

ORDINANCE NO. 9029-17

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA RELATING TO SIGNS; MAKING FINDINGS; AMENDING SECTION 102 (DEFINITIONS) OF ARTICLE 8 (DEFINITIONS AND RULES OF CONSTRUCTION) OF THE COMMUNITY DEVELOPMENT CODE; AMENDING SECTION 3-1801 (GENERAL PRINCIPLES); AMENDING SECTION 3-1803 (EXEMPT SIGNS), AMENDING SECTION 3-1804 (PROHIBITED SIGNS), DELETING SECTION 3-1805 (GENERAL STANDARDS) AND ADDING A NEW SECTION 3-1805 (GENERAL PROVISIONS FOR SIGNS); DELETING SECTION 3-1806 (SIGNS PERMITTED WITHOUT A PERMIT) AND ADDING A NEW SECTION 3-1806 (TEMPORARY SIGNS); AND AMENDING SECTION 3-1807 (PERMITTED SIGNS REQUIRING DEVELOPMENT REVIEW); DELETING SUBSECTION 3-2102.D AND RENUMBERING THE FOLLOWING SUBSECTIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clearwater finds and determines that Chapter 163, Part II, Florida Statutes, continues to require counties and municipalities to adopt local land development regulations that shall, inter alia, regulate signage [s. 163.3202(2)(f)];

WHEREAS, the City of Clearwater finds and determines that it is appropriate to update and revise its Community Development Code relative to signage;

WHEREAS, the City of Clearwater finds and determines that it is appropriate to delete sections, subsections, paragraphs, subparagraphs, divisions, subdivisions, clauses, sentences, phrases, words, and provisions of the existing ordinance which are obsolete or superfluous, and/or which have not been enforced, and/or which are not enforceable, and/or which would be severable by a court of competent jurisdiction;

WHEREAS, the City of Clearwater finds and determines that it is appropriate to ensure that the Land Development Code as it relates to signs is in compliance with all constitutional and other legal requirements;

WHEREAS, the City of Clearwater finds and determines that the purpose, intent and scope of its signage standards and regulations should be detailed so as to affirm that the sign standards and regulations are concerned with the secondary effects of speech and are not designed to censor speech or regulate the viewpoint of the speaker;

WHEREAS, the City of Clearwater finds and determines that the limitations on the size (area), height, number, spacing, and setback of signs, adopted herein, are based upon sign types;

WHEREAS, the City of Clearwater finds and determines that limitations on signs are related to the zoning districts for the parcels and properties on which they are located;

WHEREAS, the City of Clearwater finds and determines that various signs that serve as signage for particular land uses, such as drive-through lanes for businesses, are based upon content-neutral criteria in recognition of the functions served by those land uses, but not based

upon any intent to favor any particular viewpoint or control the subject matter of public discourse;

WHEREAS, the City of Clearwater finds and determines that the sign standards and regulations adopted hereby still allow adequate alternative means of communications;

WHEREAS, the City of Clearwater finds and determines that the sign standards and regulations adopted hereby allow and leave open adequate alternative means of communications, such as newspaper advertising and communications, internet advertising and communications, advertising and communications in shoppers and pamphlets, advertising and communications in telephone books, advertising and communications on cable and satellite television, advertising and communications on UHF and/or VHF television, advertising and communications on AM and/or FM radio, advertising and communications on satellite and internet radio, advertising and communications via direct mail, and other avenues of communication available in the City of Clearwater [*see State v. J & J Painting*, 167 N.J. Super. 384, 400 A.2d 1204, 1205 (Super. Ct. App. Div. 1979); *Board of Trustees of State University of New York v. Fox*, 492 U.S. 469, 477 (1989); *Green v. City of Raleigh*, 523 F.3d 293, 305-306 (4th Cir. 2007); *Naser Jewelers v. City of Concord*, 513 F.3d 27 (1st Cir. 2008); *Sullivan v. City of Augusta*, 511 F.3d 16, 43-44 (1st Cir. 2007); and *La Tour v. City of Fayetteville*, 442 F.3d 1094, 1097 (8th Cir. 2006

WHEREAS, the City of Clearwater finds and determines that the provisions of Division 18 that amend portions of the current Division IV are consistent with all applicable goals, objectives and policies of the City's adopted Comprehensive Plan, including Goal A.3, Objective A.3.1, and Policies A.3.1.1, A.3.1.2 and A.3.1.3;

WHEREAS, the City of Clearwater finds and determines that these amendments are not in conflict with the public interest;

WHEREAS, the City of Clearwater finds and determines that these amendments will not result in incompatible land uses;

WHEREAS, the City of Clearwater recognizes that under established Supreme Court precedent, a law that is content-based is subject to strict scrutiny under the First Amendment of the U.S. Constitution, and such law must therefore satisfy a compelling governmental interest;

WHEREAS, the City of Clearwater recognizes that under established Supreme Court precedent, a compelling government interest is a higher burden than a substantial or significant governmental interest;

WHEREAS, the City of Clearwater recognizes that under established Supreme Court precedent, aesthetics is not a compelling governmental interest but is a substantial governmental interest;

WHEREAS, the City of Clearwater recognizes that until a recent Supreme Court decision released in June 2015, there had not been clarity as to what constitutes a content-based law as distinguished from a content-neutral law;

WHEREAS, the City of Clearwater recognizes that in *Reed v. Town of Gilbert, Ariz.*, — U.S. —, 135 S. Ct. 2218, (2015), the United States Supreme Court, in an opinion authored by Justice Thomas, and joined in by Chief Justices Roberts, Scalia, Alito, Kennedy and Sotomayor, addressed the constitutionality of a local sign ordinance that had different criteria for different types of temporary noncommercial signs;

WHEREAS, the City of Clearwater recognizes that in *Reed*, the Supreme Court held that content-based regulation is presumptively unconstitutional and requires a compelling governmental interest;

WHEREAS, the City of Clearwater recognizes that in *Reed*, the Supreme Court held that government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed;

WHEREAS, the City of Clearwater recognizes that in *Reed*, the Supreme Court held that even a purely directional message, which merely gives the time and location of a specific event, is one that conveys an idea about a specific event, so that a category for directional signs is therefore content-based, and event-based regulations are not content neutral;

WHEREAS, the City of Clearwater recognizes that in *Reed*, the Supreme Court held that if a sign regulation on its face is content-based, neither its purpose, nor function, nor justification matter, and the sign regulation is therefore subject to strict scrutiny and must serve a compelling governmental interest;

WHEREAS, the City of Clearwater recognizes that in *Reed*, Justice Alito in a concurring opinion joined in by Justices Kennedy and Sotomayor pointed out that municipalities still have the power to enact and enforce reasonable sign regulations;

WHEREAS, the City of Clearwater recognizes that Justice Alito in the concurring opinion joined in by Justices Kennedy and Sotomayor provided a list of rules that would not be content-based;

WHEREAS, the City of Clearwater recognizes that Justice Alito noted that these rules, listed below, were not a comprehensive list of such rules;

WHEREAS, the City of Clearwater recognizes that Justice Alito included the following rules among those that would not be content-based: (1) rules regulating the size of signs, which rules may distinguish among signs based upon any content-neutral criteria such as those listed below; (2) rules regulating the locations in which signs may be placed, which rules may distinguish between freestanding signs and those attached to buildings; (3) rules distinguishing between lighted and unlighted signs; (4) rules distinguishing between signs with fixed messages and electronic signs with messages that change; (5) rules that distinguish between the placement of signs on private and public property; (6) rules distinguishing between the placement of signs on commercial and residential property; (7) rules distinguishing between on-premises and off-premises signs [*see discussion in* Memorandum dated September 11, 2015 from Lawrence Tribe to Nancy Fletcher, President, Outdoor Advertising Association of America, re Applying the First Amendment to Regulations Distinguishing Between Off-premises and On-premises Signs After *Reed v. Town of Gilbert*]; (8) rules restricting the total number of signs allowed per mile of

roadway; and (9) rules imposing time restrictions on signs advertising a one-time event, where rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed;

WHEREAS, the City of Clearwater recognizes that the distinction between the location of off-premises signs and on-premises signs is a time, place and manner regulation, and is not a content-based as noted by Justice Alito, and further recognizes that in 1978 in *Suffolk Outdoor*, over the objection of Justices Blackmun and Powell, the U.S. Supreme Court denied review of the underlying decision for the want of a substantial federal question and that the denial on this basis was a decision on the merits, wherein the decision was framed by the petitioner's jurisdictional statement which presented its first question as to whether a total ban on billboards within an entire municipality was constitutional, claiming that this disparate treatment of off-premises billboards from on-premises accessory signs was a violation of the First Amendment;

WHEREAS, the City of Clearwater acknowledges that the significance of *Suffolk Outdoor* is that it was a merits decision that recognized that it is constitutionally permissible to distinguish between on-site signs and off-site signs (Billboards) for regulatory purposes, and to ban the latter, and that this merits decision has never been overturned;

WHEREAS, the City of Clearwater recognizes that Justice Alito further noted that in addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech [*see Pleasant Grove City, Utah v. Summum*, 555 U.S. 460, 467-469 (2009)], and that government entities may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots and other destination locations identified as having significance under an official governmental wayfinding plan that meet the criteria for governmental speech;

