



Council Communication

To: Mayor and Village Council

Through: Maria Aguilar, Village Manager

From: Cheryl Cioffari, AICP, LEED Green Associate, Director of Planning

Date: December 4, 2014

SUBJECT: ORDINANCE AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS", ARTICLE II "RULES OF CONSTRUCTION AND DEFINITIONS", AND AMENDING ARTICLE VI "SPECIFIC USE RESTRICTIONS," DIVISION 10 "SIGNS" OF THE VILLAGE CODE

Background:

Upon the direction of the Village Council, the presentation by the Islamorada Chamber of Commerce, the recommendations from the Community Character Task Force and a review of recent legal authority, Village staff has developed proposed revisions to the Village's sign regulations to update standards and procedures regarding both temporary and permanent signage. The proposed amendments are intended to provide clear standards for enforcement regarding the permitting procedure for approval and denial of signs. Additionally, the proposed amendments are intended to further clarify the intent of the existing sign regulations and to respond to recommendations from the community.

The Local Planning Agency reviewed the proposed Ordinance and made a recommendation through a 5-1 vote that the Village Council pass the proposed Ordinance on first reading with the following changes:

- Keep election signs posted no earlier than thirty (30) days rather than ninety (90) days as presented by staff.
- Modify the permitted size of election signs to no larger than six (6) square feet.
- Modify the proposed regulations for A-frame signs to include a stabilizing brace between the two faces of the sign.
- Modify the proposed regulations for A-frame signs with regards to materials utilized for the construction of the sign.

On October 23, 2014, the Village Council reviewed and passed the proposed Ordinance by a 5-0 vote with the following changes:

- Alphabetize Code Section 30-1432(j) *Signs Not Requiring a Permit.*

- Modify requirements for Election Signs to require candidate or campaign to receive verbal approval prior to erecting any signs on private property and revise the maximum size of election signs to be consistent in residential and nonresidential zoning districts.
- Clarification on the definition of advertising vehicle.
- Clarify that there is a variance procedure for roof signs.
- Modify the proposed regulations for A-frame signs to remove the requirement for a stabilizing brace between the two faces of the sign and clarify the permitted size of each face of the a-frame sign.

Analysis:

The proposed amendments implement best practices in sign regulation to comply with Constitutional First Amendment rights and to help avoid or mitigate potential legal challenges. The proposed amendments clarify the existing sign regulations and further provide for updated standards and procedures in the regulation of signs:

- Definitions previously provided for within Division 10 “*Signs*” have been deleted and moved into Code Section 30-32 “*Specific Definitions*”.
- Code Section 30-1431 “*Purpose*” has been renamed and amended to provide for both substitution and severability. Substitution speaks directly to the intent of the division and clarifies that the purpose of the division is not to regulate or control the copy, content or viewpoint of signs. Severability provides that portions of the sign regulations stand if any part, section, or word is declared unconstitutional by final and valid judgment or decree of any court of competent jurisdiction.
- Code Section 30-1432 “*General provisions*” has been amended to clarify that the Village does not intend to regulate or control the copy, content or viewpoint of signs. Definitions moved to Code Section 30-32 have been stricken from Code Section 30-1432.
- Code Section 30-1432(h) “*Prohibited signs*” has been amended to clarify that any signs not specifically listed as a permitted sign are therefore prohibited. Staff has provided further clarification the flutter flags and human signs are prohibited signs.
- Code Section 30-1433 “*Specific standards for temporary and permanent signs*” has been amended to provide specific standards for both temporary and permanent signs. The general requirements applicable to all temporary signs have been located at the beginning of the Section for clarity. Additionally, the regulations regarding election signs have been modified to be consistent with regulations imposed on other types of temporary signs. Furthermore, clarification has been provided to indicate that the Village intends to continue to permit manual changeable copy signs. Code Section 30-1433(3)a.9. “*Ground-mounted signs*” has been amended to continue to allow for wayfinding signs for nonresidential developed properties that do not have U.S. 1 frontage but are accessed via U.S. 1 by an intersecting side street. The purpose of such signage shall be for both identification and providing directions to establishments which are not readily visible from U.S. 1.
- Code Section 30-1433(3)g. “*A-frame signs*” has been added to allow for A-frame signs in nonresidential zoning districts. The language provides criteria for registration

requirements, minimum and maximum size requirements, height limitations and stabilization methods. The A-frame signs would be required to be stored indoors when the business is not open or an emergency evacuation order has been issued.

- Code Section 30-1436 “*Sign permit and review procedures; variances*” has been amended to provide for sign permit review and procedures, in addition to the existing sign variance procedures established within the Code. These proposed amendments indicate when a permit is required, what information shall be provided by the applicant with the permit application, when permit fees are due, permit review procedures, failure to commence, revocation of a permit, inspections of signs, removal of signs and applicable appeals procedures. The proposed amendments seek to strengthen Village sign regulation as well as ensure that fair and equitable review of sign permits occurs.
- Additionally, Code Section 30-1436 “*Sign permit and review procedures; variances*” has been amended to clarify the applicability of the sign variance procedure and to prohibit an applicant from applying for a variance to obtain a prohibited type of sign. An exception has been provided for rooftop signs pursuant to meeting criteria established within the Code.

Budget Impact:

The proposed ordinance has no anticipated budget impact.

Staff Impact:

Initial Staff impact would be limited to drafting of the proposed Ordinance.

Recommendation:

It is recommended that the Village Council pass and adopt the proposed Ordinance on second reading.

ORDINANCE NO.

