



**THE CITY OF MADEIRA BEACH, FLORIDA  
PUBLIC NOTICE**

**LOCAL PLANNING AGENCY/  
PLANNING COMMISSION**

The Planning Commission, serving as the Local Planning Agency of the City of Madeira Beach, Florida will meet at the Madeira Beach Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708, to conduct Public Hearings on the following City business.

**6:00 PM**

**MONDAY, APRIL 9, 2018**

**COMMISSION CHAMBERS**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. NEW BUSINESS**

**A. TO REQUEST A TEXT CHANGE TO CODE OF ORDINANCES CHAPTER 102- SIGNS;  
ARTICLE 1. – IN GENERAL**

AMENDNG AS REQUIRED TO MEET CONTENT NEUTRALITY REQUIREMENTS AND TO CLARIFY PURPOSE AND APPLICATION; RESOLVING CONFLICTS AND INCONSISTENCIES; EXPANDING DEFINITION OF PROHIBITED SIGNS; AMENDING BUILDING SIGNS; AMENDING METHOD OF MEASUREMENT; AMENDING TEMPORARY EXEMPTIONS; AMENDING SIGNS DURING ELECTION PERIOD.

**IV. PLANNING COMMISSION DISCUSSION – N/A**

**V. OLD BUSINESS – N/A**

**VI. NEXT MEETING : MAY 14, 2018 6:00PM**

**VII. ADJOURNMENT**

**One or More Elected Or Appointed Officials May Be In Attendance**

Any person who decides to appeal any decision of Planning Commission serving as the Local Planning Agency with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation in order to participate in this meeting should call (727) 391-9951 or fax a written request to (727) 399-1131.

**POSTED MARCH 30, 2018**



**LOCAL PLANNING AGENCY/  
PLANNING COMMISSION MEETING**  
**April 9, 2018**

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PLANNING COMMISSION MEETING**  
**April 9, 2018**

**II. ROLL CALL**



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PLANNING COMMISSION MEETING**  
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BUILDING SIGNS; AMENDING METHOD OF MEASUREMENT; AMENDING  
TEMPORARY EXEMPTIONS; AMENDING SIGNS DURING ELECTION PERIOD**

**TCH 2018-02**  
Amendment to Land Development Regulations  
Staff Report and Recommendation  
April 9, 2018

**Petitioner/Property Owner:** Planning Commission

**Area of Impact:** City wide

**Category of Regulations:** Signs

**Nature of Request:**

Requesting a Text Change to Code of Ordinances; Chapter 102 – SIGNS; ARTICLE 1. – IN GENERAL. Update as required to meet content neutrality requirements and to clarify purpose and application, and resolve conflicts and inconsistencies.

**Staff Recommendation:**

Staff recommends approval of TCH 2018-02 as proposed.

**Explanation:**

Updates are needed to ensure that the city sign code does not run afoul of Supreme Court determinations that municipal governments may not "restrict expression because of its message, its ideas, its subject matter, or its content. The purpose portion of the code is proposed for amendment to make clear the public purpose in regulating signage. Other portions of the code are to be amended to remove language which might be taken to regulate content. Certain other provisions are to be amended in order to update definitions, reflect current best available data on the function and impact of signage and to clarify the measurement and dimensions of allowed signs.

**Proposed Amendment:**

Chapter 102 – SIGNS; ARTICLE I. - IN GENERAL

Sec. 102-1. - Purpose.

The purpose and intent of this chapter is to establish a set of standards for the structural design, fabrication and erection, use, maintenance, and alteration of signs, symbols, markings or advertising devices within the city. The standards of this chapter are designed to protect and promote the health, safety, and welfare of persons within the city by providing regulations which allow and encourage creativity, effectiveness, and flexibility in the design and use of such devices while promoting traffic safety and avoiding an environment that encourages visual blight. The sign regulations in this Section are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety, and to accomplish the following:

(a) Encourage the effective use of signs as a means of communications in the city;

(b) Maintain and enhance the visual and aesthetic environment and thereby the city's ability to attract sources of economic development and growth, including enhancing the tourism industry;

- (c) Foster the integration of signage with architectural and landscape designs;
- (d) Preserve, conserve, protect, and enhance the aesthetic quality, historic resources, and scenic beauty of the city;
- (e) 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;
- (f) Minimize the possible adverse effect of signs on nearby public and private property;
- (g) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the city and that compliments 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 office and industrial parks, gateways, downtown and waterfront areas, and overlay districts;
- (h) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (i) Improve pedestrian and traffic safety;
- (j) Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
- (k) 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;
- (l) Encourage and allow signs that are appropriate to the land use atlas district in which they are located and consistent with the category of use and function to which they pertain;
- (m) Curtail the size and number of signs to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
- (n) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- ~~Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function;~~
- (o) Preclude signs from conflicting with the principal permitted use of the site and adjoining signs;
- (p) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- (q) 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;
- (r) Protect property values by ensuring that sign types as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;
- (s) Streamline the approval process by requiring master signage plans; and
- (t) Enable the fair and consistent enforcement of these sign regulations.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-2. - Applicability; effect.

