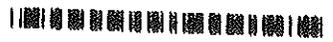


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BARBARA T. SCOTT, CLERK, CHARLOTTE CO
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ORDINANCE
NUMBER 2002 - 040

AN ORDINANCE RELATING TO THE CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AREA AND THE CHARLOTTE HARBOR COMMUNITY DEVELOPMENT CODE; AMENDING SECTIONS 3-9-50 THROUGH 3-9-50.7 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY AND ADDING PROVISIONS TO THE CHARLOTTE HARBOR COMMUNITY DEVELOPMENT CODE; PROVIDING FOR CORRECTIONS AND CLARIFICATIONS; PROVIDING FOR ESTABLISHMENT OF SIGN REGULATIONS WITHIN THE CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, a joint effort, which included Charlotte County government, property owners, residents, homeowners, merchants, consultants, and committees, was undertaken from 1990 to 1994 to determine a desired future for the Charlotte Harbor Community in Charlotte County; and

WHEREAS, the Community Redevelopment Area in Charlotte Harbor (hereinafter "Charlotte Harbor CRA") was created by Resolution 92-251 on November 3, 1992, by the Board of County Commissioners of Charlotte County (the "Board"); and

WHEREAS, the Charlotte Harbor Community Development Code was created by Ordinance No. 96-0110A0 on February 20, 1996, by the Board and included in the Code of Laws and Ordinances of Charlotte County ("the Code") as Section 3-9-50 through 3-9-50.7; and

WHEREAS, the Charlotte County CRA Committee, an advisory committee to the Board (hereinafter "CRAC"), in consultation with the public, Charlotte County staff, and others has recommended prudent and necessary changes in the Charlotte Harbor

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Community Development Code governing signage in the Charlotte Harbor CRA and revisions to provide corrections and clarifications to the Charlotte Harbor Community Development Code; and

WHEREAS, the Charlotte County Planning and Zoning Board has recommended approval of the changes recommended by the CRAC; and

WHEREAS, the Board agrees with the changes recommended by the CRAC and the Planning and Zoning Board and has determined that establishing sign standards for the Charlotte Harbor CRA will promote safety, protect and preserve the aesthetic and visual environment, character, and quality of the Charlotte Harbor CRA, maintain the value of property in the Charlotte Harbor CRA, create a more attractive economic and business climate, reduce urban and visual clutter, and eliminate nuisance forms of advertising by ensuring that signs are compatible with surrounding land uses and, will not, by their size, location, construction or manner of display, endanger the public safety of individuals, confuse or mislead, or obstruct the vision necessary for traffic safety in the Charlotte Harbor CRA.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Charlotte County, Florida:

Section 1. Sections 3-9-50 and 3-9-50.1 of the Code shall be deleted and replaced in their entirety by the following:

Section 3-9-50. Charlotte Harbor Community Development Code/Title.

Sections 3-9-50 through 3-9-50.7 of the Code shall apply to development in the Charlotte Harbor CRA (as defined herein) and shall be known as the "Charlotte Harbor Community Development Code".

Section 2. The former **Section 3-9-50.2** of the Charlotte Harbor Community Development Code, entitled "Intent, applicability and boundaries", shall be deleted in its entirety and replaced with the following **Section 3-9-50.1**:

Section 3-9-50.1. Intent, applicability, and boundaries.

(a) *Intent.* Where the comprehensive plan may not be specific, the regulations contained within this Charlotte Harbor Community Development Code are intended to reinforce the comprehensive plan by assigning specific land use and zoning categories which are permitted, and which are prohibited, in existing zoning designations; and to establish new standards for development to existing development regulations within the boundaries of the Charlotte Harbor CRA. In addition, these regulations are intended to accomplish one or more of the following purposes:

- (1) Invigorate the economic and social vitality of the Charlotte Harbor CRA;
- (2) Protect the unique character of the existing single-family and medium density (multi-family) residential communities within the Charlotte Harbor CRA;
- (3) Provide for neighborhood business and commercial uses to serve the Charlotte Harbor CRA and the community as a whole;
- (4) Enhance Charlotte Harbor's community identity and sense of place through the design and placement of different land uses, buildings, and streets to create a distinct Charlotte Harbor community;
- (5) Improve the character and prevent permanent decline of property values within the Charlotte Harbor CRA by controlling nuisances and ensuring

that land uses which may contribute to the degradation of the community and possible criminal activity not be tolerated near residential areas; and that the design and placement of different land uses, buildings, streets, and other amenities (such as sidewalks and street lights) ensure that the public's health, welfare, and safety is protected;

(6) Reduce traffic demand on streets within the Charlotte Harbor CRA to permit sidewalks and reduce traffic noise, velocity, and air pollution;

(7) Use buildings, trees, street width modifications, curbs (where applicable), sidewalks and bicycle paths to create a shaded and diverse, but harmonious and safe environment that works for pedestrians as well as for motorized vehicles;

(8) Emphasize the use of incentives such as reduced parking requirements and mixed land uses to achieve a balance of retail, service, office, and residential uses within convenient walking distance of each other, which is a characteristic of a healthy community;

(9) Implement a parking code that treats parking as an element of public infrastructure in an urban center (instead of a private matter in a strip center) and that recognizes the benefits of shared parking in a vertically mixed development, and the opportunities of a bicycle/pedestrian system;

(10) Utilize the existing development review process that is timely, predictable, and requires a review of projects to ensure conformity with existing codes and the new specifications provided in this Charlotte Harbor Community Development Code;

(11) Protect the canopy of existing trees and native trees to the maximum extent possible, promote continuity of development, and reduce the amount of stormwater runoff associated with the use of compacted fill material typically used for site preparation, by providing flexibility with county development regulations for parking and setback requirements, through the development review process, and by designating "no fill" areas (see "no fill" area map) where only pilings and stemwalls shall be used for all construction except the minimum amount of fill necessary within the building footprint and for drainfields associated with on-site waste treatment and disposal systems as required by federal, state or local statute, ordinance, law, rule, or regulation.