WHEREAS, the City of Clearwater recognizes that Justice Alito noted that the *Reed* decision, properly understood, will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives, including rules that distinguish between on-premises and off-premises signs;

WHEREAS, the City of Clearwater recognizes that as a result of the *Reed* decision, it is appropriate and necessary for local governments to review and analyze their sign standards and regulations, beginning with their temporary sign standards and regulations, so as to make the necessary changes to conform with the holding in *Reed*;

WHEREAS, the City of Clearwater recognizes that government speech is not subject to First Amendment scrutiny as was confirmed by the United States Supreme Court in *Walker v. Texas Division, Sons of Confederate Veterans, Inc.*, 135 S.Ct. 2239 (2015), released in June 2015 the same day as the *Reed* decision, and the *Confederate Veterans* decision has been followed as to government signs by the Eleventh Circuit in *Mech v. School Bd. of Palm Beach County*, 806 3d 1070 (11th Cir. 2015), *cert. denied*, --- S.Ct. ----, 2016 WL 2943619 (October 3, 2016);

WHEREAS, the City of Clearwater recognizes that under established Supreme Court precedent, commercial speech may be subject to greater restrictions than noncommercial speech and that doctrine is true for both temporary signs as well as for permanent signs;

WHEREAS, the City of Clearwater finds and determines that under Florida law, whenever a portion of a statute or ordinance is declared unconstitutional, the remainder of the act will be permitted to stand provided: (1) the unconstitutional provisions can be separated from the remaining valid provisions; (2) the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void; (3) the good and the bad features are not so inseparable in substance that it can be said that the legislative body would have passed the one without the other; and (4) an act complete in itself remains after the valid provisions are stricken [*see, e.g., Waldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990)];

WHEREAS, the City of Clearwater finds and determines that there have been several judicial decisions where courts have not given full effect to severability clauses that applied to sign regulations and where the courts have expressed uncertainty over whether the legislative body intended that severability would apply to certain factual situations despite the presumption that would ordinarily flow from the presence of a severability clause;

WHEREAS, the City of Clearwater finds and determines that the City has consistently adopted and enacted severability provisions in connection with its ordinance code provisions; and the City wishes to ensure that severability provisions apply to its land development regulations, including its sign standards;

WHEREAS, the City of Clearwater finds and determines that there be an ample record of its intention that the presence of a severability clause in connection with the City's sign regulations be applied to the maximum extent possible, even if less speech would result from a determination that any provision is invalid or unconstitutional for any reason whatsoever;

WHEREAS, the City of Clearwater finds and determines that objects and devices such as graveyard and cemetery markers visible from a public area, vending machines or express mail drop-off boxes visible from a public area, decorations that do not constitute advertising visible from a public area, artwork that does not constitute advertising; a building's architectural features visible from a public area, or a manufacturer's or seller's markings on machinery or equipment visible from a public area are not within the scope of what is intended to be regulated through "land development" regulations that pertain to signage under Chapter 163 of the Florida Statutes;

WHEREAS, the City of Clearwater finds and determines that the aforesaid objects and devices are commonly excluded or exempted from being regulated as signs in land development regulations and sign regulations, and that extending a regulatory regime to such objects or devices would be inconsistent with the free speech clause of the First Amendment;

WHEREAS, the City of Clearwater finds and determines that the preambles in Ordinance No. 8343-12 that pertain to those provisions of Division 18 that are not amended by this ordinance are still applicable today after the *Reed* decision;

WHEREAS, the City of Clearwater finds and determines that the city is a resort community on the east coast of the state with several miles of beaches on the Gulf of Mexico and the City has an economic base which relies heavily on tourism;

WHEREAS, the City of Clearwater finds and determines that in order to preserve the city as a desirable community in which to live, vacation and do business, a pleasing, visually-attractive urban environment continues to be of foremost importance;

WHEREAS, the City of Clearwater finds and determines that the regulation of signs within the city is a highly contributive means by which to achieve this desired end, and that the sign standards and regulations in Exhibit A attached to proposed Ordinance 9029-17 are prepared with the intent of enhancing the urban environment and promoting the continued well-being of the city;

WHEREAS, the City of Clearwater finds and determines that Article II, Section 7, of the Florida Constitution, as adopted in 1968, provides that it shall be the policy of the state to conserve and protect its scenic beauty;

WHEREAS, the City of Clearwater finds and determines that the regulation of signage for purposes of aesthetics is a substantial governmental interest and directly serves the policy articulated in Article II, Section 7, of the Florida Constitution, by conserving and protecting its scenic beauty;

WHEREAS, the City of Clearwater finds and determines that the regulation of signage for purposes of aesthetics has long been recognized as advancing the public welfare;

WHEREAS, the City of Clearwater finds and determines that as far back as 1954 the United States Supreme Court recognized that “the concept of the public welfare is broad and inclusive,” that the values it represents are “spiritual as well as physical, aesthetic as well as monetary,” and that it is within the power of the legislature “to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled” [Justice Douglas in *Berman v. Parker*, 348 U.S. 26, 33 (1954)];

WHEREAS, the City of Clearwater finds and determines that aesthetics is a valid basis for zoning, and the regulation of the size of signs and the prohibition of certain types of signs can be based upon aesthetic grounds alone as promoting the general welfare [see *Merritt v. Peters*, 65 So. 2d 861 (Fla. 1953); *Dade Town v. Gould*, 99 So. 2d 236 (Fla. 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade Town*, 425 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 805 (1970)];

WHEREAS, the City of Clearwater finds and determines that the enhancement of the visual environment is critical to a community’s image and its continued presence as a tourist destination;

WHEREAS, the City of Clearwater finds and determines that the sign control principles set forth herein create a sense of character and ambiance that distinguishes the city as one with a commitment to maintaining and improving an attractive environment;.

WHEREAS, the City of Clearwater finds and determines that the beauty of the City of Clearwater, both with regard to its natural and built and developed environment has provided the foundation for the economic base of the City’s development, and that the City’s sign regulations

not only help create an attractive community for its residents, but also bolster Clearwater's image as a tourist destination;

WHEREAS, the City of Clearwater finds and determines that the goals, objectives and policies from planning documents developed over the years, demonstrate a strong, long-term commitment to maintaining and improving the City's attractive and visual environment;

WHEREAS, the City of Clearwater finds and determines that, from a planning perspective, one of the most important community goals is to define and protect aesthetic resources and community character;

WHEREAS, the City of Clearwater finds and determines that, from a planning perspective, sign regulations are especially important to cities with a tourist-based economy, and sign control can create a sense of character and ambiance that distinguishes one community from another;

WHEREAS, the City of Clearwater finds and determines that preserving and reinforcing the uniqueness of a tourist community like Clearwater attracts tourists and, more importantly, establishes a permanent residential and commercial base to ensure the future viability of the community;

WHEREAS, the City of Clearwater finds and determines that the purpose of the regulation of signs as set forth in Exhibit A to proposed Ordinance 9029-17 is to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements;

WHEREAS, the City of Clearwater finds and determines that the sign regulations in Exhibit A to proposed Ordinance 9029-17 are intended to lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic;

WHEREAS, the City of Clearwater finds and determines that the sign regulations in Exhibit A to proposed Ordinance 9029-17 are intended to enhance the attractiveness and economic well-being of the city as a place to live, vacation and conduct business;

WHEREAS, the City of Clearwater finds and determines that the sign regulations in Exhibit A to proposed Ordinance 9029-17 pertaining to warning signs and unsafe signs are intended to serve a compelling government interest by protecting the public from the dangers;

WHEREAS, the City of Clearwater finds and determines that the sign regulations in Exhibit A to proposed Ordinance 9029-17 pertaining to traffic directional signage are intended to serve a compelling government interest by protecting pedestrians and motorists from harm;

WHEREAS, the City of Clearwater finds and determines that the sign regulations in Exhibit A to proposed Ordinance 9029-17 are intended to permit signs that are compatible with their surroundings and aid orientation, and to preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs;

WHEREAS, the City of Clearwater finds and determines that the sign regulations in Exhibit A to proposed Ordinance 9029-17 are intended to curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;

WHEREAS, the City of Clearwater finds and determines that the sign regulations in Exhibit A to proposed Ordinance 9029-17 are intended to 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;

WHEREAS, the City of Clearwater finds and determines that the sign regulations in Exhibit A to proposed Ordinance 9029-17 are intended to preclude signs from conflicting with the principal permitted use of the site or adjoining sites;

WHEREAS, the City of Clearwater finds and determines that the sign regulations in Exhibit A to proposed Ordinance 9029-17 are intended to regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;

WHEREAS, the City of Clearwater finds and determines that the sign regulations in Exhibit A to proposed Ordinance 9029-17 are intended to require signs to be constructed, installed and maintained in a safe and satisfactory manner;

WHEREAS, the City of Clearwater finds and determines that the sign regulations in Exhibit A to proposed Ordinance 9029-17 are intended to preserve and enhance the natural and scenic characteristics of this coastal resort community;

WHEREAS, the City of Clearwater finds and determines that the regulation of signage was originally mandated by Florida's Local Government Comprehensive Planning and Land Development Regulation Act in 1985 (*see* Chapter 85-55, §14, Laws of Florida), and this requirement continues to apply to the City of Clearwater through Section 163.3202(2)(f), Florida Statutes, as referenced above;

WHEREAS, the City of Clearwater finds and determines that it has adopted a land development code, known as the Community Development Code, in order to implement its Comprehensive Plan, and to comply with the minimum requirements in the State of Florida's Growth Management Act, at Section 163.3202, Florida Statutes, including the regulation of signage and future land use;

WHEREAS, the intent of flexibility in the design criteria for sidewalk signs in Table 3-1806.1.e is to achieve a creatively designed sign that fosters an attractive, dynamic and vibrant urban environment that will enhance community character.