A sign may be erected, placed or established, painted, created or maintained in the city only in conformance with the standards, procedures and presumptions and other requirements of this chapter.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-3. - Applicability of other code or regulatory requirements.

- (a) Signs or other advertising structures shall be constructed and maintained in strict conformity with the current Florida Building Code, subsequent amendments and editions and with minor local changes, which has been adopted as the building code of the city.
- (b) The current National Electrical Code, and any subsequent editions and amendments, with minor local changes, which has been adopted as the electrical code of the city. Accordingly, all illuminated and/or electrically activated signs shall conform to the requirements of the National Electrical Code.
- (c) In the event any provisions of this chapter are in conflict with other applicable requirements, the more restrictive requirements shall apply.
- (d) The following provisions are content neutral, are not based on the text or message on the sign, and do not in any way limit the right to substitute a free expression noncommercial-message (including a political message) for any election or commercial message that may otherwise appear on a lawfully erected sign and for the duration that the sign is permitted.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-4. - Administrative responsibility.

It shall be the responsibility of the city building official, or a designee of the city manager, to administer and enforce the supervision of this chapter. Appeals regarding ~~decisions of the building official~~ the administration of the sign code may be made to the ~~city manager~~ Special Magistrate within 30 days of the administrative decision for administration of code provision not pertaining to the Building. The appeal may be made by filing an appeal application with a letter or other written document setting forth a description of the alleged error and the applicable provisions of this Section or the LDRs pertaining to the administrative official's order, action, decision, determination, requirement, or failure to act. ~~the action complained of and the requested corrective action.~~ The city manager Special Magistrate shall affirm, reject or modify the action of the building official within shall hold a hearing within 30 days of the date of receipt of the written appeal and shall render a written decision within 15 days following the close of the hearing. The Special Magistrates decision shall be final.

~~.-The city manager's position shall be the final position of the city.~~

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-5. - Signs specifically prohibited.

The following signs are expressly prohibited from use and or display in the city unless otherwise provided by this chapter:

- (1) Waterway signs are not allowed in or upon any body of water within the limits of the city except for approved regulatory or warning signs. As used herein, the term waterway signs does not include dock signs. Dock signs are regulated by section 102-152.
- (2) Abandoned signs.
- (3) Banners including pennants, searchlights, twirling signs, and sidewalk or curb signs. However, one banner sign may be displayed not to exceed three feet by 16 feet for a maximum of 60 days

by new businesses (not including a change of ownership) from the time a permit is issued for new construction or remodeling until 30 days after a local business tax receipt has been issued.

- (4) Snipe sign.
- (5) Temporary signs, constructed of cloth, canvas, cardboard, wallboard, plywood, plastic, metal or other material with or without a rigid frame intended to be displayed for short periods of time. This provision shall not be construed to prohibit those specific temporary signs authorized elsewhere in this chapter, such as sections 102-49(7) and 102-155.
- (6) Flashing or animated signs.
- (7) Window signs when an aggregate sign area covers more than 25 percent of the total window surface area.
- (8) Signs on bus shelters and benches.
- (9) Three dimensional objects which are used as signs to include inflatable balloons.
- (10) Portable signs.
- (11) Off-site signs.
- (12) Billboards.
- (13) Vehicle signs, ~~f.~~ (i.e. signs on vehicles or vessels or other ~~self-propelled~~self-propelled objects in which a significant purpose for the use of the vehicle or vessel is to display the sign) or portable trailer signs. This provision also prohibits vehicle sign, when the vehicle is not "regularly used in the conduct of the business or activity," ~~advertised on the vehicle,~~ and
  - a. Is visible from a street right-of-way within 100 feet of the vehicle, and
  - b. Is parked for more than two consecutive business hours or during off-business hours within 100 feet of any street right-of-way.
- (14) Any sign which:
  - a. ~~Bears or e~~Contains statements, words or pictures of any obscene, or pornographic or immoral character statements, words or pictures.
  - b. Employs motion picture projection or has visible moving parts or gives the illusion of motion.
  - c. Emits audible sound, vapor, smoke, odors, particles or gaseous matter.
  - d. Obstructs, conceals, hides, imitates or otherwise obscures any official traffic or government sign, signal or device.
  - e. Has unshielded illuminated devices which produce glare or are a hazard or nuisance to motorist or occupants of adjacent properties.
  - f. Has a lighting or control mechanism, which causes radio, television or other communication interference.
  - g. Projects over a public street, alley, sidewalk, or other public space, including right-of-ways unless installed by, or under the direction of a governmental agency and consistent with design standards contained herein or in special district or individual development orders.
  - h. Is located or constructed in such a manner as to obstruct free and clear vision at an intersection or vehicular traffic in general.
- (15) Building murals without a permit or containing any words, or obscene, reflective, moving or lighted material or functioning as a sign by including representation of products, services or prices of any on or off premise business activity.