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS”, ARTICLE II “RULES OF CONSTRUCTION AND DEFINITIONS”, TO AMEND CERTAIN DEFINITIONS RELATED TO REGULATION OF SIGNS WITHIN THE VILLAGE; AMENDING ARTICLE VI “SPECIFIC USE RESTRICTIONS,” DIVISION 10 “SIGNS”, TO AMEND AND CLARIFY REGULATIONS OF TEMPORARY AND PERMANENT SIGNS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

WHEREAS, Islamorada, Village of Islands (the “Village”) has adopted a comprehensive set of Land Development Regulations (the “LDRs”) to implement the Village Comprehensive Plan (the “Comprehensive Plan”); and

WHEREAS, the Comprehensive Plan contains Objective 1-1.2 and Policies 1-1.2.1, 1-1.2.2, and 1-1.2.3 related to reinforcing and enhancing the Village’s community appearance; and

WHEREAS, sign regulations that advance the governmental purpose of aesthetics have long been upheld by the state and federal courts; and

WHEREAS, based on a review of recent legal authority and upon the direction of the Village Council, Village staff has developed proposed revisions to the Village’s sign regulations within Code Chapter 30, Article VI “Specific Use Restrictions,” Division 10 “Signs” (the “sign regulations”), in order to update standards and procedures regarding temporary signs, and to clarify regulations concerning permanent signs; and

WHEREAS, the proposed amendments to the sign regulations are also intended to provide for clearer standards for enforcement regarding the permitting procedure for approval and denial of signs, as well as the placement and locations of temporary signs; and

WHEREAS, the proposed amendments to the sign regulations are further intended to clarify the intent of the existing sign regulations and further express the desire of the Village Council to prohibit video signs and other types of electronic message center signs; and

WHEREAS, these amendments to the sign regulations are further intended to clarify the intent of the existing sign regulations and to further ensure that the regulations are consistent with all controlling laws, providing viewpoint neutral regulation of all signs in the Village and providing, in all instances, that noncommercial speech is no more limited than commercial speech; and

WHEREAS, on October 13, 2014, the Village Local Planning Agency reviewed this Ordinance in accordance with the requirements of Chapter 163, Florida Statutes; and

WHEREAS, the provisions of this Ordinance are consistent with the Village Comprehensive Plan and the Principles for Guiding Development in the Florida Keys Area of Critical State Concern.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

Section 2. **Definitions.** Article II, “Rules of Construction and Definitions” of Chapter 30, “Land Development Regulations” of the Village Code is hereby amended to read as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as striketrough
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Sec. 30-32. – Specific Definitions.

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A-frame sign means a temporary, portable, freestanding sign placed on the ground and constructed in such a manner as to form an A and stand upright without other support, with no moving parts or flashing lights, displayed outside a business during business hours for the purpose of advertising a business.



Abandoned sign means a sign that conforms to all other provisions of article VI, division 10 (signs) of this chapter ~~is considered abandoned if the~~ for a business or other use advertised on that sign that is no longer doing business at the location to which the sign pertains.

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Advertising vehicle means any vehicle, trailer, floating device, barge, raft, personal watercraft, or boat on a public right-of-way, public beach, or public property, or on private property so as to be clearly visible from a public right-of-way, which has attached thereto or located thereon any sign for the primary purpose of providing advertisement of products, conveying messages or directing people to a business or activity located on the same or any other premises. This definition does not include a permanently attached or magnetic sign on a functional, licensed vehicle, trailer or boat having the primary purpose to identify the vehicle with the business it serves, which does not exceed a total signage of 12 square feet.

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Attention-getting devices: means any of the following if easily seen from any public right-of-way or waterway ~~are considered an attention-getting device:~~ blinking or flashing lights, streamer lights, pennants, banners, bunting, balloons, flutter flags, feather flags, teardrop flags, inflatables, inflatable air dancers, streamers, animated signs, human signs, light graphics, devices

which emit smoke, vapor, particles, odor or sounds, the outdoor display of merchandise whereby the merchandise for sale or rent is displayed in such a manner to purposely draw attention, and all fluttering, spinning or other type of attention-attracting or advertising devices.

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Banners means any ~~suspended~~ sign that cannot be considered to be a flag, having characters, letters or illustrations applied to ~~made of~~ any flexible material such as, but not limited to, cloth, paper ~~or~~, plastic or fabric of any kind, with only such material for backing, whether or not imprinted with words or characters, or any pennant over two square feet or any pennant with copy. See *Pennant*.

* * * * *

Business affiliation and law enforcement signs means signs displayed upon the premises denoting professional and trade associations with which the occupant is affiliated, and including but not limited to forms of payment accepted by the occupant, and other signs pertaining to public safety and law enforcement.

Business information sign means a sign providing information to customers such as business hours, telephone number, "open" or "closed", "shirts and shoes required", "no soliciting", "help wanted" and "no loitering."

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Changeable copy sign, manual means a sign ~~whose informational content can be changed or altered by manual or electrical, electro-mechanical, or electrical means~~ that is designed so that characters, letters or illustrations can be changed or rearranged manually without altering the face or the surface of the sign. A manual changeable copy sign is not an animated sign or an electronic message center sign.

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Commemorative plaque means a sign identifying a property or location of recognized historical nature, including signs indicating designated historic landmarks.

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Construction sign means a sign erected at a building site that identifies the name of the project, nature of the development, owner, architect, engineer, general contractor, financial institution, or other persons and firms performing services, labor or supply of materials to the premises.

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Directional sign means a sign located entirely on the property to which the sign pertains and which is intended to provide direction to pedestrians or vehicular traffic and/or to control parking on private property. Examples include but are not limited to "entrance", "exit", "one-way", "pedestrian walk", "handicapped parking".

Directory sign means a sign index consisting of the names of tenants of a multi-tenant business center.

