

## TOWN OF CUTLER BAY

## ORDINANCE 2020-\_\_\_\_

## EXHIBIT "A"

## CHAPTER 3 – LAND DEVELOPMENT REGULATIONS

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## ARTICLE VIII. - SIGN REGULATIONS

Sec. 3-110. ~~— Purpose~~ and Legislative Intent.

(a) \_\_\_\_\_ It shall be the purpose of this article to promote the aesthetics, safety, health, and general welfare and the assurance of protection of adequate light and air within the town by regulation of the general posting, displaying, erection, use, and maintenance of signs. In the event of any conflict between this code and any declaration of covenants, bylaws, or other restrictions applying to any property within the town, the language affording the more restrictive interpretation shall apply.

~~-(b) \_\_\_\_\_ This article does not regulate Town signs on property owned by the Town, Miami-Dade County, or the State of Florida, and does not regulate traffic control devices.~~

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

~~(d) \_\_\_\_\_ In accordance with the U.S. Supreme Court's cases on sign regulation, the regulations in this article are not intended to regulate or censor speech based on its content or viewpoint, but rather to regulate the secondary effects of speech that may adversely affect the Town's substantial and compelling governmental interests in preserving scenic beauty and community aesthetics, and in vehicular and pedestrian safety in conformance with the First Amendment.~~

~~(e) \_\_\_\_\_ *Impact of sign clutter.* Excessive signage and sign clutter impair the legibility of the environment, and undermine the effectiveness of signs and traffic control devicesaddress signage, that are essential to identifying locations for the delivery of emergency services and other compelling governmental purposes. The intent of these sign regulations is to enhance the visual environment of the Town, ensure that Town residents and visitors can safely navigate through the Town to their intended destinations, and promote the continued well-being of the Town. It is therefore the purpose of this article to promote aesthetics and the public health, safety and general welfare, and assure the adequate provision of light and air within the Town through reasonable, consistent and nondiscriminatory standards for the posting, displaying, erection, use, and~~

maintenance of signs that are no more restrictive than necessary to achieve these governmental interests.

(f) *Specific legislative intent.* More specifically, the sign regulations are intended to:

- (1) Classify and categorize signs by type and zoning district.
- (2) Permit, regulate and encourage the use of signs with a scale, graphic character, and type of lighting compatible with buildings and uses in the area, so as to support and complement the goals, objectives and policies set forth in the Town's comprehensive plan;
- (3) Establish regulations affecting the design, erection and maintenance of signs for the purpose of ensuring equitable means of graphic communication, while maintaining a harmonious and aesthetically pleasing visual environment within the Town. It is recognized that signs form an integral part of architectural building and site design and require equal attention in their design, placement and construction;
- (4) Encourage the effective use of signs as a means of communication in the Town;
- (5) Maintain and enhance the scenic beauty of the aesthetic environment and the Town's ability to attract sources of economic development and growth;
- (6) Ensure pedestrian safety and traffic safety;
- (7) Minimize the possible adverse effect of signs on nearby public and private property;
- (8) Foster the integration of signage with architectural and landscape designs;
- (9) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive area of signs which compete for the attention of pedestrian and vehicular traffic and are not necessary to aid in wayfinding;
- (10) 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;
- (11) Encourage and allow signs that are appropriate to the zoning district in which they are located consistent with and serving the needs of the land uses, activities and functions to which they pertain;
- (12) Curtail the size and number of signs to the minimum reasonably necessary to identify a residential or business location, and the nature of such use, and to allow smooth navigation to these locations;
- (13) Regulate signs so that they are effective in performing the function of identifying and safely directing pedestrian and vehicular traffic to a destination;
- (14) Preclude signs from conflicting with the principal permitted use of the lot and adjoining lots;

- (15) Regulate signs so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;
- (16) Except to the extent expressly preempted by Miami-Dade County, 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;
- (17) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts in the Town;
- (18) Allow for traffic control devices without Town regulation consistent with national standards because they promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and by notifying road users of regulations and providing nationally consistent warnings and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream and modes of travel, while regulating private signs to ensure that their size, location and other attributes do not impair the effectiveness of such traffic control devices;
- (19) Protect property values by precluding, to the maximum extent possible, signs that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (20) Protect property values by ensuring that the size, number and appearance of signs are in harmony with buildings, neighborhoods, structures, and conforming signs in the area;
- (21) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the Town and that complements the natural surroundings in recognition of this Town's reliance on its natural surroundings and beautification efforts as a source of economic advantage as an attractive place to live and work;
- (22) Not regulate signs more than necessary to accomplish the compelling and important governmental objectives described herein;
- (23) Enable the fair and consistent enforcement of these sign regulations;
- (24) Be considered the maximum standards allowed for signage;
- (25) Regulate signs in a permissive manner so that any sign is not allowed unless expressly permitted and not expressly prohibited; and
- (26) Establish dimensional limits and placement criteria for signs that are legible and proportional to the size of the parcel and structure on which the sign is to be placed, or to which it pertains.

**Sec. 3-111. - Substitution of noncommercial speech for commercial speech; severability.**

- (a) Substitution. Notwithstanding any provisions of this article to the contrary, to the extent that this article permits a sign containing commercial content, it shall permit a noncommercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message.
- (b) The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this article.
- (c) *Severability.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article.
- (d) This subsection shall not be interpreted to limit the effect of the subsection above, or any other applicable severability provisions in the Code of Ordinances or any adopting ordinance. The town council specifically intends that severability shall be applied to these sign regulations even if the result would be to allow less speech in the town, whether by subjecting currently exempt signs to permitting or by some other means.
- (e) This subsection shall not be interpreted to limit the effect of the subsections above, or any other applicable severability provisions in the Code of Ordinances or any adopting ordinance. The town council specifically intends that severability shall be applied to section 3-113, "Prohibited signs," so that each of the prohibited sign types listed in that section shall continue to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or invalid.
- (f) This subsection shall not be interpreted to limit the effect of the subsections above, or any other applicable severability provisions in the Code of Ordinances or any adopting ordinance. If any or all of this article or any other provision of the Town Code is declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the town council specifically intends that the declaration shall not affect the prohibition on off-premises signs in section 3-113.

### **Sec. 3-112. - Sign permits.**

- (a) *Permit required.* Except as provided in this article, no permanent or temporary sign shall be erected, constructed, posted, painted, altered, maintained, or relocated until a permit has been issued by the town.
- (b) *Application procedure.* Before any permit is issued, a written application, in the form provided by the town, shall be filed, together with such drawings and specifications as may be necessary to fully advise the town with the location, construction, materials, manner of illuminating, method of securing or fastening, the number of signs applied for, the consent of the property owner, and the wording of the sign. Upon the submission of an application, the town shall have ten days to determine whether it is complete. If the town finds that the

application is not complete, the town shall provide the applicant with written notice of the deficiencies within the ten-day period. Upon resubmission of the application, the town shall have five additional days to determine whether the applicant's revisions are sufficient to complete the application. If they are not, the town will again inform the applicant of any remaining deficiencies in writing. This process shall continue until the applicant has submitted a complete application, or demands that the application be reviewed "as is."