(12) Establish sign regulations and design standards that will promote safety, protect and preserve the aesthetic and visual environment, character and quality of the Charlotte Harbor CRA and protect the value of property contained therein, create a more attractive economic and business climate, reduce urban and visual clutter, eliminate nuisance forms of advertising by ensuring that signs are compatible with surrounding land uses and buildings and will not adversely impact aesthetics, community character and quality of life within the Charlotte Harbor CRA, or promote signs and design standards that will not, by their size, type, location, construction or manner of display, endanger the safety of individuals, confuse or mislead, or obstruct the vision necessary for traffic safety of the Charlotte Harbor CRA;

(13) Provide private property owners and businesses within the Charlotte Harbor CRA with the flexibility to develop innovative, creative, and

effective signage and building design to improve the aesthetic and visual qualities of the Charlotte Harbor CRA.

(b) *Applicability.* In addition to any requirements contained elsewhere in the Code, the requirements of this Charlotte Harbor Community Development Code shall apply to any subdivision, special exception, variance, development review committee approval, site plan approval, planned development rezoning approval, building permit or sign permit, or any other official action of the county having the effect of permitting development and shall be in addition to each and every other requirement of the Code or any application for any of the preceding. In the event of any conflict between applicable provisions of the Code and this Charlotte Harbor Community Development Code regarding a specific application or development, the more restrictive shall apply.

(c) *Boundaries and Zoning Atlas.* The boundaries of the Charlotte Harbor CRA shall be as delineated on Map No. 25 of the Future Land Use Map Series of the 1988 Charlotte County Comprehensive Plan and as adopted by the Board in Resolution 92-251. The Charlotte County Zoning Atlas shall reflect the zoning designations for the Charlotte Harbor CRA initially adopted by Ordinance 96-011, and any subsequent amendments thereto.

Section 3. The former **Section 3-9-50.4** of the Charlotte Harbor Community Development Code, entitled "Definitions" shall be deleted in its entirety and replaced with the following **Section 3-9-50.2**:

Terms used in this Charlotte Harbor Community Development Code shall take their commonly accepted meaning unless otherwise defined in this Section or in the Code. When there are terms defined both in this Section and elsewhere in the Code,

the definitions for such terms contained in this Section shall control. In the Charlotte Harbor Community Development Code, the terms set forth in Appendix "A" attached hereto and by reference made a part hereof shall have the meaning ascribed to them in Appendix "A".

Section 4. The former **Section 3-9-50.3** of the Charlotte Harbor Community Development Code entitled "Development review procedure" shall be deleted in its entirety and replaced with the following **Section 3-9-50.3**:

Section 3-9-50.3. Development review procedure.

(a) ***Pre-application conference.*** Prior to submitting an application for any type of development to the county, an applicant shall submit a request for a pre-application conference and shall set such a pre-application conference with CRAC or its designee (a member of CRAC duly appointed by CRAC as the representative) to review, discuss, and receive recommendations from CRAC regarding the proposed development's consistency and compliance with the Charlotte Harbor Community Development Code. Such request for review shall be accompanied by sketches, site plans, or any other documentation required by CRAC, or its designee, to perform its review. CRAC, or its designee, shall review the proposed development for consistency and compliance with the Charlotte Harbor Community Development Code. At the conclusion of the review, CRAC, or its designee, will date and sign the applicable sketch, site plan, or other submitted documentation, or will prepare written comments regarding the proposed development with recommendations or notations as appropriate. Failure of CRAC to review a request for review of a proposed application within six (6) working days from the date all required information and documentation is

received by the county shall forfeit CRAC's prerogative to participate in the review process for that proposed application. Any sketch, site plan, or other documentation submitted to the county for review and approval shall be consistent with the sketch, site plan, or other documentation reviewed and signed by CRAC for the same proposed development.

(b) Application for development review. Any application for any development within the Charlotte Harbor CRA shall adhere to the review and process requirements applicable to the development proposed by such application which are set forth in the Code. In addition, if a pre-application review by CRAC is required for any particular development, the sketch, site plan, or other documentation or written comments, dated and signed by CRAC, or its designee, for that development shall be included with the application.

(c) Review. A complete application shall be reviewed and acted on by the appropriate county staff in the time provided in the Code for such application with an additional five (5) working day extension to provide for any additional review required for compliance with this Charlotte Harbor Community Development Code.

(d) Established nonconformities. Established uses or structures, not including signs, within the Charlotte Harbor CRA shall not be rendered nonconforming by the provisions of this Charlotte Harbor Community Development Code. Such structures and uses within the Charlotte Harbor CRA shall be treated as if they were conforming for the duration of the structure or use. If an existing use ceases for more than one hundred twenty (120) consecutive days, such use shall not be re-established if such use would not be in compliance with the provisions of this Charlotte Harbor

Community Development Code, except when such cessation of use is caused by a catastrophic event beyond the property owner's control. Notwithstanding the foregoing, in the event an application to change the use of a property from a use not permitted under this Charlotte Harbor Community Development Code to that of a conforming use is approved, the property and all development thereon must comply with all the provisions of this Charlotte Harbor Community Development Code upon approval of such application, and any established uses or structures thereon shall be considered nonconforming thereafter.

Section 5. A new **Section 3-9-50.4** shall be added to the Charlotte Harbor Community Development Code to read as follows:

Section 3-9-50.4. Signs in the Charlotte Harbor CRA.

(a) Applicability.

(1) Any sign located in the Charlotte Harbor CRA that is erected, constructed, installed or altered shall conform to the provisions and conditions of this Section.

(2) These regulations are intended to complement, not supersede, all other regulations and requirements applicable to signs, including, but not limited to, building and electrical codes, adopted by the county. Where there may be any inconsistency between this Section and any other regulation or requirement, the more restrictive provisions shall apply.

(3) This Section shall also supersede those regulations applicable to signs set forth in Section 3-9-95 of the Code, except where otherwise indicated.

(4) In the event of any conflict between the provisions of this Section

and the CRA Design Requirements enacted pursuant to Section 3-9-50.6 of the Charlotte Harbor Community Development Code, as amended, the provisions of this Section shall prevail to the extent of such conflict.

(5) The requirements of this Section shall be limited to properties located within the Charlotte Harbor CRA.

(6) Notwithstanding any other provisions of this Charlotte Harbor Community Development Code to the contrary, any sign, display or device allowed under this Charlotte Harbor Community Development Code 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 the Code and this Charlotte Harbor Community Development Code.

