

**CHAPTER 12**  
**SIGNS AND ADVERTISING**

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## Chapter 12. Signs and Advertising

### Section 12.01. Generally

#### 12.01.01. Purpose and Intent

The purpose of this chapter is to ensure adequate means of communication through signage while maintaining the attractive visual appearance within the City. This chapter does not regulate content of signage or restrain the free exercise of protected speech. By specifying criteria for all signage as stated herein, this chapter is intended to serve the following purposes:

- A. Maintain the established suburban character of the City by regulating all exterior signage in a manner which promotes low profile signage of high quality design and enhances the City's ability to attract sources of economic development and growth;
- B. Protect and maintain the visual integrity of roadway corridors within the City by establishing a maximum amount of signage on any site to avoid visual clutter;
- C. Protect motorists from visual distractions, obstructions, and hazards by regulating the location of signs;
- D. Enhance the appearance of the physical environment by requiring that signage be designed to complement the architecture of the structure which the signage is intended to identify, and sited in a manner which is sensitive to the existing natural environment;
- E. Allow signage that satisfies the visibility, identification, and communication needs of the local business community;
- F. Foster civic pride and community spirit by maximizing the positive impact of development;
- G. Establish procedures and regulations for the construction and maintenance of signs, removal of nonconforming signs, variances, and enforcement of these regulations;
- H. Improve pedestrian and traffic safety;
- I. Minimize the possible adverse effect of signs on nearby public and private property;
- J. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- K. Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function;
- L. Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- M. Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed, and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- N. Protect property values by precluding to the maximum extent possible sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- O. Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the City and that complements the natural surroundings in recognition of this City's reliance on its natural surroundings and beautification efforts in retaining economic

advantage for its resort community, as well as for its major subdivisions, shopping centers, and industrial parks; and

P. Provide the fair and consistent enforcement of these sign regulations.

**12.01.02. Applicability**

These regulations apply to signs within residential and nonresidential areas. Signs shall be erected, placed, established, painted, created, and maintained in the City only in conformance with the regulations, procedures, exemptions, and other requirements of this chapter and pursuant to City standards and the Florida Building Code.

**12.01.03. Effect**

The effect of this chapter is to prohibit all signs not expressly allowed in this Code, except as approved through the variance process established herein and in **Chapter 2**.

**12.01.04. Definitions**

Words and phrases used in this chapter are defined in **Chapter 14 - Glossary** of this Code.

**Section 12.02. Sign Permits**

**12.02.01. Permit Required**

- A. It is prohibited and unlawful for any person to erect, construct, alter, or relocate within the corporate City, any sign without first obtaining a sign permit, except as otherwise specified in this chapter. Applications shall be filed in accordance with City standards.
- B. The owner of each sign shall obtain a separate sign permit.
- C. When considering the placement of freestanding signs, the Land Use Administrator shall consider the location of public utilities, sidewalks, and future street widening.
- D. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this section and any applicable zoning law. The review of a completed sign permit application shall be completed within ten (10) calendar days.

**Section 12.03. Exempt and Prohibited Signs**

**12.03.01. Exempt Signs**

The following signs shall be exempt from the requirements of this chapter; however, they shall meet all other code requirements, including applicable construction regulations, and electrical permits as determined by the adopted electrical code:

- A. For each detached dwelling unit in a residential district, flags not greater than fifteen (15) square feet in sign area may be displayed. For each parcel in multifamily residential district and in a nonresidential district, three (3) flags not greater than twenty four (24) square feet in sign area (each) may be displayed;
- B. One (1) free expression sign four (4) square feet or less in sign area for each parcel within the City with the written permission of the property owner;
- C. Signs required by federal or state law;
- D. A sign (except a window sign which shall be subject to the provisions of this section) located entirely inside the premises of a building or enclosed space;

- E.** A motor vehicle sign, other than a prohibited vehicle sign or signs, as set forth in **Subsection 12.03.02**;
- F.** Traffic-control devices required or allowed by the Florida Department of Transportation Traffic Control Manual;
- G.** The change of copy on permitted manually changeable copy signs;
- H.** For 911 and emergency response systems, street address signs and residential mailboxes. For each parcel within the City, one (1) attached wall street-address sign shall be displayed. For parcels in residential use, the street address shall not exceed two (2) square feet in sign copy area. For each parcel in nonresidential use, the street address sign shall not exceed four (4) square feet in sign copy area. In addition to the street address signs, each residence in the City with a freestanding mailbox shall be allowed a sign with the address of the property affixed to the mailbox if the sign is no larger than one (1) side of the mailbox;
- I.** For 911 and emergency response systems, signs which identify the occupant. For each residence, business or other occupancy within the City, one (1) attached wall sign may be displayed. For residences, the occupant identification signs shall not exceed two (2) square feet in sign copy area. For any nonresidential use, the occupant identification sign shall not exceed four (4) square feet in sign copy area;
- J.** Machinery and equipment signs. Machinery and equipment signs shall be allowed in all districts;
- K.** Temporary Window and Door signs; and
- L.** Warning signs, such as “No Trespassing” and “Keep Out” measuring two (2) square feet or less.