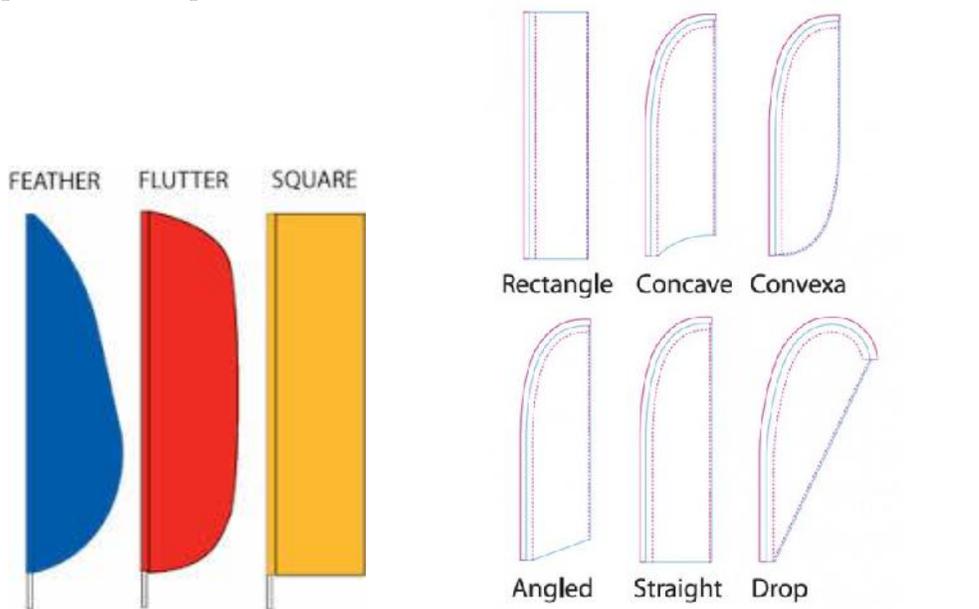
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Election sign means a sign that indicates the name, cause or affiliation of anyone seeking public office, or that indicates any political issue.

Electronic message center sign means any type of electronic display board, LED, programmable ink or other electronic sign capable of displaying words, pictures, symbols, video or images including, but not limited to, any electronic, laser, digital, or projected images display that can be changed electronically or mechanically by remote or automatic means. Neither non-animated neon signs nor signs that are illuminated by light sources only for the purpose of internal or external illumination shall be considered electronic signs.

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Flutter flag or feather-flag means a free standing temporary sign typically constructed of a single plastic or metal shaft driven in the ground, or supported by a base that sits on the ground, with an attached pennant that is vertically elongated and attached to the shaft. This definition also includes sail banners, tear drop banners and square banners.



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Garage sale sign means a temporary sign erected by the owner of the property or authorized agent of such owner that indicates that tangible goods are for sale at a certain time on the property on which it is located. *See Yard sale sign.*

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Historic Sign means a sign that is a minimum of 25 years old and has received historic designation pursuant to article VII, division 7 of this chapter.

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Holiday decorations means noncommercial signs and accessories of primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday.

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Human sign means any sign that is worn (including costumes) or held by a human, with or without written message content, for the purpose of advertising or otherwise drawing attention to an establishment, commodity, service, event or person.

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Interior property information sign means a sign not visible from any public right-of-way or waterway which are intended to provide information to people on the property. Examples include but are not limited to "pool closed," "no walking on the grass," "pro shop," "pay ramp fee at the office," and "no fishing."

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Light graphic means any light, series of lights, string of lights, light tubing, neon or group of lights, of any type or construction, which are affixed to a structure in any manner, or which are affixed to the ground or vegetation or structure or premises as to draw attention thereto, or which by themselves, said lights due to their shape, configuration, color or placement, draw attention to said premises or structure. This term shall not include lighting approved pursuant to article VI, division 10 (Signs) or article V, division 5 of this chapter (Outdoor Lighting).

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Memorial sign or tablet means a sign including but not limited to names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.

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Nameplate sign means a sign bearing only property numbers, street addresses, mailbox numbers, estate names, the occupation of the occupant or names of occupants of the premises.

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Nonconforming sign, legal means a legal and permitted sign (including a sign for which a variance has been granted) existing as of the effective date of this chapter August 28, 2000, and which complied with the code in existence when the sign was erected but which does not comply with the requirements of this chapter or any amendments to this chapter.

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Off-premises sign means any sign relating in its subject matter to commodities, accommodations, services, activities, or information located or placed on premises or lots other than the premises upon which the sign is located. A highway wayfinding sign or real estate open house sign as authorized pursuant to article VI, division 10 (Signs) of this chapter shall not be considered an off-premises sign.

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Posted property sign means a sign such as, but not limited to the following: "no trespassing," "beware of dog," "no dumping," or other similar warnings. Florida Statutes may establish requirements for these signs.

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Promotional signs means a temporary sign, including a banner or A-frame sign, posted by nonprofit organizations or other organizations to advertise a special event such as a bazaar, dance, art show, craft show, or similar type of event an entity conducting an event pursuant to a public assembly or temporary use permit.

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Real estate sign shall mean a sign used solely for the purpose of offering for sale, lease, or rent the property upon which the sign is placed, and while a property is for sale, lease, or rent.

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Snipe sign means any sign, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, or light, electric or telephone poles, fences, sticks or other objects, including attachment to permanent accessory signs or sign structures, but shall not include a "posted property sign" as defined in this section.

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Vacancy sign means a sign which indicates whether a hotel or motel use has vacant rooms or units, limited to the display of the words "No" and "Vacancy."

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Warning sign means a sign whose purpose is to notify the public of a possible danger or policy that affects a property or to provide instructions at active construction sites, such as, but not limited to "Men at Work," "No Parking," "Customer Parking Only," and "Caution."

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Wayfinding sign, highway means a permanent sign which identifies and provides directions to a premises or establishment which lacks road frontage on U.S. 1, for the purpose of identifying the premises or establishment and providing navigational information to passersby.

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Yard sale sign means a temporary sign erected by the owner of the property or authorized agent of such owner that indicates that tangible goods are for sale at a certain time on the property on which it is located. See *Garage sale sign*.

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Section 3. Signs. Chapter 30 “Land Development Regulations,” Article VI “Specific Use Restrictions,” Division 10 “Signs,” of the Village Code is hereby amended to read as follows:

Sec. 30-1431. – Purpose, Substitution and Severability.

(a) The regulations and requirements set forth in this division are intended to promote and protect public health, safety and general welfare by regulating existing and proposed signs within the village. In particular this division is intended to preserve and enhance the unique aesthetic character of the village and its surrounding environ by reducing visual and light pollution. It is intended to encourage signs which help to visually organize the activities of the village, reduce visual clutter, lend order, and are an equitable and easy to read set of regulations which will provide protection to both residential and ~~commercial~~ nonresidential property owners in the village.