(b) *General Restrictions.*

(1) Prior to the erection, construction, installation, or alteration of any sign, a permit shall be applied for and obtained from the county building department, subject to the prior approval of the zoning official and CRAC, or its designee, all in accordance with Section 3-9-50.3 hereof and any other applicable provisions of the Code, unless such sign is specifically exempt in Section 3-9-50.4(d) from the requirement for a permit. Normal maintenance as defined by the Florida Building Code, painting or repairs to existing signs, which do not alter the message, size, or height of the sign, shall not be deemed alterations within the meaning of this Section, unless the activity involves removal and reinstallation of a sign face. Signs must be erected, constructed, installed or

altered in accordance with a properly issued permit within one year from the issuance of the permit.

(2) No sign attached to a building shall project horizontally beyond the end of the wall or vertically above its roof or in the case of a parapet wall vertically above the top of the parapet wall.

(3) No sign shall be located in a required side or rear yard where the lot abuts or is separated only by a right-of-way from a residential use.

(4) No sign of any type or classification, including an exempt sign, shall be erected, altered or maintained in such a location or position so that an unfinished side may be visible from off the site containing the sign.

(5) No sign shall be constructed or erected in a manner that interferes with any utility, communications or cable infrastructures without the prior authorization of the applicable utility, communications, or cable company.

(6) No private sign, including an exempt sign, shall be erected, altered or maintained over or upon any public property or public right-of-way, unless otherwise permitted in Sections 3-9-50.4 (d) 4, 9, 10 and 20, or 3-9-95(i)(14) of the Code.

(7) No Class B signs shall be permitted in any zoning district in the CRA.

(8) One Primary Class A sign shall be allowed for each street frontage on which the lot or parcel containing the Primary Class A sign abuts. In addition, one Secondary Class A sign per occupant on the lot or parcel shall be allowed for each street frontage on which the lot or parcel abuts, if otherwise allowed

under this Section 3-9-50.4.

(9) National and state flags, as the term "flag" is defined in Section 256.08, Florida Statutes, shall be displayed in accordance with Title 36, United States Code, Chapter 10, as amended by Public Law 344, 94th Congress, approved July 7, 1977, and Chapter 256, Florida Statutes.

(10) Any Primary Class "A" sign containing a changeable message device must be a monument sign.

(c) **Prohibited signs.** The following shall be prohibited:

(1) Any sign prohibited under Chapter 479, Florida Statutes, pertaining to outdoor advertising.

(2) Any sign that constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, coloring or method of illumination, or by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any official traffic control device by diverting or tending to divert the attention of drivers of moving vehicles from traffic movement on streets, roads, intersections or access facilities.

(3) Any sign that constitutes a traffic or pedestrian hazard or a detriment to traffic or pedestrian safety by obstructing the vision of pedestrians.

(4) Any sign preventing free ingress or egress from any door, window, fire escape or other entrance or exit to any building, or any sign attached to a standpipe or fire escape.

(5) Any sign which is obscene or constitutes a public nuisance.

(6) Any Primary Class A or Secondary Class A sign advertising an

establishment no longer in business or a product no longer available. Such signs must have the facing(s) removed or be razed completely within 30 days after the establishment is no longer in business or the product is no longer available.

(7) Snipe signs.

(8) Portable illuminated signs, revolving or whirling signs, animated signs or wind signs.

(9) More than 2 national or state government flags displayed per principal building.

(10) Signs erected on the right-of-way of any public or private street, road or right-of-way, except:

(A) Signs required by federal, state or local law to be erected by a governmental agency; and

(B) As specifically allowed in Sections 3-9-50.4 (d) 4, 9, 10 and 20, or 3-9-95(i)(14) of the Code.

(11) Roof signs.

(12) Any sign that is attached, painted on, or placed onto or inside a parked vehicle that is used primarily for advertising any matter other than the sale or rental of the vehicle itself. This is not intended to prohibit vehicle signs on a truck, bus, trailer, taxi or other vehicle parked on its own premises while in the course of business, provided that the primary use of the vehicle is not for the purpose of advertisement. Vehicles must be operable and licensed.

(13) Blank temporary signs.

(14) Signs that emit audible sound, odor or visible matter, such as

smoke or steam.

- (15) Class B signs, except as exempted under Section 3-9-50.4(d)(18).
- (16) Serial signs.
- (17) Any model residential unit flag(s) or banners(s) on the property of a model residential unit, except for the first 30 days after the model receives a certificate of occupancy.
- (18) Neon signs.
- (19) Flashing signs.

(d) **Exempt Signs.** The following on-site signs may be erected, constructed or installed without first obtaining a permit and paying any fees; provided, however, all other provisions of the Code are met and, provided further, that if a sign exceeds the limits contained in this Section, an application for a sign permit and payment of the permit fee shall be required:

- (1) One professional nameplate for each person or entity located at a site, not exceeding 2 square feet in area.
- (2) One identification sign which may also include changeable copy for educational, charitable, religious or other similar instructional uses not exceeding 12 square feet each, not more than 6 feet high in a residential zoning district.
- (3) One sign advertising daily or weekly specials, not exceeding 4 square feet maximum, which sign may be handwritten.
- (4) Street address sign meeting all requirements in the Code governing such signs.
- (5) Dedicatory tablets or memorial plaques setting forth the name or

erection date of a building, commemorating a person or persons and like uses. Such signs shall be cast in metal or engraved in stone or concrete or otherwise suitably inscribed in or on a monumental material and affixed to the applicable building.

(6) One occupational sign not exceeding 2 square feet in area listing the name, location and business of an occupant within a building.

(7) One identification sign at the entrance to residences, estates, ranches and like uses, which does not exceed 4 square feet in area.

(8) A vehicle sign located on a licensed and operable truck, bus, trailer, taxi or other vehicle which is being operated or parked at the location of the business, provided that the primary use of said vehicle is not for the purpose of the advertisement. Such vehicles shall only be parked in paved parking areas immediately surrounding loading/delivery areas or in the closest non-handicapped parking space to the primary entrance of the business advertised on the vehicle. In no case shall such vehicle be parked in the right-of-way.

(9) Non-advertising directional signs, symbols, or devices relating to traffic, parking, public services, facilities or warnings on private property. Such signs include, but are not limited to, "entrance", "exit", "slow", "no trespassing", "restrooms", and "telephones". These signs shall not exceed 4 square feet in area or contain any advertising matter other than a logo or business name.

(10) Traffic or other directional or traffic control signs or devices erected by any federal, state or local government or department or agency thereof.

(11) A maximum of two (2) entrance signs giving the name of a

subdivision, provided that:

- (A) No such sign exceeds 12 square feet;
- (B) Such sign shall be located only at the main entrance; and
- (C) Such sign shall not contain any other advertising.