WHEREAS, the City of Clearwater finds and determines that the Community Development Code is the manner by which the City has chosen to regulate signage;

WHEREAS, the City of Clearwater finds and determines that the Community Development Code and its signage regulations were and are intended to maintain and improve the quality of life for all citizens of the City;

WHEREAS, the City of Clearwater finds and determines that in meeting the purposes and goals established in these preambles, it is appropriate to prohibit and/or to continue to prohibit certain sign types, as set forth in Division 18;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF CLEARWATER, FLORIDA:

Section 1. Article 8, Section 8-102, City of Clearwater Community Development Code, is hereby amended to read as follows, with deletions noted by strike-through and additions noted by underlining:

* * *

~~*Decorations, holiday and seasonal* mean decorations that pertain to legally or otherwise recognized holidays or to a season of the year.~~

Decoration means any decoration visible from a public area that does not include lettering or text and is not displayed for commercial advertising.

* * *

Sign means any surface, fabric, device or display which bears lettered, pictorial or sculptured matter, including forms shaped to resemble any human, animal or product designed to convey information to the public and is visible from an abutting property, from a public street, sidewalk or right-of-way, or from a body of water. For the purpose of this development code, the term “sign” shall include all structural members. A sign shall be construed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered a single sign. Except for banner, flags, temporary and portable signs, all signs shall be permanently affixed to, and/or incorporated into, the sign cabinet, or building wall or other base material. All signs shall be constructed of materials designed to be permanent, withstand weather conditions, and shall have permanent supports appropriate for its size. The term *sign* shall not include: artwork, ~~holiday or seasonal~~ decorations, cemetery markers, machinery or equipment signs, memorial signs or tablets.

Sign, adopt a park or acknowledgment means a government sign that recognizes a sponsoring agency which has been given the opportunity to install and maintain landscaping in city rights-of-way or on a city-owned property at the site where the landscaping is located.

* * *

Sign, billboard means a non-point-of-sale sign that exceeds twenty-four square feet and ~~which~~ advertises a business, organization, event, person, place or thing or other commercial message.

~~*Sign, construction* means a temporary on-premise sign that functions to identify~~

~~the ongoing construction activity during the time that a building permit is active and prior to completion of the work for which the permit was issued, and that may function to identify the contractor and/or any subcontractor engaged to perform construction activity on the site.~~

* * *

~~*Sign, election* means a temporary sign erected or displayed for the purpose of expressing support or opposition to a candidate or stating a position regarding an issue upon which the voters of the City may vote.~~

* * *

Sign, feather or flutter sign means a sign extending in a sleeve-like fashion down a telescoping or fixed pole that is mounted in the ground or on a building or stand. A feather sign or flutter sign is usually shaped like a sail or feather, and attached to the pole support on one vertical side.

* * *

~~*Sign, free expression* means a sign, not in excess of three square feet in total sign face area and whose top is not more than six feet off the ground, that functions to communicate information or views on matters of public policy or public concern, or containing any other noncommercial message that is otherwise lawful.~~

~~*Sign, garage yard sale* means any temporary sign pertaining to the sale of personal property at or upon any residentially zoned property located in the City of Clearwater, provided that the on-site sale at a residentially zoned parcel is lawful under the land use regulations and other applicable laws of the City of Clearwater.~~

Sign, fuel price display means any on-site sign which functions exclusively to displays the prices of gasoline for sale.

* * *

Sign, government means any temporary or permanent sign erected by or on order of a public official or quasi-public entity at the federal, state or local government level in the performance of any duty including, but not limited to, designated wayfinding signs, noncommercial signs identifying a government building or service, traffic control signs, street name signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of events, public notices of government actions, proposed changes of land use, any proposed rezoning, or any other governmental speech.

* * *

~~*Sign, identification* means any sign which indicates no more than the name, address, company logo and occupation or function of an establishment or premises on which the sign is located.~~

* * *

Sign, machinery or equipment means a sign which is integral and incidental to machinery or equipment, and that is incorporated into machinery or equipment by a manufacturer or distributor to identify or advertise the product or service dispensed by the machine or equipment, such as a sign customarily affixed or incorporated into a vending machine, a telephone booth, ATM, a gasoline pump, a newspaper rack, an express mail drop-off box, or the like.

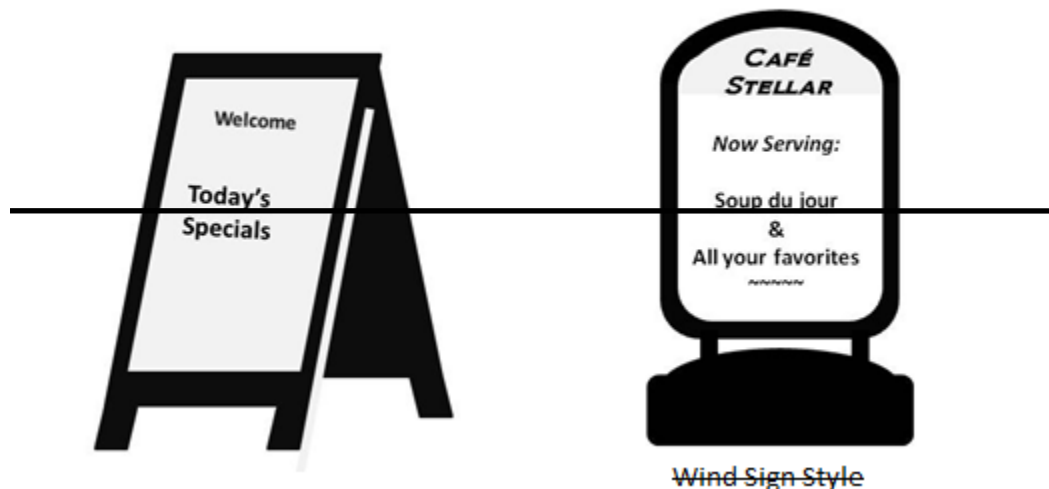
* * *

~~Sign, public purpose shall mean a sign providing notice to (a) an event, gathering, assembly or other meeting that is open to the public at large.~~

* * *

Sign, safety means a sign that ~~functions to~~ serves a compelling governmental purpose by providing provide a warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.).

Sign, sidewalk (sometimes referred to as a Wind style sign or an A-Frame Sign ~~a sandwich board sign~~) means any freestanding single or double faced sign which is designed to be placed upon, but not affixed to, the ground, or sidewalks or pavement, and that is portable and readily moved from place to place.





A Frame Sign



Wind Sign Style

* * *

Sign, sky dancers or air dancer sign means an inflatable sign that is taller than five feet and that exhibits movement when filled with air to attract attention.

* * *

Sign, traffic control device means any government sign located within the right-of-way that serve a compelling governmental purpose by functioning ~~functions~~ as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. *Traffic control device sign* includes those signs that are classified and defined ~~by their function~~ as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and official guide signs (~~that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information~~).

* * *

Sign, wind-activated means a sign which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include pennants, ribbons, spinners, streamers, or captive balloons, however the term wind activated sign shall not include flags.

* * *

Section 2. Article 3, Division 18, Signs, City of Clearwater Community Development Code, is hereby revised by amending section 3-1801 (General principles); amending section 3-

1803 (Exempt signs), amending section 3-1804 (Prohibited signs), deleting section 3-1805 (General standards) and substituting in its place a new section 3-1805 (General provisions for signs); deleting section 3-1806 (Signs permitted without a permit) and substituting in its place a new section 3-1806 (Temporary signs); and amending section 3-1807 (Permitted signs requiring development review), City of Clearwater Community Development Code, to read as set forth in the revisions to Division 18 attached hereto as “**Exhibit A**,” which is hereby adopted as part of the City of Clearwater Community Development Code.

Section 3. All references to Article 3, Division 18, of the City of Clearwater Community Development Code contained elsewhere in said Code or in other Ordinances or Resolutions of the City shall be deemed to refer to Revised Article 3, Division 18 as of the effective date of this Ordinance.

Section 4. Article 3, Section 3-2102.D, City of Clearwater Community Development Code, is hereby amended to delete the current Subsection 3-2102.D and re-letter the following subsections, with deletions noted by strike-through and additions noted by underlining:

* * *

~~D. Signage related to the temporary use shall not exceed 12 square feet of sign face area and no more than one sign face per street frontage shall be permitted. Signs shall be made of treated wood or other durable material. Sign copy shall not be spray painted. Details of any proposed signage must be submitted with an application for a temporary use permit.~~

~~E.~~ D. Where a tent or similar structure is to be used in conjunction with a temporary use, the following shall be met.

1. Comply with all requirements of the fire marshal;
2. Provide the city with a certificate of insurance to cover the liability of the applicant or sponsor; and
3. Demonstrate that the tent is flame resistant by providing a certificate of flame resistance or other assurance that the structure has been properly treated with flame retarder and has been maintained as such.

