

BY THE CITY COMMISSION

ORDINANCE NO.: 2005-0870

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA SUBSTANTIALLY REWRITING AND AMENDING ZONING ORDINANCE NO. 361 REGULATING SIGNS; PROVIDING FOR INTENT, FINDINGS AND DEFINITIONS; PROVIDING FOR PERMITS AND PROHIBITED SIGNS; PROVIDING FOR PERMIT EXEMPTIONS; PROVIDING FOR NONCONFORMING, TEMPORARY AND ABANDONED SIGNS; PROVIDING FOR SIGNS ON THE RIGHT-OF-WAY AND ON-SITE SIGN REGULATIONS; PROVIDING FOR MAINTENANCE, REMOVAL AND ENFORCEMENT OF SIGNS; PROVIDING FOR REPEALER, CODIFICATION, MODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the existing sign provisions were originally adopted in 1975 as part of Zoning Ordinance No. 361; and

WHEREAS, the City Commission finds and determines that the sign provisions in that ordinance are in need of updating and revision, to reflect current law and to better protect the citizens of Dade City from the impacts of excessive signage; and

WHEREAS, based on a review of recent legal authority and upon the direction of the City Commission, City staff and the Citizens' Advisory Committee for the Land Development Code have developed proposed revisions to the City's exiting sign regulations as set forth in Ordinance No. 361; and

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

WHEREAS, the City Commission finds that enactment of these revisions through its police powers will protect the public, safety and welfare of the residents of the City, including

enhancement of the visual and aesthetic environment and natural scenic beauty of the City, and furthers the purpose, goals and objectives and policies of the Dade City Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of Dade City, Florida, as follows:

Section 1. Ordinance No. 361 as it pertains to sign regulation is hereby substantially re-written and amended as follows:

A. Intent and Findings.

The City Commission of the City of Dade City finds and determines as follows:

(a) Federal and state courts have recognized that local governments lawfully may regulate on-site signs to protect and enhance the aesthetics and quality of life in a community under the police powers of the government.

(b) Such courts also have recognized that distance and size limitations on signs may be imposed in the interests of protecting the aesthetic atmosphere and environment in a community, as well as protecting against traffic hazards caused by distracting and protruding signs, among other purposes.

(c) The City Commission has determined that the City's sign laws, as modified herein, properly limit and protect the City against:

(1) The unlimited proliferation in number and location of on-site signs, including portable signs;

(2) Construction and placement of, large, animated, flashing and other signs which dominate and detract from the aesthetics and surrounding visual environment;

(3) Commercial and other signs being placed in residential neighborhoods which commercialize and clutter such neighborhoods for residents and travelers, as well as large signs in zoning districts disproportionate in size for the intensity of the uses permitted and permissible in such districts;

(4) Signs being constructed and placed without first obtaining proper permits for them or permission of the owner or occupant of the property on which the signs are placed;

(5) Signs failing to be properly maintained once erected and placed; and

(6) Signs that are placed dangerously in or near street intersections and rights-of-way, driveway access points and rights of ways, or intersections in parking lots so as to pose actual or potential hazards to traffic and pedestrians.

(d) The City Commission further finds that numerous municipalities and counties around the state and country have enacted sign control ordinances. These local governments have found that regulation of on-site signs benefits their communities by improving aesthetics and traffic control. Every level of court from the United States Supreme Court to state trial courts has upheld these findings of public purpose. The City Commission adopts the findings of these numerous local governments.

(e) Unregulated and uncontrolled signs cause distractions in traffic flow and create traffic safety problems. In addition, they lower the levels of service on city and county roads by slowing traffic.

(f) Scholarly writings and studies indicate that clutter of uncontrolled and unregulated signs creates an environment which can financially injure a community. Unregulated and uncontrolled signs can injure the aesthetic appearance of a city and thereby lower property values and the tax base.

(g) The City Commission, in regulating on-site signs, recognizes that businesses need some form of on-site sign to identify the use of property.

(h) The City Commission finds that enactment of these revisions through its police powers will protect the public, safety and welfare of the residents of the City, including enhancement of the visual and aesthetic environment and natural scenic beauty of the City, and furthers the purpose, goals and objectives and policies of the City's Comprehensive Plan.

- (i) The purpose of these regulations is to update and revise the existing sign regulations and further ensure that the regulations are consistent with all controlling laws, providing viewpoint neutral regulation of all signs in the City and providing, in all instances, that noncommercial speech is no more limited than commercial speech.

B. Statement of Purpose.

1. The purpose and intent of this Ordinance is to establish a set of standards for the fabrication, erection, use, maintenance, and alteration of signs, symbols, markings, or advertising devices within the City of Dade City. The standards are designed to protect and promote the health, safety, and welfare of persons within the City by providing regulations which allow and encourage creativity, effectiveness, and flexibility in the design and use of such devices while promoting traffic safety and avoiding an environment that encourages visual blight.

2. It is not the purpose of this Ordinance to regulate or control the copy, the content, or the viewpoint of signs. Nor is it the intent of this Ordinance to afford greater protection to commercial speech than to noncommercial speech. Any sign, display or device allowed under this Ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with all other requirements of this Ordinance. If any or all of the other provisions of this Ordinance are held to be unconstitutional, it is the explicit intent of the City Commission that, at a minimum, the standards set forth herein are to be considered severable and enforced as the minimum standards for signs in the City.

3. This Ordinance is intended to establish a coordinated graphic program that provides for occupant identification and directional communication, while allowing the creation of unique and informative signs. These guidelines are not intended to prohibit the design of unusual signs that may enhance the character of the building, or reflect the nature of the business or use.

C. Definitions.

Unless specifically defined below, words or phrases used in this Code shall be ascribed a meaning which they have in common usage, and which gives this Code its most reasonable application.

Abandoned Sign

Any nonconforming on-premises sign or sign structure which bears no sign or copy for a period of six (6) consecutive months; or displays for a period of six (6) consecutive months information which incorrectly identifies the business, owner, lessor, or principal activity conducted on the site; or which through age, lack of maintenance or obsolescence no longer conforms to the applicable structural or maintenance standards.

