

ORDINANCE 448

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA, REPEALING ARTICLE VI OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF PORT ST. JOE; ADOPTING A REVISED ARTICLE VI PROVIDING FOR SIGN REGULATION; PROVIDING FOR THE APPLICATION, PERMITTING AND VARIANCE PROCESS; PROVIDING FOR TYPES OF SIGNS AND REQUIREMENTS FOR CONSTRUCTION AND MAINTENANCE; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the people of the City of Port St. Joe, Florida, as follows:

1. Article VI of the Land Development Regulations of the City of Port St. Joe, adopted on October 7, 2008 as part of Ordinance 410 is hereby repealed.
2. Revised Article VI attached hereto and by this reference made a part hereof is hereby adopted.
3. REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.
4. SEVERABILITY: If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.
5. EFFECTIVE DATE: This ordinance shall become effective July 1, 2010.

DULY PASSED AND ADOPTED by the Board of City Commissioners of Port St. Joe, Florida this 18th day of May, 2010.

THE CITY OF PORT ST. JOE

By: Mel Magidson
MEL C. MAGIDSON, JR.
MAYOR-COMMISSIONER

ATTEST:

Jim Anderson
JIM ANDERSON
CITY CLERK-AUDITOR

The following commissioners voted yea:
The following commissioners voted nay:

ARTICLE VI. SIGN REGULATIONS

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6.0 General Provisions

6.0.1 Purpose

1. To promote and protect the public health, safety, and general welfare.
2. To enable the identification of places or residences and businesses.
3. To balance the rights of individuals to convey their messages through their signs and the right of the public to be protected from the unrestricted proliferation of signs.
4. To enhance the economy and the business and industry of the city by promoting the reasonable, orderly and effective display of signs, including the public being able to locate goods, services, and facilities in the city.
5. To maintain and enhance the aesthetics of the city by restricting signs and lights that increase clutter.
6. To maintain and improve traffic safety by preventing and restricting signs that, due to their placement or appearance, increase the probability of traffic accidents by obstructing vision or confusing motorists.
7. To promote signs that are compatible with their surroundings and minimize potential adverse effect of signs on nearby property.
8. To ensure proper maintenance of signs for safety and structural soundness as well as the appearance of signs.
9. To ensure the fair and consistent enforcement of sign regulations.
10. To insure that these sign regulations continue to take into account developments in the law.

6.0.2 General Requirements

1. Any sign erected, placed, reconstructed, expanded or relocated on any property within the City shall conform to the provisions of this Article. The number, location, and size of signs allowed per each property or business is limited by this Article.
2. No signs shall be located, erected, placed, constructed, reconstructed, expanded, altered, or relocated except as provided in this ordinance without securing a permit from the City of Port St. Joe.
3. It is the responsibility of the owner/developer to ensure proper compliance and to repair and maintain the signs.
4. It is the responsibility of the land owner to remove signs from unoccupied spaces and/or buildings, or when the permit has expired.
5. Signs not repaired or maintained, as determined by the City or its designated agent, and duly cited for posing a public safety hazard will be declared derelict and will be removed at owner's expense.
6. Private signs on public property or public right-of-way may be removed by the City or its agents without notice to the sign owner.

6.0.3 Prohibited Signs

1. Bench Signs.
2. Non-Conforming Signs.
3. Off-Premises Signs: Off-premises signs pertain to any sign on any property other than that on which the business is located, including but not limited to billboards, sandwich boards, "A" frame, "T" frame, step signs, "yard" signs, menu signs, "on duty" signs, snipe signs, portable signs, trailer signs, vehicle signs.
4. Advertising Signs on Towers: Advertising signs on any type of water tower, aerial tower or other tower.
5. Signs on Public Right of Way: Signs on public rights-of-way, public property including but not limited to streets, sidewalks, parks, street lights and poles, bridges, in or upon any river, bay, lake, or other body of water, except signs erected, approved or required by law or by public governmental entities or signs erected pursuant to section 6.4.9.
6. Temporary or mobile Changeable Message Signs (except portable menu signs, & signs owned by public entities)
7. Pavement Markings, except official traffic control markings and street addresses.
8. Roof Signs.
9. Piers or Seawalls: Signs attached to or painted on piers or sea walls, other than official regulatory or warning signs.
10. Emissions: Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.

