of the applicant's complaint shall be deemed rejected.
- (h) If an application is deemed incomplete, the applicant may either take steps to submit a complete application or challenge the City's decision by seeking an appeal to the Board of Adjustment in accordance with Section 1.11 of the City of Wildwood Land Development Regulations, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.
- (9) Sign permit fees. Before issuance of a permit, the Development Services director shall collect the necessary sign permit fees. The sign permit fees shall be as designated by resolution of the city council.
- (10) Inspection. The Development Services director may make or require any inspections to ascertain compliance with the provisions of this division and the Land Development Regulations.
- (11) Revocation of sign permit. If the work under any sign permit is proceeding in violation of this division, the Land Development Regulations, or the Florida Building Code, 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 sign permit was based, the permit holder shall be notified of the violation. If the permit holder fails or refuses to make corrections within ten (10) days, it shall be the duty of the Development Services director to revoke such sign permit and serve notice upon such permit holder. Such notice shall be in writing and signed by the Development Services director. It shall be unlawful for any person to proceed with any part of work after such notice is issued.

Abbreviations:
 P: Sign Permit Required
 N/A: Sign Type Not Allowed in Zoning District

TABLE 3-10: SIGN PERMIT REQUIREMENTS						
ZONING DISTRICT CATEGORY*	Agricultural	Residential	Mixed Use	Commercial	Industrial	Institutional
Ingress and Egress Signs						
Street Address Signs	P	P	P	P	P	P
Flagpoles	P	P	P	P	P	P
Flag Brackets and Stanchions						
On-Site Parking Space Signs	N/A	N/A ¹				
Signs at Service Station Islands	N/A	N/A	P	P	P	P
Monument Signs	N/A		P	P	P	P
Wall Signs	N/A	N/A	P	P	P	P
Restaurant Wall Signs	N/A	N/A	P	P	P	P
Drive-Through Lane Signs	N/A	N/A	P	P	P	P
Umbrella Signs	N/A	N/A				
Awning Signs	N/A	N/A	P	P	P	P
Canopy Signs	N/A	N/A	P	P	P	P
Changeable Copy Signs	N/A	N/A	P	P	P	P
Projecting Signs	N/A	N/A	P	N/A	N/A	N/A
Window Signs	N/A	N/A				
Door Signs	N/A	N/A				

*Zoning District Categories shall be defined as follows:
 Agricultural – AG-5, AG-10, CON
 Residential – RR, ER, R-1, R-2, R-3, R-4, R-5, MHP
 Mixed Use - RMU, RM-10, RIO, C-2A, NMU-4, NMU-7, ECNMU-7, CMU, CC, CDT, BP, 466-301
 Commercial – C-1, C-2, C-3
 Industrial – M-1, M-2
 Institutional – PEU, IN

¹ On-Site Parking Signs shall be allowed only for multi-family structures; sign permit NOT required

(H) **Building Permits.** It shall be unlawful for any person or business or the person in charge of the business to erect, construct, alter or maintain a sign structure, as defined in the Florida Building Code, without first obtaining a building permit in accordance with the provisions of the Florida Building Code and applicable law. Permit fees for a building permit shall be paid in accordance with the applicable city fee schedules. The requirement of a building permit under the Florida Building Code is separate and independent of the requirement for a sign permit under this division.

(I) **Nonconforming Signs.** All signs that are lawfully in existence or are lawfully erected and that do not conform to the provisions of this division are declared nonconforming signs. It is the intent of this division to recognize that the eventual elimination of nonconforming signs as expeditiously and fairly as possible is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this division. It is also the intent of this division that any elimination of nonconforming signs shall be effected so as to avoid any unreasonable invasion of established property rights. Existing billboards shall be governed by Section (J).