Activated Sign

Any sign which contains or uses for illumination any light, lighting device, or lights which change color, flash, or alternate; or change appearance of said sign or any part thereof automatically; any sign which contains moving parts as part of its normal operation, such as rotating signs, shall be considered an activated sign. Additionally, a sign that depicts or contains copy which moves or appears to be moving, or emits audible sound, vapor, smoke, odor particles, or gaseous matter, or electronic reader boards.

Advertiser

Any person who is a lessee or owner of a sign, an agent of same, or anyone who has beneficial use of a sign.

Advertising Balloon

A sign constructed from nonporous material, which is inflated and is designed to rise and float in the atmosphere. Included in this definition are those advertising balloons that represent the form of a person, place or thing. Aircraft that may meet this definition are not considered advertising balloons. Advertising balloons may be tethered or tied to the ground or may be designed to float freely in the atmosphere.

Aggregate Sign Area

When used in reference to the total allowable sign surface area, the total available display area of all sides or portions of a sign.

Alter (Signs)

This term shall include, but not be limited to, the following: the addition of sign surface area, the changing or relocation of light source, or the relocation of an outdoor advertising display from one position to another. "Alter" includes any and all structural changes in the sign, but shall not include the changing of copy on a sign that is designed as a changeable copy sign, or faces.

Awning Sign

A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials (except for the supporting framework) upon which a sign is indelibly drawn, painted or printed.

Banner Sign

Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. "Banner" does not include ground signs or pole signs, regardless of whether the ground signs or pole signs are on-site or off-site, and does not include flags, emblems, or insignia of any nation, state, or political subdivision, religious, charitable, political, social or fraternal organization. All other flags shall be considered banner signs.

Beacon Light

Any light source, whether fixed or activated, which is designed to attract attention to a specific location, place or thing.

Bench Sign

A bench whose primary purpose is collateral with providing transportation service to the public upon which a sign is indelibly drawn, painted, or printed.

Billboard

See *Outdoor Advertising Sign*.

Broker Identification Strip

A strip of wood or like material or paper affixed to, around or upon a real estate sign to indicate the name of the broker advertising the sale of property.

Building Frontage

The linear length of a building facing a public street right-of-way, exclusive of alleys; or the linear length of the street right-of-way that faces the building, whichever is smaller.

Canopy Sign

A roof-like cover, attached or unattached, extending from the exterior wall of a building and composed of supporting framework of rigid materials upon which a sign is indelibly drawn, painted or printed.

Changeable Copy Sign

Any framed sign, illuminated or not, which is principally devoted to and designed for changeable text and graphics. This definition shall not include activated signs.

Colonnade Sign

A sign suspended below the roof of a covered walkway, perpendicular to the façade of the structure, oriented to pedestrians and identifying the premises adjacent to it.

Commemorative Decoration

An embellishment placed to honor a certain event, person or place.

Commercial

Engaging in a business, enterprise, activity, or other undertaking for profit.

Commercial District

A commercial district is any parcel or parcels of land or water zoned CN, CG, CBD, CH, IH, ILW, or any areas designated and used for commercial purposes within a RIO or PUD/MPUD District as defined by Zoning Code Ordinance 361.

Construction Sign

Any sign giving the name of contractors, architects, consultants and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

Copy

The letters, colors, text, or other graphics that comprise the message displayed upon the sign surface area.

Directional Sign

Any permanent or temporary sign which is used principally for the purpose of indicating the direction or location of any object, place, event or area including, but not limited to, those signs which indicate the avenues of ingress and egress from a particular premise, and bearing no additional advertisement beyond the name of the object, place or area. Directional signs shall not contain names, addresses or occupations of tenants.

Directory Sign

A sign which gives the name, address or occupation of the tenants of a building, including office directories; church directories; and shopping center, apartment, or townhouse directories.

Double-Faced Sign

A sign having two (2) display surfaces not necessarily displaying the same copy, which are parallel, back-to-back, and not more than forty-eight (48) inches apart.

Erect

To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs. This term shall not apply to copy changes on existing permitted signs.

Establishment

Any commercial, industrial, institutional, educational, office, business, social, fraternal or financial entity.

Exempt Signs

All signs for which permits are not required but which must, nonetheless, conform to the other terms and conditions of this Code.

Fascia Sign.
See Wall Sign.

Festoon

Fabric, paper, plastic or foil draped and bound at intervals.

Government Sign

Any sign erected by or on the order of a public official in the performance of his office or duty such as, but not limited to, traffic control signs, street name signs, warning and directional signs, public notices, historical markers, signs identifying governmental facilities, official commemorative signs, or signs of similar nature.

Ground Sign

Any sign other than a pole sign which is placed upon or supported by structures or supports in or upon the ground and independent of support from any building. The base shall touch the ground and continue to top of the sign without any openings, and the finish shall be consistent with materials used on the building that the sign serves. "Ground signs" shall include monument signs.

Height (Signs)

The vertical distance measured from the finished grade at the base of the sign structure to the highest point of any sign. An elevation survey must be submitted with all applications for permanent on-site and off-site signs.

Holiday Decoration

An embellishment placed specifically for the purpose of celebrating a specific holiday, holiday event or holiday season.

Identification Sign

A sign that depicts the name or address of a building or establishment on the parcel where the sign is located as a means of identifying said building or establishment.

Illegal Sign

Any sign erected without a permit subsequent to the enactment of the Zoning Ordinance in 1973 or otherwise in violation of City, county, state, or federal regulations shall be considered illegal signs.

Illuminated Sign

An illuminated sign is one which either: (a) provides artificial light through exposed bulbs, lamps, or luminous tubes on the sign surface; (b) emits light through transparent or translucent material from a source within the sign; or (c) reflects light from a source intentionally directed upon it.

Industrial District

An industrial district is any parcel or parcels of land or water zoned IH or ILW, or any areas designated and used for industrial purposes within a PUD/MPUD District as defined by this Code.