(12) One sign, not exceeding 24 square feet in area, advertising a model residential unit located on the same parcel as the model and located a minimum of 10 feet from any adjoining property lines. The sign may not be erected until commencement of construction. No other sign, banner, flag or pennant shall be permitted in residential zoning districts after the 30-day period for the grand opening of residential model units, except as permitted in Section 3-9-50.4(c)(17).

(13) Political signs shall be regulated pursuant to Section 3-9-95 of the Code and Section 106.1435, Florida Statutes.

(14) Any flag, other than a national or state government flag, or identification sign or insignia of any civic, charitable, religious or fraternal organization. No such flag, identification sign or insignia shall be placed above a sidewalk, walkway, alley, driveway or public or private roadway or right-of-way.

(15) Flags indicating weather conditions.

(16) One or more direction signs for a church, school, public assembly facility or hospital/emergency room located on a local road, provided such sign(s) are not more than 8 square feet in area, and are not located in a right-of-way.

(17) Community identification signs not exceeding 100 square feet excluding wall(s) area for entry feature(s).

(18) Class B signs located along the inside perimeter of the athletic field fences of any athletic field owned or operated by the county or the Charlotte County School Board; provided that such advertising copy is not purposely positioned to be visible from a public or private roadway or right-of-way.

(19) One or two national or state government flags displayed per single "principal building", as such phrase single "principal building" is defined in Section 3-9-2 of the Code. No such pole shall be placed above a sidewalk, walkway, alley, driveway or public or private roadway or right-of-way so as to obstruct passage or to create a safety hazard. The requirements of Title 36, United States Code, Chapter 10, as amended by Public Law 344, 94th Congress approved July 7, 1976, and Chapter 256, Florida Statutes, concerning United States or state flags shall apply to any flag governed by this subsection.

(20) A directional or identification monument sign structure in the right-of-way adjacent to U.S. Route 41 (Tamiami Trail) in the Charlotte Harbor CRA for a church or house of worship, or service organization, fraternal organization, or charitable organization; provided the individual sign for each subject shall not exceed 4 square feet.

(e) *Temporary Signs.*

(1) The Director may issue a permit to erect a temporary sign, as follows:

(A) The Director may require reasonable conditions as are necessary to protect the public health, safety and general welfare, and public and private property; and

(B) A permit approval shall not exceed 30 days within any 6 month period; and

(C) Temporary on-site signs shall be allowed to address grand openings or special occasions, such as civic events or promotions, car, boat or craft shows, carnivals, parking lot sales, annual and semiannual promotions or other similar events, provided that:

(i) The temporary sign may be erected not more than 14 days prior to the event and shall be removed not more than 24 hours after the event closes; and

(ii) A maximum of 2 signs shall be allowed on-site in such a manner as to not create any traffic or pedestrian hazard, limited to an area of 24 square feet for each sign.

(D) A developer may erect temporary model residential unit flags or banners; provided that there are no more than 4 flags or banners on the property of a model residential unit and that the flags remain only for the first 30 days after the model receives a certificate of occupancy. Such flags or banners are prohibited thereafter. In addition, when a model residential unit abuts an arterial or collector road, such temporary flags or banners may be displayed only while the model is open for business.

(E) All otherwise permitted signs may be used as temporary signs, provided that the sign shall otherwise comply with all requirements for that sign, pursuant to the requirements listed in this Section.

(2) The following shall not be deemed temporary signs and shall not be

subject to the preceding requirements of this subsection:

(A) Holiday decorations.

(B) One sign denoting the architect, engineer and contractor for work under construction on the premises where the construction occurs, not exceeding twenty-four (24) square feet plus individual signs of subcontractors not exceeding (4) square feet each. No signs under this subsection are to be erected on a site until work authorized under a building permit issued for the site has commenced. All signs under this subsection shall be removed no later than one week after a certificate of occupancy is issued or, for repairs, remodeling or additions, one week after the final inspection.

(C) Signs advertising current or future construction or financing on a parcel, provided that:

(i) In any residential zoning district, one sign not exceeding 24 square feet shall be allowed for a period not to exceed 6 months or until issuance of the certificate of occupancy, whichever occurs first, which sign shall be removed upon issuance of final certificate of occupancy.

(ii) In any nonresidential zoning district, one sign shall be allowed per street frontage, not exceeding 40 square feet and not exceeding a time period of 6 months or until issuance of final certificate of occupancy, whichever occurs first, which sign shall be removed upon issuance of final certificate of occupancy.

(D) Signs advertising property for sale or rent, provided that:

(i) One sign not exceeding 4 square feet in area, excluding the rider, shall be allowed per single-family residential lot or residence, except lots or residences which are located on navigable bodies of water shall be allowed one additional sign of 4 square feet facing the body of water on which the property abuts.

(ii) One sign not exceeding 20 square feet in area shall be allowed per parcel or lot of property zoned or used as a nonresidential use of five acres or larger in area. The foregoing shall not apply to individual, nonresidential units.

(iii) One sign not exceeding 10 square feet in area shall be allowed per parcel, lot or individual nonresidential unit for property zoned for or used as a nonresidential use of less than five acres in area.

(iv) All signs shall be removed no later than one week after the sale or lease of the property.

(3) Signage in connection with tent sales, pursuant to Section 3-9-95.1 of the Code, shall only be displayed during the duration of the tent sale.

(4) Flags, other than national or state government flags, that meet the restrictions contained in this subsection. Such flags shall only be allowed at a ratio of 2 per 50-foot of road frontage, and the number of flags shall not exceed 8 at any location. No flag shall be placed above a sidewalk, walkway, alley, driveway or public or private roadway or right-of-way. A site may not erect flags

more than twice in a calendar year. No such flag may remain on site for more than 14 days. In the event flags are erected on a site for less than 14 days, the remaining days shall be forfeited and cannot be applied to a second event. The 14-day and twice-per-calendar-year maximum time limit restrictions imposed in this subsection shall not apply to flags erected on any property owned and operated or leased by any federal, state, or local government or agency thereof.

(5) Banners or pennants erected in a nonresidential zoning district that meet the restrictions contained in this subsection. No banner or pennant shall be placed above a sidewalk, walkway, alley, driveway, or public or private roadway or right-of-way. No banner or pennant may remain on site for more than 14 consecutive days. A site may not erect banners or pennants more than twice in a calendar year. The 14-day time limit restrictions and twice-per-calendar-year maximum time limit restrictions imposed in this subsection shall not apply to banners or pennants erected on any property owned and operated or leased by any federal, state or local government or agency thereof. In accordance with Title 36, United States Code, Chapter 10, as amended by Public Law 344, 94th Congress approved July 7, 1976, and Chapter 256, Florida Statutes, the United States or state flags may not be used as a banner or a pennant.