- (c) *Code requirements.* All signs shall be constructed in accordance with the state building code, including obtaining all required permits. No sign shall be approved for use unless it has been inspected and found to be in compliance with all the requirements of this article and applicable codes.
- (d) *Application review.* The town shall approve or deny the sign permit based on whether it complies with the requirements of this article. The town shall approve or deny the sign permit within 30 business days after receipt of a complete application. If denied, the town shall prepare a written notice of its decision, describing the applicant's appeal rights, and send it by certified mail, return receipt requested, to the applicant. The applicant may file a written notice of appeal to the town council within 30 business days after the date of receipt of the town's written notice. The town council shall hold a public hearing at the next available council meeting that is at least 25 business days after the date of receiving the written notice of appeal, at which the town council shall determine whether the application satisfies all code requirements. If the town council denies the application, then the applicant may seek relief in a court of competent jurisdiction.
- (e) *Failure to commence.* Each sign permit issued by the town shall become null and void, if installation is not commenced within 90 business days from the issuance date of such permit. If no work authorized by such permit takes place for any continuous 90-day period (business days) any time after the work has commenced, a new sign permit shall be required prior to resuming the work, and the fee will be the full amount required for a new permit for such work.
- (f) *Signs exempt from permitting requirement.* The following signs may be erected or constructed without a sign permit when in accordance with the state building code and this article:
  - (1) Official traffic, governmental information, and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency.
  - (2) Signs displayed at parking stalls. ~~Reserved parking and fuel efficient parking signs.~~
  - ~~(3) Temporary signs indicating danger or warning of a hazardous physical condition to pedestrians, bicyclists and motorists.~~
  - ~~(34) Election signs.~~ Temporary Non-Commercial Signs.
  - ~~(45)~~ Real estate sales signs and real estate leasing signs.
  - ~~(56)~~ Any sign located within a building, lobby or courtyard and not visible from off site. However, such signs are not exempt from the structural, electrical or material specifications as set forth in this code and the adopted state building code.

(~~67~~) Flags, whether displayed on poles or in another fashion. Installation of a permanent flag pole or other permanent mounting device shall require a building permit. If the flag pole or device is located on property zoned for other than single-family residential uses, the location of the flag pole or device must be shown on the site plan for the property.

(~~78~~) ~~Seasonal~~ Decorations in residential areas.

(~~89~~) To the extent that this subsection allows a sign displaying commercial content to be exempt from permitting, it shall allow a sign with the same size, length of display, appearance, location, display area, and other physical characteristics to be exempt from permitting if it displays noncommercial content.

~~(10) Special event signs not exceeding six square feet in area will not require a permit.~~

### **Sec. 3-113. - Prohibited signs.**

(a) *Prohibited signs by location.* Unless otherwise authorized, the following signs shall be prohibited:

- (1) Roof signs;
- (2) Signs that extend above the roof of a building;
- (3) Signs that obstruct the view of a public safety or directional sign, or traffic control device;
- (4) Signs that obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress, or egress for any building that would cause a violation of the state building code;
- (5) Any vehicle sign affixed to a vehicle that can be viewed from a public right-of-way and remains stationary for a period in excess of 24 hours, excluding weekends and holidays;
- (6) Signs that are towed behind a vehicle; and
- (7) Signs located on a fence or tree.

(b) *Prohibited signs by type.* Unless otherwise authorized, the following signs shall be prohibited:

- (1) Pole signs;
- (2) Signs on lots without a principal use;
- (3) Any projected sign;
- (4) Signs that may be confused with a public safety or directional sign, or traffic control device;
- (5) Animated signs;
- (6) Signs that emit a sound, odor, or visible matter such as smoke or vapor;

- (7) Snipe signs;
- (8) Obsolete signs, abandoned signs, or dilapidated signs;
- (9) Signs that are portable or unattached to a building or the ground;
- (10) Signs that are inflatable;
- (11) Signs that contain a visible light source;
- (12) Signs containing exposed neon or exposed light emitting diodes (LED);
- (13) Cabinet sign;
- (14) Off-premises signs;
- (15) Banner signs located on a residentially zoned property;
- (16) Painted signs; and
- (17) V-shaped point of sale signs.

### Sec. 3-113.5. - Required signage.

- (a) Address Signage: It shall be the duty of the owner of any building facing, abutting, opening or having its main entrance from any right-of-way in the town to have affixed to such building suitable numbers composed of figures not less than three inches in height, and/or panel upon glass or some metallic substance.
- (b) It shall be the duty of the owner to maintain numbers of his buildings as herein provided in good condition and in a conspicuous place where same can be seen and read from the street.
- (c) The word "owner," as used in this article, shall include owners of the fee, lessee and the "agent in charge."
- (d) ~~Group Living Contact:~~ It shall be the duty of the owner of any multi-story residential building consisting of three or more stories ~~assisted living facility and/or group home~~ to have affixed to such building entrance, signage composed of a plaque no greater than four square feet comprised of point of contact information for management including name and phone number in case of emergency. Font size for any signage pursuant to this section shall comply with the requirements of Title 42 of the United States Code § 12101, et seq. also known as the Americans with Disability Act of 1990, as amended.

### Sec. 3-114. - Permanent signs.

- (a) *Residential uses.* The following standards apply to all permanent signs on residential lots and uses.

Type of Use	Sign Type	Maximum Number	Maximum Area (sq. ft.)	Maximum Height (ft.)



<b>Multifamily complex; other group living</b>	Monument and/or building mounted	One per main entrance	32 (monument) 16 (building mounted)	6 (monument)
<b>Subdivisions; master planned developments</b>	Monument	One per main entrance	32	6

(b) *Nonresidential uses.* The following standards apply to permanent signs within the town's mixed-use and commercial zoning districts.