**12.03.02. Prohibited Signs**

It is prohibited and unlawful to erect or maintain any sign not specifically authorized by this chapter, including:

- A.** Signs that are in violation of the building code or electrical code adopted by the City.
- B.** Any sign that constitutes a traffic hazard or a detriment to traffic safety, as determined by accepted engineering standards, by reason of its size, location, movement, content, coloring, or intensity of illumination.
- C.** Specifically prohibited are signs using:
  - 1.** Lights or illuminations that flash, move, rotate, blink, flicker, or vary in intensity or color and stock tickers, except when required by the Federal Aviation Authority;
  - 2.** Bare incandescent bulbs in excess of eleven (11) watts;
  - 3.** Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics;
  - 4.** Pursuant to state law, words and traffic control symbols which interfere with, mislead, or confuse traffic, such as "stop", "look", "caution", "danger", "slow", or which violate with the Manual on Uniform Traffic Control Devices (MUTCD);
  - 5.** Signs that resemble any official sign or marker erected by any governmental agency or that by reason of position, shape, or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic control device; and

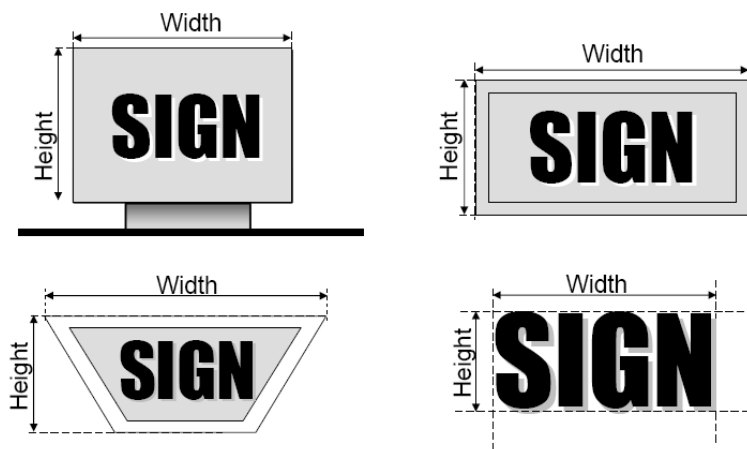
- 6. Signs within ten (10) feet of public rights-of-way or one hundred (100) feet of traffic control lights that contain red or green lights that might be confused with traffic control lights.
- D. Nongovernmental signs attached to traffic control devices or utility poles.
- E. Signs attached to trees.
- F. Signs made of combustible materials that are attached to or located within twenty (20) feet of fire escapes or firefighting equipment.
- G. Signs that obstruct a fire escape, window, door, or other opening used as a means of ventilation, ingress, or egress.
- H. Any type of balloon signage.
- I. Signs that incorporate projected images.
- J. Signs that involve the use of live animals and/or human beings.
- K. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- L. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals.
- M. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.
- N. Off-site signs, unless otherwise specifically allowed in this chapter.
- O. Banners or signs placed across any public street, park, or property, unless specifically permitted in this chapter.
- P. Private signs erected within any navigable waterway within the City.
- Q. Portable signs, except as provided in this Chapter.
- R. Roof, marquee, and pole/pylon signs.
- S. Abandoned signs.
- T. Signs containing statements, words, or pictures of an obscene nature.
- U. Paper, cardboard, chalk, or white-board signs, except as allowed in this chapter.
- V. Exposed neon signs.
- W. Animated signs, including, flashing, undulating, swinging, rotating, or otherwise moving or scrolling signs or other decorations such as banners, pennants, ribbons, spinners, streamers, or captive balloons, or other inflatable signs, or devices designed to attract attention unless permitted as a temporary sign.
- X. Electronic display type signs, including time and/or temperature signs, or any sign displaying any type of screen using animated or scrolling displays, such as a LED (light-emitting diode) screen or any other type of video display, even if the message is stationary; or signs displaying alternating or intermittent lights or lights of changing degrees of intensity or changes. Signs that have multiple views and objects that digitally or electronically produce color and/or black and white images similar to a television screen are prohibited. In addition, signs may not be multivision signs or display devices capable of presenting two (2) or more separate images or ad copy sequentially by rotating multi-sided cylinders.

- Y. Any sign or illumination that causes any direct glare into or upon any building, other than the building to which the sign may be related.
- Z. A-Frame signs, except as provided in this Chapter.
- AA. Any sign located within a right-of-way, except as may be allowed by this chapter.
- BB. Signs as a principal use in any zoning district, except as may be allowed by this chapter.
- CC. Snipe signs.
- DD. Signs mounted to fences except as permitted in this chapter.
- EE. Parasite signs.
- FF. Motor vehicle signs or any signs attached thereto or placed thereon subject to the following exceptions:
  1. Any vehicle parked on private property so long as the vehicle is used regularly, is only parked while not in use, and is not intentionally parked on the private property for the sole purpose of displaying the sign on the vehicle.
  2. Any vehicle upon which is placed a sign identifying the firm or its principal if such vehicle is one that is operated during the normal course of business; provided, however, that no such vehicle shall be routinely parked in a location for the purpose of serving as, or constituting additional signage.
  3. Buses, taxicabs, and similar common carrier vehicles that are licensed or certified by the City of Palm Coast, Flagler County, other governmental entities, and/or Florida Public Service Commission.