- (1) Legal nonconforming signs:
 - (a) A legal nonconforming sign is a sign that lawfully existed at the time of the enactment of this division that does not conform to the regulations as specified in this division.
 - (b) A legal nonconforming sign may continue to be utilized only in the manner and to the extent that it existed at the time of the adoption of this division or any

- amendment thereof.
- (c) A legal nonconforming sign may not be altered in any manner not in conformance with this division and shall not be structurally altered to prolong the life of the sign. This does not apply to reasonable repair and maintenance of the sign.. Reasonable repair and maintenance of nonconforming signs, including change of copy, is permitted, as provided for herein. Reasonable repair and maintenance means the work necessary to keep the sign, including the sign structure, in a good state of repair, but does not include replacement of materials in the sign structure. Reasonable repair does not include:
- (i) Any modification that changes the structure, or type of structure, such as conversion of a wooden sign structure to a metal sign structure;
 - (ii) Any modification, including the addition of embellishments, that changes the sign area or the height above ground level;
 - (iii) Any modification that enhances the visibility of the sign's copy, or the period of time that the copy is visible;
 - (iv) Any modification that adds changeable faces or electronic message signs; or
 - (v) Any modification that adds artificial lighting, or changes the existing lighting such that illumination is increased.
- (d) Should a nonconforming sign become damaged, destroyed or deteriorated by any means to the extent that it requires more than reasonable repair and maintenance, as defined in subsection (c) above, then the sign shall not be reconstructed except in compliance with the sign code. In the event that a nonconforming sign was approved as part of a site plan zoning approval, then the nonconforming sign may be reconstructed in accordance with the site plan zoning approval.
- (e) Any building permit for an addition, alteration, or improvement valued at more than fifty (50) percent of the fair market value of the structure or building for work at locations where any nonconforming sign exists shall specify and require that such nonconforming signs located within the boundaries of the development site, and within the limits of the applicant's control, shall be brought into conformance with the provisions of this division, provided that if the nonconforming sign is a type of sign that is prohibited under section 3.24(D), Prohibited Signs in All Zoning Districts, it shall be removed.
- (f) Legal nonconforming signs that are located on a parcel of property that is severed from a larger parcel of property and acquired by a public entity for public use by condemnation, purchase or dedication may be relocated on the remaining parcel without extinguishing the legal nonconforming status of that sign provided that the nonconforming sign:
- (i) Is not increased in area or height to exceed the limits of the zoning district in which it is located;
 - (ii) Remains structurally unchanged except for reasonable repairs or alterations;
 - (iii) Is placed in the most similar position on the remaining property that it occupied prior to the relocation; and
 - (iv) Is relocated in a manner so as to comply with all applicable safety requirements.

After relocation pursuant to this subsection, the legal nonconforming sign shall

- be subject to all provisions of this section in its new location.
- (2) Signs rendered nonconforming:
- (a) Except as provided in this section, a nonconforming sign may continue in the manner and to the extent that it existed at the time of the adoption, amendment or annexation of the division that rendered the sign nonconforming. This section shall not prohibit reasonable repairs and alterations to nonconforming signs.
 - (b) A nonconforming sign shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this division. An existing monument sign that conforms to the size and height limitations set forth herein, but is otherwise nonconforming, may be relocated a single time to another location on the same parcel.
- (3) Signs for a legal nonconforming use:
- (a) New or additional signs for a nonconforming use shall not be permitted.
 - (b) A nonconforming sign for a nonconforming use that ceases to be used for a period of sixty (60) consecutive days or is replaced by a conforming use, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.
- (4) Signs discontinued:
- (a) The right to use nonconforming sign shall be deemed to be discontinued upon the occurrence of one or more of the following:
 - (i) A change of use of the parcel or structure;
 - (ii) A change in occupancy of the parcel or structure;
 - (iii) A change in business type at the location of the parcel or structure; or
 - (iv) The vacancy of a sign structure.
 - (b) Sign structures that remain vacant, unoccupied or devoid of any message, or display a message pertaining to a time, event or purpose that no longer applies, for a period of ninety (90) days, shall be deemed to be discontinued .
 - (c) A nonconforming sign deemed discontinued shall immediately terminate the right to maintain such sign.
 - (d) After a sign structure has been deemed discontinued, it shall be the responsibility of the property owner or the property owner's authorized agent to remove the discontinued sign and to patch and conceal any and all damage to any other structure resulting from removal of the sign.
 - (e) Removal of a discontinued nonconforming sign shall include all sign support components, angle irons, poles, and other remnants of the discontinued sign that are not currently in use or proposed for immediate reuse as evidenced by a sign permit application for a permitted sign.
- (5) Unsafe signs:
- (a) If the building official determines any sign or sign structure to be in an unsafe condition, he/she shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty-eight (48) hours.
 - (b) If the correction has not been made within forty-eight (48) hours, the building official may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.

(J) Billboard signs.