Interior Sign

A sign that is located in the interior of a structure or is located outside a structure but, because of the sign's placement, design or orientation is not visible to persons from a public place. An interior sign is not considered an on-site or off-site sign.

Maintain

Maintain shall include general servicing and upkeep in a safe, operable and attractive condition.

Marquee Sign

Any sign which is attached to or hung from a permanent, roof-like structure (marquee) that is supported by a building wall and which projects out from the building line usually but not necessarily over a public right-of-way such as a sidewalk.

Memorial Sign

Any sign erected in remembrance of a person or event or which is commemorative in nature.

Model Sign

A temporary sign that designates particular dwelling units and is used to depict other units of similar design that are for sale.

Multiple Listing Strip

A strip of wood or like material or paper affixed to, around or upon a real estate sign to indicate that the property being advertised for sale is also advertised within the real estate industry by virtue of their multiple listings service.

Multiple Occupancy Parcel

Any parcel that is occupied by more than one (1) establishment.

Multiprism Sign

Signs made with a series of triangular vertical sections that turn and stop to show three pictures or messages in the sign surface area.

No Dumping Sign

A sign having copy that includes the words "no dumping" and which is designed to inform the public that permission to place any putrescible or nonputrescible material or other solid or liquid waste is expressly denied.

Nonconforming Sign

Any sign lawfully in existence within the City of Dade City on the effective date of this Code that does not conform to the requirements of this Code. An illegal sign shall not be considered to be a nonconforming sign.

Nonconforming Structure

A structure or part of a structure not designed to comply with the applicable use provisions of this Code or amendments heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Code. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonresidential District

A nonresidential district is any parcel or parcels of land or water zoned other than RS, RG-1, RG-2, or any areas designated and used within a PUD/MPUD district for residential purposes as defined by this Code.

No Trespassing Sign

A sign having copy that includes the words "no trespassing" and which is designed to inform the public that permission to enter a parcel of land or structure is expressly denied.

Off-Premises Sign

See *Outdoor Advertising Sign*.

Off-Site Sign

See *Outdoor Advertising Sign*.

On-Premises Sign

See *On-Site Sign*.

On-Site Sign (a/k/a On-Premises Sign)

Any sign upon which commercial or noncommercial advertising or any other matter may be displayed, advertising goods, services or other things sold or available upon the parcel where the sign is located. Any authorized or permitted on-site sign is allowed to contain non-commercial copy in lieu of any other permitted copy.

Outdoor Advertising Sign (a/k/a Billboard, Off-site sign, Off-premises sign)

A sign structure advertising an establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished at the property on which the sign is located.

Parcel

Any quantity of land being capable of being described with such definiteness that its location and boundaries may be established, and which is designated by its owner or developer as land to be used or developed as a unit.

Pennant

Any flag-like or streamer-like piece of cloth, plastic, foil or paper attached to any staff, cord, building, or other structure at only one (1) or two (2) edges, the remainder hanging loosely.

Permanent Sign

A permanent sign is one which is affixed to a building or the ground in accord with the requirements of the City of Dade City Building Code and any other applicable federal, state, or local laws, and in such a manner as to be immobile without the use of extraordinary means such as disassembly.

Pole Sign

A sign, independent of support from any building that is mounted on freestanding poles or other supports.

Political Sign

A sign identifying and urging support for or opposition to a particular issue, political party, or candidate for public office.

Portable Sign

Any sign other than a sandwich sign, double or single-faced, which is not permanently erected on the site and which may readily be moved from place to place; except that this definition shall not apply to signs painted directly on vehicles or signs displayed through, but not on, windows.

Professional Office District

A professional office district is any parcel or parcels of land or water zoned RIO or any areas designated and used for professional office purposes within a PUD/MPUD District as defined by this Code.

Projecting Sign

Any sign which is attached to and which projects from the outside wall of any building or structure, excluding wall signs as defined herein.

Public Place

Public rights-of-way, any river, channel, lake, bay, body of water, public park or any adjacent parcel under separate ownership.

Real Estate Sign

A sign which advertises the sale, rental, or development of the parcel upon which it is located.

Residential Development Identification Sign

See Subdivision Sign.

Residential District

A residential district is any parcel or parcels of land or water zoned RS, RG-1, RG-2, or any areas designated and used within a PUD/MPUD district for residential purposes as defined by this Code.

Revolving Sign (a/k/a Rotating Sign)

Any sign so erected or constructed as to periodically or continuously change the direction toward which any plane containing the display surface area is oriented.

Roof Sign

Any sign erected, constructed, or maintained on the roof of any building, above the eaves, or above mansards, parapets, or other similar architectural features of buildings or structures that are capable of supporting signs.

Roof Line

The top edge of the roof or parapet, whichever forms the top line of the building silhouette when viewed from the ground level.

Rotating Sign
See Revolving Sign.

Sandwich Sign

A sign consisting of two (2) sign faces connected at the top with either hinges or fixed fastening devices that is not permanently erected on the site and which may readily be moved from place to place.

Sign

Any device, permanent or temporary, which is visible from a public place or to a public audience and which is designed to attract attention to the subject matter of its copy, shall be deemed to be a sign. Specifically excluded from this definition is any mural or painting or other artistic creation etched or painted on the wall of any structure, provided that the mural, painting or artistic creation contains no off-site or on-site advertising material. Further, flags or emblems of any nation, state or political subdivision or any other noncommercial entity shall not be considered signs. Interior signs, as hereinafter defined, are not regulated by this Code.

Sign Face

The part of a sign on which the copy or message is or could be placed.

Sign Number

For the purpose of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements organized, related, and composed to form a single unit. In cases where material is displayed in a random or unconnected manner, or where there is reasonable doubt as to the intended relationship of such components, each component or element shall be considered to be a single sign. A projecting sign or ground sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed on a single side of the sign.

Sign Structure

Any structure that is designed specifically for the purpose of supporting a sign, has supported, or is capable of supporting a sign. This definition shall include any decorative covers, braces, wires, supports, or components attached to or placed around the sign structure.