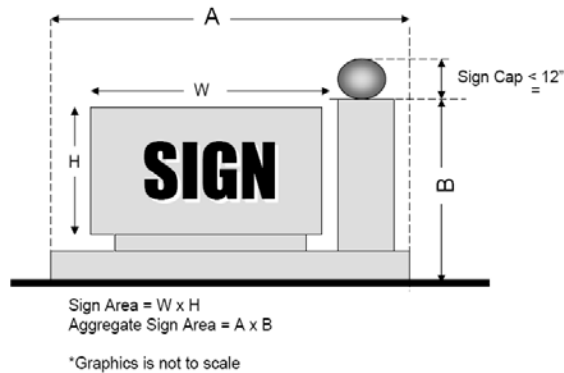
**Section 12.04. General Sign Provisions**

**12.04.01. Calculating Sign Area**

- A. In computing sign area, standard geometry formulas for common shapes shall be used. Common shapes shall include squares, rectangles, trapezoids, circles, and triangles. In the case of irregular shapes, the total sign area will be the area of the smallest common shape that encompasses the various components of the sign (see graphic below).



- B. All words and components of a sign, including the support base of freestanding signs, shall be deemed to be part of a single sign. Individual words or components may be considered separate signs only if they are obviously disassociated from other components. When signs are enclosed in a border (not to include the cabinet) or highlighted by background graphics, the perimeter of such border (not to include the cabinet) or background will be used to compute sign area. Double face signs that meet the definition contained in this chapter shall be considered one (1) sign.
- C. The aggregate sign area of freestanding signs shall not be more than double of the proposed sign area, exclusive of the sign area, only to include architectural features. See graphics below.



- D. The allowable size of some freestanding signs is determined based on lot frontage (i.e. the width of a site along a public street). The allowable size of some wall signs is calculated based on the building frontage (i.e. width of the building façade where the public entrance is located).

**12.04.02. Measuring Sign Height/Clearance**

- A. Freestanding sign height shall be measured from the ground elevation at the base of the sign to the highest point of the sign structure. Decorative column caps may extend up to twelve (12) inches above the maximum height permitted.
- B. The clearance of a projecting sign shall be measured from the bottom of the area to the ground below.
- C. The height of a wall sign shall be measured from the grade level of the base of the building below the sign to the top of the sign. The top of the area shall be no higher than the roof eave line.

**12.04.03. Construction and Maintenance Requirements**

- A. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Code, all signs shall be constructed of durable materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- B. All signs and their supports, braces, guys, and anchors; electrical parts and lighting fixtures; and all painted and display areas shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this Code at all times. Damaged faces or structural members shall be promptly replaced.
- C. Vegetation around, in front of, behind, and at the base of any sign shall be maintained and neatly trimmed to conform to City landscape maintenance standards.
- D. All signs shall maintain a minimum clearance from electric power lines of ten (10) feet horizontally and fifteen (15) feet vertically or as otherwise directed by the utility provider.

- E. No sign structure or framework may be exposed by removal of sign faces or advertising copy for a period in excess of fifteen (15) days.

**12.04.04. Existing Signs**

**A. Modifications to Signs**

Modifications to signs shall not result in a sign that violates the requirements of this Code. The modification of sign height or size requires sign permit approval.

**B. Permits not Required for Change of Sign Copy**

No permit or permit fee shall be required for changing the copy of a sign, as long as no changes are made to the sign's height, size, location, or structure. This exemption shall also apply to any change of copy on a changeable copy sign. However, a change in sign color requires approval from the Land Use Administrator.

**C. Nonconforming Signs**

Signs lawfully existing prior to the effective date of this Code may be continued although their size, location, or other physical attributes do not conform to this chapter.

**D. Loss of Legal Nonconforming Status of a Sign**

A sign loses its legal nonconforming status and shall be considered in violation of this Code if one (1) or more of the following occurs:

1. The sign is structurally altered in any way, including increasing its height, weight, width, depth, or enlarging it in any manner, except for normal maintenance or repair, which tends to or makes the sign less in compliance with the requirements of this chapter than it was before the alteration.
2. The sign is destroyed to such an extent that more than sixty (60) percent of the upright supports of a sign structure are physically damaged such that normal repair practices of the industry would call for, in the case of wooden sign structures, replacement of the broken supports and, in the case of a metal sign structure, replacement of a least twenty-five (25) percent of the length above ground of each broken, bent, or twisted support. A sign will not be considered "destroyed" within the meaning of this section where the destruction is caused by vandalism or other criminal or tortious act.
3. Signs determined to be abandoned under the provisions of **Subsection 12.04.04.E** of this section.

**E. Abandonment**

All nonconforming signs and sign messages shall be removed by the owner or lessee of the premises upon which an on-site sign is located when the business it advertises is no longer conducted. Conforming signs shall have the copy area face removed and replaced with a blank face. Said signs on vacant or unoccupied property must be removed after thirty (30) days. Any sign face which advertises a service no longer conducted or product no longer sold upon the property must be removed after thirty (30) days. If the owner or lessee fails to remove the sign or sign message, the sign or sign message shall be deemed in violation of this Code.