(1) Billboard signs prohibited. After the effective date of City of Wildwood Ordinance No. 2016-___ [January 23, 2017], the erection of billboard signs is hereby prohibited for the purposes and reasons set forth in City of Wildwood Ordinance No. 2016-___.

(2) Definitions.

(a) Legally existing, billboard signs defined. For purposes of this section, nonconforming billboard signs, defined as follows, are legally existing, billboard signs.

(b) A nonconforming billboard sign is defined as:

(i) Any billboard sign that was legally erected prior to the effective date of City of Wildwood Ordinance No. 2016-___ [January 23, 2017] pursuant to a permit issued by the City of Wildwood; or

(ii) Any billboard sign that was legally erected before a permit was required by the city for off-site signs; but which billboard sign complies completely with the City of Wildwood's off-site sign regulations; or

(c) Any billboard sign erected after the effective date of City of Wildwood Ordinance No. 2016-___ [January 23, 2017], that is the subject of, and is erected in strict accordance with an active permit issued by the city prior to the effective date of City of Wildwood Ordinance No. 2016-___ [January 23, 2017]. No permits shall be issued for the erection of billboard signs after the effective date of City of Wildwood Ordinance No. 2016-___ [January 23, 2017], except as otherwise provided for in this section.

Any billboard sign which does not constitute a nonconforming billboard sign, as described above, shall be deemed either a prohibited sign or an abandoned sign and shall be removed on or before January 26, 2020. Nonconforming billboard signs shall be allowed to remain so long as such signs conform with the regulations set forth in this section.

(3) Standards pertaining to legally existing billboard signs. Any legally existing billboard sign as described above shall be subject to the following standards:

(a) A legally existing billboard sign is allowed to contain noncommercial speech in lieu of any other speech.

(b) Substitution or interchange of letters, poster panels, painted boards or demountable materials shall be permitted; provided that any such substitution or interchange shall not increase the size, shape, height or the number of sign faces of the sign, except as otherwise provided for in this section.

(c) Maintenance and Repair of Monopole and Non-Monopole Billboards.

(i) Monopole Billboards: Nonconforming billboard signs which are constructed as monopole billboards may be maintained and repaired, but shall not be structurally or mechanically extended or altered except as required by the building official of the city in cases where it has been determined by said building official that there exists an imminent danger to the public safety; provided, however, no structural change shall be permitted which would increase the height, size, shape or intensity of lighting of a nonconforming billboard sign except as provided for in this section. For the purposes of this section, a monopole billboard is defined as a billboard constructed with a steel pole, I-beam or equivalent as primary support, with a catwalk, and a single display panel.

(ii) Non-Monopole Billboards: Nonconforming billboard signs which are not

monopole billboards may be maintained and repaired, but shall not be structurally or mechanically extended or altered, except as provided below, or as required by the building official of the city in cases where it has been determined by said building official that there exists an imminent danger to the public safety; provided, however, no structural change shall be permitted which would increase the height, size, shape or intensity of lighting of a nonconforming billboard sign except as provided for in this section. A non-monopole billboard may be upgraded to and replaced with a monopole billboard; provided, however, that the upgrade to a monopole billboard shall not increase the overall size of the single display panel of the non-monopole billboard.

(d) Any nonconforming billboard sign which is destroyed to the extent of seventy-five (75) percent of its current assessed value (based on the records of the Sumter County Property Appraiser) shall not be rebuilt or repaired, unless:

(i) Within thirty (30) calendar days after the destruction of the nonconforming billboard sign, the owner of the sign files an application with the city clerk petitioning city council to allow the reconstruction and maintenance of the nonconforming billboard sign for a period not to exceed seven (7) years; and

(ii) The owner of the nonconforming billboard signs provides substantial and competent evidence to city council that: (i) the billboard sign was originally erected less than seven (7) years prior to the date on which the sign was destroyed; and (ii) the sign owner has failed to recoup the sign owner's investment in the nonconforming billboard sign as of the date of the sign's destruction. If such evidence is presented, the city council may allow the sign owner to rebuild or repair the nonconforming billboard sign and to maintain said sign for an additional period of time as determined by the city council in order to allow the sign owner time to recoup his or her investment; provided, however, such a period of time shall not exceed seven (7) years. At the conclusion of said period, the billboard sign shall be removed.