(16) Signs painted or attached to seawalls/retaining walls along any water body, public utility poles, or trees;

(17) Computerized signs (other than those erected by government for public and safety notices), with animated display, running copy or copy which changes. Signs that display time and temperature only may be permitted provided the signs are (a) low-profile (do not exceed six feet in height), and (b) have not received a variance for sign or message dimensions and (c) the area devoted to the moving copy does not exceed 1 square foot. Additional landscaping and locational standards may apply;

(18) Air inflatable signs, displayed in any exterior location, except for non-profit events lasting no longer than 72 hours when such signs are permitted as an element of the special events permit and placed so as to avoid distraction of drivers and interference with vision triangles.

(Ord. No. 1126, § 1, 7-8-08; Ord. No. 1165, § 2, 8-10-10; Ord. No. 2015-04, § 3, 6-9-15)

Sec. 102-6. - Computation of dimensions.

- (a) *Computation of sign area.* The area of a sign shall be computed on the basis of the smallest square, circle, rectangle, other geometric figure, or combination thereof, that will encompass the extreme limits of the writing, representation, emblem, lighting, or other display, together with any material, color, or border trim forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The computation of a sign area does not include any framework, bracing, fence or wall that is reasonably necessary to support the sign.
- (b) *Computation of sign height.* The height of a freestanding sign shall be computed as the distance from the base of the sign at ground level to the top of any portion of the sign structure. In cases where the ground level cannot reasonably be determined, sign height shall be derived on the assumption that the elevation of the ground at the base of the sign is equal to the average elevation at the front property line of the zone lot.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-7. - Maintenance of signs.

- (a) An abandoned sign is prohibited and shall be removed by the property owner of land upon which such sign is found after 15 days written notice by the building official or the city manager's designee. Permanent on-site signs applicable to a business undergoing change of ownership or management shall not be deemed abandoned unless the property remains vacant for a period of 90 days.
- (b) All signs regulated by this chapter, including their supports, braces, guides and anchors shall be maintained to present a neat and clean appearance. Painted areas and sign surfaces shall be kept in good condition. Illumination, if provided shall be maintained in safe and working order.
- (c) Weeds and grasses shall be cut and maintained for a distance of ten feet around the sign.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-8. - Signs on right-of-way.

- (a) No sign other than those specifically authorized by subsections 102-49(13)c. and 102-49(15) shall be placed within a public right-of-way within the city unless said sign was so installed by, or at the direction of, a governmental agency. Any sign in violation of this section shall be subject to immediate removal and impounding by the building official or a designee of the city manager.

- (b) The building official may cause any sign which is an immediate peril to persons or property to be removed immediately.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-9. - Posting on private property; proximity to electrical wires; preventing ingress and egress; illuminated signs.

- (a) No person shall attach a sign of any kind to any private wall, door, gate, fence or other private structure except with the written permission of the owner or lessee or his authorized agent. No person shall place a sign of any kind on private property without the permission of the owner or lessee or his authorized agent. Any sign placed in violation of this subsection may be removed by the property owner, lessee or authorized agent.
- (b) No sign shall be erected closer than five feet to any overhead electrical wires.
- (c) No sign shall be installed, erected, or relocated so as to prevent free ingress and egress from any door or fire escape from a structure or premises. No sign of any kind shall be attached to or painted on a standpipe or fire escape.
- (d) Illuminated signs, including neon signs, shall not produce more than five footcandles of illumination four feet from the sign, when measured from the base of such sign.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-10. - Posting on government property; regulation.

No sign shall be placed upon government property unless so placed by, or at the express direction of, thea governmental agency. As used herein, government property shall include, but is not limited to, property owned by the city, county, state, school district or federal governments or any agency thereof.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-11. - Severability.

- (a) *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.
- (b) *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth in subsection (a), 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 even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- (c) *Severability of provisions pertaining to prohibiting signs.* Without diminishing or limiting in any way the declaration of severability set forth in subsection (a), 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 section 102-5. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of section 102-5 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of section 102-5.

- (d) *Severability of prohibitions on billboards.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this chapter, and/or any other Code provision, and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained in subsection 102-5(14), or elsewhere.

(Ord. No. 1126, § 3, 7-8-08)

Secs. 102-12—102-30. - Reserved.

## ARTICLE II. - ADMINISTRATION

### DIVISION 1. - GENERALLY

Secs. 102-31—102-45. - Reserved.

### DIVISION 2. - PERMIT

Sec. 102-46. - Required.

- (a) No person shall, upon any private property within the city, paint, erect, demolish, alter, rebuild, enlarge, extend, relocate, attach to, suspend from or support by a building or structure, any sign unless a permit for such sign has been issued by the building official or unless such sign has specifically been exempted from permit requirements.
- (b) No permit shall be required to change the **advertising** copy or message on signs which are specifically designed for use of replaceable copy.
- (c) No person shall erect, construct, maintain, alter, relocate, demolish, repair or paint or do any work upon a sign for which a permit has not been obtained.
- (d) Repairs on existing signs of a structural nature shall require a separate permit. Simple nonstructural maintenance of a sign shall not require a permit.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-47. - Permitting procedures.