**F. Signs Subject to Immediate Removal**

Any sign erected without a required building permit is unlawful and must be removed by the owner thereof.

### **G. Off-site Signs**

Existing off-site signs may not be converted to electronic display type signs.

#### **12.04.05. Sign Design**

Freestanding signs shall be aesthetically compatible with the principle structure.

#### **12.04.06. Lighting of Signs**

- A.** Any lighting used to illuminate signs shall be shielded such that the light source cannot be seen from abutting roads or properties.
- B.** No unshielded light source may be visible from the edge of the public right-of-way at a height of three (3) feet.
- C.** Sign lighting shall not be designed or located to cause confusion with traffic lights.
- D.** Illumination by floodlights or spotlights is permissible if none of the light emitted shines directly onto an adjoining property or into the eyes of the motorist using or entering public streets.
- E.** Illuminated signs shall have luminance no greater than three hundred (300) foot candles.
- F.** Illuminated signs shall not have lighting mechanisms that project more than eighteen (18) inches perpendicularly from any surface of the sign over public space.
- G.** Backlit awnings are prohibited.

#### **12.04.07. Sign Location Criteria**

The following location standards shall apply to all signs, unless stated otherwise in this chapter.

##### **A. Freestanding Signs**

- 1.** Freestanding signs shall only be allowed on sites with a frontage of fifty (50) feet or more.
- 2.** Unless specifically noted in this chapter, signs shall be located wholly within the premises and shall maintain a minimum setback of ten (10) feet from all property lines. However, no sign shall be allowed within an easement not designated to include signs, or within a sight triangle.
- 3.** No freestanding sign shall be located closer than fifteen (15) feet from any other freestanding sign, on or off the premises. On corner lots, the freestanding signs on each frontage shall be at least one hundred (100) feet apart, measured along the rights-of-way. This requirement does not apply to temporary signs.
- 4.** Freestanding signs shall include landscaping around the base of the sign as required in **Chapter 11**. The plant material shall be selected to complement and enhance the sign.
- 5.** Signs in nonresidential districts shall not be located closer than fifty (50) feet from a residential zoning district except signs advertising uses allowed outright or by special exception in that residential district and conforming to the section of this chapter relating to that use.

##### **B. Other Signs**

- 1.** Wall signs shall not exceed seventy-five (75) percent of the width of the wall where they are placed, except if business is occupying more than one (1) unit and no other wall signs will be placed on the adjoining unit(s) or if there are architectural elements separating façades where signs would be located.

2. Wall signs shall not cover windows and shall preserve the architectural integrity of the building.
3. No wall sign shall extend above the roofline except where an exterior parapet wall projects above the roofline, in which case, such sign may not extend above the top edge of the parapet.
4. Wall signs on multistory buildings are allowed above the first floor.
5. Wall signs shall not be allowed within fifty (50) feet facing a residential zoning district.
6. A projecting sign shall be erected only on a wall of a building, and shall not project out more than four (4) feet. Projecting signs over a parking space, travel lane, or a driveway shall have a minimum clearance from finished grade of fourteen (14) feet to the bottom of the sign.
7. Projecting signs that extend over a sidewalk or walkway shall provide a clearance of eight (8) feet between the finished grade and the bottom of the sign.
8. Awning lettering shall be placed on the awning valance and not on the vertical arc or diagonal portion of the awning.
9. Directory signs may be attached to a wall or be freestanding but shall not be located within fifty (50) feet of any public right-of-way line.

**12.04.08. Flagpoles**

Flagpoles are allowed subject to the following conditions:

- A. One (1) flagpole is allowed on each parcel in the City.
- B. Maximum pole height shall be thirty (30) feet in nonresidential districts, and twenty-five (25) feet in residential districts.
- C. All poles shall be ground mounted.
- D. All flagpoles shall have a minimum five (5) foot setback from the property lines.

**Section 12.05. Permitted Permanent Signs**

This section establishes the type, location, and size of signs allowed within residential and nonresidential zoned districts.

**12.05.01. Residential Zoning Districts**

**A. Entrance Signs**

Residential subdivisions and residential multitenant developments may erect a development entrance sign meeting the following requirements:

**1. Number of Signs**

One (1) double-sided freestanding sign or two (2) identical single-sided signs, one (1) on each side of the entrance, are allowed at each entrance to the development (excluding emergency access entrances).

**2. Maximum Sign Area**

The total sign area for each entrance shall not exceed thirty-two (32) square feet.

### 3. Sign Location

Signs shall be located on a tract, easement, or parcel designated for signage purposes. Such tract or parcel shall be owned and maintained by a common property association and shall be located at the entrance of the subdivision or multitenant complex.

### 4. Maximum Height

Maximum sign height shall be seven (7) feet.

## B. Signs for Nonresidential Uses

Except for those signs and sign-types allowed in residential and residentially-zoned districts in accordance with **Subsection 12.05.01.A** above, no additional permanent signs or sign-types shall be allowed for permitted nonresidential uses in residential or residentially zoned districts, except for the following sign-types.