~~F.~~ E. Where a tent or similar structure is to be used in conjunction with a temporary use, the tent shall be allowed to be set-up on the day before the temporary use is scheduled to begin, and shall be allowed to be taken down the day after the temporary use is scheduled to end. However, additional time may be allowed for circuses or carnivals as determined by the community development coordinator.

Section 5. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

George N. Cretekos
Mayor

Approved as to form:

Attest:

Camilo A. Soto
Assistant City Attorney

Rosemarie Call
City Clerk

EXHIBIT

A

DIVISION 18. - SIGNS

Section 3-1801. - General principles.

Section 3-1802. – Purpose.

Section 3-1803. - Exempt signs.

Section 3-1804. - Prohibited signs.

~~Section 3-1805. – General standards.~~

~~Section 3-1806. – Signs permitted without a permit.~~

Section 3-1805. - General provisions for signs.

Section 3-1806. - Temporary signs.

Section 3-1807. - Permitted signs requiring development review.

Section 3-1808. - Comprehensive sign program.

Section 3-1809. - Severability.

Section 3-1801. - General principles.

~~The regulation of signs as provided herein is based upon their function, and is not based upon the content of the message contained on any such sign.~~ The Florida Constitution provides that it is the policy of the state to conserve and protect its scenic beauty, and the regulation of signage for purposes of aesthetics directly serves that policy. Since 1985, the Florida Statutes have required that municipalities enact land development regulations that regulate signage. The city is a resort community on the west coast of the state with more than five miles of beaches on the Gulf of Mexico. This city has an economic base which relies heavily on tourism. In order to preserve the city as a desirable community in which to live, vacation and do business, a pleasing, visually attractive urban environment is of foremost importance. The regulation of signs within the city is a highly contributive means by which to achieve this desired end. These sign regulations are prepared with the intent of enhancing the urban environment and promoting the continued well-being of the city. The enhancement of the visual environment is critical to a community's image and its continued presence as a tourist destination, and the sign control principles set forth herein create a sense of character and ambiance that distinguishes the city as one with a commitment to maintaining and improving an attractive environment.

Section 3-1803. - Exempt signs.

The following signs are exempt from regulation under this Division 18:

- A. A sign, other than a window sign, located entirely inside the premises of a building or enclosed space.
- B. A sign on a car, other than a prohibited vehicle sign or signs.
- C. A statutory sign.
- D. A traffic control device sign.
- E. Any sign not visible from a public street, sidewalk or right-of-way or from a navigable waterway or body of water; except that the foregoing does not exempt a sign for a commercial use that is visible from an abutting residential use.
- F. A government sign.

Section 3-1804. - Prohibited signs.

The following types of signs are prohibited:

- A. Feather/flutter signs; Wind-activated signs; Air-dancer signs; Sky-dancer signs. Balloons, cold air inflatables, streamers, and pennants, except as allowed on public property in Section 3-1806.R.
- B. Bench signs. Bench signs, other than the identification of the transit company or its route schedule.
- C. Billboards.
- D. Discontinued signs. Discontinued signs and/or sign structures which are determined to be nonconforming with the provisions of this Division 18 shall be required to be removed by the property owner after receipt of notification, or refusal to accept delivery of notification by certified mail, that such removal is required. A discontinued sign and/or sign structure which is determined to be nonconforming with the provisions of this Division 18 shall not be required to be removed if it is brought into conformity with the provisions of this Division 18 within three (3) months after receipt of notification, or refusal to accept delivery of notification by certified mail that removal is required upon failure to bring the structure into conformity.
- E. Electronic changeable message signs unless otherwise allowed herein or those that are existing, legally nonconforming message signs. Legally nonconforming message signs shall only be either those that have general messages that change no more frequently than once every one hour and meet the requirements of this Division 18, or they are signs that only display a change in time and/or temperature no more frequently than once every minute, as necessary to correctly reflect accurate information and not be misleading. (e.g., fuel gasoline price signs), with the following exceptions:
 - 1. Menu signs that change no more frequently than once every three hours and that are not otherwise prohibited.
 - 2. Existing and legally nonconforming message signs:
 - a. General messages which change no more frequently than once every six hours, including onsite signs at gasoline price signs that meet the requirements of this Division 18; or
 - b. Signs which only display time and/or temperature which change no more frequently than once every 15 seconds.
- F. Reserved. Menu signs on which the message changes more rapidly than once every three hours.
- G. Pavement markings, except street addresses.
- H. Portable signs.
- I. Roof and above roof signs.
- J. Sidewalk signs, except as provided herein.

- K. Signs attached to or painted on piers or seawalls, other than official regulatory or warning signs.
- L. Signs in or upon any river, bay, lake, or other body of water.
- M. Permanent Signs located on publicly-owned land or easements or inside street rights-of-way, ~~except (a) as allowed in Section 3-1806.S., (b) signs on transit shelters erected pursuant to Section 3-2203 and permitted pursuant to Section 3-1807.B.5.), (c) sidewalk signs to the extent permitted in Section 3-1806.U. or Section 3-1807.B.4., (d) as allowed in Section 3-1807.A., and (e) as allowed in Section 3-1806.V. and 3-1806.W.~~ Prohibited signs shall include but shall not be limited to handbills, posters, advertisements, or notices that are attached in any way upon lampposts, telephone poles, utility poles, bridges, and sidewalks. This prohibition does not apply to government signs or transit shelter signage authorized by law.
- N. Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.
- O. Signs that have unshielded illuminating devices or which reflect lighting onto public rights-of-way thereby creating a potential traffic or pedestrian hazard.
- P. Signs that move, revolve, twirl, rotate, flash, scintillate, blink, flutter, or appear to display motion in any way whatsoever, including animated signs, multi-prism signs, tri-vision signs, floodlights and beacon lights (except when beacon lights are required by the Federal Aviation Agency or other governmental agency for a public purpose involving public safety), unless otherwise expressly allowed by another provision within this Division 18.
- Q. Signs that obstruct, conceal, hide, or otherwise obscure from view any traffic control device sign or official traffic signal.
- R. Signs that present a potential traffic or pedestrian hazard, including signs which obstruct visibility.
- S. Signs attached to or placed on any tree or other vegetation.
- T. Signs carried, waved or otherwise displayed by persons either on public rights-of-way or in a manner visible from public rights-of-way. This provision is directed toward such displays intended to draw attention for a commercial purpose, and is not intended to limit the display of placards, banners, flags or other signage by persons participating in demonstrations, political rallies and similar events.
- U. Snipe signs.
- V. Three-dimensional objects that are used as signs.
- W. Vehicle signs, and portable trailer signs.
- X. Any permanent sign that is not specifically described or enumerated as permitted within the specific zoning district classifications in this Community Development Code.

~~Section 3-1805. General standards.~~

- ~~A. *Setback.* No sign shall be located within five feet of a property line of a parcel proposed for development.~~
- ~~B. *Neon signs and lighting.* Neon signs and lighting shall be permitted as freestanding and attached signage as provided in this Division 18. When neon lighting is utilized to emphasize the architectural features of a building, such as when used to outline doorways, windows, façades, or architectural detailing, or when used to accentuate site landscaping, it shall not be regarded as signage provided such lighting does not change in intensity, brightness or color or direction. In addition, neon lighting used as freestanding designs or murals or as attached murals or designs unrelated to the architectural features of the building to which the lighting is attached shall be permitted, but shall be counted toward the allowable area of the property's or occupancy's freestanding or attached signage, as applicable.~~
- ~~C. *Illuminated signs.*~~
- ~~1. The light from any illuminated sign shall be shaded, shielded, or directed away from adjoining street rights-of-way and properties.~~
 - ~~2. No sign shall have blinking, flashing, or fluttering lights or other illumination devices which have a changing light intensity, brightness, color, or direction or as otherwise prohibited by Section 3-1804.~~
 - ~~3. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.~~
 - ~~4. Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.~~
 - ~~5. The light which illuminates a sign shall be shaded, shielded, or directed so that no structure, including sign supports, are illuminated by such lighting. The above shall not be construed so as to prohibit an awning with signage from being externally illuminated.~~
- ~~D. *Banners and flags.* A banner or flag may be used as a permitted freestanding or attached sign and, if so used, the area of the banner or flag shall be included in, and limited by, the computation of allowable area for freestanding or attached signs on the property.~~
- ~~E. *Gasoline price signs.* Gasoline price display signs shall be allowed in all non-residential districts except where specifically prohibited. Gasoline price display signs shall be placed in the vicinity of the pump islands and shall not extend above any pump island canopy or they shall be attached to the primary freestanding sign for the property. If attached to the freestanding sign, the area of the gasoline price display sign shall be counted toward the allowable area for the freestanding sign. A gasoline price display sign may be changed manually or electronically.~~
- ~~F. *Awnings.* Awnings may be allowed a graphic element in addition to the permitted attached sign area provided such graphic does not exceed 25 percent of the awning surface area on which the graphic is placed or 16 square feet, whichever is less. If a graphic element is placed on an awning valance, such graphic element shall be limited to 25 percent of the valance surface. If text and a graphic element are proposed on an awning, such text and~~

~~graphic element shall be governed by the attached signs provisions set forth in Section 3-1807.B.3. This provision does not apply to back-lit awnings.~~

- ~~G. *Building and electrical code compliance.* All signs shall comply with applicable building and electrical code requirements.~~
- ~~H. *No limitation based on message content.* Notwithstanding any other provision of this Community Development Code, no sign shall be subject to any limitation based on the content of the message contained on such sign.~~
- ~~I. *Substitution of noncommercial speech for commercial speech.* Notwithstanding anything contained in this Community Development Code to the contrary, any sign erected pursuant to the provisions of this Division 18 or this Community Development Code with a commercial message may, at the option of the owner, contain a noncommercial message. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from a commercial message to a noncommercial message, or from one noncommercial message to another, provided that the sign is not a prohibited sign or sign type, provided that the manner or frequency of the change does not violate restrictions on electronic or illuminated signs, and provided that the size, height, setback and other dimensional criteria contained in this Division 18 and the Community Development Code have been satisfied.~~

Section 3-1805. – General provisions for signs.