(6) A temporary sign advertising activities of educational, religious, civic, fraternal, service, charitable or other nonprofit organizations or institutions may be permitted, if not in violation of other provisions of this Charlotte Harbor Community Development Code.

(7) Signs advertising open houses, provided that:

(A) No more than 3 signs, not exceeding 4 square feet each, may be erected, constructed or installed on the property where the open house is being conducted; and

(B) No more than 6 off-site directional signs, not exceeding 2 square feet each, shall be allowed; and

(C) All signs shall contain the name of the real estate broker or firm conducting the open house; and

(D) All signs relating to an open house shall be removed each day at the close of the open house or by dusk, whichever occurs first; and

(E) No sign shall be nailed, fastened or affixed to any tree, utility pole, street sign or any traffic control device.

(f) *Permitted Permanent Signs.*

The following permanent signs are permitted if not otherwise prohibited or defined as a temporary or an exempt sign under this Section, subject to the performance standards and requirements provided in the applicable subsection permitting such sign and any applicable requirements of this Charlotte Harbor Community Development Code:

(1) Class A Primary signs and Class A Secondary signs are permitted.

(2) Awnings are permitted as follows:

(A) Permanently fixed or retractable awnings over private property are permitted; and

(B) Permanently fixed or retractable awnings shall have a minimum clearance of 8 feet above a sidewalk or walkway and 18 feet

above any alley or driveway; and

(C) Any lettering larger than 3 inches in height or symbols exceeding 4 square feet in area shall be included in the total area of signage allowed on the face of the building.

(3) Changeable copy signs (or reader boards) are permitted only as follows:

(A) Changeable copy sign for a theater or cinema incorporated in a Secondary Class A sign or in a separate facade-mounted changeable copy sign as follows:

(i) Changeable copy signage limited to a maximum of 8 square feet per sign face; and

(ii) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering or raised wood lettering of typeset machine printed quality; and

(iii) The maximum height of the lettering shall be 10 inches; and

(iv) All types of freehand lettering and chalk on chalkboard surfaces are prohibited; and

(v) The sign face may be illuminated or nonilluminated; and

(vi) The signage shall otherwise comply with the applicable total sign area regulations; and

(vii) This facade-mounted changeable copy sign may be

part of a marquee.

(B) Changeable copy sign incorporated in the Primary Class A sign for a theater or cinema as follows:

(i) Changeable copy signage limited to a maximum 8 square feet per auditorium or screen with multiple auditoriums or screens to a building maximum of 75 square feet per building;

(ii) The sign box or sign face shall be set back a minimum of 50 feet from the road right-of-way if parking for the building is allowed in the front, or set back a minimum 25 feet if no parking is allowed in the front of the building; and

(iii) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering or raised wood lettering of typeset machine printed quality; and

(iv) The maximum height of the lettering shall be 6 inches; and

(v) All types of freehand lettering and chalk on chalkboard surfaces are prohibited; and

(vi) The sign face may be illuminated or nonilluminated; and

(vii) The signage shall otherwise comply with the applicable total sign area regulations; and

(C) A freestanding changeable copy sign is permitted only if incorporated in an otherwise permitted Primary Class A Monument sign,

except as provided in Section 3-9-50.4(f)(3)(C) below, as follows:

(i) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering or raised wood lettering of typeset machine printed quality; and

(ii) The maximum height of the lettering shall be 6 inches; and

(iii) All types of freehand lettering and chalk on chalkboard surfaces are prohibited; and

(iv) The sign face may be illuminated or nonilluminated; and

(v) The signage shall otherwise comply with the applicable total sign area regulations. The changeable copy portion of the Primary Class A sign shall be included in the total area of which it is a part.

(4) Projecting signs are permitted as follows:

(A) A projecting sign shall not project more than 3 feet from the face of the building or structure; and

(B) A projecting sign shall not project over a public or private road right-of-way (excluding sidewalks); and

(C) A projecting sign shall have the minimum clearance of 8 feet above a sidewalk or walkway and 18 feet above an alley or driveway; and

(D) A projecting sign shall project from the wall and be at a 90 degree angle; and

(E) A projecting sign shall not extend vertically above the window sill of the second story of a building and shall not block the visibility of any other sign.

(F) The square footage of a projecting sign shall be included as part of the square footage allowed for Secondary Class A signs.

(5) Marquee signs are permitted as follows:

(A) A marquee sign shall be included in the calculation of the total area of signage allowed on the face of a building; and

(B) A marquee sign shall have the minimum clearance of 8 feet above a sidewalk or walkway and 18 feet above an alley or driveway.

(6) Canopy roof signs are permitted; provided, however, any area of the canopy roof which contains lettering, registered trademarks or service marks or copyrights, symbols, internal illumination, or decorative lights shall be considered a sign and shall comply with all the requirements of this Charlotte Harbor Community Development Code and shall be included in the total signage of Primary Class "A" signs.

(7) Window signs. Window signs shall cover no more than twenty percent (20%) of the glass area of a window. All signage shall be included as part of the square footage of secondary sign.

(g) *Area/Number of Signs.*

(1) The area of a sign (also referred to as surface area) shall be computed as including the entire area within the periphery of a single simple geometric form comprising all of the display area of the sign. The geometric form

shall include all of the elements of the matter displayed, any address information, and blank masking, but not including frames or structural elements of the sign bearing no advertising matter.

(2) In the case of two-sided signs where all faces advertise a single facility, product or service, only one (1) face shall count toward the total aggregate area so long as:

(A) With respect to a V-type sign, up to ninety-degree angle, the two (2) sides are to be separated by a distance no less than one (1) foot and with the sign being totally intersected at one point: and

(B) With respect to a double-faced (back-to-back) sign, there can be no separation between the backs of each face of the sign other than the structural supports to which each sign face is attached.