### 1. Freestanding Sign

One (1) double-sided freestanding sign meeting the following:

- a. The total sign area shall not exceed twenty-four (24) square feet.
- b. Signs shall not exceed six (6) feet in height.

### 2. Wall Sign

Nonresidential uses permitted in residential districts pursuant to **Table 3-2** of the *LDC* are allowed one (1) wall sign per business. Such sign shall be included in the sign area calculation noted in **Subsection 12.05.01.B.1** above. No other signs are permitted on the building, except signs to identify the number and address of the property.

## C. Directional Signs

Directional signs are allowed in residential district subject to the following requirements:

1. Directional signs to assist onsite vehicular traffic flow shall be low-profile signs not to exceed three (3) feet in height above grade and four (4) square feet of surface area, with the legend to be affixed thereon to include arrows and the words 'enter' or 'exit' as appropriate.
2. All directional signs shall be of consistent size, font, and color.

## 12.05.02. Nonresidential Zoning Districts

The following regulations shall apply to signs within nonresidential zoning districts:

### A. Subdivision Entrance Signs

#### 1. Number of Signs

One (1) double-sided freestanding sign or two (2) identical single-sided freestanding signs, one (1) on each side of the entrance, are allowed at each entrance to the development (excluding emergency access entrances).

#### 2. Maximum Sign Area

The sign shall only display the name of the subdivision and shall not exceed a sign area of thirty-two (32) square feet.

#### 3. Sign Location

Signs shall be located on a tract or parcel or easement designated for signage purposes. Such tract or parcel shall be owned and maintained by a common property association and shall be located at the entrance of the subdivision or multitenant complex.

**4. Maximum Height**

Maximum sign height shall be seven (7) feet. A maximum of twelve (12) inches cap on a column is allowed in addition to the maximum sign height.

**B. Freestanding Sign**

Freestanding signs are allowed provided they meet the following requirements:

**1. Single Use Developments**

**a. Number of Signs**

One (1) freestanding sign is allowed per lot frontage.

**b. Maximum Sign Area**

Thirty-two (32) square feet for the first one hundred (100) feet of lot frontage, plus one (1) square foot for each four (4) lineal feet thereafter, to a maximum size of ninety-six (96) square feet for each sign.

**c. Maximum Height**

Maximum sign height is seven (7) feet.

**2. Multitenant Development**

Multitenant developments such as shopping centers, mixed use developments and office parks shall comply with the following standards:

**a. Number of Signs**

The main development/center and each outparcel may have one (1) freestanding sign per frontage on a public street. The main development/center sign shall identify the center. Center name may be placed in the aggregate sign area of the sign and not counted towards the sign area.

**b. Maximum Sign Area**

The maximum sign area permitted for freestanding signs for the main development shall be calculated based on the street frontage for the entire development site (including outparcels), using the formula noted above for single use signs. The total size allowed may be divided among the center and the various outparcels fronting the street located within the master development site with a development order. The development order shall specify how the sign area will be divided amongst those qualifying and proposing to use a freestanding sign. Developments that do not have outparcels or outparcels that are not part of the development order sign criteria shall calculate the maximum sign area using the formula noted above as a single use sign.

**c. Maximum Height**

Maximum sign height shall be seven (7) feet.

**d. Sign Plan**

- (1) At master site plan application, developments shall include a conceptual wall sign plan showing consistency between architectural elements, designs, and themes for freestanding, wall, and, where applicable, directory and directional signs throughout the planned development. The conceptual sign plan shall contain sufficient detail to address sign pattern, style, color, illumination, and location(s). To encourage flexibility in the overall design of the master site plan project, up to twenty (20) percent of the total wall sign allowance on the street front façade can be transferred to the freestanding sign provided the request is depicted in a sign plan, the total size of the freestanding sign does not exceed 115 square feet, and is included in the development order. All other signs shall be in compliance with this chapter of the *LDC*.
- (2) At site plan application, multitenant developments shall include a sign plan for all freestanding, wall, and, where applicable, directory and directional signs throughout the development that identifies sign style and locations consistent with the architectural theme and architectural integrity of the proposed building(s). The sign plan shall be compatible with other sites within a master site plan development. The sign plan shall be part of the site plan development order with approved elevation plans and site plan showing the sign locations to include visual details of sign patterns, style, illuminations, and landscaping. Signs shall be in compliance with this chapter of the *LDC*.
  - (a) **Wall signs.** Wall signs with similar style sign casings and/or framings or architectural designated locations and illuminations are encouraged. Wall signs may have minor adjustments in location and size due to unit resizing or unit combining, but the overall architectural integrity of the building(s) and theme of the sign plan shall be maintained.
  - (b) **Freestanding signs.** Freestanding signs are to be compatible with the proposed architectural design and landscaping.