11. Unshielded Illumination: Signs that have unshielded illuminating devices or which reflect lighting onto public rights-of-way, thereby creating a potential traffic or pedestrian hazard.
12. Moving Signs: Signs that move, revolve, twirl, rotate, flash, including animated signs, multi-prism signs, floodlights and beacon lights, except when required by the Federal Aviation Agency or other governmental agency.
13. Obstructions: Signs that obstruct, conceal, hide, or otherwise obscure from view any official traffic, government sign, signal, or device, or presents a potential traffic or pedestrian hazard, including signs which obstruct visibility.
14. Three-Dimensional Objects: Three-dimensional objects that are used as signs, carried, waved, or otherwise displayed by persons either on public rights-of-way or in a manner visible from public rights-of-way, intended to draw vehicular and pedestrian attention for a commercial purpose (not intended to limit the display of placards, banners, flags, or other signage by persons participating in demonstrations, political rallies and similar events that have been properly permitted).
15. Signs Omitted from the Code: Any sign that is not specifically described or enumerated as permitted within the zoning district classifications in the land development code.
16. Flags and Banners as permanent signage.

6.0.4 Enforcement of Prohibited Signs

1. Any sign that is installed, erected, altered, moved or replaced in violation of this Article is prohibited. The enforcement of sign regulations will be performed by the Code Enforcement Inspector (CEI), the City Manager, or his designee. The owner or person or firm maintaining the sign shall, upon notice either written or verbal from the City Manager, CEI, or his designee, shall remove prohibited signs. Any such sign not removed or properly altered within the time period allotted from the notice, may be removed by the City and all costs charged to the property owner, agent, or person having beneficial interest in the sign itself.

2. Derelict Signs

Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the City Manager or his designee, the owner or person or firm maintaining the sign shall, upon written nor verbal notice from said enforcement officer, forthwith in the case of immediate danger and in any case within (48 hours), remove such sign or secure it in a manner approved by the enforcement officer. Any such sign not removed or properly secured within the time period allotted from the notice, may be removed by the City and all costs charged to the property owner, agent, or person having beneficial interest in the sign itself.

3. Temporary Signs

Pennants, streamers, banners, wind-blown devices, real estate signs, real estate directional signs, semi-public-use directional signs, signs in the right-of-way, and construction signs that do not conform to the provisions of this Article upon its adoption or amendment shall be removed within ten (10) days.

4. Nonconforming Signs and a new business

A nonconforming freestanding or building sign shall not be reused for a new business or establishment and shall be removed within thirty (30) days after the business or establishment to which the sign initially pertained ceases to operate at the subject location. This includes the replacement of a sign face module for a new business on a sign or sign structure that exceeds the maximum area or height requirements established by this Article.

5. Change or Removal of Discontinued Signs

When a property owner has a lawful and conforming freestanding or building sign that no longer is used by a business or establishment, and the owner desires to retain said sign, this section shall apply in order to retain said freestanding sign as a lawful sign. If the discontinued freestanding sign or building sign contains a sign face that is in the form of a removable sign face module, the removable sign face module containing advertising shall be removed and replaced with a panel of like or similar appearance without advertising until another use is lawfully established. If a discontinued freestanding sign or building sign contains a sign copy area that is not removable, the said sign shall be removed or the copy area shall be painted over to conceal the advertising.

6.0.5 Prohibited Sign Locations

1. No sign shall be placed or located in a manner inconsistent with this Section.
2. Location in right-of-way prohibited. No part of any sign shall be located in, over, or project into a public right-of-way except for awning signs, canopy signs, or projecting signs in the commercial district.
3. Obstructions of buildings and roadways prohibited. No sign shall be erected, located, or maintained in such a manner as to interfere with safe and free ingress and egress of any door, emergency exit, driveway, street, or roadway.
4. Obstruction of utilities prohibited. No sign shall interfere with such utilities as water mains and hydrants, sanitary sewerage, gas, electricity, and communications equipment or lines, and shall not interfere with natural or man-made storm-water drainage facilities.
5. Obstructions of views and confusion with traffic controls. No sign shall be erected or maintained where, by reason of its position, wording, illumination, size, shape or color, it may obstruct the view of oncoming vehicles or impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device. No sign shall contain or be in imitation of an official governmental traffic control sign, signal, or emergency vehicle device.

6. Damage to trees or landscaping. No sign shall be located in a manner that poses a threat to the critical root zone of an existing tree or landscaping.