The maximum square footage of signs allowed in each zoning district within the Charlotte Harbor CRA is depicted in Table 1, below:

Zoning District	Maximum square footage for a primary class "A" sign*	Maximum square footage per secondary class "A" sign
Environmentally Sensitive	25	8
Coastal Residential	25	8
Residential Multi Family	25	8
Neighborhood Business Residential	50	15
Commercial General	75	25
Commercial Intensive	75	25
Commercial Tourist	75	25
Mixed Use	75	25
Planned Development	75	25
Industrial Light	75	25

** If a Primary Class A sign for a parcel or lot is a monument sign, the number of square feet or area allowed for the Primary Class A sign shall be limited to the number of linear feet or building frontage for all buildings located on the parcel or lot for which the Primary Class A sign is the principal advertising, plus 30% of the total number of such linear feet of building frontage. In no event shall the area of a Primary Class A sign which is a monument sign exceed 98 square feet.*

(C) Primary and Secondary Class A signs are prohibited for single family and duplexes, except in conjunction with a special exception or otherwise allowed in code.

(3) In addition to the limitations of Table 1, above, the following restrictions shall also apply:

(A) *Primary Class A signs.*

(i) If a Primary Class A sign for a parcel or lot is not a monument sign, the number of square feet of area allowed for the Primary Class A sign shall be limited to (1) square foot per linear foot of total building frontage of the lot or parcel. In no event shall the area of the Primary Class A sign which is not a monument sign exceed 75 square feet.

(ii) There shall be no more than one Primary Class A sign for any parcel or lot, regardless of how many buildings or businesses are located on such parcel or lot. In addition, there shall be no more than one Primary Class A sign for any one building, regardless of the number of parcels or lots on which the building is located, except as provided in Section 3-9-50.4 (b) (8).

(B) *Secondary Class A Signs.*

(i) An individual nonresidential occupant located within a multiple-occupancy structure of two or more establishments shall not be permitted an individual Primary Class A sign, but may display an individual Secondary Class A sign on the building in

which the occupant is located.

(4) **Address Numbers.** Each commercial business shall install address numbers on a Primary Class "A" sign with lettering of 6" or more in height. Address numbers, or other address information for a commercial building, displayed on the primary display area of a sign shall not exceed 3 square feet in area comprised of the following dimensions: a maximum of 1 foot high by a maximum of 3 feet wide, or a maximum of 3 feet high by a maximum of 1 foot wide. Address numbers, or other address information for a building, and the accompanying background of sign face shall be included in the calculation of area of any sign in which they are contained or from which they are projected. Address numbers projected from the top of the primary display area of a sign shall not be used in calculating the height of that sign.

(h) *Location, Height and Setbacks.*

(1) A sign shall have a minimum clearance of 8 feet above a sidewalk or other walkway and 18 feet clearance above an alley, driveway, or public or private roadway.

(2) Unless otherwise specified in this Section 3-9-50.4, any Primary Class A sign that is a pole or pylon sign shall be 15 feet in height, except in environmentally sensitive and residential zoning districts, in which case the sign shall not exceed ten feet (10') in height. This shall not be a maximum height, but a uniform height for all Primary Class A signs that are pole or pylon signs in the Charlotte Harbor CRA. No address numbers projecting from the top of the display area of a Primary Class A sign shall be used in the calculation of the

height of such sign, provided such address numbers meet all other applicable height and area requirements of the Code.

(3) Monument signs shall not exceed 10 feet in height. Monument signs are excluded from the uniform height requirement.

(i) *Illumination.*

(1) A sign may be lighted internally or externally, but illumination shall be shielded or indirect to prevent glare, reflection or shining onto any road, street, or adjacent property, unless otherwise regulated elsewhere in the Code.

(2) A sign in any residential district may not be illuminated, except for a sign identifying a place open to the public, a sign giving the name of a subdivision or community identification sign, such as ACLF or nursing home or other similar institution, a sign erected in conjunction with an approved special exception, principally permitted land uses or signs used in connection with essential services. Any sign permitted to be lighted may be lighted only indirectly in a manner that will prevent glare, reflection or shining onto any street or adjacent property.

(j) *Maintenance.*

(1) An owner shall maintain a sign in substantially similar condition as when the sign was originally permitted and erected. Such maintenance shall include periodic painting and replacement, including both the sign area and structure, or supporting structure, when necessary to achieve the substantially similar appearance as the originally permitted signs. The owner shall promptly repair, replace or remove any broken, worn or illegible elements of a sign, or sign

awning or canopy. If the owner of the sign and the owner of the premises on which the sign is located are not the same, each shall be jointly and severally responsible for sign maintenance.

(2) The Director may give an owner of the sign and the owner of the premises on which the sign is located written notice of the failure of the owner of the sign to fulfill the maintenance obligation and order the owner of the sign to forthwith repair, replace or remove the sign. In the event that the owner of the sign fails, refuses or neglects to repair, replace or remove the sign as ordered within 30 days of the date of the notice, the Director may, on behalf of the county, cause the sign to be removed.

(3) Any sign that poses an immediate hazard or danger to either person or property, the Director may, in the Director's sole discretion, remove the sign without notice. The owner of the sign and the owner of the premises on which the sign is located and removed as allowed above shall be jointly and severally liable to the county for the actual cost of the removal of the sign.

(4) Any remedy for failure to maintain a sign or to abate a hazardous or dangerous sign contained in this subsection 3-9-50.4(j) shall not constitute the county's sole or exclusive remedy, and the county may avail itself of any available remedies at law or in equity.

(k) *Permits Required; Permit Fees.*

(1) All signs, except those exempt in Section 3-9-50.4(d), shall require a sign permit and the payment of a fee.

(2) Any person desiring to erect or alter a sign, except those exempt in

Section 3-9-50.4(d) of the Code, shall file an application for a sign permit and pay the application fee to the Director. Normal maintenance to existing signs shall not be deemed alterations within the meaning of this Section and shall not require a permit or fee.

(I) Applications for Permits.

(1) Applications for sign permits shall be in a form approved by the Director. The application shall include a complete description of the proposed sign and any existing signs and a site plan indicating the proposed and existing signs' size and type and location on the property, elevations of all sign faces detailing height, width, length, square footage per sign face, size of lettering, colors, lighting utilized, including total lumens (wattage) as shown on the drawings and specifications for construction of the sign, sealed by a licensed engineer, the proximity of existing utility infrastructures with regard to the location of a sign, and the written consent of the owner of the property on which the sign is to be erected. The application for a temporary sign shall also include the date the sign is placed and the date it is to be removed.

(2) The Board shall determine the application fee for any sign permit.