Sign Surface Area

The surface area of a sign is the entire area within the periphery of a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed, but not including the sign structure bearing no copy. The surface area of the sign shall be measured from the outside edges of the sign or the sign frame, whichever is greater. The sign surface area shall include the aggregate sign area upon which copy could be placed, and shall include the total of a ~~single~~ both sides of a sign surface upon which copy could be placed.

Single Occupancy Parcel

Any parcel that is occupied by a single establishment.

Snipe Sign

A sign made of any material when such sign is tacked, nailed, posted, glued, or otherwise attached to any pole, tree or other natural feature, fence, fence post, bench, stakes, other sign or other similar objects located on public or private property. A snipe sign does not include real estate sales signs, warning signs or open house signs.

Sold Sign

A strip of wood or like material or paper affixed to, around or upon real estate sign to indicate that the property being advertised is no longer offered for sale.

Special Event Sign

A sign, not within the scope of another defined term of this Section, advertising a temporary event sponsored by a public, social, charitable, educational, religious or other nonprofit institution.

Subdivision Sign

Any community entry sign that is designed solely to identify a subdivision or neighborhood, including but not limited to industrial and commercial parks, multifamily projects, and single-family residential development.

Substantial Damage (Signs)

Damage of any origin sustained by a sign where the cost of restoring the sign to its condition prior to damage would equal or exceeds fifty percent (50%) of the adjusted replacement cost of the sign before the damage occurred, as assessed through current Marshall & Swift construction cost data publications.

Temporary Sign

A sign that is not designed, constructed, or intended to be permanent. This definition shall not include prohibited signs.

Vehicle Sign

Any sign attached to or placed on a vehicle, including automobiles, trucks, boats, campers, and trailers, that is parked on or otherwise utilizing a public right-of-way, public property or on private property so as to be intended to be viewed from a vehicular right-of-way for the purpose of providing advertisement of products or services or directing people to a business or activity. This definition is not to be construed to include those signs that identify a firm or its principal products on a vehicle or such advertising devices as may be attached to and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that period of time such vehicle is regularly and customarily used to traverse the public highways during the normal course of business.

Wall Sign (a/k/a Fascia Sign)

A sign that is painted on, fastened to, or erected against the wall of a building with its face in a parallel plane to the plane of the building façade or wall and which does not project more than eighteen (18) inches from such building. This definition shall include the painting of a sign on a wall surface.

Warning Sign

Any sign which is designed to provide public notice of a clear and present danger to public health, safety, and welfare.

Window

An opening to the outside other than a door which provides all or part of the required natural light, natural ventilation, or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to the provision of natural light.

Window Sign

A window sign is one that is painted on, attached to, or visible through a window (excluding displays of merchandise), which identifies or advertises activities, services, goods, or products available on the parcel.

D. Sign Permits

Permit Required. Signs permitted under this Section shall require the issuance of a building permit. No person shall erect or assist in the erection, construction, maintenance, alteration, relocation, repair, or do any work upon any sign for which a building permit has not been obtained. Any such non-permitted sign shall be illegal and is a violation of this Ordinance. In addition, structural and safety features and electrical systems shall be in accordance with the requirements of the City's adopted construction/building code. No sign shall be approved for use unless it has been inspected and found to be in compliance with all the requirements of this Ordinance and the Building Code.

E. Fees

Before any permit is issued under the provisions of this Ordinance, the applicant shall, at the time application is made, pay such fees as established by resolution of the City Commission, which resolution may be amended from time to time.

F. Certain Signs Exempt from Permits.

The following signs are exempted from permit requirements, provided, however, that such signs are erected in conformance with all other requirements of this Ordinance. All signs set forth in this Ordinance that do not meet the requirements set forth herein for an exemption or permit are prohibited.

1. A permit is not required to change or replace the advertising copy, message or sign face on changeable copy signs. However, the change or replacement of advertising copy, message or sign face must not enlarge or increase the sign surface area, sign structure area, nor adversely affect the original design integrity. If, in order to change or replace the advertising copy, message or sign face, the supporting sign structure must be unfastened, loosened or removed, then a sign permit shall be required. Copy shall not be replaced such that the sign changes from an on-site sign to an off-site sign.

2. Government signs.
3. Flags, emblems, or insignia of any nation, state, or political subdivision, religious, charitable, political, social or fraternal organization when displayed on a single pole or other supporting structure.
4. Holiday, seasonal, or commemorative decorations provided that such signs are not displayed for a period of more than sixty (60) days.
5. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
6. In nonresidential districts, two (2) directional signs per driveway, which signs shall be located on and pertaining to a parcel of private property. Each sign shall not exceed four (4) square feet in sign surface area and thirty (30) inches in height. If such sign is to be illuminated, then an electrical permit shall be obtained. Directional signs may be placed with a one (1) foot setback from the right-of-way provided that such signs meet all other applicable regulations. The square footage of directional signs shall not be counted as part of the maximum allowable square footage for any parcel.
7. In residential districts, one (1) non-illuminated identification sign used to identify the address and occupant of the residence not to exceed two (2) square feet in sign surface area. This sign may not be used to advertise any home occupation.
8. One (1) non-illuminated real estate sign may be displayed per street frontage, subject to the following restrictions:
 - a. *In residential zoning districts:* Maximum four and one-half (4½) square feet per sign face, where the property being advertised or developed has a street frontage of less than two hundred fifty (250) feet. Maximum eight (8) square feet per sign face, where the property being advertised or developed has a street frontage of more than two hundred fifty (250) feet.

Such signs shall not exceed six (6) feet in height, shall not be posted prior to the listing of the property for sale or lease, or the filing of applications for the development of the property, and shall be removed within thirty (30) days after the sale or lease of the property, or the completion of development as evidenced by the issuance of a certificate of occupancy.
 - b. *In nonresidential districts:* Maximum thirty-two (32) square feet in sign surface area.