(b) Substitution. It is not the purpose of this division to regulate or control the copy, content or viewpoint of signs nor is it the intent of this division to afford greater protection to commercial speech than to noncommercial speech. Any sign, display or device allowed under this division may contain, in lieu of any other copy, any otherwise lawful noncommercial message that complies with all other requirements of this division. The noncommercial message may occupy the entire sign area, or any portion of the sign area, and may substitute for or be combined with the commercial message. 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 division.

(c) Severability.

(1) If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division 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 division.

(2) Severability where less speech results. This subsection (2) shall not be interpreted to limit the effect of subsection (1) above, or any other applicable severability provisions in the code or any adopting ordinance. The village council specifically intends that severability shall be applied to these sign regulations even if the result would be to allow less speech in the village, whether by subjecting signs currently exempt from permitting to require permitting for such signs, or by some other means.

(3) Severability of provisions pertaining to prohibited signs. This subsection (3) shall not be interpreted to limit the effect of subsection (1) above, or any other applicable severability provisions in the code or any adopting ordinance. The village council specifically intends that severability shall be applied to section 30-1432(i), "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.

(4) Severability of prohibition on off-premises signs. This subsection (4) shall not be interpreted to limit the effect of subsection (1) above, or any other applicable severability provisions in this division or any adopting ordinance. If any or all of this division is declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the village council specifically intends that that declaration shall not affect the prohibition on off-premises signs in section 30-1432(i).

Sec. 30-1432. - General provisions.

(a) Definitions. See section 30-32.

~~(a)~~ Type of activities affected. This division shall apply to any person who erects, constructs, enlarges, moves, changes the copy of, modifies, or converts any signs, or causes the same to be done. If a type of sign is not specifically permitted, it shall be considered to be prohibited.

~~(b)~~ Types of activities not affected. The following activities shall not be considered as creating a sign and thus are not subject to the provisions of this division. However, such activities must still comply with the village Building Code and other regulations of the village, state and federal governments.

(1) *Required signs.* Any sign erected by or at the direction of the federal, state or local government. Such signs shall not reduce the authorized size or number of signs otherwise allowed by this division.

(2) *Manual changeable copy signs, changing of copy.* ~~Changing the copy of an existing changeable copy sign, whether manual or automatic.~~ Changing of interchangeable letters on manual changeable copy signs ~~designed for use of interchangeable letters provided the owner thereof does not change.~~

(3) *Maintenance.* Repainting, cleaning or other normal maintenance and repair of a sign not involving change or modification of copy.

(4) *Billboards Changes of copy.* A permit is not required for a change of copy which does not otherwise require a building or electrical permit, however in no instance may the change of copy increase the area of the sign face.

(5) *Flags.* Each residential or nonresidential property may fly up to three flags visible from any public right-of-way or waterway. No flag shall exceed 60 square feet. A permit is required for the installation of the flagpole pursuant to the Florida Building Code. All flagpoles existing on the effective date of this division will be considered conforming and will be allowed to continue. There shall be no restriction on the number of ~~United States~~ flags flown on the day of a U.S. or state recognized holiday, on Flag Day, on Armed Forces Day, on any officially declared day of mourning, or on a day upon which the president or governor has called for a display of flags.

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(~~e~~) *Measurement of sign area.*

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(~~e~~) *Measurement of sign height.* The height of a sign shall be considered to be the vertical distance measured from the top of the structure to the finished ground elevation of the site at the sign. In no event may excess fill be used to raise the sign above the authorized height.

(~~f~~) *Location of signs.*

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(~~g~~) *Sign identification and registration.*

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(~~h~~) *Address requirements.* All commercial properties shall be required to display the street number in a location that is visible from the closest street by August 28, 2001. The copy height of address signs shall be no less than four inches and no greater than eight inches. If the address is included within a sign area, the size of the sign shall not exceed area requirements;

however, if the address is outside of the sign area, such as attached to the sign supports, then the address shall not be included in the calculation of the maximum sign area.

(~~hi~~) *Prohibited signs.* The following signs are prohibited. However, signs existing on August 28, 2000, which are listed herein as prohibited, shall be considered to be nonconforming and shall be subject to all applicable provisions of this division regarding nonconforming signs.

~~(1) Attention-getting devices.~~

~~(2)~~(1) Abandoned signs. Note: signs that conform to all other provisions of this division shall not be considered abandoned if all copy is either removed or covered within 90 days of the cessation of the business advertised.

~~(3)~~(2) Advertising Vehicles.

(3) Animated signs.

~~(4) Attention-getting devices.~~

~~(4) Automatic changing signs or electronic message centers, with the exception of time and temperature signs.~~

(5) Billboards and other off-premises signs, ~~except off-premises signs as specifically permitted by this division.~~ Notwithstanding this provision, any billboard or off-premises sign or advertising matter that has been lawfully erected prior to August 28, 2000, and is entitled to protection pursuant to the provisions of F.S. ch. 479, shall be exempt from the amortization provisions of this division.

~~(6) Electronic message center signs.~~

~~(7) Flutter, feather, sail and teardrop flag signs.~~

~~(7)~~(8) Human signs.

(79) Illegal signs. Illegal signs existing on August 28, 2000, shall be considered nonconforming only if the sign complies with the code in existence when the sign was erected.