If the nonconforming billboard sign cannot be rebuilt or repaired, then the owner of the sign shall be responsible for removing all remaining portions of the sign structure within sixty (60) calendar days after the date of destruction of the billboard sign.

(e) Any nonconforming billboard sign which becomes an abandoned sign shall be removed.

(f) No nonconforming billboard sign shall be relocated except as provided in subsection (4). In the event a legally existing, nonconforming billboard sign is relocated, the relocation of the sign shall not result in any increase in the size, height or number of sign faces of the nonconforming billboard sign.

(g) All nonconforming billboard signs shall be the subject of an operating permit issued in accordance with subsection (d). Any nonconforming billboard sign which does not possess an annual operating permit in accordance with (d) shall be deemed to constitute an abandoned sign.

(4) Relocation of nonconforming billboard signs. No nonconforming billboard sign may be relocated unless one (1) of the following conditions exist or will occur as a result of the

relocation:

- (a) The relocation of the nonconforming billboard sign is expressly allowed by, and is made in accordance with, the terms of a variance granted by the city prior to the effective date of City of Wildwood Ordinance No. 2016-____; or
- (b) The nonconforming billboard sign is located on land which is being acquired for public right-of-way purposes as a part of a federal or state road, including, without limitation, the "federal-aid primary highway system," the "interstate highway system," and the "state highway system" as those terms are defined in Fla. Stat. § 479.01; and further provided that the sign owner, property owner, and the condemning authority elect in writing to relocate the nonconforming billboard sign in accordance with Fla. Stat. § 479.15, (2016). In such an event, the nonconforming billboard sign may be relocated in accordance with standards and requirements of Fla. Stat. § 479.15, (2016); provided, however, the applicant shall demonstrate to the city that the proposed relocation conforms completely with the requirements and standards contained in Fla. Stat. § 479.15, (2016). In the event that Fla. Stat. § 479.15, (2016), is later amended, revised, superseded or revoked, then the relocation of nonconforming billboard signs shall only be allowed or permitted in accordance with such amendments, revisions or superseding statutes enacted by the Florida Legislature.

In addition to satisfying one (1) of the foregoing conditions, no relocation shall occur until the nonconforming billboard sign being relocated has been removed.

(K) *Miscellaneous Provisions.*

- (1) Maintenance of Sign Location. For a sign requiring a sign permit, weeds and grass shall be kept cut in front of, behind, underneath, and from around the base of the sign for a minimum distance of ten (10) feet from the sign base, and there shall be no rubbish or debris within ten (10) feet of the sign base or underneath the sign.
- (2) Ingress and Egress Signs. For safety purposes and for traffic circulation purposes, permanent ingress and egress signs to a parcel are permitted provided the same do not exceed four (4) square feet in size and no more than three (3) feet in height. Such signs shall not require a permit.

(L) *Penalties.* Penalties for violation of this Section 3.24 shall be as provided in Section 1-7 of the Code of Ordinances of the City of Wildwood; however, notwithstanding anything in the LDR or in the City of Wildwood Ordinance Code to the contrary, a penalty for a violation of this Section 3.24 shall be limited to civil penalties only and shall not extend to any criminal penalty including but not limited to incarceration. Upon observation of any violation of this Section 3.24, a City of Wildwood Code Inspector, as defined in Chapter 2, Article V – Special Master Code Enforcement Procedure of the City of Wildwood Code of Ordinances, reserves the right to enforce penalties including but not limited to the physical removal of any nonconforming or prohibited signs, in addition to the enforcement procedure outlined in the aforementioned Chapter 2, Article V of the City of Wildwood Code of Ordinances.

(M) *Severability.*

- (1) Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Section 3.24 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 section.
- (2) Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth above in subsection (1), above, or elsewhere in this Section 3.24, the City of Wildwood Code of Ordinances, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section 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 division, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
 - (3) Severability of provisions pertaining to prohibited signs. Without diminishing or limiting in any way the declaration of severability set forth above in subsection (1), above, or elsewhere in this Section 3.24, the City of Wildwood Code of Ordinance, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section 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 Section 3.24 that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under section 3.24(D), Prohibited Signs, of this Section 3.24. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 3.24(D) 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 3.24(D) thereby ensuring that as many prohibited sign types as may be constitutionally prohibited continue to be prohibited.
 - (4) Severability of prohibition on billboards. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section and/or any other Code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained in this Section 3.24 or in the City of Wildwood Code of Ordinances.