In order to obtain a permit to erect, remove, demolish, alter or relocate any sign under the provisions of this chapter, an applicant shall submit to the building official the following information:

- (1) The name, address and telephone number of the:
  - a. Owner and lessee of the sign.
  - b. Sign contractor or erector of the sign.
- (2) The legal description and the street address of the property upon which the sign is to be erected.

- (3) Other information as required by the building official including a site plan, elevation drawings of the proposed sign and identification of the type and location of all existing signs on the subject parcel.
- (4) A site plan showing the location of the building, structure or lot to which or upon which the sign or ~~advertising~~ structure is to be attached or erected.
- (5) Drawings certified by a state registered engineer or a state registered architect of the plans and specifications showing methods of construction and attachment to the building or the ground. Plans on file with the building official may be used to satisfy the engineering requirements of this section.
- (6) A copy certified by a state registered engineer or a state registered architect of stress diagrams and calculations showing that the structure is designed for all required loading.
- (7) All the information required to obtain an electrical permit for illuminated signs.
- (8) Approval by the owner or lessee of the building, structure or land on which a sign is to be erected.
- (9) The building official shall determine to issue or deny said permit within 30 days of the submission of a complete application for the permit. The building official may deny a permit only for failure to completely comply with this chapter or any other applicable law, rule or regulation. In the event the building official fails to act within said 30-day period, the permit shall be deemed granted.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-48. - Permit limitations.

- (a) An application for a permit for any proposed work shall be deemed abandoned six months after the date of filing. The building official may grant one or more extensions of time for periods not exceeding 90 days each, if the applicant can provide cause for the request of extension.
- (b) Every permit issued shall become invalid if the work authorized by such permit is not commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced; the building official may grant one or more extensions of the time limits set forth in this section upon showing of good cause. As used herein, the term good cause shall mean verifiable reasons, such as serious illness or incapacity as well as economic circumstances making performance practically impossible. The determination as to whether good cause has been established shall be in the sole discretion of the building official. Any extensions of these time limits shall be in writing signed by the building official.
- (c) Before any permit is issued upon the provisions of this chapter, the applicant shall pay a fee as provided and adopted by resolution by the board of commissioners.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-49. - Signs excluded from permitting.

The following signs are expressly excluded from the provisions of this chapter. No permits shall be required for the erection, painting, papering, construction or modification of these excluded signs on private property.

- (1) Decals affixed to or signs painted on store equipment, fuel pumps or other types of vending equipment used for dispensing retail products.
- (2) Decals affixed to or signs painted or affixed to store windows covering less than five percent of the total aggregate store window area.
- (3) Building marker, tablets or plaques not exceeding two square feet

- (4) One residential identification sign, professional name plate or occupational sign for each establishment not exceeding two square feet aggregate sign area. This sign shall denote only the name of the occupant, the occupant's profession, the street and/or number of the premises.
- (5) Address numbers on residential and commercial buildings.
- (6) Signs wholly within a building not visible from a public right-of-way.
- (7) Temporary signs in residential districts erected on private property for up to 24 hours on the day in which a yard sale or garage sale is conducted upon said property so long as said signs do not exceed four square feet in sign area which shall be as provided in section 110-559.
- (8) Signs installed by or under the direction of a governmental agency, traffic signs, legal notices, danger signs, and temporary emergency signs. Notwithstanding the foregoing, traffic control signs installed by nongovernmental entities shall comply with the uniform traffic control code.
- (9) ~~Vacancy and no vacancy signs as well as w~~Statutory notice or warning signs, including but not limited to no trespassing, private property and bad dog or other animal warning signs permitted in any zoning classification provided that the area of the sign does not exceed four square feet. The maximum number of signs shall be four.
- (10) A maximum of two three-foot by five-foot flags ~~with printing and/or logo~~ may be displayed.
- (11) Signs attached to or painted on motor vehicles. Such signs shall not extend beyond the normal configuration of the vehicle, except for thickness of sign and minor variations caused by signs attached to curved surfaces. This section shall not be construed to permit vehicle signs as defined in subsection 102-5(15).
- (12) Up to four directional signs per site provided that each sign does not exceed four square feet in area.
- (13) One two-sided non illuminated sign per parcel during the time when said parcel is offered for sale or lease, however if the parcel is located on a corner lot two signs, one for each street frontage are allowed subject to the following maximum sign area restrictions:
  - a. No sign shall exceed four square feet of aggregate display area per sign face or be more than 6 feet in height.
  - b. Signs shall be removed within seven days after the sale or lease transaction is completed.
  - c. Signs may be placed on rights-of-way a minimum of three feet from curbs or if applicable, sidewalks, provided they do not constitute a hazard or interfere with traffic visibility as determined by the building official or the city manager's designee. If a curb or sidewalk does not exist, the signs may be placed a minimum of three feet from the edge of the pavement, provided they do not constitute a hazard or interfere with traffic visibility.
- (14) Two ~~construction~~ signs may be erected on a site where building construction or remodeling is in progress. Each sign shall be limited to 32 square feet of sign area. ~~All construction provided the~~ signs shall be removed from the site within seven days of the completion of the construction. The city manager shall be solely responsible for determining if construction is completed.
- (15) For the period commencing 60 days in advance of any public election to be conducted within the city through seven days after the conclusion of said public election, signs may be placed on private property, provided that they comply with section 102-194, ~~and such- S~~ signs may be placed on rights-of-way a minimum of three feet from curbs or if applicable, sidewalks, provided they do not constitute a hazard or interfere with traffic visibility as determined by the building official or the city manager's designee, ~~and- i~~ if a curb or sidewalk does not exist, ~~such the~~ signs may be placed a minimum of three feet from the edge of the pavement, provided they do not constitute a hazard or interfere with traffic visibility.