~~(710) Light graphics, except that such term shall not include lighting approved pursuant to this division or article V, division 5 of this chapter (Outdoor Lighting).~~

(8) ~~Parking of advertising vehicles. No person shall park any vehicle, trailer, floating device, barge, raft, personal watercraft, or boat on a public right-of-way, public beach, or public property, or on private property so as to be clearly visible from a public right-of-way, which has attached thereto or located thereon any sign for the primary purpose of~~

~~providing advertisement of products, conveying messages or directing people to a business or activity located on the same or any other premises. This is not intended to prohibit a permanently attached or magnetic sign on a functional, licensed vehicle, trailer or boat having the primary purpose to identify the vehicle with the business it serves, as long as it does not exceed a total signage of 12 square feet.~~

~~(911) Portable signs, except as permitted under sections 30-1432(j) and 30-1433(1) if not specifically permitted by this division.~~

~~(102) Roof signs, except as provided for in Code Section 30-1436.~~

~~(143) Snipe signs, except "posted property" signs.~~

~~(124) Signs that create traffic hazards.~~

~~(13) Business signs posted on residentially zoned properties, unless otherwise permitted.~~

(15) Any sign not prescribed as a permitted sign, and permitted signs only to the extent allowed by this division.

(ij) Dangerous and defective signs. No person shall allow any sign which is determined by the building official to be in a dangerous, defective, or dilapidated condition to remain on any premises owned or controlled by him. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises, or as otherwise provided for in this division.

(jk) Signs not requiring permit. The following do not require a permit but still are subject to the provisions of this division:

~~(1) Business affiliation and law enforcement signs: Signs displayed upon the premises denoting professional and trade associations with which the occupant is affiliated, and including but not limited to forms of payment accepted by the occupant, and other signs pertaining to public safety and law enforcement, provided the total sign area of all such signs does not exceed four square feet.~~

~~(2) Business information signs: Signs providing information to customers such as business hours, telephone number, "open" or "closed", "shirts and shoes required", "no soliciting", "help wanted" and "no loitering", provided that such signs are posted on or near the entrance doors and the total sign area of all such signs does not exceed four square feet.~~

(3) Commemorative plaques-provided no plaque exceeds 16 square feet per face.

(4) Construction sign provided the sign does not exceed 24 square feet, does not exceed eight feet in height, is not installed until a building permit is issued and is removed within 14 days of the issuance of the certificate of occupancy or the final inspection if no certificate of occupancy is required.

(5) Directional signs provided the signs do not exceed four square feet per sign face.

(6) Directory sign: For multi-business-centers, directory signs shall be permitted provided that no directory sign shall exceed eight square feet nor be visible from any right-of-way.

(7) Diver-down flags: Businesses offering dive or snorkel trips may display one diver-down flag not to exceed 60 square feet, in addition to flags allowed under other provisions of this division.

(8) Election signs, new business signs and promotional signs, subject to Section 30-1433(1).

~~(39) Garage and Yard sale signs: Signs for garage sales provided they are erected on the day of the sale and are removed immediately within 24 hours following the sale, and provided they do not exceed four square feet per face.~~

~~(410) Holiday decorations: Signs and light graphics of primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a period of not more than 45 consecutive days nor more than 60 days in any one calendar year. Such decorations shall not interfere with public safety or advertise any product business or service.~~

(11) Interior property information signs shall be permitted, provided that the signs meet all applicable provisions of the Florida Building Code.

~~(612) Memorial signs or tablets: Signs including but not limited to names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials, provided the total sign area of all such signs does not exceed eight square feet.~~

~~(713) Nameplates: Signs bearing only property numbers, street addresses, mailbox numbers, estate names, the occupation of the occupant or names of occupants of the premises, provided the signs do not exceed two square feet per sign face.~~

~~(814) Posted property signs: Examples include but are not limited to "no trespassing," "beware of dog," "no dumping," or similar warnings, provided they individually do not exceed 1.5 square feet in area per sign and do not exceed four signs per property or are of such number, spacing, and size as is required per Florida Statutes. Such signs shall not be illuminated nor shall they project over any public right-of-way.~~

~~(9) Commemorative plaques: Signs of recognized historical nature, provided no plaque exceeds 16 square feet per face.~~

~~(105) *Warning signs:* Signs informing the public of the existence of danger, but containing no advertising material, provided the sign does not exceed the minimum necessary to inform the public and is removed upon subsidence of danger.~~

(146) *Window signs:* Window signs which shall be permitted for nonresidential uses provided that they collectively cover 35 percent or less of the window glass surface area. Note that the above-mentioned business information and business affiliation signs are excluded from the computation of window sign area. Neon light signs may be installed only within windows facing the right-of-way. Neon light signs are limited to 35 percent of the window area and are in lieu of other permitted window signs.

~~(12) *Construction sign:* One sign per development, erected at a building site, that identifies the name of the project, nature of the development, owner, architect, engineer, general contractor, financial institution, or other persons and firms performing services, labor or supply of materials to the premises, provided the sign does not exceed 24 square feet, does not exceed eight feet in height, is not installed until a building permit is issued and is removed within 14 days of the issuance of the certificate of occupancy.~~

~~(13) *Interior property information signs:* Signs not visible from any public right-of-way or waterway which are intended to provide information to people on the property, providing the signs meet all applicable provisions of the Florida Building Code. Examples include but are not limited to "pool closed," "no walking on the grass," "pro shop," "pay ramp fee at the office," and "no fishing."~~

~~(14) *Diver-down flags:* Businesses offering dive or snorkel trips may display one diver-down flag not to exceed 60 square feet, in addition to flags allowed under other provisions of this division.~~

~~(15) *Directory sign:* For multi-tenant (office buildings) centers, not to exceed eight square feet and not nor be visible from any right-of-way.~~

(167) *Real estate signs:* Signs used solely for the purpose of offering for sale, lease, or rent the property upon which the sign is placed, and which are allowed only while a property is for sale, lease, or rent. Tare allowed as follows, provided that the advertising agency shall be responsible for the maintenance, upkeep and timely removal of the sign. Signs are allowed as follows:

- a. Real estate signs in residential zoning districts: One nonilluminated real estate sign not exceeding four square feet per face and not exceeding five feet in height. Waterfront properties may have one additional sign not exceeding four square feet per face and placed adjacent to the waterfront.
- b. Real estate signs in ~~commercial~~ nonresidential and mixed use zoning districts: One nonilluminated real estate sign shall not exceed 12 square feet and shall not exceed six feet in height if ground-mounted or 12 feet in height if wall-mounted.