**C. Wall Signs**

Wall signs are allowed provided they meet the requirements of **Subsection 12.04.07 (Sign Location Criteria)** and the following requirements:

**1. Maximum Sign Area**

Each individual business having a separate building entrance shall be permitted one (1) wall sign per street frontage, including awning and projecting signs. If the business has a customer entrance on a separate building elevation not facing a street, an additional wall sign meeting the maximum sign area requirements may be permitted for that elevation. Signs shall be subject to the following maximum square footages:

**Table 12-1: Permitted Maximum Wall Sign Area in a Nonresidential District**

<b>Business Frontage (Linear Feet)</b>	<b>Area (Square Feet)</b>
25 or less	32
26-50	50
51-100	75
101-150	90
151-200	110
201 or more	150

## **2. Large-scale Retailers**

Large-scale retailers, as defined in **Chapter 14**, may have one (1) major wall sign and three (3) minor wall signs. The major wall sign shall not exceed the maximum square footage depicted in **Table 12-1**. The minor wall signs shall not exceed thirty-two (32) square feet each.

## **3. Canopies**

No additional sign area is permitted for canopies over fuel operations. However, permitted wall sign area for the principal structure or building may be transferred to the canopy, as long as the canopy signage is only situated on the sides of the canopy facing a right-of-way. This does not apply to required signage pertaining to safety or hazardous situations.

## **4. Window Signage**

Window signage, including temporary signs, shall not exceed thirty-five (35) percent of the total glass surface area of any one (1) building elevation.

## **D. Directory Signage**

Directory signage shall comply with the following requirements:

1. Sign area for each sign cannot exceed a maximum size of twenty-four (24) square feet and not more than two (2) signs per building.
2. If freestanding signs are used, the sign height shall be limited to six (6) feet.
3. All directory signs shall be consistent with building aesthetics.

## **E. Under-Canopy Sign**

Each tenant within a multitenant development shall be allowed one (1) under-canopy sign. The under-canopy sign area shall not be counted toward the maximum wall sign area allowed. The sign shall display the name of the business only.

1. The sign shall be no larger than six (6) square feet.
2. The sign shall be rigidly supported by a decorative chain or bracket and the bottom of the sign shall have minimum clearance of eight (8) feet above the sidewalk.
3. The sign shall be designed aesthetically compatible with the principal structure.

## **F. Directional Signage**

In addition to the other types of signs allowed on a site, directional signs are allowed subject to the following requirements:

1. Directional signs to assist onsite vehicular traffic flow shall be low-profile signs not to exceed three (3) feet in height above grade and four (4) square feet of surface area, with the legend to be affixed thereon to include arrows and the words 'enter' or 'exit' as appropriate.
2. All directional signs shall be of consistent size, font, and color.

## **G. Flagpoles**

Refer to **Subsection 12.04.08**.

**H. Drive-Through Menu Board and Speakers**

Drive-through restaurants are allowed to display menu boards subject to the following provisions (see **Subsection 4.09.03** for setback requirements):

- 1. Each restaurant may display up to two (2) freestanding menu signs per drive-through, which shall be adjacent to and oriented toward the drive-through area.
- 2. Menu boards may be a maximum of thirty (30) square feet, with a maximum height of six (6) feet.

**I. Wayfinding Sign**

May only be installed by the City.

**Section 12.06. Temporary Signs**

**12.06.01. Construction Site Signs**

Construction site signs, which may include temporary subdivision signs, are permitted for each project as follows:

**A. Number**

One (1) general sign per site.

**B. Sign Area**

The maximum sign square footage for single-family and duplex residential lots shall not exceed six (6) square feet. The maximum sign area allowed for other uses is based on parcel size as follows:

**Table 12-2: Permitted Construction Sign Area**

Parcel Size	Maximum Area
Less than 1 acre	12 sq. ft.
1.1 acres to 10 acres	32 sq. ft.
More than 10 acres	48 sq. ft.

**C. Sign Height**

Seven (7) feet maximum.

**D. Setback**

- 1. A minimum of five (5) feet from property line abutting any street.
- 2. A minimum of twenty-five (25) feet from side property lines or equidistant between side property lines.

**E. Duration**

Construction site signs shall not be erected prior to the issuance of a building permit and shall be removed within three (3) calendar days after issuance of a certificate of occupancy. Such signs shall be removed immediately if construction has not begun after sixty (60) calendar days from issuance of a building permit or if construction is halted thereafter for a period of more than sixty (60) calendar days.

**12.06.02. Garage Sale Signs**

Residentially zoned properties may display up to one (1) garage sale sign per street frontage. The sign(s) shall not exceed four (4) square feet each and shall be displayed on the premises of which the sale is to be held. The sign shall not be located within the rights-of-way.

**12.06.03. Political Signs**

Political campaign signs or posters are permitted in all zoning districts and shall comply with the following:

**A. Posting of Political Signs**

1. Placement of political signs on private property may occur only with the expressed consent of the property owner.
2. It is prohibited and unlawful to place a political sign on or within public rights-of-way or public property.
3. Setback shall be two (2) feet from public rights-of-way and fifteen (15) feet from side property lines and shall not be located within any sight triangle.
4. Political signs placed in residential districts shall not exceed six (6) square feet in size and shall not exceed five (5) feet in height.
5. Political signs placed in nonresidential districts shall not exceed sixteen (16) square feet in size and shall not exceed ten (10) feet in height.