- (16) No more than one A-frame (sandwich board) sign, not exceeding 32 inches wide and 48 inches high, which shall remain on private property and shall only be displayed when the business is open.
- (17) No more than two flutter flags per business. For multi-tenant business centers, only 25 percent of the total number of eligible flags (rounded up the nearest whole number) may be displayed at any one time. Any rotation of the eligible flags will be at the sole discretion of the property owner or his/her designee.

(Ord. No. 1126, § 1, 7-8-08; Ord. No. 2015-04, § 4, 6-9-15)

Sec. 102-50. - Fees.

The permit fees shall be as provided in a resolution adopted by the board of commissioners.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-51. - Payment of other charges required.

No permit provided for in this chapter shall be issued until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owed by the applicant to the city under any section of the Code.

(Ord. No. 1126, § 1, 7-8-08)

Secs. 102-52—102-70. - Reserved.

### DIVISION 3. - NONCONFORMANCES

Sec. 102-71. - Existing signs; conformance, elimination or repair.

- (a) A sign which was legally erected or installed and was in existence as of ~~July 8, 2008~~April 10, 2018, and which was constructed in accordance with the ordinances and other applicable laws in effect on the permit date, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this chapter, shall be deemed nonconforming, but grandfathered.
- (b) Except as otherwise stated in this chapter, the owner of any site or other premises on which a sign exists that does not conform with the requirements of this chapter and for which there is no current and valid sign permit shall be obligated to remove such sign or bring it into conformity with the requirements of this chapter on or before ~~September 8, 2008~~June 10, 2018.
- (c) Signs which are grandfathered pursuant to subsection (a) may remain in place and be maintained under the provisions of this section, provided that no action is taken which increases the extent of the nonconformity. A change in the information on the face of an existing grandfathered nonconforming sign is allowed. Grandfathered nonconforming signs shall be eliminated or made to conform with the requirements of this chapter when any proposed change, repair, or maintenance would constitute an expense of more than 25 percent of the original value or replacement value of the sign, whichever is greater.
- (d) A building or site, which is improved or redeveloped at a cost in excess of 50 percent of the assessed value of the existing building or site shall require any grandfathered nonconforming sign which is located on or is part of such building or site to conform to these regulations.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-72. - Removal of portable signs.

Any portable sign located on a public right-of-way, may be removed by the city without notification to the owner or other person or persons having control, custody, or obtaining benefit from such sign. Any such sign removed under this section shall be stored by the city for a period not to exceed five days, and may be reclaimed by such person within such five-day period after paying an administrative fee of \$50.00. Any such sign may be destroyed by the city if not claimed within five days of its removal by the city.

(Ord. No. 1126, § 1, 7-8-08)

Secs. 102-73—102-90. - Reserved.

### ARTICLE III. - REGULATIONS

#### DIVISION 1. - GENERALLY

Secs. 102-91—102-105. - Reserved.

#### DIVISION 2. - FOR SPECIFIC ZONING DISTRICT<sup>121</sup>

##### Subdivision I. - R-1, Single-Family Residential, R-2, Low Density Residential Districts

Sec. 102-106. - Signs located at subdivision entrances.

One permanent sign may be located at each entrance of the platted subdivision, provided that all of the following requirements are met:

- (1) Such signs shall be so placed only by the homeowner's association for said subdivision or by such other authorized representative of the property owners within said subdivision.
- (2) The sign shall not create a physical or visual hazard for pedestrians or motorists entering or leaving the subdivision.
- (3) An individual firm, partnership, association, corporation or other legal entity shall be designated as the person responsible for the perpetual maintenance of the sign.
- (4) The sign shall not exceed four feet in height when measured from the grade of the street nearest the base of the sign to the top of the sign.
- (5) The sign shall not exceed 20 square feet in aggregate display area unless attached to a wall in which case it may have up to 50 square feet in aggregate display area.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-107. - Home signs.