A. *Building Code and Electrical Code Compliance.* All signs shall comply with applicable building and electrical code requirements.

B. *Viewpoint Neutrality.*

Notwithstanding any other provision of this Community Development Code, no sign shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.

C. *Substitution of Noncommercial Speech for Commercial Speech.*

Notwithstanding anything contained in this Community Development Code to the contrary, any sign erected pursuant to the provisions of this Division 18 or this Community Development Code with a commercial message 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 a commercial message to a noncommercial message, or from one noncommercial message to another, provided that the sign is not a prohibited sign or sign-type, provided that the manner or frequency of the change does not violate restrictions on electronic or illuminated signs, and provided that the size, height, setback and other dimensional criteria contained in this Division 18 and the Community Development Code have been satisfied. This provision does not permit design changes for a sign previously approved under the Comprehensive Sign Program.

D. *Flagpoles and Flags; Flag Brackets, Flag Stanchions, and Flags.*

1. Flagpoles and Flags. For each parcel and development site in residential use with one principal structure, one flagpole may be installed and up to two (2) flags may be displayed per flagpole. For each parcel and development site that is one-half (1/2) acre or less in size and is in residential use with more than one principal structure or nonresidential use, one flagpole may be installed and up to two (2) flags may be displayed per flagpole. For each parcel and development site that is over one-half (1/2) acre in size and is in residential use with more than one principal structure or in nonresidential use, up to three flagpoles may be installed and up to two (2) flags may be displayed per flagpole. A flag shall not exceed twenty-four (24) square feet in size.

2. Flag Brackets, Flag Stanchions, and Flags. For each principal structure on a parcel, up to two flag brackets or stanchions may be attached or placed for the display of flags. A flag displayed from a flag bracket or a flag stanchion shall not exceed twenty-four (24) square feet in size.

3. For the purpose of determining the size of a flag, only one side of the flag shall be counted as the display surface.

4. Flags may be externally illuminated.

5. Flagpoles shall not exceed thirty-five (35) feet in height.

E. *Setback.*

No sign shall be located within five (5) feet of a property line. Flexibility may be approved by the Community Development Coordinator if the setback cannot be met due to site constraints such as shape irregularities and/or the presence of natural features, existing utilities or easements, making complying with the setback requirement impractical or infeasible and provided sight visibility will not be negatively impacted at intersections or driveways.

F. Neon and LED Lighting; Neon and LED Signs.

1. Neon and LED lighting shall not be regarded as signage when it is only used to emphasize the architectural features of a building, such as outlining doorways, windows, façades, or architectural detailing, or accentuating site landscaping, provided that the neon lighting does not change in intensity, brightness or color or direction.

2. Neon and LED signs may be permitted as freestanding and attached signage as provided in this Division 18.

G. Illuminated Signs; Brightness.

1. Light from any illuminated sign shall be shaded, shielded, or directed away from adjoining street rights-of-way and properties. Light which illuminates a sign shall be shaded, shielded, or directed so that no structure, including sign supports, are illuminated by such lighting to the extent possible; however, the foregoing shall not be construed so as to prohibit an awning with signage from being externally illuminated.

2. No sign shall have blinking, flashing, or fluttering lights or other illumination devices which have a changing light intensity, brightness, color, or direction or as otherwise prohibited by Section 3-1804. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic-control devices. Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

3. All self-luminous signs are subject to brightness levels consisting of surface luminosity limits, both during the daytime and nighttime hours. During the daytime (after sunrise and before sunset), the maximum limit of luminosity shall be one thousand (1,000) nits, or 1000 cd/m². During the nighttime hours (after sunset and before sunrise), there shall be a maximum limit of luminosity of one hundred fifty (150) nits, or 150 cd/m².

H. Awnings.

Awnings may be allowed a graphic element in addition to the permitted attached sign area provided such graphic does not exceed twenty-five percent (25%) of the awning surface area on which the graphic is placed or sixteen (16) square feet, whichever is less. If a graphic element is placed on an awning valance, such graphic element shall be limited to twenty-five percent (25%) of the valance surface. If text and a graphic element are proposed on an awning, such text and graphic element shall be governed by the provisions for attached signs set forth in Section 3-1807.B.3. This provision does not apply to back-lit awnings.

I. Reserved.

J. Menu Signs at Drive-Through Lanes.

Attached menu signs of no more than six (6) square feet of total sign face area located at the entrance or service window of a restaurant. One freestanding drive-through sign no more than twenty-four (24) square feet in total sign face area and six (6) feet in height oriented toward the vehicles utilizing drive-through service for the purpose of placing an order or picking up an order at a service window. Notwithstanding the foregoing, these signs may be subject to the Comprehensive Sign Program.

K. *Street Address Signs.*

1. One street address sign of no more than two (2) square feet of total sign face area for each parcel of land used for residential purposes. This is a required sign for each parcel of land used for residential purposes.
2. One street address sign of no more than one (1) square foot for each number contained in the property address for each parcel of land used for non-residential purposes. This is a required sign for each parcel of land used for non-residential purposes.
3. The square footage for the street address sign shall be allowed in addition to the total square signage footage allowed in Section 3-1807.

L. *Onsite Traffic Control Signs.*

Onsite traffic control signs of no more than four (4) square feet of sign face area provided that non-traffic control symbols do not exceed twenty-five percent (25%) of the sign face area.

M. *Parking Space Signs.*

Signs identifying parking space numbers provided that such signs are painted on the paved surface of each space or do not exceed one-half (1/2) square foot of sign face area per sign.

N. *Marina Signs.*

1. Signs at a marina for slip numbers provided that such signs are painted on the dock in front of each slip or do not exceed one (1) square feet of sign face area per sign. Each individual charter/commercial vessel slip located at a commercial marina may have one sign placed in the vicinity of the slip that does not exceed six (6) square feet in total sign face area, and one additional sign of not more than eight (8) square feet in total sign face area placed in the vicinity of the slip. No sign permit is required.
2. Unless otherwise approved by the community development coordinator, two signs, not to exceed six (6) square feet in total sign face area and not to exceed six (6) feet in height may be displayed at any marina in coordination with the city for way finding and shall be considered a government sign. The community development coordinator may approve additional signs as necessary for pedestrian and vehicular traffic based on the following criteria: overall size of marina, number of pedestrian and vehicular access points, visibility of the site, intended and existing traffic circulation and consistency with Beach by Design, Clearwater Downtown Redevelopment Plan or any other applicable special area plan.

O. *Window Signs.*

Window signs may be located on any window area provided such sign or combination of signs does not exceed 25 percent of the total window area on any façade. All signs located inside an enclosed area for purposes of advertising shall be construed to be window signs. In

no case shall the cumulative area of all window signs on any façade exceed 50 square feet. No sign permit is required.

P. *Safety and Warning Signs.*

Safety or warning signs which do not exceed six (6) square feet of total sign face area per sign are allowed on any parcel. No sign permit is required.

Q. *Maintenance of Sign Location and Sign.*

1. Weeds and grass shall be kept cut in front of, behind, underneath, and from around the base of the sign for a minimum distance of ten (10) feet from the sign base, and there shall be no rubbish or debris within ten (10) feet of the sign base or underneath the sign.

2. A sign shall be maintained in a state of good repair.

Section 3-1806.—Signs permitted without a permit.