6.0.6 Penalties for Non-Compliance

1. If a sign is erected either without the required permit (unless no permit is required as per this Article) or erected in violation of this Article, the owner, owner's agent, or person in control of any property where the sign is located shall have the sign immediately removed.
2. Upon receipt of written notification by the City that a sign is illuminated, blinking, moving three-dimensional or sounding in violation of this Article, the owner, owner's agent, or person in control of the premises, shall immediately terminate the prohibited illumination of such sign.
3. In the case of emergency situations, the City is hereby authorized to take such steps that may be necessary to secure or remove signage that poses a threat to the public health, safety, and welfare.
4. Penalties shall be imposed as part of the code enforcement process, which fines shall be paid within thirty (30) days, or liens will be placed on the property in violation. Penalties Shall Be as Follows:

First Offence: Warning-Correction Notice

Second Offence: \$25 Dollars per day

Third Offence: \$50 Dollars per day

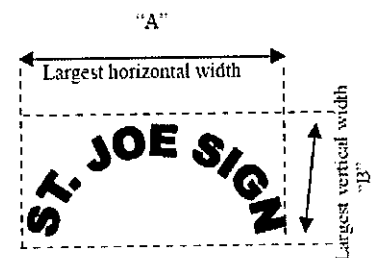
Forth offence: \$ 250 Dollars per day

Fifth or more \$ 500 Dollars per day

6.0.7 Size & Height Computation

1. Computation of Sign Area:

- a. The area of a sign shall be computed by means of the smallest rectilinear figure (but which shall have a continuous perimeter of not more than eight (8) straight lines) which encompasses all lettering, wording, frame, design or symbols, together with any background and any illuminated part of the sign on which the sign is located, if such background or such illuminated part of the sign is designed as an integral part of and related to the sign.
- b. Support and bracing which are not intended as part of the sign and which contain no message, shall be excluded.
- c. In the case of a multi-faced sign, the area of the sign shall be considered to include all faces visible from one direction. The area shall be



"A" x "B" = Sign Area

considered to include all lettering, wording and accompanying designs or symbols together with any background of different color than the natural color of the building.

2. Computation of Height

- a. The height of a sign shall be computed as the distance from the ground directly below the center of the sign or from the grade of the closest point in the traveled way of the road or street the sign is located along, whichever is higher, to the sign or sign structures highest point.

6.1 Temporary Signs Allowed Without a Permit – Restrictions Apply

6.1.1 Construction Signs

1. Safety or warning signs for road work with flashing lights and/or messages are allowed during progress of the work.
2. One construction site identification sign may be placed on a property upon the commencement of construction and shall be removed within Ten (10) days of receiving a final certificate of occupancy for the construction or development project to which it refers, if such sign complies with all of the following:
 - a. Maximum nine (9) square feet in sign face area and a maximum height of four (4) feet in single-family residential zoning districts.
 - b. Maximum thirty-two (32) square feet in sign face area and a maximum height of eight (8) feet nonresidential zoning districts.
 - c. No illuminations shall be permitted.

6.1.2 Temporary Window Signs

6.1.3 Portable Menu Signs

1. Shall be located adjacent to the building wall for the business for which it promotes a product or service
2. Shall allow no less than four (4) feet of open pedestrian space between the outer edge of the sign and the edge of the sidewalk.
3. Shall be removed daily at close of business day.

6.1.4 New Business Signs

1. Banners may be permitted to indicate the grand opening of a new business, the existence of a new business, or a business in a new location.
2. Such banners shall be placed flush upon the wall or window to which they are attached. Banners shall not be hung as canopy sign or flown as flags.

3. Such message may be displayed for a period of not more than thirty (30) calendar days or until installation of permanent signs, whichever shall occur first. An extension of thirty (30) days may be granted by the City for reasonable cause

6.1.5 Real Estate Signs

1. One (1) freestanding real estate sign per parcel of land indicating that a parcel of land or a building located on the parcel of land or part thereof is for sale, for lease or otherwise available for conveyance, provided that such sign does not exceed:
 - a. Maximum nine (9) square feet of total sign face area and (4) feet in height, non-illuminated, on parcels of land designated or used for residential purposes to include riders
 - b. Maximum thirty-two (32) square feet of total sign face area and eight (8) feet in height, non-illuminated on parcels of land designated or used for non-residential purposes (multi-family, commercial and industrial zoning districts).
 - c. In the event that more than one dwelling unit or non-residential space on a single parcel of land is for sale, one (1) attached sign per dwelling or space of no more than two (2) square feet in total sign face area in addition to the permitted freestanding signage.
2. Ten (10) days after sale transaction is recorded with the Gulf County Clerk of the Court, any and all signage accompanying the sale shall be removed.
3. For Rent Signs: One (1) attached sign either affixed to the structure or displayed from a window that a property is for lease or for recurring short-term rental with a maximum square footage of nine (9) square feet.

6.1.6 Political Signs

1. One (1) Temporary yard sign per political candidate or political initiative may be placed per property with permission of the property owner and must be removed within two (2) days following the election.
2. Penalties for non compliance may be assessed to the property owner and/or the political candidate.

6.1.7 Garage Sale Signs

1. One (1) garage/yard sale/open house sign of no more than two (2) square feet of total sign face area located on the parcel of land where the sale is to be conducted, and displayed only on the dates on which the sale is conducted.