(1) *NC, Neighborhood Center District.*

- a. *Applicability.* This subsection (1) regulates permanent signs within the NC, Neighborhood Center zoning district.
- b. *Nonresidential uses on Old Cutler Road.* Except as otherwise provided in this article, signs along Old Cutler Road shall only be erected in accordance with chapter 74-400, Laws of Florida, which provides as follows: ~~No signs shall not may~~ be erected within 300 feet of either side of the paved surface of ~~the Old Cutler Road~~, except as follows; the following:
  1. Official road signs, including traffic control devices, erected by the department of transportation or by the town or county having jurisdiction over the portion of the road involved;
  2. Signs not visible from the road;
  3. Markers indicating points of historical interest erected or approved by the division;
  4. Signs that do not exceed six square feet in area advertising the sale or lease of the property upon which they are located; or
  5. Signs advertising only the name or nature of the business being conducted upon or the products, facilities, goods or services being sold, supplied, or distributed upon or from the premises where the signs are located, if such signs do not exceed a total of 30 square feet in area for any one business.
- c. *Wall signs* for properties within the NC, Neighborhood Center District shall be permitted as follows:

<b>Wall Signs</b>		
<b>Building Type</b>	<b>Maximum Number</b>	<b>Maximum Signage Area</b>



<b>Office and Institutional</b>		<u>One wall sign</u> <del>4</del> per wall face, or 2 for walls over 50 ft. in length	10% of wall face or 50 sq. ft., whichever is less	
<b>Freestanding Commercial</b>		<u>One wall sign</u> <del>4</del> per public right-of-way frontage	10% of wall face or 40 sq. ft., whichever is less	
<b>Commercial Center</b>	A.	For multi-story buildings, 2 wall signs located above the first floor <del>and for the purpose of identifying the business identifying the name of the center or tenants</del> shall be permitted at the top of the building below the roof line	A. For multi-story buildings, wall signs above the first floor shall be limited as follows: 10% of wall face or 50 sq. ft., whichever is less; no sign may exceed 50% of the width of the linear building frontage; first floor signage area shall be consistent with B	
	B.	One wall sign shall be permitted per ground or second floor <u>for the purpose of identifying the business establishment</u> which has its own frontage and entrance facing a public right-of-way	B. Ground floor wall sign size shall be limited based on the distance between the building and the public right-of-way on which the building fronts:	
	C.	Corner or through <u>businesses</u> <del>store establishments</del> may have an additional ground floor wall sign	1. <u>0 to 20 ft.: 20 sq. ft. max sign area</u>	<del>0 to 20 ft.: 20 sq. ft. max sign area</del>
			2. <u>20 to 300 ft.: 40 sq. ft. max sign area</u>	<del>20 to 300 ft.: 40 sq. ft. max sign area</del>
			3. <u>301 ft. and greater: 60 sq. ft. max sign area</u>	<del>301 ft. and greater: 60 sq. ft. max sign area</del>
			C. An additional ground floor wall sign permitted for a corner or through <u>businesses</u> <del>store establishment</del>	

			shall be limited to 50% of the square footage of a primary sign allowed under B above
			D. Ground floor wall signs for buildings with over 50,000 sq. ft. of floor area with distances of 0 to 300 ft. between the building and the public right-of-way on which the building fronts may qualify for bonus ground floor wall sign area for qualified Green Building projects, under subsection (i) of this section

Wall signs shall be complementary to the building facade and not overlap architectural elements of the structure. The area of the wall sign that may include a logo shall not exceed 25% of the signage area.

- d. *Monument signs* for properties within the NC, Neighborhood Center District shall be permitted as follows:

Monument Signs			
Building Type	Maximum Number	Maximum Signage Area	Maximum Height
Office and Institutional	<u>One monument sign</u> <del>+</del> per public right-of-way frontage	40 sq. ft.	6 ft.
Freestanding Commercial	<del>max. no.:</del> <u>One monument sign</u> <del>+</del> per parcel; for parcels over 1.5 acres, <u>One monument</u> <del>+</del> sign per public right-of-way frontage	40 sq. ft.	6 ft.
Commercial Center	<u>One monument sign</u> <del>+</del> per public right-of-way frontage; provided that, if a parcel has 300 or more linear feet of parcel frontage and two two-way access points on different public rights-of-way, two signs, with an aggregate sign area not to exceed 85 square feet, may be permitted	48 sq. ft. per single monument sign  <del>max. logo area: logo may cover no more than 25% of the sign area</del>	10 ft.

- e. The area of the monument sign that may include a logo shall not exceed 25% of the signage area.
- f. Changeable copy sign face on monument sign. Schools and places of public assembly shall be permitted a changeable copy sign which must be contained within the permitted monument sign area.
- gf. Directory signs and directional signs within the NC, Neighborhood Center District shall be in accordance with section 3-117.

(2) *Town center district.*

- a. *Applicability.* This subsection (2) regulates permanent signs within the town center zoning district.
- b. *Wall signs* for properties within the town center district shall be permitted as follows:

Wall Signs			
Building Type	Maximum Number		Maximum Signage Area
Office and Institutional	<u>One wall sign</u> + per wall face, or 2 for walls over 50 ft. in length		10% of wall face or 50 sq. ft., whichever is less
Freestanding Commercial	<u>+One wall sign</u> per public right-of-way frontage		10% of wall face or 40 sq. ft., whichever is less
Commercial Center	A.	For multi-story buildings, 2 wall signs located above the first floor <u>for the purpose of identifying</u> <del>and identifying</del> the name of the center or tenants shall be permitted at the top of the building below the roof line	A. For multi-story buildings, wall signs above the first floor shall be limited as follows: 10% of wall face or 50 sq. ft., whichever is less; no sign may exceed 50% of the width of the linear building frontage; first floor signage area shall be consistent with B
	B.	One wall sign shall be permitted per ground or second floor <u>business establishment</u> which has its own frontage and entrance facing a public right-of-way	B. Ground floor wall sign size shall be limited based on the distance between the building and the public right-of-way on which the building fronts:

		Corner or through <u>businesses</u> C. <del>store establishments</del> may have an additional ground floor wall sign		1. <u>0 to 20 ft.: 20 sq. ft. max sign area</u>	<del>0 to 20 ft.: 20 sq. ft. max sign area</del>
				2. <u>21 to 300 ft.: 40 sq. ft. max sign area</u>	<del>21 to 300 ft.: 40 sq. ft. max sign area</del>
				3. <u>301 ft. and greater: 60 sq. ft. max sign area</u>	<del>301 ft. and greater: 60 sq. ft. max sign area</del>
				An additional ground floor wall sign permitted for a corner or through C. <u>businesses</u> <del>store establishment</del> shall be limited to 50% of the square footage of a primary sign allowed under B above	
				D. Ground floor wall signs for buildings with over 50,000 sq. ft. of floor area with distances of 0 to 300 ft. between the building and the public right-of-way on which the building fronts may qualify for bonus ground floor wall sign area for qualified Green Building projects, under subsection (i) of this section	
<b>Regional Shopping Center</b>		<u>One wall sign</u> <del>+</del> per ground or second floor <u>business</u> <del>establishment</del> which has its own frontage and entrance facing a public right-of-way. Corner		<u>One</u> <del>+</del> square foot for each <u>+</u> linear foot of tenant frontage for each sign located within 300 feet from a public right-of-way on which the building fronts. 1.5 sq. ft. for each	

	or through <del>businesses</del> <sup>store</sup> <del>establishments</del> may have an additional wall sign. Such second sign shall be limited to 50% of the square footage of the primary sign	1 linear foot of tenant frontage for each sign located more than 300 feet from a right-of-way on which the building fronts
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Wall signs shall be complementary to the building facade and not overlap architectural elements of the structure. The area of the sign that may include a logo shall not exceed 25% of the signage area.