The following signs may be developed without development review pursuant to Article 4 of this Community Development Code:

- ~~A. One address sign of no more than two square feet of total sign face area for each parcel of land used for residential purposes and no more than one square foot for each number contained in the property address for each parcel of land used for non-residential purposes. The square footage for the address sign shall be allowed in addition to the total square signage footage allowed in Section 3-1807.~~
- ~~B. *Free expression signs.* For each parcel, one free expression sign may be displayed. A free expression sign may be displayed as an attached sign or as a freestanding sign. A free expression sign shall not exceed six square feet of total sign face area. If a free expression is displayed as a freestanding sign, the sign shall not exceed four feet in height if located on a parcel of land designated or used for single family dwellings, duplexes and townhouse units or six feet in height if located on any other parcel. The free expression sign is in addition to any sign displaying a noncommercial message in lieu of a commercial or other noncommercial message pursuant to Section 3-1805.I.~~
- ~~C. *Temporary election signs.* For each parcel, one election sign for each candidate and each issue may be displayed. An election sign may be displayed as an attached sign or as a freestanding sign. On parcels that are in residential use, the election sign shall not exceed six square feet of total sign face area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed four feet in height. On parcels that are in nonresidential use, the election sign shall not exceed 16 square feet of total sign face area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed six feet in height. An election sign shall be removed within seven calendar days following the election to which it pertains.~~
- ~~D. *Temporary grand opening and special event signs.*~~
 - ~~1. One temporary grand opening sign shall be permitted for 30 days after the issuance of an occupational license for any new business, new owner of an existing business, or business name change. Such sign shall not exceed 24 square feet in total sign face area or such sign may be a temporary covering, such as a toaster cover, sign boot, or sign sock, which covers an existing permitted attached or freestanding sign.~~
 - ~~2. Other temporary special event and/or public purpose signs of a temporary nature shall be approved by the community development coordinator if the signs meet the following criteria: (a) the signs are temporary signs for a limited time and frequency, (b) the signs are for a special event or a public purpose of a temporary nature, (c) the signs do not exceed the maximum height and size requirements for freestanding signs under this Community Development Code, (d) the display of temporary signs for a special event shall not begin any earlier than two calendar days before the event and shall be removed within one business day after the event, and (e) the signs, if temporary for a limited time and frequency, will meet the following purposes of Division 18, to wit: (1) the signs will not conceal or obstruct adjacent land uses or signs [Section 3-1802.F.], (2) the signs will not conflict with~~

~~the principal permitted use of the site or adjoining sites [Section 3-1802.J.], (3) the signs will not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians [Section 3-1802.K.], and (4) the signs will be installed and maintained in a safe manner [Section 3-1802.L.]. Consistent with the general standards in Section 3-1805, the approval or disapproval shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such signs. The community development coordinator shall render a decision within ten days after an application is made for such signs. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision to the community development board pursuant to Section 4-501.A of this Community Development Code.~~

- ~~E. A single sign no more than four square feet in sign area and indicating a valet parking station and that is visible only during hours that the valet is operating.~~
- ~~F. *Temporary construction signs.* One temporary construction sign located on a parcel proposed for development during the period a building permit is in force or one year, whichever is less, which sign shall not exceed:~~
- ~~1. Six square feet of total sign face area for parcels of land used or proposed to be used for single family dwellings, duplexes and townhouse units;~~
 - ~~2. Sixteen square feet of total sign face area for parcels of land used or proposed to be used for multi-family purposes other than townhouse units or for non-residential purposes.~~

~~If the temporary sign is displayed as a freestanding sign, the sign shall not exceed six feet in height.~~

- ~~G. *For flags displayed on a flag pole not exceeding 35 feet in height or an attached bracket:* One flag per detached dwelling unit, three additional flags per parcel of land used for multifamily residential purposes, and three flags per parcel of land used for non-residential purposes. If so used, the area of the flag shall not be included in, and limited by, the computation of allowable area for freestanding or attached signs on the property.~~
- ~~H. *Temporary garage yard sale signs.* One temporary garage yard sale sign of no more than six square feet of total sign face area located on the parcel of land where the garage or yard sale is to be conducted only on the date or dates on which the garage or yard sale is conducted. In addition, no more than two directional signs of no more than six square feet of total sign face area per sign face related to a garage or yard sale which are located on privately owned parcels of land other than the parcel of land where the garage or yard sale is to be conducted only on the date or dates on which the garage or yard sale is conducted. If the temporary sign is displayed as a freestanding sign, the sign shall not exceed four feet in height.~~
- ~~I. Attached menu signs of no more than six square feet of total sign face area located at the entrance or service window of a restaurant. One freestanding drive-through sign no more than 24 square feet in total sign face area and six feet in height oriented toward the vehicles utilizing drive-through service for the purpose of placing an order or picking up an order at a service window.~~

J. ~~Onsite directional and traffic control signs of no more than four square feet of sign face area provided that business logos or other non-traffic control symbols do not exceed 25 percent of the sign face area.~~

K. ~~Signs identifying parking space numbers provided that such signs are painted on the paved surface of each space or do not exceed one half square foot of sign face area per sign.~~

L. ~~*Marina slip and directional signs.*~~

1. ~~Signs identifying marina slip numbers provided that such signs are painted on the dock in front of each slip or do not exceed one square foot of sign face area per sign.~~

2. ~~Each individual charter/commercial vessel slip located at a commercial marina may have one sign placed in the vicinity of the slip that does not exceed six square feet in total sign face area identifying the business located at the slip and one additional sign of not more than eight square feet in total sign face area placed in the vicinity of the slip to identify the vessel rate/embarking schedules, or other information.~~

3. ~~Unless otherwise approved by the community development coordinator, two directional signs, not to exceed six square feet in total sign face area and not to exceed six feet in height may be displayed at any marina for purposes of way finding. The community development coordinator may approve additional signs based on the following criteria: overall size of marina, number of pedestrian and vehicular access points, visibility of the site, intended and existing traffic circulation and consistency with Beach by Design, Clearwater Downtown Redevelopment Plan or any other applicable special area plan.~~

M. ~~*Temporary real estate signs.* One temporary real estate sign per parcel of land indicating that a parcel of land or a building located on the parcel of land or part thereof is for sale, for lease or otherwise available for conveyance, provided that such sign does not exceed:~~

1. ~~Six square feet of total sign face area on parcels of land designated or used for single family dwellings, duplexes and townhouse units;~~

2. ~~Sixteen square feet of total sign face area on parcels of land designated or used for multi-family purposes other than townhouse units or for non-residential purposes.~~

~~In the event that more than one dwelling unit or non-residential space on a single parcel of land is for sale, for lease or otherwise available, one attached sign per dwelling or space of no more than two square feet in total sign face area in addition to the permitted freestanding signage. In addition, one freestanding waterfront sign of no more than six square feet of total sign face area, not more than three square feet of sign area per sign face, for each waterfront parcel of land.~~

~~If the temporary sign is displayed as a freestanding sign, the sign shall not exceed four feet in height if located on a parcel of land designated or used for single family dwellings, duplexes and townhouse units or six feet in height if located on any other parcel.~~

- ~~N. Signs located within a stadium which are not oriented toward and readable from outside of a stadium.~~
- ~~O. Window signs may be located on any window area provided such sign or combination of signs do not exceed 25 percent of the total window area on any façade. All signs located inside an enclosed area for purposes of advertising shall be construed to be window signs. In no case shall the cumulative area of all window signs on any façade exceed 50 square feet.~~
- ~~P. Safety or warning signs which do not exceed six square feet of total sign face area per sign.~~
- ~~Q. A change in a sign message or panel on a previously approved, lawful sign, e.g., any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that complies with all other requirements of this ordinance. This provision does not permit design changes for a sign previously approved under the Comprehensive Sign Program.~~
- ~~R. The following sign type "balloons, cold air inflatables, streamers, and pennants" shall be allowed as governmental and public purpose signs if located on public property and if the city manager finds that the sign type meets the following criteria: (1) the sign type is for a special event, (2) the special event is for a limited time, (3) the special event is for a limited frequency, and (4) the sign type, if allowed for a limited time and frequency, will meet the following purposes of this Division 18, to wit: (a) the signs will not conceal or obstruct adjacent land uses or signs (Section 3-1802.F.), (b) the signs will not conflict with the principal permitted use of the site or adjoining sites [Section 3-1802.J.], (c) the signs will not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians [Section 3-1802.K.], and (d) the signs will be installed and maintained in a safe manner [Section 3-1802(L)]. Consistent with the general standards in Section 3-1805, the approval or disapproval shall not be based on the content of the message contained (i.e., the viewpoint expressed) on any such sign. The city manager shall render a decision within ten days after an application is made for utilizing this sign type at a special event. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision to the community development board pursuant to Section 4-501.A of this Community Development Code.~~
- ~~S. A sign on publicly owned land or easements or inside street rights of way shall be allowed if the city manager finds that the sign meets the following criteria: (1) the sign provides notice to the public of a public meeting or other public event, (2) the sign is temporary and for a limited time, and (3) the sign, if allowed for a limited time, will meet the following purposes of this Division 18, to wit: (a) the sign will not conceal or obstruct adjacent land uses or signs [Section 3-1802.F.], (b) the sign will not conflict with the principal permitted use of the site or adjoining sites [Section 3-1802.J.], (c) the sign will not interfere with or obstruct the vision of motorists, bicyclists or pedestrians [Section 3-1802.K.], and (d) the sign will be installed and maintained in a safe manner [Section 3-1802.L.]. Consistent with the general standards in Section 3-1805, the approval or disapproval shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such sign. The city manager shall render a decision within ten days after an application is made for utilizing such a temporary sign on public~~

~~property. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision to the community development board pursuant to Section 4-501.A of this Community Development Code.~~

~~T. *Directional/informational signs serving a public purpose.* A permanent sign on public easements or inside street rights of way shall be allowed if the city manager finds that the sign meets the following criteria:~~

- ~~1. The sign provides directions and/or information regarding public facilities and/or places of interest; and~~
- ~~2. The sign will meet the purposes of Division 18 to wit: (a) the sign will not conceal or obstruct adjacent land uses or signs [Section 3-1802.F.], (b) the sign will not conflict with adjoining sites, (c) the sign will not interfere with or obstruct the vision of motorists, bicyclists or pedestrians, (d) the sign will be installed and maintained in a safe manner [Section 3-1802.L.], (e) the sign is consistent with Beach by Design, Clearwater Downtown Redevelopment Plan or any other applicable special area plan and submittal of a master sign plan and (f) the sign is consistent with the general standards in Section 3-1805. The city manager or designee shall render a decision within 15 days after an application is made for utilizing such a sign on public property. The decision is not subject to the provisions of Section 4-501.A of this Community Development Code.~~