**B. Removal of Political Signs**

1. Signs shall be removed within fifteen (15) calendar days after the election or referendum to which it pertains.
2. The removal of all political signs shall be the joint and severally responsibility of the owner of the property upon which the sign is placed and the candidate for whom such sign was placed.

**12.06.04. Real Estate Signs**

**A. Number of Signs**

A maximum of one (1) sign shall be allowed per site frontage, except that large parcels with a site frontage of five hundred (500) feet or more are allowed a maximum of two (2) signs per frontage, at least two hundred fifty (250) feet apart. Properties represented by more than one (1) real estate office must utilize the same sign. The total sign area, height, and location shall not exceed that permitted under **Table 12-3**.

**B. Sign Area**

An on-site sale or rental sign that is not illuminated is allowed for each street frontage. The sale or rental sign shall comply with the following:

**Table 12-3: Permitted Maximum Real Estate Sign Area**

Type of Zoning District	Maximum Sign Area Per Sign
Single family & Duplex residential areas	Six (6) sq. ft. per street frontage
Residential areas for buildings with 3 or more units	16 sq. ft. per street frontage
Nonresidential areas	24 sq. ft. per street frontage

**C. Sign Height**

A maximum height of five (5) feet in residential districts and seven (7) feet in nonresidential districts is allowed.

**D. Setback**

Two (2) feet from public rights-of-way and fifteen (15) feet from side property lines.

**12.06.05. Model Home and Sales Offices**

A model home is permitted to have one (1) on-site, ground mounted, nonilluminated, freestanding sign in accordance with the following dimensional limitations:

- A.** Maximum sign area of twenty-four (24) square feet.
- B.** Maximum height of four (4) feet.
- C.** Setback a minimum of two (2) feet from the right-of-way and located outside of the sight triangle as defined in **Chapter 5**.
- D.** Model homes are allowed to have one (1) “open” flag that must be located within two (2) feet of the freestanding sign, provided, however, that the sign may only be displayed during the model home’s hours of operation.
- E.** Model homes are not permitted to have additional permanent or temporary outdoor signage. Signage not permitted includes, but is not limited to, temporary signs advertising an open house or model home, banners, pennants, streamers, and “A-frame” signs.

**12.06.06. Banners/Miscellaneous Temporary Signs**

Banners or other miscellaneous temporary signs are allowed under the following conditions:

**A. Number of Signs**

No more than one (1) banner/sign that is not illuminated shall be allowed per business frontage and no more than three (3) signs per multitenant center at one (1) time.

**B. Duration**

- 1.** In conjunction with a grand opening for a new business or use in a nonresidential zoning district, the banner/sign may be allowed to remain for a period not to exceed thirty (30) consecutive days and must be utilized within the first three (3) months of the new business or use.
- 2.** In conjunction with seasonal promotions, the sign may be displayed for the duration of the sale, as authorized in **Subsection 4.19.04**.
- 3.** In conjunction with a special event, the sign may be displayed for the duration of the event as authorized by **Subsection 4.19.05**. The temporary sign or banner may be installed up to thirty (30) calendar days prior to the event and shall be removed no later than forty-eight (48) hours following the closing of the event.
- 4.** No more than three (3) permits may be issued for each site per calendar year.

**C. Sign Area**

The maximum sign area shall be thirty-two (32) square feet per sign, unless as otherwise specified in this Code.

**D. Banners**

Temporary banners may be allowed upon issuance of a banner permit based on guidelines provided by resolution or other action by the City Council.

**E. Temporary Municipal and Government Signs**

Temporary signs relating to municipal public purposes on City-owned property when installed to assist the public in locating City-sponsored programs or events shall be allowed.

**12.06.07. A-Frame Signs**

**A. Permissible Zoning Districts**

1. A-Frame signs are permitted in the following nonresidential zoning districts:

- Neighborhood Commercial (COM-1)
- General Commercial (COM-2)
- High Intensity Commercial (COM-3)
- Limited Office (OFC-1)
- General Office (OFC-2)

2. A-Frame signs may be proposed as part of a nonresidential component of a Master Planned Development (MPD) District.

**B. Criteria for A-Frame Signs**

**1. Maximum number allowed**

A business with its own separate building entrance is allowed no more than one (1) A-Frame sign.

**2. Location**

- a. No sign may block a business entrance and/or pedestrian or vehicular traffic. Sign placement shall not interfere with the American with Disabilities Act (ADA) requirements.
- b. The sign(s) shall not be placed in landscaped areas.
- c. The sign(s) shall be located within ten (10) feet of the business entrance which it serves, but in no event shall the sign be located beyond the width of the business frontage.
- d. No A-Frame sign shall be secured, tethered, or installed on traffic devises, utility equipment, trees, furniture, poles, or any other fixture.
- e. Sign(s) shall be located on the ground/sidewalk.
- f. Sign(s) shall not be located within sight triangles or in a manner that obstructs visibility to vehicular traffic.
- g. Sign(s) shall be displayed outside only during business hours.