- c. *Monument signs* for properties within the town center district shall be permitted as follows:

Monument Signs			
Building Type	Maximum Number	Maximum Signage Area	Maximum Height
Office and Institutional; Mixed Use	<u>One monument sign</u> <sup>+</sup> per public right-of-way frontage	40 sq. ft.	6 ft.
Freestanding Commercial	<del>+</del> <u>One monument sign</u> per parcel; for parcels over 1.5 acres, <u>One</u> <sup>+</sup> sign per public right-of-way frontage	40 sq. ft.	6 ft.
Commercial Center	<u>One monument sign</u> <sup>+</sup> per public right-of-way frontage; provided that, if a parcel has 300 or more linear feet of parcel frontage and two two-way access points on different public rights-of-way, two signs, with an aggregate sign area not to exceed 85 square feet, may be permitted	48 sq. ft. per single monument sign  <del>max. logo area: logo may cover no more than 25% of the sign area</del>	10 ft.
Regional Shopping Center	<u>One monument</u> <sup>+</sup> entry sign per access drive for regional shopping center; and 1 additional individual monument sign per	Entry signs: 100 sq. ft.; Individual monument signs permitted for individual businesses <sup>es</sup>	10 ft.

	each business <del>establishment</del> which is located adjacent to the public right-of-way	<del>establishments</del> which are adjacent to public rights-of-way: 64 sq. ft.	
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- d. *Changeable copy sign face on monument sign.* Schools and places of public assembly shall be permitted a changeable copy sign which must be contained within the permitted monument sign area.
- e. *Logos.* The area of the monument sign that may include a logo shall not exceed 25% of the signage area.
- ef. *Fixed projecting signs* shall be permitted in lieu of wall signs within the town center district, provided that the following requirements are met:

Fixed Projecting Signs			
Building Type	Maximum Number	Maximum Signage Area	Dimensions
Commercial buildings located on the west side of U.S. 1 and east of the busway <del>within the town's jurisdictional boundaries</del>	<u>One+</u> <del>fixed projecting sign</del> per commercial building	25 sq. ft.	The fixed projecting sign shall not rise above the roofline or more than six feet above the top of a parapet

- gf. *Canopy signs* shall be permitted for the following building types within the town center district:

Canopy Signs		
Building Type	Maximum Number	Maximum Signage Area
Commercial Center located on west side of U.S. 1	<u>One+</u> <del>canopy sign</del> per business <del>establishment</del>	4 sq. ft.

<b>Freestanding Commercial Buildings</b>	<u>One canopy sign</u> <del>1</del> per freestanding commercial building	4 sq. ft.
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h. *Directory signs and directional signs* within the town center district shall be in accordance with section 3-117.

i. *County signs in the town center. The provisions of this article are not applicable to on-premises signs located on county property and within the boundaries of the town center district.*

(3) *Transit corridor district.*

- a. *Applicability.* This subsection (3) regulates permanent signs within the transit corridor district.
- b. *Wall signs* for properties within the transit corridor district shall be permitted as follows:

<b>Wall Signs</b>				
<b>Building Type</b>	<b>Maximum Number</b>		<b>Maximum Signage Area</b>	
<b>Office and Institutional</b>	<u>One wall sign</u> <del>1</del> per wall face, or <u>two</u> <del>2</del> wall signs for walls over 50 ft. in length		10% of wall face or 50 sq. ft., whichever is less	
<b>Freestanding Commercial</b>	<u>One wall sign</u> <del>1</del> per public right-of-way frontage		10% of wall face or 40 sq. ft., whichever is less	
<b>Commercial Center</b>	A.	For multi-story buildings, <u>two</u> <del>2</del> wall signs located above the first floor <u>for the purpose of</u> <del>and</del> identifying the name of the center or tenants shall be permitted at the top of the building below the roof line	A.	For multi-story buildings, wall signs above the first floor shall be limited as follows: 10% of wall face or 50 sq. ft., whichever is less; no sign may exceed 50% of the width of the linear building frontage; first floor signage area shall be consistent with B
	B.	One wall sign shall be permitted per ground or	B.	Ground floor wall sign size shall be limited based on the



		second floor <del>businesses</del> <del>establishment</del> which has its own frontage and entrance facing a public right- of-way		distance between the building and the public right-of-way on which the building fronts:	
	C.	Corner or through <del>businesses</del> <del>store</del> <del>establishments</del> may have an additional ground floor wall sign		1. <u>0 to 20 ft.: 20 sq. ft. max sign area</u>	<del>0 to 20 ft.: 20 sq. ft. max sign area</del>
				2. <u>21 to 300 ft.: 40 sq. ft. max sign area</u>	<del>21 to 300 ft.: 40 sq. ft. max sign area</del>
				3. <u>301 ft. and greater: 60 sq. ft. max sign area</u>	<del>301 ft. and greater: 60 sq. ft. max sign area</del>
			C.	An additional ground floor wall sign permitted for a corner or through <del>businesses</del> <del>store</del> <del>establishment</del> shall be limited to 50% of the square footage of a primary sign allowed under B above	
			D.	Ground floor wall signs for buildings with over 50,000 sq. ft. of floor area with distances of 0 to 300 ft. between the building and the public right-	

				of-way on which the building fronts may qualify for bonus ground floor wall sign area for qualified Green Building projects, under subsection (i) of this section
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Wall signs shall be complementary to the building facade and not overlap architectural elements of the structure. The area of the wall sign that may include a logo shall not exceed 25% of the signage area.

- c. *Monument signs* for properties within the transit corridor district shall be permitted as follows:

Monument Signs			
Building Type	Maximum Number	Maximum Signage Area	Maximum Height
Office and Institutional; Mixed Use	<u>One monument sign</u> + per public right-of-way frontage	40 sq. ft.	6 ft.
Freestanding Commercial	<u>One monument sign</u> + per parcel; for parcels over 1.5 acres, <u>one monument</u> +sign per public right-of-way frontage	40 sq. ft.	6 ft.
Commercial Center	<u>One monument sign</u> + per public right-of-way frontage; provided that, if a parcel has 300 or more linear feet of parcel frontage and two two-way access points on different public rights-of-way, two <u>monument</u> signs, with an aggregate sign area not to exceed 85 square feet, may be permitted.	48 sq. ft. per single monument sign  <del>max. logo area: logo may cover no more than 25% of the sign area</del>	10 ft.