~~U. *Signs during public construction projects.* The following signage shall be allowed in conjunction with public construction projects that are scheduled to last 180 days or longer:~~

- ~~1. Temporary sidewalk signs are permitted for properties abutting qualifying public construction projects in accordance with the following criteria:~~
 - ~~a. There shall be a maximum of two sidewalk signs permitted per parcel adjacent to the public construction project, and parcels with multiple businesses shall coordinate copy on the signs permitted.~~
 - ~~b. Sidewalk signs permitted under this section shall be allowed to be displayed for the duration of the public construction project starting with project commencement and shall be removed within seven days after the final acceptance, by the city, of improvements.~~
 - ~~c. The size of any sidewalk sign shall not exceed eight square feet in total sign face area, and shall not exceed four feet in height.~~
 - ~~d. Sidewalk signs permitted under this section shall be constructed in a professional and workmanlike manner from treated wood or other durable material, and copy displayed shall not be spray painted onto the signs.~~
 - ~~e. No sidewalk sign, permitted as part of this section shall be permanently erected, and shall only be displayed during hours of operation for the business being advertised.~~
 - ~~f. No sidewalk sign shall be placed so as to block any public way, or within the visibility triangle of intersections or driveways.~~

2. ~~Temporary wayfinding signs may be permitted on publicly owned land or easements or inside public rights of way if the city manager finds that there is a qualifying public construction project that results in a permanent and significant change to the existing traffic circulation patterns within the construction project limits. Such signage shall comply with the following criteria:~~
 - a. ~~Temporary wayfinding signs shall not be erected prior to the commencement of the public construction project and shall be removed after the conclusion of the project when the city engineer determines that the traveling public has had sufficient time to adjust to the new circulation patterns.~~
 - b. ~~Temporary wayfinding signs shall not exceed eight square feet in area and twelve feet in height.~~
 - c. ~~The number and location of temporary wayfinding signs shall be determined by the city engineer and shall serve to notify and help motorists navigate a new traffic circulation pattern. In determining the appropriate number of signs, the city engineer shall consider the nature of the changed pattern, the uses and the number of properties directly impacted by such changed patterns.~~
 - d. ~~The owner(s) of a parcel of land, shopping center including all outparcels, or office building directly affected by the changed traffic circulation pattern may request to be included on such wayfinding signs.~~
 - e. ~~Temporary wayfinding signs shall not conceal or obstruct adjacent land uses or signs, shall not interfere with or obstruct the vision of motorists, bicyclists or pedestrians.~~
 - f. ~~The city shall design, fabricate, install and remove all temporary wayfinding signs and the owners(s) of property referenced on the signs shall reimburse the city for those costs. Such signs shall be installed and maintained in a safe manner.~~
 - g. ~~The City of Clearwater retains all rights of removal for temporary wayfinding signs.~~
- V. ~~One ten square foot freestanding sign not more than five feet in height or one ten square foot attached sign per city park or city recreation facility for the purposes of identifying a program provider or information concerning programs at such park or recreation facility. The design of any such signs shall be approved by the parks and recreation department.~~
- W. ~~Adopt a park and acknowledgement signs.~~
 1. ~~Adopt a park signs may be erected in city rights of way or on city owned property. An adopt a park sign shall not exceed three square feet in total sign face area. If freestanding, and adopt a park sign shall not exceed 18 inches in height and shall be located, in a landscaped setting. Adopt a park signs shall be selected from the approved city street signs catalogue maintained by the manager of traffic operations, provided the sign design conforms with one of the city prescribed designs maintained by the parks and recreation department. The community development coordinator may approve additional adopt a park signs based on the~~

~~following criteria: overall size of site, number of entrances, frontage, access and visibility of the site, intended and existing traffic circulation.~~

- ~~2. Acknowledgment signs may be erected in city rights of way or on city owned property as follows. Such signs may also be affixed or incorporated into a public amenity such as an ash tray or public bench that is located on public property and that is approved by the community development coordinator provided that it is no greater than one square foot in area, is rust free, and is unobtrusive.~~

Section 3-1806. – Temporary signs.

A. Within its zoning districts and subject to any applicable provisions with Section 3-1806, general provisions for signs, the city shall allow temporary signs that meet the criteria and limitations set forth in Table 3-1806.1a and Table 3-1806.1b, shown below.

B. A temporary sign displayed on a window surface must be displayed on the inside of the window surface, shall cover no more than twenty-five (25%) of the aggregate window surface area, and shall not be illuminated. This temporary sign allowance shall be reduced by any window surface area already covered by signage allowed in Section 3-1805.O.

**TABLE 3-1806.1a. CRITERIA AND LIMITATIONS FOR
SIDEWALK SIGNS**

<u>Location</u>	<u>In front of primary retail and restaurants within the linear footage of the storefront. Also in the immediate vicinity of parking garages/lots and valet stands. ¹</u>
<u>Maximum Number of Signs</u>	<u>1 per business</u>
<u>Maximum Width</u>	<u>2 feet</u>
<u>Maximum Height</u>	<u>3-1/2 feet</u>
<u>Maximum Distance from Building Wall (as measured at the nearest point of sidewalk sign)</u>	<u>2 feet, except 5 feet in the Cleveland Street Café District in the Downtown zoning District and 2 feet from the entryway of a parking garage/lot and valet stands.</u>
<u>Maximum Width of Public Sidewalk that the Sign May Obstruct</u>	<u>4 foot clear path on the sidewalk shall be maintained</u>
<u>Duration Allowed</u>	<u>Only during hours while business or valet service is operating</u>
<u>Allowed on Public Property and Right-of-Way</u>	<u>Yes</u>
<u>Allowed in a Sight Visibility Triangle</u>	<u>No</u>
<u>Design Criteria</u>	<u>Restricted²</u>
<u>Permit Required</u>	<u>Yes³</u>

¹ Properties adjacent to a public construction project scheduled to last 180 days may also erect sidewalk signs in compliance with the following:

- a. No more than two sidewalk signs per parcels.
- b. Parcels with multiple businesses shall coordinate copy on the signs.
- c. Sign size is limited to 4 feet in height and 8 square feet in area.
- d. Signs must be constructed in a professional and workmanlike manner from treated wood or other durable material. Sign copy shall not be spray painted onto the signs.
- e. No sidewalk sign shall block any public right-of-way, shall maintain a 4 foot clear path and shall not be located within the visibility triangle of intersections or driveways.
- f. Sidewalk signs shall be removed within 7 days after City's final acceptance of the improvements or completion of the public project.

² Design Criteria

- a. All sidewalk sign frames shall:
 - i. be made of durable wood, plastic, or metal only and shall present a finished appearance, and the color of such frames shall be limited to metallic silver/grey, black, white or stained wood.
 - ii. support only black or green colored chalk boards, black, wet marker boards or professional design advertisement/posters made of durable material with clear, non-glare protective covering.
- b. Sidewalk signs shall not be illuminated or incorporate fluorescent colors.
- c. Sidewalk signs shall not be attached to any structure, pole, object, building, or other sign or contain moving parts or have balloons, streamers, pennants or similar adornment attached.
- d. Only wind signs may be allowed to have wheels.
- e. Flexibility with regard to sign style and size may be considered, provided the sign is designed as part of the architectural theme of the property and/or use using similar and coordinated design features, materials, and colors.

³Permit Information

- a. A permit shall be obtained on a yearly basis.
- b. A sketch, photo or drawing of the proposed sidewalk sign, along with the required fee, shall be submitted and approved prior to the placement of the sidewalk sign.
- c. If proposed to be placed in a public right-of-way, evidence of general liability insurance in the amount of \$1,000,000 in a form acceptable to the city, with the city named as additional insured shall also be provided.

**TABLE 3-1806.1b. CRITERIA AND LIMITATIONS FOR
ALL OTHER TEMPORARY SIGNS IN ALL ZONING DISTRICTS**

<u>CRITERIA</u>	<u>Residential Zoning Districts</u>	<u>Non-Residential Zoning Districts</u>
<u>Maximum Number of Temporary Signs Per Parcel</u> ¹	<u>8</u>	<u>4</u>
<u>Maximum Sign Size (Area) for a Temporary Sign</u> ²	<u>4 sf.</u>	<u>16 sf.</u>
<u>Maximum Sign Height for a Temporary Freestanding Sign</u> ³	<u>6 ft.</u>	<u>6 ft.</u>
<u>Maximum Sign Height for a Temporary Attached Sign (inclusive of a Window Sign)</u>	<u>15 ft.</u>	<u>15 ft.</u>
<u>Minimum Sign Setback required to be maintained by a Temporary Freestanding Sign from any property line</u> ⁴	<u>5 ft.</u>	<u>5 ft.</u>
<u>Minimum Sign Setback required to be maintained by a Temporary Freestanding Sign from the edge of any paved street or road</u>	<u>5 ft.</u>	<u>5 ft.</u>
<u>Minimum Radial Spacing that is required to be maintained by a Temporary Freestanding Sign from any other Temporary Freestanding Sign</u> ⁵	<u>15 ft.</u>	<u>15 ft.</u>
<u>Maximum Aggregate Surface Area Allocated for All Temporary Signs on a Parcel</u> ⁶	<u>64 sf.</u>	<u>128 sf.</u>
<u>Whether Temporary Sign is Allowed on Public Property or Public Right-of-Way</u>	<u>No</u>	<u>No</u>
<u>Whether Temporary Sign is Allowed within a Sight Visibility Triangle</u>	<u>No</u>	<u>No</u>
<u>Whether Direct Illumination of Surface of a Temporary Sign is Allowed</u>	<u>No</u>	<u>No</u>
<u>Whether Fluorescent Color on a Temporary Sign is Allowed</u>	<u>No</u>	<u>No</u>
<u>Duration Allowed After Event Ends</u>	<u>3 calendar days</u>	<u>3 calendar days</u>

¹ The number of temporary commercial signs per parcel shall be no more than two (2) signs; however, no more than one temporary commercial sign per parcel may be a banner sign and a temporary commercial banner sign is limited to a maximum duration of display of no more than thirty (30) days per calendar year per parcel.