In addition to the signs otherwise permitted by this chapter, one non lighted flat mounted wall or window sign not exceeding two square feet in area shall be permitted on the street front of the principal structure if a local business tax receipt has been issued for that structure.

(Ord. No. 1126, § 1, 7-8-08)

Secs. 102-108—102-125. - Reserved.

Subdivision II. - R-3, Multifamily Residential District

Sec. 102-126. - Entrance signs.

One wall or ground sign may be located at each entrance of a multifamily residential development, provided that all of the following requirements are met:

- (1) Ground signs shall not exceed two square feet in aggregate display area for each dwelling unit up to and including 16 units. In no event shall the sign exceed 32 square feet in aggregate display area and no single sign face shall exceed 16 square feet. Wall signs may have up to 50 square feet in aggregate display area.
- (2) Ground signs shall not exceed six feet in height when measured from the grade of the street nearest to the base of the sign to the top of the sign.
- (3) Ground signs shall be set back 15 feet from the right-of-way and ten feet from side yard property lines.
- (4) Signs shall be so placed only by the residents' association for said multifamily development or by such other authorized representative of the property owners within said development.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-127. - Tourist dwellings/commercial.

- (a) *Pole or ground sign.* One ground or pole sign is permitted for each single or multi-occupancy parcel having a frontage of 500 feet or less on a public street. Electronic reader boards and animated signs shall not be placed upon ground or pole signs. For parcels with a public street frontage in excess of 500 feet, one additional ground or pole sign shall be permitted. Additional signs will be spaced at least 300 feet from the other.
- (b) *Area.* The maximum allowable area for any sign regardless of occupancy shall not exceed 100 square feet of aggregate display area. No single face shall exceed 50 square feet.
- (c) *Height.* The height of signs shall be as follows:
  - (1) Pole signs shall not exceed 15 feet in height.
  - (2) Ground signs shall not exceed six feet in height when measured from the grade of the street nearest to the base of the sign to the top of the sign.
- (d) *Setbacks.* Pole signs and ground signs shall be setback a minimum of 15 feet from the right-of-way line and 30 feet from the intersection of right-of-way lines.
- (e) *Clearance.* Pole signs shall maintain a minimum ground clearance of eight feet, measured from the grade at the base of the sign to the bottom of the sign face.
- (f) *Building signs.* The following building signs may be permitted, provided they do not exceed the maximum area permitted in sections 102-191 through 102-192. These signs include: integral roof, wall, marquees, canopy, awnings, ~~electronic reader boards, animated signs~~, and mansard signs.

(Ord. No. 1126, § 1, 7-8-08; Ord. No. 1165, § 3, 8-10-10)

Sec. 102-146. - Pole signs or ground signs—General requirements.



One ground or pole sign is permitted for each single or multi-occupancy parcel having frontage of 500 feet or less on a public street. If the lot has public street frontage in excess of 500 feet, one additional ground or pole sign shall be permitted. Electronic reader boards or animated signs shall not be placed upon ground or pole signs. Additional signs will be spaced at least 300 feet from the other sign.

(Ord. No. 1126, § 1, 7-8-08; Ord. No. 1165, § 4, 8-10-10)

Sec. 102-147. - Same—Area.

- (a) The maximum allowable sign area for a single occupancy parcel shall not exceed 12 square feet of aggregate display area plus one square foot of aggregate-additional display area for each lineal foot of public street frontage of over 12 feet or 100 square feet of aggregate display area, whichever is less. No single face shall exceed 50 square feet.
- (b) The maximum allowable sign area for each ground or pole sign for multi-occupancy parcels shall not exceed 12 square feet of aggregate display area plus one square foot of aggregate-additional display area for each lineal foot of public street frontage over 12 feet, along the street the sign faces, or 200 square feet of aggregate display area whichever is less. No single face shall exceed 100 square feet in aggregate sign area.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-148. - Same—Height.

- (a) Pole signs shall not exceed 25 feet in height.
- (b) Ground signs shall not exceed eight feet in height when measured from the grade of the street nearest the base of the sign to the top of the sign.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-149. - Same—Setbacks.

- (a) Pole signs shall be set back a minimum of ten feet from the right-of-way line and 30 feet from the intersection of right-of-way lines.
- (b) Ground signs shall be set back a minimum of 15 feet from right-of-way lines and 30 feet from the intersection of right-of-way lines.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-150. - Same—Clearance.

Pole signs shall maintain a minimum ground clearance of eight feet, measured from the grade at the base of the sign to the bottom of the sign face.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-151. - Revolving signs.

A revolving sign may only be used when the revolving sign replaces two or more ground or pole signs which would otherwise be permitted on the parcel. Revolving signs shall have an aggregate display area

not to exceed 100 square feet and no single face shall exceed 50 square feet. Revolving signs will maintain the same height, setback and clearance requirements for pole signs.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-152. - Dock signs.