- d. *Changeable copy sign face on monument sign.* Schools and places of public assembly shall be permitted a changeable copy sign which must be contained within the permitted monument sign area.
- e. The area of the monument sign that may include a logo shall not exceed 25% of the signage area.
- fe. *Directory signs and directional signs* within the transit corridor district shall be in accordance with section 3-117.

(4) *Institutional district.*

- a. *Applicability.* This subsection (4) regulates permanent signs within the institutional zoning district.
- b. *Wall signs* for properties within the institutional district shall be permitted as follows:

Wall Signs		
Building Type	Maximum Number	Maximum Signage Area
Office and Institutional	<u>One wall sign</u> <del>1</del> per wall face, or 2 for walls over 50 ft. in length	10% of wall face or 50 sq. ft., whichever is less

- c. *Monument signs* for properties within the institutional district shall be permitted as follows:

Monument Signs			
Building Type	Maximum Number	Maximum Signage Area	Maximum Height
Office and Institutional	<u>One monument sign</u> <del>1</del> per public right-of-way frontage	40 sq. ft.	6 ft.

- d. *Changeable copy sign face on monument sign.* Schools and places of public assembly shall be permitted a changeable copy sign, ~~consisting of manually changeable copy only~~, which must be contained within the permitted monument sign area.
- e. *Directory signs and directional signs* within the institutional district shall be in accordance with section 3-117.

- (c) *Uniform sign plan.* All signs in multi-tenant projects shall ~~be subject to~~ submitting a uniform sign plan, available for inspection at the town's community development department, and shall comply with the following:
- (1) All signs mounted to a building shall be uniform in terms of illumination, material, fabrication and sign area.
  - (2) All lettering on signs shall be comprised of not more than one font style except for registered stylized trade or service marks.
  - (3) The sign plan shall be limited to no more than three colors that are consistent with the surrounding architectural standards.
- (d) *Permanent real estate leasing signs.* A permanent real estate leasing sign shall be permitted subject to the following requirements:
- (1) Such signs shall have the following sign area depending upon the property's use:
    - a. -multifamily residential, two (2) square feet;
    - b. -commercial property, four (4) square feet; and
    - c. -office, twenty-four (24) square feet.
  - ~~(2) Such signs shall only identify the name and telephone number of the property manager, property owner, broker, or leasing agent.~~
- (e) *Automated teller machines (ATM)* . ATMs may ~~only~~ have two signs, each no larger than the name of the banking institution up to one square foot and other instructional information up to one square foot.
- (f) Permanent *Noncommercial signs.*
- (1) On residential property, two noncommercial signs per issue per lot may be erected on a property. The maximum sign area shall be two square feet and maximum height shall be four feet
  - (2) On nonresidential property, one noncommercial sign per issue per lot may be erected. The maximum sign area shall be 16 square feet and maximum height shall be six feet.
- ~~(g) County signs in the town center. The provisions of this article are not applicable to on-premises signs located on county property and within the boundaries of the town center district.~~
- ~~(gh)~~ *Monument sign construction and landscaping.*
- (1) The base of all permanent monument signs shall be of solid construction. Structural components shall not be covered by a material that is high gloss, reflective, or illuminated to the extent that it may be a hazard to safety. The solid ground-mounted base of a monument sign shall be equal to or greater than the length of the sign face.
  - (2) If a monument sign is not placed in an area of required landscaping, a planting bed at least two feet in width shall surround the sign. This bed shall contain shrubs and supplemental ground cover, and shall be shown on the site plan. If the base of the sign is

less than 30 inches wide, the landscaping must be equal to the height of the base, subject to the approval by the director. In no case shall the planting be less than 18 inches in height.

- (3) An application for a monument sign shall include an accurate and up-to-date survey of the property indicating the lot dimensions, the proposed location of the sign with all setbacks to property lines, and a landscaping plan, if required.
- (4) The sign area of a monument sign shall be calculated by computing the smallest square, circle, or rectangle, triangle, or combination of shapes that will encompass the outer limits of the writing, representation, emblem, logo or other display, together with all material forming a single, continuous geometric figure.

(h) *Green building commercial ground floor wall sign bonus program.* Commercial center buildings with over 50,000 sq. ft. of floor area and a distance of between zero to 300 feet from the public right-of-way on which the building fronts, which achieve a minimum LEED certification designation of Silver or higher (or other equivalent third party certification) in accordance with the program procedures established in section 3-74(1), shall receive a bonus of maximum permissible ground floor wall sign area. This bonus shall not exceed an additional ten percent of the maximum permitted ground floor wall sign area which is applicable to the ground floor wall sign. For example, if a ground floor wall sign of no more than 20 square feet in maximum sign size area is permitted under subsection (b)(1)c of this section, an additional bonus ground floor wall sign area of two square feet may be obtained through this bonus program.

### Sec. 3-115. - Flag display standards.

- (a) *Maximum height.* Except as otherwise provided herein, flags shall be displayed on flagpoles. Such poles in nonresidential zoning districts shall not exceed the allowed height of the zoning district or 60 feet, whichever is less. Flagpoles may not be placed on top of buildings or light poles. Flagpoles in residential districts shall not exceed 25 feet.
- (b) *Maximum number and size.*
  - (1) The maximum dimensions of any flag shall be proportional to the flag pole height. The hoist side of the flag shall not exceed 20 percent of the vertical height of the pole. In addition, flags are subject to the following dimensional limitations:

Pole Height	Maximum Flag Size
Up to 25 feet	24 total square feet
25 to 39 feet	40 total square feet
40 to 49 feet	60 total square feet

50 to 60 feet	150 total square feet
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- (2) Each property that is equal to or less than a lot area of 7,500 square feet shall be allowed a maximum of one flagpole. For all other properties, a maximum of two flags shall be allowed per flagpole. References to flagpole height in this subsection refer to vertical flagpoles. References to the number of flags and flagpoles and flag dimensions refer to both vertical flagpoles and mast-arm flagpoles (for example, staffs extending at an angle from a building).
- (c) *Flags on permanent fixtures other than poles.* Flags that are attached to the side of a structure without a pole shall not, individually or cumulatively, cover more than the greater of 24 square feet or ten percent of the facade of the structure on which the flag is mounted. One flag is permitted on up to two building facades.
- (d) *Setback.* A vertical flagpole must be set back a minimum of five feet from all property boundaries.
- (e) *Condition of flag and pole or other permanent mounting.* The flag and flagpole or other permanent mounting shall be maintained in good repair. Flagpoles with broken halyards shall not be used, and torn or frayed flags shall not be displayed.