6.2 Permanent Signs Allowed Without a Permit – Restrictions Apply

6.2.1 Street Address Signs: One address sign of no more than (2) two square feet of total sign face area for each parcel of land used for residential purposes, and no more than (3) three

square feet of total sign face for each parcel of land used for commercial purpose and semi-public use purposes.

6.2.2 Equipment/Machinery Signs: Signs which are integral and incidental to equipment or machinery and cover no more than twenty (20) percent of the exterior surface of such equipment or machinery.

6.2.3. Menu Signs: One (1) Attached or freestanding menu sign of no more than six (6) square feet of sign face area located at the entrance of a restaurant. Two (2) freestanding sign no more than sixteen (16) square feet in area and six (6) feet in height located in the rear of the principle building of the restaurant.

6.2.4. Onsite Directional Signs: Onsite directional and traffic control signs of no more than four (4) square feet of sign face area, provided that business logos or other non-traffic control symbols do not exceed twenty-five (25) percent of the sign face area.

6.2.5 Parking Space Numbers: Parking space numbers and marina slip numbers painted on the paved surface or dock not to exceed one-half ($\frac{1}{2}$) square foot of sign face area per sign.

6.2.6 Indoor Signs or Signs within a Stadium: Signs indoors or located within a stadium that are primarily directed at patrons of the facility.

6.2.7 Safety Signs: Safety or warning signs that do not exceed four (4) square feet of sign face area per sign.

6.2.8 Vessel Slip Signs: One (1) sign identifying each individual vessel slip at a marina, provided such sign does not exceed four (4) square feet in area and is placed in the vicinity of the slip. For commercial marinas having separately licensed slips for commercial vessels, each licensed slip shall be permitted one (1) sign containing no more than eight (8) square feet in area placed in the vicinity of the slip to identify the vessel, rate/embarking schedules or other information.

6.2.9 Permanent Window Signs: Signs within windows and doors incidental to the operation of the business (i.e. hours of operation and accepted credit cards) and required signs (i.e. statutory and business regulation signage) shall be permitted in non-residential zoning districts.

6.2.10 Memorial Signs: Memorial signs or tablets, names of buildings and the dates of erections, when cut into any masonry surface or when constructed of bronze or other non-combustible materials so long as the memorial sign or tablet does not exceed four (4) square feet of area.

6.3 Event Signs

6.3.1 Event Signs:

1. The following sign allowance shall be allowed in conjunction with a special temporary event duly permitted pursuant to the Code of Ordinances.
2. Such signage may not interfere with traffic, safety or sight lines and must be erected on the property on which the event is to be held, and shall be allowed for a period of seven (7) days prior to the event, and four (4) days for the duration of the event, and to be removed at the conclusion of the event.

3. One non-illuminated temporary sign, banner, balloon, cold air inflatable, streamer, or pennant announcing the event, not exceeding thirty-two (32) square feet in area nonresidential zoning districts only.

6.3.2 Off-Site Event Signage

1. Any business, church, school, or non-profit located within the limits of the City is eligible to be included in the Off-site event signage locations.
2. Off-site event signage shall be allowed only in common locations as designated by the City Manager or designee.
3. Off-site sign permit application, including a fee based on a fee schedule to be determined by City Commission resolution is required.
4. Shall be allowed for a period of seven (7) days prior to the event, and four (4) days for the duration of the event, and to be removed at the conclusion of the event.
5. Size restrictions for signs in common locations will be determined by the City Manager based on the space available in the common location.
6. Quantity of Off-Site event signage allowed for any one business, church, school or non-profit will be limited to (4) events per year.

6.4 Commercial Signs

6.4.1 Freestanding Signs

1. Principal freestanding signs shall be monument signs or pole signs.
2. Only One (1) principle freestanding sign is allowed per parcel.
3. Maximum size of thirty-two (32) SF of signable area visible from any one direction.
4. There shall be a minimum setback of five (5) feet between any right-of-way and the nearest edge of a freestanding sign along State right-of way, and a minimum setback of three (3) feet along City right-of-way. Signs shall not interfere with any intersection sight triangle.
5. Maximum of fourteen (14) feet high, but in no case above the height of the principle building.
6. Commercial parcels with more than 20,000 square feet of retail and/or office space restricted to thirty (30) feet in height and twelve (12) feet in width.
7. All freestanding signs shall be installed in a landscaped area of not less than twenty five (25) square feet.
8. All freestanding signs shall include the address number of the property on which the sign is to be located
9. Materials used in the structure of the monument sign and any other principle freestanding sign should be architecturally compatible with the principle building or structure on the lot.