Such signs shall not exceed ten (10) feet in height, shall not be posted prior to the listing of the property for sale or lease or the filing of applications for the development of the property, and shall be removed within thirty (30) days after the lease or sale of the property, or the completion of development as evidenced by the issuance of a certificate of occupancy. Additional signs may be allowed with Development Review Committee approval on parcels in excess of five (5) acres.

c. Multiple listing strips, broker identification strips, and sold signs are allowed when attached to a real estate sign. Signs shall be removed when ownership has changed or the property is no longer for sale or lease or under development. Multiple listing strips, broker identification strips and sold signs shall not be counted as part of the maximum square footage permitted for real estate signs nor shall real estate signs be considered as part of the maximum square footage permitted on any parcel.

9. Window signs which comprise, in aggregate, twenty-five (25) percent of the total window area or less.

10. Signs incorporated on machinery or equipment at the manufacturer's or distributor's level, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps. Such signs shall not be counted as part of the maximum square footage permitted on any parcel.

11. Interior signs which are displayed on the inside of a building and not visible from a public place. Such signs shall not be counted as part of the maximum square footage permitted on any parcel.

12. "No Trespassing" or "No Dumping" signs, not exceeding one (1) sign every one hundred (100) feet along boundaries of and at each corner of the posted property, four (4) in number per acre, and no one (1) sign exceeding two (2) square feet in sign surface area.

13. Noncommercial, on-site signs not included in this subsection such as yard sales, block party, etc., which are less than four (4) square feet in sign surface area and thirty (30) inches in height, provided that they are not displayed for more than three (3) consecutive days nor more than twelve (12) days per year.

14. Warning signs, provided that warning signs do not exceed four (4) square feet in sign surface area.

15. Temporary directional signs related to construction located within the development where building or development permits/approvals have been issued by the City, not to exceed four (4) square feet in sign surface area and thirty (30) inches in height.-

16. One construction sign per street frontage provided that the following conditions are met:

- a. Such sign is not illuminated; and
- b. Such sign shall be allowed only during active building or construction on-site; and
- c. Such sign shall contain only on-site advertising; and
- d. All such signs shall be removed or made to conform to the provisions of this Section when a certificate of occupancy is issued; and
- e. The height and size of all construction signs shall be limited according to the following restrictions:

In residential zoning districts:

Maximum four and one-half (4½) square feet in sign surface area where the property being constructed has a street frontage of less than two hundred fifty (250) feet. The sign shall not exceed six (6) feet in height.

Maximum eight (8) square feet in sign surface area where the property being constructed has a street frontage of more than two hundred fifty (250) feet. The sign shall not exceed six (6) feet in height.

In all other districts:

Maximum eight (8) square feet in sign surface area, where the property being constructed has a street frontage less than two hundred (200) feet. The sign shall not exceed ten (10) feet in height.

Maximum sixteen (16) square feet in sign surface area, where the property being constructed has a street frontage of two hundred (200) feet or more. The sign shall not exceed ten (10) feet in height.

17. Two (2) non-illuminated political campaign signs per candidate or issue for each residential or nonresidential parcel not to exceed eight (8) square feet in total sign face area.

18. In nonresidential zoning districts, one (1) sandwich sign per business establishment having a certificate of occupancy placed on the sidewalk no further than five (5) feet from the main entrance door of the structure of the establishment and with a maximum height of three and a half (3½) feet and maximum sign structure width of two (2) feet. The sign shall not be placed in the public right-of-way and shall not be placed so as to obstruct pedestrian traffic along the sidewalk.

19. Temporary signage approved as part of a permitted special event.
20. Banners for not-for-profit events and organizations.

G. On-Site Signs; permit required.

1. *General regulations.*

- a. For the purpose of determining the spacing requirement found in this Ordinance, distances shall be measured from the leading edge of the sign structure to the property line of the property from which the distance is being measured.
- b. Backlighting and interior illumination of signage is prohibited in residential districts unless specifically addressed below. Exposed neon tubing shall not be permitted on any ground signs.
- c. Signs shall not be placed in the clear sight triangle as defined in the Right-Of-Way Use Ordinance.

2. *Standards for on-site signs in residential districts.* The following signs may be erected in residential zoning districts:

- a. One (1) double-faced or two (2) single-faced permanent subdivision sign(s) may be located at each entrance to a platted subdivision provided that all of the following requirements are met:
 - i. The sign shall not create a physical or visual hazard for pedestrians or motorists entering or leaving the subdivision and shall be set back a minimum of five (5) feet from the right-of-way line and twenty (20) feet from the intersection of the rights-of-way.
 - ii. An individual firm, partnership, association, corporation, or other legal entity other than the City of Dade City shall be designated as the entity responsible for perpetual maintenance of the subdivision sign.
 - iii. Each sign shall not exceed ten (10) feet in height and forty (40) square feet in sign surface area.
 - iv. If single faced, the two signs shall be located on opposite sides of the entry drive.
 - v. Signs authorized by this Ordinance may be located within the rights-of-way provided that the appropriate right-of-way use, maintenance and license agreements, and permits are obtained from the City or the State.

- vi. One (1) additional subdivision sign may be placed at each terminus or farthest edge of the subdivision, if located at least one thousand (1,000) feet from the main subdivision sign, up to a maximum of two (2) additional signs.

- b. One (1) entryway wall sign or one (1) double-faced or two (2) single-faced ground identification signs may be located at each entrance to a multiple-family residential development or RV/mobile home park, provided that all of the following requirements are met:
 - i. Such signs shall not exceed two (2) square feet in sign structure area for each dwelling unit up to and including sixteen (16) units. In no event shall the sign exceed thirty-two (32) square feet of sign structure area.
 - ii. Such signs shall not exceed ten (10) feet in height.
 - iii. Such signs shall be set back five (5) feet from the right-of-way line and twenty (20) feet from the intersection of the rights-of-way.
 - iv. If single faced, the two signs shall be located on opposite sides of the entry drive. Backlighting or interior illumination is prohibited. One projecting sign may be substituted for each wall sign pursuant to this Ordinance.
 - v. Signs authorized by this Ordinance may be located within the rights-of-way provided that the appropriate right-of-way use, maintenance and license agreements, and permits are obtained from the City or the State.