### Sec. 3-116. - Window signs.

A window sign that ~~is used for the purpose of identifying~~ identifies the business or activity on the premises ~~by name or symbol~~ is permitted, subject to the following provisions:

- (1) *Office.* The signs shall not exceed an aggregate area equal to five percent (5%) of the window glass area on which they are located. ~~Such signage is limited to the name of the business and its suite number or address, and shall be uniform within a multi-tenant center.~~
- (2) *Retail/commercial.* The signs shall not exceed an aggregate area equal to twenty 20 percent (20%) of the window glass area on which they are located.

### Sec. 3-117. - Directional and directory signs.

Directional and directory signs shall be permitted for all properties within the neighborhood center district, transit corridor district, town center district and institutional district, subject to the following provisions:- ~~Directional and directory signs shall only display directional information and logos.~~

Sign Type	Number	Signage Area	Height
Directory sign	<u>One sign</u> <del>1</del> per building	18 sq. ft.	6 ft.

<b>Directional sign</b>	<u>One sign</u> <del>+</del> per vehicular access point	8 sq. ft.	4 ft.
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### Sec. 3-118. - Hanging signs.

(a) On-premise hHanging signs shall only be permitted to the extent allowed under the applicable approved uniform sign plan.

~~(b) — The only text permitted on a hanging sign shall be one of the following:~~

~~(1) The business' trade name;~~

~~(2) The franchise name; or~~

~~(3) The primary product or service.~~

### Sec. 3-119. - Temporary signs.

(a) *Real estate sale and real estate leasing signs.*

	<b>Residential District</b>	<b>Nonresidential District</b>
<b>Permit required</b>	No	No
<b>Maximum number</b>	One sign per building or parcel	One sign per building or parcel
<b>Maximum sign area</b>	Six square feet	40 square feet
<b>Maximum height</b>	Five feet	<u>Ten</u> <del>10</del> feet
<b>Maximum duration of display</b>	Signs shall not be erected until the property is offered for sale, rent, or lease, and shall be removed within three days of closing or the signing of a lease agreement	Signs shall not be erected until the property is offered for sale, rent, or lease, and shall be removed within three days of closing or the signing of a lease agreement



<b>Other restrictions</b>	<p><del>Signs shall only identify the name and telephone number of the property manager, property owner, broker, and leasing agent or as otherwise required by state law</del></p>	<p><del>Signs shall only identify the name and telephone number of the property manager, property owner, broker, leasing agent, or as otherwise required by state law.</del> On commercial or office properties where a permanent real estate leasing sign does not exist, a temporary real estate leasing sign may only be placed in the window of the ground floor premises that is being offered for lease.</p> <p>In retail shopping centers where a permanent real estate leasing sign does not exist, a temporary real estate leasing sign may only be placed in the window of the ground floor premises that is being offered for lease</p>
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(b) *Construction signs.*

	<b>Residential District</b>	<b>Nonresidential District</b>
<b>Permit required</b>	No	No
<b>Maximum number</b>	One freestanding sign per construction site	One freestanding sign per construction site
<b>Maximum sign area</b>	16 square feet	16 square feet
<b>Maximum height</b>	Eight feet	Eight feet
<b>Maximum duration of display for</b>	Freestanding signs shall not be erected prior to the issuance of a building permit for the project, and	Freestanding signs shall not be erected prior to the issuance of a building permit for the project, and

<b>freestanding signs</b>	shall be removed within three days after the date of the issuance of a certificate of occupancy or certificate of completion, whichever occurs first	shall be removed within three days after the date of the issuance of a certificate of occupancy or certificate of completion, whichever occurs first.
<b>Maximum duration of display for signs on trailers or temporary storage facilities</b>	Signs on trailers or temporary storage facilities located at construction sites are only permitted while a building or engineering permit is in effect for that site	Signs on trailers or temporary storage facilities located at construction sites are only permitted while a building or engineering permit is in effect for that site
<b>Other restrictions</b>	Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor, or materials vendor upon which property such individual is furnishing labor, services, or material	Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor, or materials vendor upon which property such individual is furnishing labor, services, or material

(c) *Temporary Noncommercial signs.*

- (1) On residential property, noncommercial signs may be erected on a property. The maximum sign area for all signs placed on the property shall not exceed six (6) square feet, and the maximum height of any one sign or combination of signs shall not exceed four (4) feet. The noncommercial signs may be placed on the property for no more than ninety (90) days during any one calendar year.
- (2) On nonresidential property, noncommercial signs may be erected on a property. The maximum sign area for all signs shall not exceed thirty-two (32) square feet, and the maximum height of any one sign, or combination of signs shall not exceed six (6) feet. The noncommercial signs may be placed on the property for no more than ninety (90) days during any one calendar year.
- (3) Noncommercial signs shall not be permitted in the public right of way.

(c) ~~Election signs.~~

Regulations	Residential District	Nonresidential District
Permit required	No	No
Maximum number	One free-standing sign per candidate or issue per property	One free-standing sign per candidate or issue per property
Maximum sign area	22 by 28 inches	16 square feet
Maximum height	Four feet	Six feet
Maximum duration of display	A sign shall be erected no more than 90 days prior to the election and shall be removed no more than three days after the election	A sign shall be erected no more than 90 days prior to the election and shall be removed no more than three days after the election
Other restrictions	Signs shall not be permitted in public or private rights-of-way. The town has the authority to remove such advertisements, and may charge the candidate the applicable fee for such removal	Signs shall not be permitted in public or private rights-of-way. The town has the authority to remove such advertisements, and may charge the candidate the applicable fee for such removal

(d) ~~Special event or b~~Banner signs.

<b>Regulations</b>	<b>Nonresidential District</b>	<b><u>Nonresidential Banner Signs on Old Cutler Road</u></b>
<b>Permit required</b>	Yes	<u>Yes. The permit shall include a copy of the business tax receipt for the business</u>
<b>Maximum number</b>	No more than one sign per tenant	<u>One sign per business</u>
<b>Maximum sign area</b>	16 square feet	<u>16 square feet</u>
<b>Maximum height</b>	<del>Six feet, except banner signs may be 12 feet</del>	<u>Not to extend above the lowest point of the roof</u>
<b>Maximum length of display</b>	30 days <del>and removed 3 days after the event</del>	<u>14 consecutive days</u>
<b>Other restrictions</b>	Four times in any 12-month period	<u>Six times in any 12-month period</u>

~~(e) — *Nonresidential banner signs on Old Cutler Road.*~~

<b>Regulations</b>	<b>Nonresidential District</b>
<b>Permit required</b>	<del>Yes. The permit shall include a copy of the business tax receipt for the business</del>
<b>Maximum number</b>	<del>One sign per business</del>
<b>Maximum sign area</b>	<del>16 square feet</del>
<b>Maximum height</b>	<del>Not to extend above the lowest point of the roof</del>

Length of display	<del>Such signs may be authorized by the town for:</del> (1) <del>14 consecutive days;</del> and (2) <del>six times in any 12 month period</del>
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### Sec. 3-120. - Architectural embellishments.