6.4.2 Attached Building Signs

1. The graphic and the wall on which the attached building sign is displayed shall be correctly proportioned per this Article.
2. The signable area is a continuous portion of a building unbroken by doors or windows. The area is calculated by selecting a continuous façade free of architectural details, then drawing an imaginary rectangle and computing the square footage of this area.
3. The total sign area shall be no more than fifty percent (50%) of the signable area.
4. The allowable size graphics may be located anywhere on the wall.
5. Where individual businesses are located in a single building or in multiple buildings that are connected, attached signs shall be designated according to a common theme but may be sufficiently unique to each individual business.

6.4.3 Projecting and Blade Signs

1. Projecting signs include awning/canopy signs suspended from an overhang or blade signs attached to the wall and perpendicular to the wall and shall be limited to no more than one (1) per tenant on a property.
2. Shall be placed with at least six feet, eight inches (6'8") of clearance above the walking surface when erected over pedestrian walkways.
3. If illuminated, must follow requirements of "Illuminated Signs."

6.4.4 Multiple Business Signs

1. Two (2) one-sided monument signs or one (1) two-sided monument sign may be located at each entrance into a commercial development or into an office or industrial park consisting of two (2) or more buildings.
2. Each development entrance sign shall not exceed thirty-two (32) total square feet in total sign face area.
3. If illuminated, must follow requirements of "Illuminated Signs."

6.4.5 Sign Illumination

1. The light from any illuminated sign shall be shaded, shielded, or directed away from adjoining street rights-of-way and properties.
2. No sign shall have blinking, flashing, or fluttering lights, or other illumination devices which have a changing light intensity, brightness, color, or direction.
3. No colored lights shall be used at any location or in any manner so as to that could be confused with or construed as traffic-control devices.
4. Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

6.4.6 Changeable Message Signs

1. Gasoline Price Signs: The area of gasoline price signs, whether attached or not, shall be included in determining the cumulative area of signs on a property. Gasoline price signs shall be integrated into the principle sign of the property.
2. Permanently Installed Changeable Message Signs
 - a. Must not be portable or include wheels, axels, or trailers
 - b. Must be integrated into the permanent principle freestanding sign or building sign.
 - c. Must be maintained properly to avoid missing letters, non-matching letters and numbers, and maintain current information.

6.4.7 Electronic Message Boards

1. Notwithstanding any other provision of this code, electronic message boards and/or changeable message signs shall be permitted if it complies with all of the following (signs owned by public entities are exempt):
 - a. It must be located on a multi-tenant commercial center providing not less than 50,000 square feet of retail space.
 - b. It shall not be located within the boundaries of the Port St. Joe Redevelopment Agency or in any area designated residential, recreational or public use on the Port St. Joe Future Land Use Map.
 - c. The PDRB shall make a finding that the sign, as permitted, does not use any flashing or strobe lights, does not emit any sounds, does not present lighting effects that are unusually distracting to vehicles and otherwise complies with the size, location and other requirements of these regulations.
 - d. It may not be located less than nine feet above grade.
2. Time and Temperature Signs
 - a. Time and temperature signs shall be allowed in non-residential districts.
 - b. Time and temperature changes shall not occur more frequently than once every fifteen (15) seconds.
 - c. The maximum area for the time and temperature portion shall be twenty (20) square feet.
 - d. The area of a time and temperature signs, whether attached or not, shall be included in determining the cumulative area of signs on a property.

6.4.8 Murals

1. Murals will be allowed; however, the sponsorship or advertisement area shall not exceed ten (10) percent of the total computed area of the mural.

6.4.9 Tourist Oriented Directional Signs (TODS)

1. The TODS signage program shall be in accordance with FDOT rules and regulations regarding size, materials, and locations allowed.
2. TODS signage can only be installed by the City or its Agents.
3. TODS signage program is intended to benefit local businesses that rely on visitors for at least 51% of their annual income.
4. TODS directional signs can direct visitors from State highways to business districts that may be located off of the state highway
5. TODS signs in Port St Joe can identify business districts and tourist activities but will not identify an individual business by name.

6.4.10 Pedestrian Oriented Signs (POS)

1. Any business, church, school, or non-profit located within the limits of the City is eligible to be included in the common location for POS Signs.
2. POS Signs will be allowed only in common areas identified by the City Manager or his designee.
3. POS Signs may identify individual businesses by name, logo, location, and services offered.
4. Size, format, and materials of signs will be strictly controlled with standards as designated by the City Manager based on the space available.
5. Qualified POS signs will be allowed by an annual permit fee. Fees for the installation of POS Signs will be determined by resolution of the City Commission.