- c. One directional sign per subdivision entrance with a maximum height of five (5) feet for the structure, twelve (12) inches for the copy, and thirty-two (32) square feet of sign structure area. The directional sign shall meet the separation and setback requirements of on-site signs. Additional directional signs may be placed where necessary to locate subdivision amenities.

3. *Standards for on-site signs in nonresidential districts.* On-site signs on properties in nonresidential districts which abut a residential district shall not be erected closer than ten (10) feet from any residential zoning district. Finishing materials shall be consistent with those used on the structure to which the sign relates.

- a. *Regulations for ground signs.* Ground signs shall be allowed in nonresidential districts, provided the following specific regulations are met, in addition to the general regulations stated above:
 - i. One (1) ground sign is permitted for each parcel having frontage on a public street. If a parcel has public street frontage in excess of three hundred (300) feet, one (1) additional ground sign shall be permitted for each additional three hundred (300) feet of public street frontage.
 - ii. The maximum allowable sign structure area for each ground sign shall not exceed one (1) square foot of sign structure area for each lineal foot of frontage

along the street the sign faces or two hundred ten (210) square feet in sign structure area, whichever is less.

iii No ground sign shall exceed eleven (11) feet in height, except as specified below.

iv If a parcel is entitled to more than one (1) sign as allowed above and is a multiple occupancy parcel, then all allowable ground signs may be combined into a single ground sign not to exceed three hundred (300) square feet in sign structure area. Such a combined sign may not exceed fifteen (15) feet in height. The combined sign may be divided into two signs, if the frontage of the parcel exceeds fifteen hundred (1,500) feet. The total area of the combined signs shall not exceed three hundred (300) square feet in sign structure area and the height of each sign shall not exceed fifteen (15) feet.

v Ground signs shall be placed no closer than three hundred (300) feet apart on the same parcel.

vi All ground signs shall be set back five (5) feet from the right-of-way line and twenty (20) feet from the intersection of the rights-of-way, except when ground signs are located on one-way streets the setback from the intersection may be fifteen (15) feet so long as the sign does not interfere with the clear sight triangle.

b. *Regulations for wall signs.* Wall signs shall be allowed in nonresidential districts provided the following specific regulations are met, in addition to the general regulations stated above:

i The maximum allowable sign structure area for wall signage shall not exceed one and a half (1½) square feet per linear foot of establishment frontage, excluding parking garages, facing a public street. Notwithstanding the foregoing, the maximum total sign structure area shall not exceed one hundred fifty (150) square feet for each frontage.

ii One (1) projecting sign may be substituted for each wall sign, provided that the sign structure area of the projecting sign shall not exceed the maximum allowable sign structure area of the wall sign that the projecting sign replaces.

iii Wall signs shall not project beyond the roofline or sidewalls of the establishment to which the wall sign is attached, nor shall the wall sign project more than twelve (12) inches out from the wall to which it is attached.

iv One (1) wall sign shall be permitted for each establishment in a multiple-occupancy parcel. Establishments located at a corner shall be allowed one (1) wall sign for each side of the establishment that faces a public street.

c. *Regulations for projecting signs.* Projecting signs shall be allowed in nonresidential districts, provided the following specific regulations are met, in addition to the general regulations stated above:

i Projecting signs may be substituted for the permitted wall sign referenced above, provided that the sign structure area of the projecting sign is not greater than the maximum sign structure area permitted for a wall.

ii Projecting signs shall not project more than four (4) feet from the building wall to which the projecting sign is attached.

iii Projecting signs shall not be located above the roofline of the building nor more than eighteen (18) feet above the grade of the street, whichever is less.

iv The supporting hardware of a projecting sign shall not be visible from the street or sidewalk.

v Projecting signs shall not be constructed in violation of the public space encroachment limitations specified in this Chapter.

vi Projecting signs shall not be erected closer than ten (10) feet from an interior lot line or an adjacent establishment.

vii Projecting signs which project over any public or private pedestrian way shall be elevated a minimum of nine (9) feet above such pedestrian way. Projecting signs which project over any public or private street shall be elevated a minimum of fifteen (15) feet above such street.

d. *Regulations for marquee, canopy and awning signs.* Marquee, canopy and awning signs shall be allowed in nonresidential districts, provided the following specific regulations are met, in addition to the general regulations stated above:

i One (1) sign located on a marquee, canopy or awning shall be affixed flat to the surface and shall not rise in vertical dimension above the marquee, canopy or awning.

ii The maximum allowable sign structure area for awning, canopy and marquee signs shall not exceed two (2) square feet per linear foot of building frontage facing a public street. However, the aggregate surface area of all shapes, letters, numbers, symbols, and illustrations shall not exceed twenty five percent (25%) of the total area of the awning or canopy surface. The awning or canopy sign may be illuminated only if the material of which it is made is opaque.

iii Canopy and awning signs shall be permitted only when in lieu of a wall sign.

e. *Directory signs.* One directory sign per entrance into a nonresidential development or subdivision with a maximum height of five (5) feet for the

structure, twelve (12) inches for the copy, and thirty-two (32) square feet in sign structure area. The directional sign shall meet the separation and setback requirements of on-site signs.

f. *Colonnade signs.* One colonnade sign per establishment may be suspended at least nine (9) feet above the walkway if limited to pedestrian traffic and at least fifteen (15) feet above the walkway if open to vehicular traffic, with a maximum six (6) square feet of sign structure area.