Dock signs will be permitted on or adjacent to all commercial docks under the following conditions:

- (1) The use of the dock must comply with an approved principal permitted use.
- (2) The maximum allowable signage on a single dock will be limited to 16 square feet in total area.
- (3) The total height of all signs, including the support posts, will be limited to ten feet from grade.
- (4) All signs shall comply with section 102-47 regarding permitting procedures.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-153. - Flags.

Flags shall be considered as part of the computation of the allowable area for pole, ground or revolving signs.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-154. - Building signs.

The following building signs may be permitted, provided the cumulative area does not exceed the maximum area permitted in sections 102-191 through 102-192. These signs include integral roof, wall, marquees, canopy, awnings, ~~electronic reader board, animated signs~~, and mansard signs.

(Ord. No. 1126, § 1, 7-8-08; Ord. No. 1165, § 5, 8-10-10)

Sec. 102-155. - Temporary signs.

Temporary signs may be erected in a public park or other public property, or on private property by the sponsor of a special event approved by the board of commissioners. Such signs shall not be erected in excess of 30 days prior to each event and must be removed within ~~five~~ two (2) calendar days after conclusion of the event. Those individuals or entities sponsoring a special event and requesting signs must make written request to the city manager detailing the type of sign requested, location, duration of display and other information requested.

(Ord. No. 1126, § 1, 7-8-08)

~~Sec. 102-156. - Temporary exemptions.~~

- ~~(a) The board of commissioners may, by resolution, authorize a temporary exemption for the use of certain signs by the owners or tenants of Madeira Beach commercial properties, in the City of Madeira Beach, after receiving evidence from city staff as to economic hardship, as is hereinafter set forth.~~
- ~~(b) In the resolution, the board of commissioners must find that there exists an economic hardship condition in the city. Such finding shall be a legislative act of the board of commissioners. A hardship situation shall only exist upon a finding of the present existence of an unemployment rate of seven~~

~~percent or greater published by the "Bureau of Labor Statistics for Pinellas County" averaged for the preceding six months.~~

- ~~(c) The board of commissioners in such resolution shall determine the time period in which such exemption shall apply. Such exemption shall not exceed 365 days, but the time period may be extended by adoption of a new resolution by the board of commissioners.~~
- ~~(d) It is the obligation of the property owner or tenant or a sign user to discontinue the use of such signs which are exempted hereunder at the conclusion of the specific time of exemption. Each day of unauthorized use shall constitute a separate offense.~~
- ~~(e) Nothing herein shall be interpreted to regulate or limit the content of such temporarily exempted signage, nor shall any content limitation or requirement be imposed by the required resolution.~~
- ~~(f) Nothing in this section shall directly or by inference allow off-site signage.~~

(Ord. No. 2013-11, § 1, 1-21-14; Ord. No. 2015-04, § 5, 6-9-15)

Secs. 102-157—102-190. - Reserved.

### DIVISION 3. - TYPE OF SIGN

Sec. 102-191. - Electronic reader boards, animated, wall, marquees, canopy, awnings and mansard signs.

Electronic reader boards, animated, wall, marquees, canopy, awnings and mansard signs shall be allowed for each establishment in all but residential zoning districts, provided that the regulations specified in section 102-71 and the following requirements are met:

- (1) A sign located on a wall, marquee, canopy or awning shall be affixed flat to the surface and shall not extend beyond the limits of the wall, marquee, canopy, or awning, except as provided in this section.
- (2) Awning signs shall not be illuminated externally. An animated sign or an electronic reader board shall not be illuminated during the hours the business is closed.
- (3) No marquee, electronic reader board, animated signs, canopy or awning shall overhang public rights-of-way.
- (4) One electronic reader board, animated, wall or mansard sign shall be permitted for each single occupancy having frontage on a public street. Corner parcels, or double frontage parcels, shall be allowed one sign per street frontage, but such sign shall not be combined for the purpose of placing the combined area on any one wall.
- (5) One electronic reader board, animated, wall or mansard sign shall be permitted for each establishment in a multiple occupancy parcel. Establishments located at a corner shall be allowed one wall or mansard sign for each side of the establishment but shall not combine such signs for the purposes of placing the combined area on any one wall.
- (6) The maximum allowable display area for each wall or mansard sign shall not exceed 20 percent of the establishment's linear street frontage facing a public street or parking lot up to a maximum of 50 square feet of aggregate sign area. The maximum allowable display area for an electronic reader board or an animated sign shall not exceed one square foot of aggregate sign area.
- (7) One wall or mansard sign not exceeding 16 square feet shall be permitted per occupancy for identification of occupant within delivery areas.
- (8) Electronic reader board, animated, wall, or mansard signs may not project beyond the roofline or sidewalls of any establishment to which the wall or mansard sign is attached; nor may the

electronic reader board, animated, wall or mansard sign project more than 12 inches from the face of the building or extend above the ~~eave line~~ eave line of the building or extend into the public right-of-way.