6.4.11 Commercial District Signs

1. District Signs can only be installed by the City or its Agents.
2. Locations of District Signs is limited to City property, City right-of-way, or private property leased to the City.
3. District signs can direct patrons from State highways to business districts that may be located off of the state highway
4. District Signs in Port St Joe can identify business districts and business activities but may not identify an individual business by name.
5. Size, locations and materials will be at the discretion of the City, but may not violate any State or Federal regulations.

6.5 Non-Commercial Signs

6.5.1 Subdivision Signs

1. One monument entry sign for each entrance into a platted subdivision of no more than thirty-six square feet of total sign face per sign.

2. The height of a monument sign shall not exceed eight feet.
3. All monument signs shall be installed in a landscape area of not less than twenty-five (25) square feet. If the sign is for a multi family facility, it shall include the address on which the sign is located.

6.5.2 Home Based Business Signs

1. One attached wall sign no more than six (6) square feet except that no signage is allowed for a home based business located in zoning districts VLR, R-1 and R-2A according to Article III of the Land Development Regulations.
2. Non-illuminated.

6.5.3 School & Park Signs

1. One monument entry sign for each major entry into a school or park of no more than thirty-two (32) square feet of sign face.
2. The height of a monument sign shall not exceed eight (8) feet.
3. All monument signs shall be installed in a landscape area of not less than twenty-five (25) square feet and shall include the address number of the property on which the sign is to be located.

6.5.4 Religious and Non-Profit Signs

1. All signs for Religious Facilities, Churches, and Non-Profit Facilities shall follow the same guidelines and have the same restrictions listed under section 6.4 Commercial Signs.

6.6 Sign Permitting

6.6.1 Permit Application

1. A sign permit application for permanent and certain temporary signs as may be required by this Article, or separate City Commission resolution, shall be prepared and submitted on forms available at the Code Enforcement inspector (CEI) office at City Hall, or other office designated by the City Commission. The sign permit application is in addition to any building permit application required by the Florida Building Code. The applicant shall complete and submit the sign permit application. The required application form is attached hereto as exhibit A..
2. In the event that the building inspector or the CEI determines that the sign is of sufficient complexity as a result of size, location or other components the applicant shall provide three (3) copies of the plans, specifications, calculations and details, signed and sealed by an engineer licensed in Florida, specifications documenting the applicable wind load, and electrical specifications, if applicable, meeting the minimum requirements of the applicable Electric Code.
3. A sign permit fee shall be \$25, which cost may be modified at any time by resolution of the City Commission. All sign permit applications shall be accompanied by the applicable sign permit fee.

4. While this permitting process shall not include major developments, which are addressed in the Land Development Regulations, all the regulations, restrictions, locations and penalties shall be the same. Any signs in major developments that are not approved during the major development process shall adhere to this Article.
5. An applicant shall deliver a sign permit application to the Code Enforcement office at City Hall, or such other office as may be designated by the City.
 - a. The sign permit application shall be reviewed by the CEI for a determination of whether the proposed sign meets the applicable requirements of this Article and any applicable zoning law. The review of the sign permit application shall be completed within seven (7) Business days following receipt of a completed application, and any applicable fees. A sign permit shall either be approved, approved with conditions (meaning legal conditions existing in the Code such as dimensional requirements), 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. The CEI shall seek review of the City Attorney prior to notice of disapproval. If disapproval is the consequence of a failure to decide upon the application within the deadline set forth herein, the CEI shall upon request refund any applicable fee to the person who paid the fee. In the event that no decision is rendered within seven calendar days following submission due to unforeseen circumstances, the application shall be deemed denied and the applicant may agree to additional time for the CEI to review the application or may appeal to the PDRB. Any appeal shall be heard and a decision rendered within the time frames specified in this Article for appeals.
 - b. For the purpose of appeal to any court of law, an applicant must exhaust the administrative remedies provided by these regulations.
 - c. In the case of an approval with conditions or disapproval, including disapproval by lapse of time as described herein, an applicant may ask for reconsideration of the decision on the grounds that the CEI has overlooked or failed to consider any fact(s) that would support a different decision. A written request for reconsideration accompanied by such additional fact(s) as the applicant may wish the CEI to consider, shall be filed with the CEI within ten (10) calendar days after receipt of the decision. No fee shall be required for a request for reconsideration. Upon the timely filing of a request for reconsideration, the decision of the CEI shall be deemed stayed and not a final decision, until the request for reconsideration is decided. The request for reconsideration shall be decided within seven (7) Business days of receipt by the City. Such decision shall be in writing and shall include a statement of the reason(s) for the decision. If the disapproval of the request for reconsideration was a consequence of a failure to decide upon the application within the deadline set forth herein, the CEI shall verify upon request that any applicable fee was refunded even if the City Commission or PDRB approves 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 seven day deadline for a decision upon an application or the seven (7) 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 seven day deadline for approval and the seven (7) day deadline for a decision upon receipt of a request for a reconsideration shall not apply (that is, the time shall be suspended):
 1. In any case in which the application requires a variance, rezoning, comprehensive plan amendment or approval from another governmental agency. In such cases, the time shall be suspended until seven (7) days after a final decision is made.
 2. If the applicant is required to make any change to the application to obtain an unconditional approval the time shall be suspended until seven (7) days after the changes are made.
 3. Time may also be suspended based on written agreement of the applicant and the CEI.
6. An application which is materially incomplete or which is not accompanied by the required fee shall not be deemed accepted and the time for review of the application shall not commence until a complete application accompanied by the required fee is filed with the City commission's Designee. However, the CEI shall keep the record of incomplete application or any application not accompanied by the correct fee, as required by applicable public record laws. In addition, the CEI shall within thirty (30) days of receipt of such an application send the applicant a written explanation of the deficiencies in the application and ask that the deficiencies be remedied, explaining that the application cannot proceed forward otherwise and the review will be suspended pending receipt of the required information or documentation. The applicant must then submit a new application with the deficiencies corrected in order for it to be considered by the CEI.
7. Any person aggrieved by the decision of the City upon his or her sign permit application shall have the right to seek judicial review by the Circuit Court of the Fourteenth Judicial Circuit in and for Gulf County, Florida, or any other court of competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available provided that the applicant has exhausted the administrative remedies provided for herein. The City shall not oppose any request of the Court by the applicant for an expedited review of the City's decision.