H. Signs Specifically Prohibited.

Any sign not specifically permitted, exempted, or authorized by this Ordinance is prohibited; provided, however, that any authorized or permitted sign under this Ordinance is allowed to contain non-commercial speech in lieu of any other speech. The following types of signs are specifically prohibited except as otherwise provided by this Ordinance:

1. Activated signs and devices.
2. Revolving signs.
3. Snipe signs.
4. Signs other than removable sandwich signs placed on the sidewalk or curb during business hours.
5. Swinging signs.
6. Vehicle signs.
7. Signs that imitate or resemble any official traffic or government sign, signal or device. Signs that obstruct, conceal, hide, or otherwise obscure from view any official traffic or government sign, signal or device.
8. Any sign which:
 - a. Has unshielded illuminated devices that produce glare or are a hazard or nuisance to motorists or occupants of adjacent properties.
 - b. Due to any lighting or control mechanism, causes radio, television, or other communication interference.
 - c. Is erected or maintained so as to obstruct any fire fighting equipment, window, door, or opening used as a means of ingress or egress for fire escape purposes including any opening required for proper light and ventilation.
 - d. Projects in excess of eighteen (18) inches over a dedicated public street, alley, sidewalk, or private or public roadway.

- e. Is erected on public property or a public right-of-way, except government signs or other signs as expressly allowed in the Code.
- 9. Bench signs.
- 10. Abandoned signs.
- 11. Illegal signs.
- 12. Beacon lights.
- 13. Roof signs.
- 14. Back to back sign faces at an angle that exceeds 45 degrees.
- 15. Window signs which, in aggregate, cover more than twenty-five (25) percent of the total window surface.
- 16. Signs in or upon any navigable river, bay, lake, or other body of water within the incorporated limits of the City of Dade City including signs attached to or painted on piers or seawalls, other than official regulatory or warning signs.
- 17. Pole signs.
- 18. Multi-prism signs.
- 19. Portable signs.
- 20. Pennants.
- 21. Festoons.
- 22. Banner signs and advertising balloons that do not comply with this Ordinance. This does not include use of such signs for temporary use only.
- 23. Sandwich signs that do not meet the requirements of this Ordinance.
- 24. Outdoor advertising signs.

Notwithstanding any ordinance or Code provision to the contrary, neither the City Commission nor the Board of Adjustment may grant a variance allowing the erection of any of the prohibited signs expressly enumerated in this Ordinance.

I. Signs on Rights-of-Way.

1. *Allowance of Certain Signs.* The following signs may be erected in rights-of-way within the City and shall be exempt from the regulatory provisions of this Ordinance. Such structures also require a permit and must comply with applicable provisions of the City of Dade City Right-of-way Use Ordinance and the Building Code.

a. Government signs;

b. Traffic-control devices.

c. Temporary event signs for not-for-profit or governmental organizations. Such signs must be removed within two (2) days after the event they advertise.

d. Directional signs for governmental or not-for-profit organizations. Any new signs erected or signs replaced after the adoption date of this ordinance shall be no larger than 4.5 square feet in total surface area, six (6) feet or less in height, and such signs must appear historical in styling. The Community Development Director or his designee shall pre-approve all sign designs prior to issuance of a permit.

2. *Prohibition of all other signs on rights-of-way.* With the exception of the above signs, it shall be unlawful for any person, firm, corporation or other entity, for its own or the benefit of another, to erect, place, post, install, affix, attach or in any other way locate or maintain a sign upon, within or otherwise encroaching on a right-of-way or upon a structure located within such a right-of-way. Information contained in any sign, including names, addresses or phone numbers of persons or entities benefiting from or advertising on the sign shall be sufficient evidence of ownership or beneficial use or interest for purposes of enforcing this section. More than one person or entity may be deemed jointly and severally liable for the placement or erection of the same sign. Each unlawful sign shall be deemed a separate violation of this Ordinance.

J. Temporary Signs.

Temporary signs require a permit and may be allowed provided the following requirements are met:

General Requirements. The following requirements shall be met except where specified in this Ordinance.

1. *Time of Display.* If not otherwise specified in this Ordinance, all temporary signs shall not be posted more than fifteen (15) calendar days prior to the time of the event or activity to which they related, and shall be removed no later than five (5) calendar days

after the conclusion of that event or activity. For the purposes of this Ordinance, the maximum duration of an event or activity shall be no longer than two (2) weeks. Political campaign signs may be posted no earlier than thirty (30) days before the date of the election, and must be removed no later than fifteen (15) calendar days after the election to which they relate.

2. *Nonresidential Districts.* Temporary signs, including banner signs or advertising balloons, may be displayed in nonresidential districts for a period not to exceed three consecutive calendar weeks, four (4) times per calendar year provided no free standing ground sign shall exceed thirty-two (32) square feet in total sign surface area and eight (8) feet in height. One (1) ground sign is permitted for each parcel having frontage on a public street. If a parcel has public street frontage in excess of three hundred (300) feet, one (1) additional ground sign shall be permitted for each additional three hundred (300) feet of public street frontage.

Sign surface area for banner signs may not exceed forty (40) square feet. A sign permit shall be obtained for such banner or advertising balloon, and the permit number and expiration date shall be displayed on the banner or advertising balloon as provided in the permit.

3. *Location on Parcel.* All temporary signs shall be located behind the right-of-way line and shall not be located within the clear sight triangle as defined in this Ordinance.

4. *Special Event Signs.* Shall be allowed as follows:

a. Two (2) non-illuminated temporary, ground, or wall sign per frontage on the site of the institution where the event is to take place.

b. Such signs shall not exceed eight (8) square feet in sign surface area and six (6) feet in height in residential districts and thirty-two (32) square feet in sign surface area, and eight (8) feet in height in nonresidential districts.

c. Signs announcing public or semipublic events or functions shall be set back a minimum of five (5) feet from the right-of-way line and twenty (20) feet from the intersection of the rights-of-way.

K. Model Signs.

Signs erected for the purpose of marketing new housing developments shall be allowed as follows:

1. One (1) model sign is permitted per residential sales center and shall be located at such sales center. Such signs shall have a maximum sign structure area of sixteen (16) square feet and a maximum height of four (4) feet. Said sign shall be removed when the residential sales center ceases operations.

2. One (1) directional sign is permitted per development entrance. Such sign shall designate the location of the pods or parcels and shall be located along the collector roads for the development. Such signs shall have a maximum sign structure area of six (6) square feet and a maximum height of four (4) feet. Said sign shall be removed before or upon build out of the development.