**3. Construction and maintenance**

- a. When the adjacent sidewalk is less than six (6) feet in width, the overall dimensions shall not exceed two (2) feet wide by three (3) feet in height; when the adjacent sidewalk is six (6) feet or greater in width, the overall dimensions shall not exceed three (3) feet wide by four (4) feet in height.
- b. No sign shall have moving parts, illumination, or attachments.

- c. The sign shall have no more than two (2) sides and shall be constructed of finished all-weather materials.
- d. Sign(s) must be properly anchored (temporarily) or weighted against the wind to prevent safety hazards.

## **Section 12.07. Variances**

### **12.07.01. Review Criteria**

The Planning and Land Development Regulation Board may grant variances from the regulations contained in this Code, in accordance with **Chapter 2**, and based only upon the following criteria:

- A. To permit a setback for a sign that is less than the required setback, or
- B. To permit the area or height of a sign to be increased by up to twenty-five (25) percent of the maximum height or area allowed.

### **12.07.02. Review Findings**

The Planning and Land Development Regulation Board may grant one (1) of the above two (2) types of variances authorized by this section only if it finds there are special physical conditions that:

- A. Are due to the exceptional narrowness, shallowness, shape, or topography of the premises on which an activity is located, and
- B. Prevent the activity from earning a reasonable return as compared with other activities in the area.

### **12.07.03. Scheduling of Public Hearing**

An application for said variance shall be scheduled for public hearing within thirty (30) working days of the date the application is deemed complete by the City.

## **Section 12.08. Appeals to Planning and Land Development Regulation Board**

### **12.08.01. Procedure**

- A. Whenever it is alleged that there has been an error in an order, action, decision, determination, or requirement by the Land Use Administrator in the enforcement and application of any provision contained within this section or any other provision of this Code pertaining to sign permits (including any allegation that the Land Use Administrator has failed to act within applicable time frames), the aggrieved party may file a written appeal with the Planning and Land Development Regulation Board.
- B. The written appeal shall be filed with the Planning and Development Regulation Board within thirty (30) calendar 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 Land Use Administrator's order, action, decision, determination, requirement, or failure to act.
- C. The Planning and Land Development Regulation Board shall hold a hearing within forty-five (45) calendar days following receipt of the written appeal, not counting the day of the receipt and not counting any Saturday, Sunday, or legal holiday which falls upon the first (1<sup>st</sup>) or the forty-fifth (45<sup>th</sup>) day after the date of receipt.
- D. The Planning and Land Development Regulation Board shall render a written decision within ten (10) working days following the hearing.

- E.** If the Planning and Land Development Regulation Board does not render a decision within ten (10) working days following the hearing, the sign permit shall be deemed denied.
- F.** Failure to appeal the decision regarding a sign application by the Land Use Administrator to the Planning and Land Development Regulation Board shall not be deemed a failure to exhaust administrative remedies. The applicant may choose to proceed directly to a judicial action once the sign application has been denied by the Land Use Administrator.
- G.** If an administrative appeal is filed by the applicant, and the Planning and Land Development Regulation Board fails to meet within the prescribed time, the appeal will be deemed denied, and the decision of the Land Use Administrator regarding the sign application will be deemed a final decision subject to immediate appeal to a court of competent jurisdiction.
- H.** Once a decision is appealed to the Planning and Land Development Regulation Board, the Land Use Administrator shall take no further action on the matter pending the Board's decision, except for unsafe signs that present an immediate and serious danger to the public, in which case the City may pursue any proper legal remedy available to it.
- I.** The Planning and Land Development Regulation Board shall comply with all applicable rules of conduct and procedures that pertain to zoning and that are not inconsistent with the provisions in this chapter.

**12.08.02. Appellate Decisions Deemed Final, Subject to Review**

The appellate decisions, pursuant to **Subsection 12.08.01** above, shall be deemed final, subject to judicial review by the Circuit Court of the Seventh Judicial Circuit in and for Flagler County, Florida, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.

**Section 12.09. Substitution of Noncommercial Speech for Commercial Speech**

Notwithstanding anything contained in this chapter or Code to the contrary, any sign erected pursuant to the provisions of this chapter or Code may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one (1) noncommercial message to another noncommercial message, as frequently as desired by the owner of the sign, provided that the size, height, setback, and other dimensional criteria contained in this chapter and Code have been satisfied.

**Section 12.10. Content Neutrality as to Sign Message (viewpoint)**

Notwithstanding anything in this chapter 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.

**Section 12.11. Severability**

**12.11.01. Generally**

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter 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 chapter and Code.

**12.11.02. Severability Where Less Speech Results**

Without diminishing or limiting in any way the declaration of severability set forth above in **Section 12.11**, or elsewhere in this chapter, this Code, or any adopting ordinance, if any part, section subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter 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 chapter or Code, 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.

**12.11.03. Severability of Provisions Pertaining to Prohibited Signs**

Without diminishing or limiting in any way the declaration of severability set forth above in **Subsection 12.11.01**, or elsewhere in this chapter, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under **Subsection 12.03.02** of this chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter 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 chapter and Code.

**12.11.04. Severability of Prohibition on Off-site Signs**

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter and/or any other Code provisions and/or laws as declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on off-site signs as contained in this chapter and Code.