6.6.2 Variance Request

1. Any property owner may request a waiver from the provisions of this article by submitting an application, which specifies in detail each provision of this article to which the applicant seeks a variance. The nonrefundable fee to request a variance shall be \$150, which may be revised by the City Commission at any time, and shall be required with the variance request. The variance application shall be approved or denied in accordance with the criteria and procedures set forth in 2.14 of the City Code. In general, a variance may be granted when:
 - a. A written application for a variance (hardship relief) is submitted to the Planning and Development Review Board demonstrating that a hardship exists based on one of the following conditions:
 - b. special conditions and circumstances exist which are peculiar to the land, structure or buildings involved and which are not involved and which are not applicable to other lands, structures or buildings in the same district;
 - c. Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations;
 - d. The special conditions and circumstances do not result from the actions of the applicant; or
 - e. Granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures or buildings in the same district.

6.6.3 Appeal Process

1. Whenever it is alleged that there has been an error in any order, action, decision, determination, or requirement by an administrative official in the enforcement and application of any provision contained within this Article or any other provision of this Code pertaining to sign permits (including any allegation that an administrative official has failed to act within applicable time frames), the aggrieved party may file a written appeal with the PDRB.
2. The written appeal shall be filed with the PDRB within ten days of the date of the alleged error. The written appeal shall describe the alleged error and the applicable provisions of the Code pertaining to the administrative official's order, action, decision, determination, requirement, or failure to act.
3. The PDRB shall hold a hearing within thirty business days.
4. The PDRB shall render a written decision within ten (10) days following the hearing.
5. If an administrative appeal is filed by the applicant, and the PDRB fails to meet within

the proscribed time, the appeal will be deemed denied and the decision of the CEI regarding the sign application will be deemed a final decision subject to immediate appeal to a court of competent jurisdiction.

6. The PDRB shall comply with all applicable rules of conduct and procedures that pertain to land use and zoning and that are not inconsistent with the provisions in this Article.
7. No variance shall be given by the PDRB to any height, size or other dimensional criteria set forth in this Article. No variance shall be given by the PDRB with regard to the number of signs allowed on any parcel of land as set forth in this Article.
8. The appellate decisions of the PDRB pursuant to this section shall be deemed final, subject to judicial review by a Circuit Court of the Fourteenth Judicial Circuit in and for Gulf County, Florida, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.

6.7 Phase-out of Existing Non-Conforming Signs

1. Existing signs deemed non-conforming to this ordinance on the date of its effective date shall be required to conform with this ordinance and any amendments thereof, within a period of five (5) years from October 31, 2008, or at the time of re-installation, reconstruction, change of business ownership, change in principle of business, or change of business name, whichever is first.
2. Existing signs deemed non-conforming to this ordinance on the date of its effective date shall not be expanded or relocated within the City limits; but normal maintenance is required.
3. Subject to the following conditions, all existing signs made non-conforming by the passage of this ordinance or by any subsequent amendment, may be continued in operation and maintained during the period of five years of its effective date. Such signs shall not be:
 - a. Replaced with another nonconforming sign.
 - b. Enlarged, extended, constructed, reconstructed, moved or structurally altered except to bring the sign into conformance with all provisions of this ordinance.
 - c. Re-established after damage or destruction if such damage to the sign exceeds fifty percent of its total surface area. The extent of the damage shall be determined by the City of Port St. Joe or its designated agent.
 - d. It shall not be re-established after it has been removed or has been discontinued or abandoned.