- c. Open house signs: Up to three off-site directional real estate signs for residential sales shall be permitted per sale residence while a sales representative is present at the open house. Each sign shall measure no more than three square feet.
- d. Real estate signs, other than open house signs which shall be governed by subsection (c) above, may be posted no sooner than the date of listing of the property for sale or lease, and shall be removed no later than three (3) days following the sale closing or signing of the lease.

(178) ~~Temporary A-frame and banner signs~~: One nonilluminated ~~A-frame or banner~~ sign not exceeding nine square feet per sign face and three feet in height shall be permitted per business when located entirely on the property; and displayed only:

(a) a period as triggered by the re-entry order of Florida Keys residents into the Florida Keys after an evacuation due to a tropical storm or hurricane warning affecting Monroe or Miami-Dade County, through December 15 of that same year; or

(b) a period beginning upon the issuance of an emergency order by the governor of the State of Florida affecting Monroe or Miami-Dade County or the village council, and ending upon action of the village council.

Sec. 30-1433. - Signs requiring permit; specific standards for temporary and permanent signs.

Upon issuance of a building permit or other applicable permit, ~~except as otherwise indicated if required-~~, the following signs ~~are permitted~~ may be posted subject to the applicable requirements and standards provided herein. ~~In order for a sign application to be approved, the applicant must grant access to the property for sign inspection purposes, for the life of the sign.~~

(1) *Temporary signs.*

a. General requirements for all temporary signs: The following requirements shall be generally applicable to all temporary signs allowed by this division:

- 1. Temporary signs shall not be illuminated;
- 2. Temporary signs shall not be located in a visibility triangle; and
- 3. Temporary signs shall not be attached to trees, vegetation, utility poles or other signs.

~~ab. Election signs. Election signs are signs on behalf of candidates for public office or measures on election ballots. An unlimited number of election signs by a candidate, campaign, or other authorized agent shall be permitted to be erected in any zoning district by issuance of a single building permit provided that:~~

~~1. A performance bond as set by the village council is posted to cover the cost of removing election signs;~~

~~2. 1. All election signs are shall be erected no earlier than 30 days prior to ~~such an~~ election and are shall be removed within seven days following ~~such the~~ election to which the sign pertains. Failure to meet these conditions shall constitute the basis for sign removal by the village or its designee, with the costs to be paid from the above-mentioned performance bond;~~

~~3. 2. In areas zoned residential the e~~Election signs shall not exceed six square feet per face ~~or and~~ four feet in height and are limited to one sign per candidate or issue, per each road frontage of the individual property;

~~4. 3. In areas zoned commercial or mixed use, the signs shall not exceed 16 square feet per face in area or six feet in height and are limited to one sign per candidate per each road frontage of the individual property;~~

~~5. Are not illuminated and are not located in a visibility triangle;~~

~~6. 3. Are not~~ Election signs shall not be located within five feet of any side property yard; and.

7. The candidate or campaign shall receive ~~written~~ verbal approval of the property owner prior to erecting any sign on private property.

b. ~~Banners over right of way.~~ Not for profit agencies may, on a first come, first served basis, be permitted to install banners over the right of way, if they meet the following criteria:

~~1. The banner advertises an event which has received a village public assembly permit, if applicable;~~

~~2. The banners are erected no sooner than 14 days prior to the start of the event and removed no later than 48 hours after the event;~~

~~3. The banners are installed only at village designated locations;~~

~~4. All proceeds of the event go to the applicant or other not-for-profit agency;~~

~~5. The event in no way endorses any political candidate; and~~

~~6. No other banners over the right of way have been permitted for that particular period of time.~~

c. *New business signs.* Once a complete permit application for a permanent sign is submitted to the village, a new business, or a business in a new location, may erect a one

temporary banner or temporary sign on the property where the new business is located, not to exceed the lesser of either 32 square feet or the allowable size of the permanent signage pursuant to subsection (3) of this section, for a period not to exceed 90 days from the date of submission of the complete permit application for the permanent sign.

d. *Promotional signs*: Signs including banners and temporary A-frame signs posted by the entity conducting an event pursuant to a public assembly or temporary use permit, not exceeding 32 16 square feet provided that such signs are:

1. ~~Not illuminated;~~

2. ~~Not located in a visibility triangle;~~

3. ~~Located on the premises of the event;~~

4. ~~Limited to two promotional signs on the premises; and~~

5. ~~Posted no earlier than 14 days prior to the start of the event and are removed no later than 48 hours after the event; and~~

6. ~~Professionally constructed; and,~~

7. ~~Not attached to vegetation.~~

* * * * *

(3) *Signs in commercial nonresidential and mixed use zoning districts areas*. Sign allowances in ~~commercial nonresidential and mixed use zoning districts areas will~~ shall be calculated based on the amount of property frontage for ground-mounted signs and business frontage for wall-mounted signs.

a. *Ground-mounted signs*. Every ~~commercially~~ nonresidential developed parcel of land shall be permitted a ground-mounted sign. Ground-mounted signs may not exceed 16 feet in height. Businesses which are substantially adjacent to an elevated portion of U.S. 1 (i.e. bridge), as determined by the director of planning and development services, may erect a ground-mounted sign not to exceed 20 feet in height.

1. *Allowable area*. The allowable area of the sign faces shall be as indicated in the following table:

TABLE A. PERMITTED SIZE OF ~~COMMERCIAL~~ NONRESIDENTIAL SIGNS PER U.S. 1 FRONTAGE

* * * * *

2. Manual Changeable copy signs. ~~The following non-animated Manual changeable copy signs may be permitted as follows:~~

i. Any nonresidential developed property shall be allowed to use up to 12 square feet of their permitted wall- or ground-mounted signage allowable pursuant to subsection (3) of this section for the purpose of manual changeable copy signage.

ii. A school, ~~church~~ house of worship, day care center or other similar use shall be allowed to ~~add~~ include an additional 32 square feet of signage to the ground-mounted sign for the exclusive use of a manual changeable copy sign.

iii. Businesses dispensing fuel to the public shall be allowed an additional 20 square feet of signage to the ground-mounted sign for the exclusive use of a manual changeable copy sign for posting fuel prices.