3. One (1) model sign is permitted per model home or unit type and shall be located at the model home or unit type it identifies. Such sign shall have a maximum sign structure area of four and one-half (4.5) square feet and a maximum height of four (4) feet. Said sign shall be removed before or upon sale of said model home.

4. One (1) warning sign is permitted per pod, out parcel or development entrance that provides instructions to contractors working therein. Such signs shall be located at such entrance. Such signs shall have a maximum sign structure area of twenty (20) square feet and a maximum height of six (6) feet. Said sign shall be removed upon completion of construction within said pod, out parcel, or development.

L. Nonconforming Signs.

1. Any sign, lawfully erected within the City of Dade City on the effective date of this Ordinance that does not conform to the requirements of this Ordinance, shall be treated as a nonconforming sign.

2. The following signs shall be removed or made to conform to this Ordinance within ninety (90) days from the effective date thereof:

- a. All temporary signs other than those allowed herein.
- b. All prohibited signs except outdoor advertising structures.

3. Any nonconforming on-site sign that is destroyed or substantially damaged shall not be repaired or rebuilt except in conformity with this Ordinance.

4. A nonconforming on-site sign shall not be replaced by another nonconforming sign. However, substitution of letters, poster panels, and painted boards, or demountable material on nonconforming signs shall be allowed. The provisions of this Ordinance do not apply to signs relocated or reconstructed as a result of condemnation action by any governmental agency as provided for in this Ordinance. Routine repair and maintenance is allowed as long as it does not increase the sign surface area, sign structure area or height of the sign.

M. Abandoned Signs.

An abandoned sign is prohibited and is a violation of this Ordinance. Permanent on-site signs applicable to a business temporarily suspended because of a change in ownership or management shall not be deemed to be abandoned unless the property remains vacant for a period of six (6) consecutive months or more. During that time, the owner shall maintain the sign as required by this Chapter, and shall replace or cover the copy relating to the prior business with an opaque covering, ensuring that all internal fixtures of the sign remain covered.

N. Maintenance of Signs.

1. *General Maintenance Requirements.* All signs for which a permit is required by this Ordinance, including their supports, braces, guys, and anchors, shall be maintained so as to present a neat, clean appearance. Painted areas and sign surfaces shall be kept in good condition and illumination, if provided, shall be maintained in safe and good working order. Trash, rubbish, and debris shall be kept clear in front of, behind, underneath, and around the base of signs for a distance of five (5) feet.

2. *Maintenance of Outdated On-Site Signs.* On-site signs that are not currently being used to identify an activity on the property, but that are not abandoned signs as defined by this Ordinance, shall be maintained, including the inner fixtures or workings of the sign. Copy that does not relate to a current activity on the property shall be removed or covered with an opaque covering, so such signs maintain a neat and clean appearance.

O. Removal.

1. *Removal of Signs on Rights-of-Way.* Except as provided otherwise in this Ordinance, any sign on a right-of-way in violation of this Ordinance in addition to any other penalties, shall be subject to immediate removal and impounding without notice by the Community Development Director or his designee at the joint and several expense of the owner, agent, lessee or other person having beneficial use of the sign, the sign contractor or, if non-City or non-public right-of-way, the owner or lessee of the land upon which the sign is located.

a. *Illegal signs of negligible or no value; destruction.* Any sign placed or erected in a right-of-way in violation of this Ordinance, which has negligible or no value due to its perishable or nondurable composition, including, but not limited to, those made out of paper, cardboard or poster board, may be destroyed by the City immediately after removal. No notice or opportunity to reclaim such a sign shall be given by the City.

b. *Recovery of impounded signs; abandonment and destruction.* Except for those signs described above, any sign removed and impounded by the City shall be held in storage and the owner, if the owner's identity and whereabouts are known to City, shall be provided with written notice via certified mail and regular mail of impoundment and fifteen (15) days from the date of notice to reclaim any such sign. Any impounded sign stored by the City may be destroyed if not reclaimed within fifteen (15) calendar days of the written notice

date or within fifteen (15) calendar days of the date of removal if the identity and whereabouts of the owner is not known to the City.

2. *Removal of Signs on Private Property for Immediate Peril.* The Community Development Director or his designee may cause without notice, the immediate removal of any sign which is an immediate peril to persons or property at the joint and several expense of the owner, agent, lessee or other person having beneficial use of the sign, the sign contractor, or the owner or lessee of the land upon which the sign is located.

P. Enforcement.

1. Violations of this ordinance shall be prosecuted pursuant to Chapters 166 and 162, Florida Statutes, as amended, in addition to any other remedies available at law. The Community Development Director, or his designee, shall be responsible for administration of this Ordinance, and is authorized to give any notice required by law.

Q. Applicability of Other Code or Regulatory Requirements.

In the event any of the provisions of this Ordinance are in conflict with other applicable requirements, the more restrictive requirements shall apply.

Section 2. Repealer

All provisions of the Dade City Code of Ordinances, as amended, and ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 3. Modification.

It is the intent of the City Commission that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Commission.

Section 4. Severability.

It is declared to be the intent of the City Commission of the City of Dade City, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

Section 5. Inclusion in Code.

It is the intent of the City Commission that the provisions of this Ordinance shall become and be made a part of the Dade City Land Development Code, and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. Effective Date.

This Ordinance shall take effect upon adoption.

The above ordinance was read and approved upon first reading this 14th day of December, 2004.

ATTEST:

CITY OF DADE CITY, FLORIDA

James D. Class, City Clerk

P. Hutchison Brock, II, Mayor

The above ordinance was read and public hearings held on the 11th day of January, 2005 and the 25th day of January, 2005, and adopted on the 8th day of February, 2005.

ATTEST:

CITY OF DADE CITY, FLORIDA

James D. Class, City Clerk

P. Hutchison Brock, II, Mayor

Approved as to Legal Form and Content

Karla S. Owens, City Attorney