(3) On receipt of an application, the Director shall forward the application to CRAC, or its designee, pursuant to the provisions of Section 3-9-50.3 of the Code. The Director shall also forward the application to the appropriate county staff who shall review the application and may make an inspection of the site to determine compliance of the proposed sign with the existing laws and regulations, and to determine the location and size of any

existing signs on the premises.

(m) Nonconforming Signs.

(1) A person may continue to maintain a nonconforming sign; provided, however, that nonconforming signs are disfavored and that on occurrence of the first of any of the following events, the person shall make the sign conform to this Section:

(A) The sign is enlarged, repainted, reworded or the message of the sign changed (except only an exempt sign, or any changeable sign or a time and temperature sign), redesigned or altered pursuant to subsection (D) below.

(B) The sign is abandoned, removed, dismantled or relocated.

(C) The sign is determined by the Director to be a hazard to life, safety, property or welfare of the public;

(D) The sign has deteriorated or is damaged and the cost of repair or restoration, including actual market cost of labor and materials, of the sign equals or exceeds 50% of the current value of the sign as determined by the Charlotte County Property Appraiser's Office or as determined by a qualified appraiser.

(E) The sign is a Primary or Secondary Class A sign which advertises or calls attention to an occupant, a business, service, product or performance or event no longer in existence or available on the premises.

(F) When there is a change in ownership of the sign or the

property on which the sign is located.

(G) Subject to the foregoing, any sign which existed and was maintained on the effective date of this Ordinance may be continued although such sign does not conform to all of the provisions of this Section; provided that all such nonconforming signs, supporting members and electric components shall be completely removed from the premises or brought into conformance with these requirements not later than January 1, 2010; provided, however, that nothing herein shall be construed as permitting the continuance of any illegal or prohibited sign.

Section 6. The former **Section 3-9-50.6** of the Code entitled "Sec. 3-9-50.6. Charlotte Harbor Community Architectural design guidelines" shall be deleted in its entirety and replaced with the following Section 3-9-50.6:

Section 3-9-50.6. Charlotte Harbor Community Architectural Design Requirements.

(a) The Charlotte Harbor Community Architectural Design Requirements (the "Design Requirements") are hereby provided for and shall regulate the design of new construction and the repair, rehabilitation or remodeling of existing structures throughout the Charlotte Harbor CRA. The Design Requirements shall be established by resolution of the Board of County Commissioners and may be amended by resolution of the Board at such times as the Board deems necessary. The Design Requirements are attached to the Zoning Code as Addendum 1 and shall apply throughout the Charlotte Harbor CRA.

(b) This section shall not be interpreted to restrict, regulate, or limit the use of

the Design Requirements outside of the Charlotte Harbor CRA.

Section 7. **Section 3-9-50.7** of the Charlotte Harbor Community Development Code entitled "Variance and Appeal" shall be deleted in its entirety and replaced with the following **Section 3-9-50.7**:

Section 3-9-50.7. Variance, appeal and enforcement.

(a) **Variance.** Upon appropriate application in writing and upon meeting the criteria for variance contained in this Section and **Section 3-9-6.1** of the Code, an applicant may obtain a variance from the terms and provisions of this Charlotte Harbor Community Development Code.

(b) **Appeal.** Any party aggrieved by a decision regarding the administration, interpretation or enforcement of this Charlotte Harbor Community Development Code may appeal such decision as a decision of the zoning official or an act of an administrative official pursuant to the applicable provisions of the Code governing such appeal or appeals.

(c) **Enforcement.** Enforcement of this Charlotte Harbor Community Development Code shall be accomplished and allowed by any means permitted under any state or local statute, law, ordinance, code, rule or regulation at law or in equity.

Section 8. Conflicts. In the event of any conflict between the provisions of this ordinance and any other Code section or portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict. Where there may be any inconsistency between this ordinance and any other code or regulation, the more restrictive provision shall apply.

Section 9. Severability. If any section, subsection, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 10. Effective Date. This ordinance shall take effect upon filing in the Office of the Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this 10 day of September, 2002.

BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA

By: Sara Devos
Sara Devos, Vice Chairman

Attest:
Barbara T. Scott, Clerk of the
Circuit Court and Ex-officio Clerk
to the Board of County Commissioners

By: Anne L. Fahlke
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: Renee Francis Lee
Renee Francis Lee, County Attorney

RFL

OR BOOK 02102 PAGE 1623

APPENDIX "A"

Access (vehicular): The principal means of vehicular ingress and egress to abutting property from a street, right-of-way or easement.

Alter or alteration: Any change in size, shape, character or use of a structure, including, but not limited to a change, rearrangement or reconstruction of the structural parts and the moving from one location or position to another. Normal maintenance, painting and repairs to existing signs shall not be deemed alterations within the meaning of this section.

Animated sign: A sign which utilizes motion of any part by any means, including wind power, or displays color changing, flashing, oscillating or intermittent lighting, electronic messages (except time and temperature), moving images, or which emits visible smoke, vapor, particles, noise or sounds. The definition of animated sign shall not include changeable copy signs with no other features of animation.

Application: An application for any subdivision, special exception, variance, development review committee approval, site plan approval, planned development rezoning, building permit, sign permit, or any other official action of the county having the effect of permitting development of property. A rezoning (except a planned development) or a future land use map amendment shall not be considered an application herein.

Area of sign: The area of any sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed including the frame around the sign, but not any supporting structure or brace. For designs consisting of individual

letters or symbols attached to or painted on a surface, building wall or window, or signs in which the letters or symbols extend beyond the frame, the area shall be considered to be that of the smallest geometric shape which encompasses all of the letters and symbols. Address numbers and their accompanying background shall not be considered in the area of a sign, provided that they are projected from, and not contained in, the primary display area of the sign, they are only address numbers and not entire addresses, and they meet the area requirements for address numbers contained in this Charlotte Harbor Community Development Code.

Awning: A covering either permanently attached to the building or which can be raised or retracted to position against the building when not in use.

Awning canopy: Awning with the long axis projecting perpendicular to the building rather than parallel and requiring posts or poles to support the end of the canopy furthest away from the building.

Banner, flag or pennant: Any cloth, plastic, paper or similar material intended for use as a sign used for advertising purposes attached to, or appended on or from, any structure, staff, pole, line or framing.

Building frontage: The length of the building which directly faces a street or, for a shopping center which exceeds one hundred thousand (100,000) square feet, an off-street parking area located on the development site. Where a business may not face a street or off-street parking area, the building frontage shall be the main face or front of the business.