3. Vacancy signs. Hotels, motels and campgrounds may have up to an additional four square feet of sign face area for ~~changeable copy area~~. ~~This copy shall be limited to "No" and "Vacaney," and a vacancy sign, which may be neon.~~

* * * * *

9. ~~Off premises advertising~~ Wayfinding signs, highway. Any nonresidential developed property with frontage on U.S. 1 shall be allowed to use any of the wall- or ground-mounted signage allowable pursuant to subsection (3) of this section for the purpose of advertising identifying and providing directions to establishments which are not readily visible from U.S. 1 but which are accessed from U.S. 1 by an intersecting side street. Said ~~off-premises wayfinding~~ signage shall be limited to one sign face per direction on U.S. 1 and ~~space~~ located no more than one-half mile from the nearest property line of said intersecting side street the establishment in either direction identified by the sign. ~~Off-premises advertising is also subject to regulation pursuant to F.S. ch. 479. Any Highway wayfinding signage used for off-premises advertising permitted pursuant to this subsection shall be subtracted from the total amount of signage permitted for the nonresidential developed property on which it is located.~~

* * * * *

b. *Wall-mounted signs.*

* * * * *

4. *Special entertainment and assembly facility signs.* Theaters, museums, auditoriums, houses of worship and fairgrounds shall be permitted an additional 32 square feet of a manual changeable copy, wall-mounted sign. Along the wall adjacent to the ticket windows, a theater may display, without requiring a sign permit, one poster per screen up to 12 square feet.

* * * * *

g. A-frame signs. Every nonresidential developed parcel of land shall be permitted one (1) A-frame sign provided all of the following criteria are met:

1. The sign shall require a building permit with a fee as shall be established by Resolution of the Village Council and the sign shall be registered and or renewed annually with the Department of Planning and Development Services by October 1 of each year;
2. The sign permit number shall be permanently affixed to the sign in a plainly visible manner;
3. The sign shall be a minimum of six (6) square feet and maximum of nine (9) square feet per face;
4. The sign shall not exceed four (4) feet in height, exclusive of the sign legs that shall be no more than six (6) inches in height;
5. The sign shall be of an A-frame type construction, with only two (2) sign faces that are joined at the top and no wider than four (4) feet at the base;
6. The sign shall be professionally constructed of a durable material including but not limited to aluminum, cast metal, molded plastic, PVC, recycled plastic, lumber, metal, wood or other similar materials.
6. No additional attachments shall be permitted to the sign;
7. The sign shall be adequately weighted to prevent collapse or floatation; however, the sign shall remain portable and not permanently affixed to the ground;
8. The sign shall not be illuminated, animated, electrically powered in any way or have any electric devices attached thereto;
9. The sign shall only be displayed during the sign owner's business hours and shall be stored indoors when the business is not open, during tropical storm/hurricane watches and warnings, and other severe weather advisories;
10. The sign shall be located on a private parcel of land and identify a business on that same private parcel of land. The sign shall not be located in a parking space, parking aisle, driveway or clear sight triangle; and
11. Each parcel shall be permitted to have one (1) sign per legally established business; however, in cases where a parcel contains multiple businesses, no one parcel have more than three (3) a-frame signs regardless of the number of legally established businesses on the parcel. The a-frame sign shall not count towards ground-mounted or wall-mounted signage.

* * * * *

Sec. 30-1435. - Nonconforming signs.

Signs existing on August 28, 2000, which are not in compliance with this division may continue except as follows:

(1) Damage, alterations and modifications to nonconforming signs.

a. *Change in use.* Nonconforming signs shall be brought into compliance whenever there is a change in use of the property. For purposes of this provision, change in use shall mean a change from one permitted, conditional, or nonconforming use to another permitted or conditional use, as provided for under article V, division 2 of this chapter. Change in use shall not mean a change from one type of low/medium intensity office, retail or service establishment to another type within that category as listed under article V, division 2 of this chapter. For example, a property changing ownership or the name of the business, but not changing the type of business, may change the copy of the signage provided it complies with subsection (1)b of this section. A property changing the use of the property, for example from a restaurant to an office use, would be required to bring their signage into compliance upon application for change of copy.

b. *Repair or reconstruction.* Nonconforming signs may be repaired or reconstructed only where such work would be less than 50 percent of the replacement cost of the sign, inclusive of the support structure. Neither shall the cumulative costs of repair or reconstruction exceed 50 percent of the replacement cost of any nonconforming sign over any consecutive 12-month period.

c. *Multiple signs.* For purposes of bringing nonconforming signs into compliance with this ~~chapter~~ division, ground-mounted signs are treated separately from wall-mounted and all other signage. For example, where both the ground-mounted and wall-mounted signs of a particular business are nonconforming, the change of copy of a wall-mounted sign shall not require that the ground-mounted signage be brought into compliance. However, where a sign other than a ground-mounted sign is required to be brought into compliance, all of the other signs of an establishment shall also be brought into full compliance with this division.

d. *Ground-mounted multi-business center signs.* Ground-mounted multi-business center signs shall be brought into compliance pursuant to subsections (1)b and (1)c of this section only.

(2) Time for compliance, illegal signs. All ~~other~~ signs or advertising matter which does not conform to this division shall be deemed illegal and shall be removed immediately.

* * * * *

Sec. 30-1436. – Sign permit and review procedures; variances.

(a) Permit required. No sign shall be erected, installed, displayed, enlarged, relocated, or modified without the appropriate permit being issued by the village, except as provided for in section 30-1432(k), “Signs not requiring permit.”