6.8 Sign Maintenance Requirements

1. Sign Maintenance

All signs, together with all their supports, base, and anchors and required landscaping shall be kept in good repair and, unless constructed of galvanized or non-corroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.

2. Situations Where Maintenance is required

Upon discovery of a sign in need of maintenance, the code enforcement officer shall give written notice to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. Said notice shall state the items or items requiring repair or maintenance. The owner shall have thirty (30) days in which to repair or maintain the sign before a citation is issued. If the owner has failed to make repairs or the necessary maintenance with that time, the enforcement officer shall initiate enforcement proceedings as required to cure violation of the Article. Situations constituting the need for maintenance include but are not limited to the following (other similar conditions of disrepair or lack of maintenance may be determined):

- a. Lettering or other elements of the sign have become detached or have fallen off the sign or become misaligned.
- b. Painted surfaces on the sign or sign structure have begun to peel, flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the message as originally intended.
- c. A significant number of the bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off, or have become misaligned.
- d. A sign becomes derelict, or insecure or in danger of falling or otherwise unsafe.

6.9 Legal Provisions

- 1 Due to the need for public safety signage, directional signage, and other civic responsibilities of the Government, The City of Port St. Joe is exempt from the requirements and restrictions of this Article. However, the City will make responsible efforts to comply with the general intent and purposes of this Article.
- 2 Words and Phrases

Words and phrases used in this Article shall have the meanings defined in this section. Words and phrases not defined in this section but defined in the Land Development Code shall have the meaning defined in that ordinance. Words used in the singular shall include the plural; the plural the singular, and the words used in the present tense shall include the future tense. The word "shall" is mandatory, not discretionary. The word "may" is permissive. The word "erected" includes the words "constructed", "moved", "located" or "relocated," The word "lot" includes the word "plot" or "parcel." The word "person" includes the words "individuals", "firms", "partnerships", "corporations", "associations", "governmental bodies," and all other legal entities. The words "used" or "occupied" include the words "intended", "arranged", or "designed to be used or occupied."

3. Implied Consent: Any person applying for, and the property owner upon which the sign will be erected, and receiving a permit for any sign hereby consents to the following:

(1) Consents to complying with all provisions of this Article; and

(2) Consents for City officials to enter private property to inspect all signage and to remove illegally erected and/or non-conforming signs upon reasonable advance notice by the City.

4. Viewpoint Neutral

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

5. Severability

a. General

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other supplemental sign regulation set forth is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other supplemental sign regulation.

b. Severability where less speech results

Without diminishing or limiting in any way the declaration of severability set forth above in subsection (1), or elsewhere in this code or any adopting ordinance thereof, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other supplemental sign regulation is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

c. Severability of Provisions Pertaining to Prohibited Signs

Without diminishing or limiting in any way the declaration of severability set forth above in subsection (a), or elsewhere in this article or any other supplemental sign regulation set forth, this article or any supplemental sign regulation, or any adopting ordinance thereof, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other supplemental sign regulation is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other supplemental sign regulation that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed.

d. Severability of Prohibition on Off-Premises Signs

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other supplemental sign regulation is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on off-premises signs as contained in this article and Code.

6. Substitution

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

7. Obligation of Owners

The owner and/or lessee shall agree as part of the City's approval to hold harmless and indemnify the City, its officers, agents and employees, against any and all claims of negligence resulting from such work.

8. Comprehensive Sign Program

a. The intent of the comprehensive sign program is to provide private property owners and businesses with flexibility to develop innovative, creative, and effective signage and to improve the aesthetics of the City of Port St. Joe.

b. The city recognizes that in some circumstances, there are innovative and creative alternatives to minimum standard signage that are desirable and attractive and will enhance community character and individual property values.

c. The purpose of the Comprehensive Sign Program is to provide an alternative to minimum standard signage subject to flexible criteria to ensure that alternative signage will not have an adverse impact on the aesthetics, community character, or quality of life in Port St. Joe.

d. The signs proposed as part of a Comprehensive Sign Program shall be designed as a part of the architectural theme of the principle buildings proposed or developed on the parcel(s) proposed for development and shall be constructed of materials and colors that reflect an integrated vocabulary for the parcel(s) proposed for development.