² The square footage limitation is per side for a back-to-back sign. For example, a four (4) square foot limitation means that there is a limit of four (4) square feet of surface area per side of a back-to-back sign, and an aggregate limit of eight (8) square feet is allowed if the sign is a back-to-back temporary sign.

³ Not applicable to signs displayed on flagpoles.

⁴ Minimum sign setbacks do not apply to attached signs. Except as set forth in Section 3-1806 for Sidewalk Signs as allowed herein and for Valet Stands as allowed herein, All Temporary Signs are prohibited on public property and from public rights-of-way.

⁵ Not applicable to signs displayed on flagpoles.

⁶ There is no limit to the number of separate messages that may appear on the allowable surface(s) of any Temporary Sign. The maximum aggregate surface area allowed is subject to circumstances that may reduce the maximum aggregate surface area allowable on some parcels.

Section 3-1807. - Permitted signs requiring development review.

A. *Residential*. The following signs shall be permitted in all residential zoning districts:

* * *

- b. Such sign(s) shall be erected on privately-owned property. In the event there is insufficient land owned by a single-family subdivision association or multi-family development developed prior to March 8, 1999, however, the community development coordinator, ~~parks and recreation department, and public works administration~~ may approve the location of such sign in a city right-of-way or on city-owned property provided that such signs are in compliance with Section 3-1807.A.1.a. above and will not obstruct the vision of motorists, bicyclists or pedestrians, be installed and maintained in safe and neat manner, will not conflict with the principal permitted use of the site or adjoining sites; and that a city right-of-way permit be obtained prior to the installation.

* * *

- B. *Non-residential*. All signs must be architecturally integrated into the design of the building and/or site using similar and coordinated design and style features, materials and colors. Attached signs shall be horizontally and vertically proportionately located on each façade with no protrusions above roof lines, over windows, trim, cornices, or other building features. Signs for new shopping centers with three or more tenants, including all out parcels, office parks or any master plan development shall be reviewed and approved through the Comprehensive Sign Program set forth in Section 3-1808.

* * *

~~4. *Sidewalk signs*. Primary permitted retail and restaurant uses may erect one double sided sidewalk sign 42 inches in height and 24 inches in width in accordance with the following provisions, but only in connection with the primary permitted use. Retail, restaurant or other uses which are accessory to another use are not allowed to display sidewalk signs.~~

~~a. *Display of sign*. Sidewalk signs shall be displayed only during the hours the business is open and shall be moved indoors at the close of business.~~

~~b. *Location*.~~

~~i. Sidewalk signs shall be placed on the sidewalk in front of the business erecting the sign within its linear frontage.~~

~~ii. The nearest point of the sidewalk sign shall be no more than two feet from the building wall. However, in the Cleveland Street Café District in the Downtown zoning district, the nearest point shall be five feet from the building wall.~~

~~iii. A minimum pedestrian path of at least four feet shall be maintained at all times.~~

~~iv. Sidewalk signs shall not impede ingress or egress to or from a business entrance, be located within a drive aisle, parking area or on any landscaped area, nor block any fire hydrant access or visibility or be located within the visibility triangle of intersections or driveways.~~

e. ~~Design criteria.~~

- i. ~~Sidewalk sign frames shall be constructed of durable wood, plastic or metal and present a finished appearance. Sidewalk signs known as wind signs may have a plastic frame and base with or without wheels. Frames shall support black or green chalkboards, black wet markers boards or professionally designed advertisements/posters of a durable material with a clear, non-glare protective covering. Frame and base colors shall be limited to a metallic silver/grey, black, white or be a stained wood. Flexibility with regard to this design criteria may be granted by the community development coordinator in order to achieve a creatively designed sign using a particular symbol or logo indicative of the type of business and services being advertised.~~
- ii. ~~Plastic signs, white marker boards, letter track panels (for manually changeable copy), acrylic/plastic panels, hand painted and spray painted copy, tri-folded signs, signs supported by two or more legs that extend three inches or more beyond the face of the sign, bases with hinged feet that fold flat and other similar features and sign designs shall be prohibited. Swinger style sidewalk signs shall also be prohibited unless of a unique design as determined by the community development coordinator.~~
- iii. ~~Sidewalk signs shall not be illuminated nor contain moving parts or have balloons, streamers, pennants or similar adornment attached to them.~~
- iv. ~~Sidewalk signs shall not be attached to any structure, pole, object, or sign.~~

d. ~~Permit required yearly.~~ A permit for a sidewalk sign shall be obtained on a yearly basis. A permit application with a sketch, photo or drawing of the sidewalk sign and the required fee shall be submitted and approved prior to the placement of a sidewalk sign on public or private property. Sidewalk signs to be placed in a public right of way shall also submit evidence of general liability insurance in the amount of \$1,000,000.00 in a form acceptable to the city, with the city named as additional insured. A permit shall only authorize the sign submitted along with the permit application. Any changes to the approved sign will require the business owner to obtain a new permit.

e. ~~Removal by the city.~~ The city shall have the authority to secure, remove or relocate any sidewalk sign located in the public right of way if necessary in the interest of public safety, in emergency situations, or if the sign is not in compliance with any provisions of this section.

45. *Transit and shelter signs.* Signs are permitted on transit shelters approved in accordance with Article 3 Division 22 of this Community Development Code, subject to the following restrictions:

- a. The advertising contained in the transit shelter shall be limited to the "downstream" end wall (furthest from approaching transit vehicles) for a two-sided or flared and secured panel.
- b. Lighting of advertising materials shall be limited to back-lighting.

- c. No advertising poster shall exceed 24 square feet in area, or be greater than six feet in height and four feet in width.
- d. The total number of transit shelters containing advertising shall not exceed 50 within the Clearwater planning area provided in the interlocal agreement between the city and county in effect as of January 14, 1992.

56. Certain changeable message and copy signs.

- a. Electronic changeable message signs shall be permitted for venues or facilities that seat 2,000 or more people, fuel price signs, menu signs, schools and places of worship provided: (a) the electronic changeable messages are part of a freestanding sign; (b) the electronic message area shall be limited to no more than forty percent (40%) of the overall permitted freestanding sign face area, shall be located on the lower portion of the sign face and shall be contiguous to the other copy area of the sign face; (c) electronic message signs shall be architecturally integrated to the design of the freestanding sign face and (d) shall be consistent with the width and depth of the sign cabinet. The general message for electronic changeable message signs at schools, places of worship, venues/facilities that seat 2,000 or more people or on fuel price and menu signs may change no more frequently than once every ten minutes.
- ab. Electronic changeable message signs ~~shall be permitted~~ for a facility or venue that has seating for ~~more than 2,000 or more~~ people must also meet these additional criteria: (a) it is located on public property that exceeds 35 acres, and (b) it serves a significant public purpose directly related to the facility or venue, and (c) the sign type will meet the following purposes of this Division 18, to wit: (1) the sign will not conceal or obstruct adjacent land uses or signs [Section 3-1802.F.], (2) the sign will not conflict with the principal permitted use of the site or adjoining sites [Section 3-1802.J.], (3) the sign will not interfere with or obstruct the vision of motorists, bicyclists or pedestrians [Section 3-1802.K.], and (4) the sign will be installed and maintained in a safe manner [Section 3-1802.L.]. Consistent with the general standards in Section 3-1805, the approval or disapproval by the City shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such sign.
- bc. Any sign may include an area for manually changeable copy provided the sign meets all of the area and design requirements set forth in Division 18, including but not limited to any and all criteria that limits sign area by percentage or any requirement that requires any color coordination or other such design criteria.

67. Nonconforming uses. Any nonconforming use, which would be entitled to a sign if it were conforming, shall be permitted to erect the maximum amount of allowable signage in the district in which the use is located.

C. On-premise signs in public parks and on school grounds. ~~In any public park or on~~ On any school grounds in any zoning district, the following signs are permitted.

- 1. One freestanding ~~entry~~ sign for each major entry into a school ~~or a park~~ of not more than ~~20~~ 50 square feet in total sign face area
- 2. The height of the sign shall not exceed ~~six~~ 14 feet.

3. A freestanding sign shall be installed in a landscaped area consisting of shrubs and/or ground cover not less than three feet in width around the entire base of the sign and shall include the address of the property on which the sign is to be located.

END