(b) Application. Before any permit is issued, a written application, in the form provided by the village, shall be filed together with such drawings and specifications as may be necessary to fully advise the village with the location, construction, materials, colors, size, manner of illumination, method of securing or fastening, the number of signs applied for, the consent of the property owner, duration of use (if applicable), and the wording of the sign. Every application for a sign permit shall include the square footage and location of all existing signs on the property, a photograph of all building facades and any other necessary information relating to the proposed sign in order for the village to determine compliance with all requirements of this division. In addition, applications for a ground-mounted sign and all other freestanding signs for which a permit is required shall include an accurate and up-to-date survey of the property indicating the lot dimensions, the proposed location of the sign(s) with all setbacks to relevant property lines and/ or Mean High Water Line (MHWL) and a site plan.

(c) Electrical signs. All signs that are electrically illuminated shall require a separate electrical permit and inspection. This shall include signs that are illuminated from an external electrical source.

(d) Completeness. Upon the submission of an application, staff shall have ten (10) days to determine whether it is complete. If staff finds that the application is not complete, they shall provide the applicant with written notice of the deficiencies within the ten (10) day period. Upon resubmission of the application, staff shall have ten (10) additional days to determine whether the applicant's revisions are sufficient to complete the application. If they are not, staff 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 in writing that the application be reviewed "as is."

(e) Permit Fees. A non-refundable permit fee is due at the time of submission of a permit application. After the permit application is approved and before it is ready to be issued, the applicant shall pay any remaining balance of the permit fees. More than one sign on one building or group of buildings located on the same parcel of land may be applied for at the same time, but shall be issued separate permits. The permit fee amount shall be established by the village council by resolution.

(f) Permit review. Based on the application, the director of planning development services (director) or his designee, shall approve, approve with conditions or deny the sign permit application based on compliance with the requirements of this division. The director shall approve, approve with conditions or deny the sign permit within 30 days after the village's receipt of a complete application.

(g) Failure to commence. Every sign permit issued by the village shall become null and void if installation has not commenced within 180 days from the date of such permit. If work authorized by such permit is suspended or abandoned for 180 days in accordance with the Florida Building Code any time after the work is commenced, then a new permit shall be first obtained to do so, and the fee shall be the full amount required for a new permit for such work.

(h) Revocation. The village may, in writing, suspend or revoke a permit issued under provisions of this division whenever the permit is issued on the basis of a misstatement of fact or fraud by notice of certified mail, return receipt requested to the property owner. The written revocation shall describe the appeal process as set forth in Article IV, Division 4 (Administrative Appeals) of this chapter.

(i) Inspection. After the issuance of the appropriate permit(s), the applicant may install and display the approved sign(s). Once installed, the village shall inspect the sign(s) for conformance with the approved permit(s) and the standards contained herein. In order for a sign application to be approved, the applicant must grant access to the property for sign inspection purposes.

(j) Removal of sign on occupant's vacation of the premises. Within 90 days after an occupant vacates a lot or structure, the owner shall remove or cover the vacated occupant's sign.

(k) Appeals. Any appeal from any decision of the director relating to enforcement of these sign regulations shall be made in accordance with the requirements set forth in article IV, division 4 (Administrative Appeals) of this chapter.

(l) The village council may grant a variance from ~~any~~ of the provisions or requirements of this division upon the recommendation of the director of planning and development services whereby the variance meets all of the standards below.

(1) There are special circumstances or conditions applying to the land, building or use referred to in the application;

(2) The special circumstances or conditions are preexisting and not created by the property owner or applicant;

(3) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity;

(4) The granting of the variance ~~will~~ would not be contrary to the general objectives of this division of moderating the size, number and obtrusive placement of signs and the reduction of clutter;

(5) The variance is granted for a specific sign;

(6) The applicant has demonstrated that there are no viable solutions within the provisions of this division;

(7) For a rooftop sign variance, the applicant shall demonstrate, in addition to the requirements contained herein, that the business is substantially adjacent, as determined by the director of planning and development services, to an elevated portion of U.S. 1, thereby rendering other types of signs ineffective, or the property is located on a multi-lane section of U.S. No. 1; ~~and~~

(8) The village council deems it to be the optimum design for the specific site conditions;
; and

(9) In no event shall any variance be granted to allow any sign listed in section 30-1432(i) (prohibited signs), except roof signs pursuant to subsection (7) above.

* * * * *

Section 4. Repeal of Conflicting Provisions. The provisions of the Village Code and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Inclusion in the Code. It is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Islamorada, Village of Islands, Florida, that the sections of the Ordinance may be renumbered or relettered to accomplish to such intentions, and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 7. Approval by the Florida Department of Economic Opportunity. The provisions of this Ordinance constitute a “land development regulation” as State law defines that term. Accordingly, the Village Clerk is authorized to forward a copy of this Ordinance to the Florida Department of Economic Opportunity (DEO) for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 8. Effective Date. This Ordinance shall not be effective until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Ordinance herein shall be subject to appeal as provided in the Code; and following the thirty (30) days, this Ordinance shall not be effective until either sixty (60) days after its transmittal to DEO or until twenty-one (21) days following the publishing in the Florida Administrative Weekly of a final order approving the Ordinance by DEO, pursuant to Chapter 380.05, Florida Statutes; or if the final order is challenged, until the challenge to the order is resolved pursuant to Chapter 120, Florida Statutes.

The foregoing Ordinance was offered by Vice Mayor Gillis who moved for its adoption on first reading. This motion was seconded by Councilman Purdo, and upon being put to a vote, the vote was as follows:

Mayor Ted Blackburn	YES
Vice Mayor Deb Gillis	YES
Councilman Mike Forster	YES
Councilman Ken Philipson	YES
Councilman Dave Purdo	YES

PASSED on the first reading this 23rd day of October, 2014.

The foregoing Ordinance was offered by _____, who moved for its adoption on second reading. This motion was seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Mike Forster	_____
Vice Mayor Deb Gillis	_____
Councilman Jim Mooney	_____
Councilman Chris Sante	_____
Councilman Dennis Ward	_____

PASSED AND ADOPTED on the second reading this ____ day of _____, 2014.

MIKE FORSTER, MAYOR

ATTEST:

KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY

ROGET V. BRYAN, VILLAGE ATTORNEY