- (a) *Generally.* Architectural embellishments added to a structure for the purpose of conveying a message as to the purpose of the building, or to attract attention to the building, shall be treated as signs, and must comply with section 3-112 and shall be subject to the standards set forth in section 3-114.
- (b) *Requirements.* All applications for approval of architectural embellishments shall meet the following requirements:
  - (1) Architectural embellishments shall be consistent with the design of the building and compatible with the building and surrounding structures.
  - (2) No written messages, logos, arrows, flags, banners or bare bulbs shall be part of the architectural embellishment.
  - (3) Architectural embellishments shall be applied and constructed strictly in accordance with the site plan. Any deviation from the approved plan or rendering, in materials or style, will require removal of the architectural embellishment pursuant to code compliance.
  - (4) The addition of architectural embellishments to an existing structure shall require an amendment to the existing site plan and shall be processed accordingly.

### Sec. 3-121. - Sign placement.

- (a) *Location.* All signs and sign structures shall be located completely within the boundaries of the site on which the principal building is located.
- (b) *Setbacks.* Freestanding signs that are permanent signs may be placed in required setbacks, provided that no sign shall be permitted within ten feet of any adjacent property line, within setbacks adjacent to residential lots, or within required corner sight distance triangles. Signs located in private easements shall require permission of the easement holder.
- (c) *No obstruction.*
  - (1) *Obstruction to exits.* No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
  - (2) *Obstruction to ventilation.* No sign shall be attached in any form, shape or manner that will interfere with any opening required for ventilation.

### Sec. 3-122. - Sign design and maintenance.

- (a) *Sign integration.* All signs shall be designed as an integral part of the total building or project.
- (b) *Colors.* All signs for a single-tenant building shall contain no more than four different colors (including the background color) consistent with the surrounding architectural standards. White, black, and different shades of the same color shall be considered separate colors. Color samples must be submitted with any application for sign review.
- (c) *Logos.* A logo(s) may be used in lieu of a permanent sign or as a part of a permanent sign subject to the following provisions:
  - (1) *Logo(s) used in lieu of a permanent sign.* A logo(s), used in lieu of a permanent sign, shall be subject to the permanent sign regulations for maximum number, area, and height.
  - (2) *Logo(s) used as a part of a permanent sign.* The dimensions of a logo(s), used as a part of a permanent sign, shall be counted towards and contained within the maximum area and height allowed for the permanent sign.
- (d) *Reverse channel lettering.* Casing may be any approved color. Illumination shall be white.
- (e) *Materials.* Materials used for monument sign structures shall be consistent with the materials, color, and fabrication used in any wall signage on the principal buildings on the site.
- (f) *Illumination.*
  - (1) Within 500 feet of a lot containing a residential dwelling, no sign shall be illuminated after 11:00 p.m. or the close of business, whichever occurs last. This provision shall not apply to residential monument signs.
  - (2) Signs that are externally illuminated shall have a lighting fixture that is recessed in the ground. No portion of said fixture may be installed to remain above the surrounding grade.
  - (3) Light sources used to illuminate signs shall not be visible from nearby rights-of-way or properties.
  - (4) Signs shall not be constructed of any light-reflective letters or materials.
  - (5) No back lighting of awning or canopy signs shall be allowed.
  - (6) Signs that are illuminated shall utilize the most energy efficient means currently available.
  - (7) Illumination requirements by sign type.
    - a. *Wall signs* may be internally illuminated or illuminated from an external light source such as a decorative wall-mounted light fixture.
    - b. *Monument signs* may include internally illuminated letters or logos, or may be illuminated from an external light source in accordance with subsection (f)(2) of this section.

(g) *Maintenance.*

- (1) All signs shall be maintained as originally permitted and constructed.
- (2) No person shall have any sign that is in a dangerous or defective condition on any premises he owns or controls. Within ten days of receiving notice of lack of maintenance, all signs shall be maintained in a safe presentable and good structural condition, including the replacement of defective parts, repainting, cleaning and other acts required for the maintenance of said sign. If the sign is not made to comply with the above standards, the town shall require its removal in accordance with section 3-124.
- (3) Except as otherwise provided in this article, any on-premises sign located on property that becomes vacant and unoccupied for a period of three (3) weeks or more, or any sign that pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. An abandoned sign is prohibited and shall be removed in accordance with section 3-124.

**Sec. 3-123. - Signs within the rights-of-way and on public property.**

Signs shall be prohibited in the rights-of-way within the town, provided that the following exceptions shall apply:

- (~~a~~1) Emergency warning signs erected by a governmental agency, public utility, or contractor authorized to work within the right-of-way.
- (~~b~~2) Public signs erected by or on behalf of a governmental entity to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
- (~~3~~c) Informational signs of a public utility regarding its poles, lines, pipes, or other facilities.
- (4d) Signs that are expressly allowed pursuant to a contract with the town.
- (~~5~~e) Signs that are expressly allowed in a town-issued special event permit, and that relate to the event covered by the permit.

**Sec. 3-124. - ~~None~~complying-Illegal signs.**

Any sign installed or placed on public property, except in conformance with the provisions of this article, or any sign or sign structure that is constructed illegally, or not in conformance with the provisions of this Article~~does not comply with the requirements of this article~~, shall be forfeited to the public and subject to confiscation. In addition to other remedies, the town shall have the right to recover from the owner or person responsible for the placement of the sign the full costs of its removal and disposal.

**Sec. 3-125. - Automatic changing signs.**

Subject to the following mandatory conditions, automatic electric changing signs ("ACS"), shall be permitted in mixed-use districts only, in accordance with the following requirements:



- (a1) An ACS may be an on-premises sign only. A detached ACS shall be of a monument type and shall comply with the sign height and size regulations for monument signs.
- (b2) An ACS shall conform to all sign size, placement, setback, and quantity limitations as provided elsewhere in this article and shall comply with all state building code requirements.
- (c3) Incandescent lamps/bulbs in excess of nine watts are prohibited in an ACS. Incandescent lamps/bulbs in an ACS shall not be exposed but shall be covered by a translucent lens or filters.
- (d4) The maximum brightness of an ACS shall not exceed illumination of 3,500 nits (candelas per square meter) during daylight hours, nor 750 nits between dusk to dawn, as measured by applying a spectroradiometer (light meter) directly to the sign face at maximum brightness. The ACS must be equipped with an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half hour before sunset to one half hour before sunrise. An ACS shall be equipped with an automatic operational night dimming device.
- (e5) The following operating modes are prohibited:
  - (1)a. Flash. The condition created by displaying the message intermittently by turning it on and off, on and off, with rapidity, or any other delivery mode that creates a flashing effect.
  - (2)b. Zoom. The look or condition created by expanding a message from a central point to its full size.
  - (3)e. Any signs which use the word "stop" or "danger" or imply the need or requirement of stopping, or which are copies or imitations of official signs.
  - (4)d. Red, green or amber (or any color combination thereof) revolving or flashing light giving the impression of a police or caution light.
- (f)(5)e. —A minimum of ten acres gross improved land area shall be required for the placement of an ACS.
- (g)(6)f. An ACS shall be located only on an arterial roadway as depicted on the adopted growth management plan future land use map series.
- (h)(7)g. The applicant for an ACS shall file a declaration of use, on a form prescribed and approved by the director, which will govern the operation of the ACS and contain penalties for abatement and removal of the ACS for violations of the declaration of use and the provisions of this article.