- (9) Projecting signs may be substituted for the permanent wall or mansard signs, provided that the aggregate display area does not exceed 50 square feet. Projecting signs shall not extend from the face of the building wall more than four feet. Projecting signs shall not be located so that they extend above the roofline of the building. The supporting hardware of a projecting sign shall not be visible from the street or sidewalk. Projecting signs which extend over any pedestrian way shall be elevated with a minimum of eight feet above such pedestrian way. Projecting signs shall not be erected closer than ten feet from an interior lot line or an adjacent establishment. Electronic reader boards and animated signs shall not be permitted as a projecting sign.

(Ord. No. 1126, § 1, 7-8-08; Ord. No. 1165, § 6, 8-10-10)

**Editor's note**— Ord. No. 1165, § 6, adopted August 10, 2010, changed the title of section 102-191 from "Wall, marquees, canopy, awnings and mansard signs" to "Electronic reader boards, animated, wall, marquees, canopy, awnings and mansard signs." The historical notation has been preserved for reference purposes.

Sec. 102-192. - Integral roof signs.

Integral roof signs shall be limited to one per establishment where the total combined area of all wall, marquee, canopy, awning, mansard, and integral roof signs shall not exceed 20 percent of the total establishment frontage up to a maximum of 100 square feet. All roof signs shall be designed and/or engineered by a state registered architect or engineer who shall certify to the city that the sign, as erected or modified, complies with all applicable building codes.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-193. - Signs while property is marketed for sale or lease.

In addition to the signs otherwise permitted by this chapter, one sign for each street frontage may be placed upon multifamily, office or commercial structures or residential parcels comprising not less than ten dwelling units or lots while said property is marketed for sale or lease. These signs are subject to the following restrictions:

- (1) No sign shall exceed 32 square feet in total area.
- (2) No sign shall be erected for longer than one year, subject to application for renewal.
- (3) The sign shall not impede safe traffic operation.
- (4) No sign shall exceed eight feet in height.
- (5) The sign shall be located a minimum of 12 feet away from the curb or edge of the pavement where no sidewalk exists and a minimum of ten feet beyond the sidewalk away from the road where a sidewalk exists.

(Ord. No. 1126, § 1, 7-8-08; Ord. No. 1135, § 1, 9-23-08)

Sec. 102-194. - Signs during election periods.

- (a) ~~Signs, in~~ addition to those otherwise allowed by this chapter, ~~up to 4 election signs, 1 per issue or candidate,~~ may be erected on any private property commencing 60 days prior to any public election

which will be held within the city through seven days after said public election, with no permit fee requirement. Such signs are allowed on private property, provided that:

- (1) Signs do not exceed four square feet in area each.
  - (2) The property on which the sign is located has the permission or authorization of the owner or renter of the real property~~is owned or rented by the supporter~~.
  - (3) Signs are to be removed within seven days after ~~from~~ the date of the election.
- (b) Larger signs, in addition to those otherwise allowed by this chapter may be erected on private property commencing 60 days prior to any public election which will be held within the city through seven days after said public election, with no permit fee required, provided that:
- (1) Each applicant may install no more than four larger signs in the city and no more than 1 per lot. No sign shall exceed 32 square feet in area. A double-sided sign shall be considered one sign with each side displaying a maximum of 16 square feet in area.  
~~A double-sided sign can be up to 32 square feet, but a one-sided sign is limited to 16 square feet.~~
  - (3) The applicant properly maintains his or her signs.
  - (4) A sign erected pursuant to this section shall be placed on no more than four 4x4 pieces of wood secured in the ground and the bottom of the sign face shall be no more than four feet above the grade level adjacent.
- (c) The foregoing provisions do not limit the right to substitute a free expression ~~noncommercial~~ message (including a political, commercial or non-commercial message) for any election or commercial message that may otherwise appear on a lawfully erected sign.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-195. - Beach/bay signs.

Signs intended for viewing from the Gulf beach, Gulf waters or Boca Ciega Bay are limited to 20 square feet in area.

(Ord. No. 1126, § 1, 7-8-08)

Sec. 102-196. - Substitution clause.

The regulations set forth in this chapter shall be interpreted such that non-commercial or free expression copy may be substituted for commercial copy wherever copy or lettering appears on the sign.  
~~wherever the same appears.~~

(Ord. No. 1126, § 1, 7-8-08)



**LOCAL PLANNING AGENCY/  
PLANNING COMMISSION MEETING**  
**April 9, 2018**

**IV. PLANNING COMMISSION DISCUSSION – N/A**



**LOCAL PLANNING AGENCY/  
PLANNING COMMISSION MEETING**  
**April 9, 2018**

**v. OLD BUSINESS – N/A**



**LOCAL PLANNING AGENCY/  
PLANNING COMMISSION MEETING**  
**April 9, 2018**

**vi. NEXT MEETING – MAY 14, 2018 6:00PM**





**LOCAL PLANNING AGENCY/  
PLANNING COMMISSION MEETING**  
**April 9, 2018**

**vii. ADJOURNMENT**