### Sec. 3-126. - Residential development entrance features.

Notwithstanding any other provision of this article, residential development incorporating an entrance feature shall comply with the following standards:

- (a1) Entrance features shall be placed so as not to encroach upon utility lines or traffic control devices, whether such lines or devices are located overhead or underground; and where a

conflict is encountered, the developer or designated property owner shall be responsible for the removal or relocation of the said features or a part thereof.

- (b2) Entrance features shall be placed so as not to cause a visual obstruction and thereby create a traffic hazard, and should the use of illumination be incorporated in said features, such illumination shall be placed so as to be unobtrusive to moving traffic lanes or adjacent properties.
- (c3) The character and scale of entrance features shall be of a design such that said features are complementary to the identified development and compatible with the immediate neighborhood insofar as its overall impact is concerned.
- (d4) All structures within entrance features shall meet all standards of the state building code and any other applicable standards, and all water bodies with depths greater than 18 inches shall meet all applicable standards of this chapter, applicable to reflecting pools and water features standards.
- (e5) Applications for permits for entrance features shall be made by the fee owner of the property in question and submitted to the department. Applications shall include an accurately dimensioned site plan identifying all structures and landscaping incorporated in said features and identifying all setbacks and elevations of the same, including any wall or monument sign proposed.
- (f6) Upon receipt of all necessary information, the department shall review the application, and render a decision either approving, modifying, or denying the request. The applicant, or any aggrieved property owner in the area, may appeal the decision to the town council, in the manner provided for appeals of administrative decision.
- (g7) Entrance features may be placed within public rights-of-way provided prior approval is granted by the public works director along with the following:
  - (1)a. An approval shall include a bond submitted to the public works director in an amount to cover the removal of said features if deemed necessary at a later date by the town. The bond shall have an initial ten-year life and shall be renewed for five-year periods thereafter.
  - (2)b. An executed covenant, stating that all structures shall be maintained in good condition and repair and that all landscaping shall likewise be so maintained, shall be delivered to the public works director for review and, upon approval, shall be duly recorded prior to the issuance of any permits.
- (f8) Entrance features placed on private property shall be continually and properly maintained by the owners. To assure proper maintenance an executed covenant, stating that all structures shall be maintained in good condition and repair and that all landscaping shall likewise be so maintained, shall be delivered to the department for review and, upon approval, shall be duly recorded prior to the issuance of any permits.

### **Sec. 3-127. - Sign amortization.**

- (a) It is the intent of this section to recognize that the eventual elimination of certain existing signs that are not in conformity with the provisions of these regulations, in as expeditious a manner as is reasonable, bears as much relation to the health, safety, and welfare of the citizens of the town as the prohibition of new signs that would violate these regulations. It is also the intent of this section to protect private property rights to the extent required by law. This procedure shall not apply to off-premises signs governed by the provisions of F.S. § 70.20.
- (b) These sign amortization procedures shall apply to V-shaped point of sale signs, pole signs, and attached and freestanding signs including exposed or visible neon light tubing, as prohibited by section 3-113. This procedure shall not apply to off-premises signs governed by the provisions of F.S. § 70.20.
- (c) Subject to the sign amortization schedule below, a nonconforming V-shaped point of sale sign, pole sign, and attached or freestanding sign including exposed or visible neon light tubing may be continued for the length of the applicable amortization period, and shall be maintained in good condition, and shall conform with the regulations applicable to nonconforming structures in the town.
- (d) All nonconforming V-shaped point of sale signs, pole signs, and attached and freestanding signs including exposed or visible neon light tubing in existence upon the effective date of the prohibition on such signs as adopted by these land development regulations, and which previously conformed to all legal requirements, but which are made nonconforming by the provisions of these regulations, shall be brought into conformity or shall be removed in accordance with the following amortization plan:

Schedule of time periods for removal, replacement, or alteration of signs subject to amortization procedures based upon the cost of original installation	
Cost of Original Installation	Time Period to Conform
\$0.00—\$500.00	6 months
\$500.00—\$999.00	1 year
\$1,000.00—\$7,000.00	2 years
\$7,001.00—\$19,999.00	3 years
\$20,000.00 and over	5 years

- (e) *Procedure for enforcement of amortization requirements.*

- (1) This section shall apply to all zoning districts within the town. The amortization schedule provided for in this section shall apply to those properties that did not receive an amortization letter pursuant to Ordinance No. 08-14. Properties that did receive an amortization letter pursuant to Ordinance No. 08-14 shall be required to amortize the applicable sign(s) in accordance with the timeframe provided for in such letter or as otherwise extended, in writing, by the director. The amortization schedule applicable to each sign determined to be subject to this subsection shall be determined by the director or his designee based upon a review of building permits to determine the original cost of installation of the sign. If an original building permit is not available, the value will be determined by the professional estimation of the town's building official. The period of nonconformity shall begin as of the effective date of the ordinance from which this article is derived. Prior to the town enforcing the amortization period against any sign, it shall be the responsibility of the director, or his designee, to make an inventory and a record of all nonconforming signs subject to the amortization requirement and to serve notification of the commencement of amortization regulations on the owners of such signs. Such inventory shall include the following information:
  - a. Owner;
  - b. Location; and
  - c. Valuation.
- (2) An owner of a sign who desires an amortization period longer than that specified in the amortization schedule shall file an application for extension with the community development department within 30 days of notification of the commencement of amortization regulations. The application shall be on a form provided by the department, and shall include a statement setting forth the cost of the nonconforming sign, the date of installation, and/or the cost and date of the most recent renovation. An extension of an amortization period may be granted if the director finds that, with regard to the individual sign at issue, the amortization period set forth in this code is unreasonable. The director's decision may be appealed to the town council by the applicant within 30 days of the determination.

~~(f) *Window signs.* Window signs shall be brought into compliance with the provisions of this article within 180 days of the code adoption.~~

**Secs. 3-128, 3-129. - Reserved.**