Canopy roof: A free standing structure attached to or covering a building designed to provide pedestrian and vehicular protection, including, but not limited to,

canopies over gas pumps and drive-up windows.

Canopy sign: A sign painted on or attached to a canopy or awning.

Charlotte Harbor CRA: Community Redevelopment Area in Charlotte Harbor approved and adopted by the board by Resolution 92-251 on November 3, 1992, in accordance with Part III, Chapter 163, Florida Statutes.

Class A signs (on site):

(a) *Class A, primary sign (or Primary Class A sign):*

A monument sign (as defined in this section), ground sign, or pole (or pylon) sign (as defined in this section), used to convey information visually relating to or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever on or related to the premises where the sign is located. Primary Class A signs are to be utilized as the principal advertising for the parcel or lot where one or more business entities are located on the parcel or lot.

(b) *Class A, secondary sign (or Secondary Class A Sign):*

A sign (as defined in this section) other than a Class A Primary Sign which is attached to a building, and which is used to convey information visually relating to or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever on or related to the premises where the sign is located. Secondary Class A signs provide advertising for individual occupants or businesses on a parcel or lot. Secondary Class A signs are not monument signs, ground signs, or pole (or pylon) signs. Secondary Class A signs can include, but are not limited to, window or wall signs.

Class B sign (off-site): A sign (as defined in this section) used to convey information visually relating to or for the attraction of the public to any place, person, firm, corporation, public performance, article, machine or merchandise whatsoever at a location or premises other than where the sign is located or to portray any message not directly related to the premises where the sign is located.

Code: The Code of Laws and Ordinances of Charlotte County, Florida, as the same may be amended from time to time by the board.

Community identification signs: Signs which identify the Charlotte Harbor CRA or specific or separate subdivision developments within the Charlotte Harbor CRA, typically by landscaped entry features, fountains and the like.

CRAC: The Charlotte County Community Redevelopment Agency Committee, created by the board on November 3, 1992, by Resolution 92-292, to act as the advisory committee to the board while sitting as the Charlotte County Community Redevelopment Agency.

Director: Director of the community development department of the county or his/her designee, or such other person or position as may be determined by the County Administrator to be the director for purposes of this Charlotte Harbor Community Development Code.

Erect or develop: Either term may be used to mean the following: to build, construct, install, reconstruct, move on, or conduct any physical development of a premises required for a building or other structure, or to excavate, fill, drain, cut or remove trees, brush or other vegetation in preparation for erection or development.

Exempt sign: A sign that has been exempted from permit requirements or

inspection fees, but is required to comply with all other provisions of the Code or this Charlotte Harbor Community Development Code.

Facade-mounted changeable copy sign for a theater or cinema: A sign mounted on the front wall of a building in which there is theater or cinema on which the sign copy changes periodically. The sign copy shall only relate to events occurring or to occur within the theater or cinema or on the premises.

Flashing sign: A sign designed to attract attention by the inclusion of a flashing, changing, revolving or flickering light source or a change of light intensity.

Freestanding changeable copy sign: A free standing sign on which the sign copy changes periodically.

Hanging sign: A sign that hangs down from and is supported by or attached to the underside of a canopy, awning, marquee or a projection from or an extension of a structure.

Height of a sign: Height of the vertical distance measured from the average ground level or crown of the adjoining road on which the property fronts, whichever is greater, to the top of the sign, including supports and design features and embellishments, but not including any address numbers and their accompanying background projected from the top of the primary display area of the sign, provided they are limited to address numbers and they meet the height requirement for numbers contained in this Charlotte Harbor Community Development Code.

Historic building: A building that has been designated by the Charlotte County Historic Preservation Board and the board as a historic structure.

Historic district: A geographically definable area designated and possessing a

significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also be comprised of individual elements separated geographically but linked by association or history.

Identification sign: A sign that depicts the name and/or address of a building, an occupant or an establishment on the premises where the sign is located as a means of identifying said building, occupant or establishment.

Illuminated sign: A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source, including indirect lighting, neon, incandescent lights, backlighting and reflectorized signs which depend upon automobile headlights for an image.

Indirectly illuminated sign: A sign illuminated with a light directed primarily toward such sign, including back lighted signs, and so shielded that no direct rays from the light are visible elsewhere than on the lot where said illumination occurs.

Marquee: A marquee is a permanent roof-like structure attached to, supported by, and projecting from a building and providing protection from the elements.

Marquee sign: A sign attached to or painted on the face of a marquee and not projected above or beneath the marquee face.

Model residential unit flags: Flag(s) or banner(s) attracting attention to or advertising a model residential or business unit, which unit is intended to remain on the property.

Monument sign: A free standing, self-supporting sign, supported by columns and a base which is placed on or at ground level and not attached to any building wall, fence

or other structure, and in a fixed location. The definition of a monument sign and a pole sign are mutually exclusive. Not all ground signs are monument signs; however, all monument signs are ground signs. This definition does not include portable or trailer type signs.

No fill area: An area designated by CRAC as an area of special development consideration as illustrated by the "No Fill" area map as attached to Ordinance 96-011, which map is on file and available for inspection in the county zoning department, and which is by this reference made a part hereof.

Nonconforming sign: Any sign which complied with the provisions of section 3-9-95 of the Code, or its predecessor, when first permitted and which was properly permitted under all applicable county, state, or federal regulations, but due to subsequent adoption of this Charlotte Harbor Community Development Code, no longer complies with the Code, is deemed a nonconforming sign.

Nonilluminated sign: A sign which has no source of illumination, either directly or indirectly.

Pole (or pylon) sign: A sign supported by at least 1 upright pole, pylon or post which is secured to the ground and the bottom of the sign face is at least 6 feet above the finished grade level, excluding Class B signs. The definitions of pole sign and monument sign are mutually exclusive.

Political or campaign sign: A sign related to a candidate for public office or measure on an election ballot that meets all requirements of section 3-9-95 of the Code.

Portable illuminated sign: A sign which is manifestly designed to be transported, as a trailer is transported, on its own wheels although the wheels of such signs may be

removed and the remaining chassis may be attached permanently to the ground with electrical wiring and illumination as an integral part of total construction, and with potential electrical connection to power on the site to which it is transported. It is the characteristic of a portable illuminated sign that it is a changeable copy sign.

Portable sign: A sign which has no permanent attachment and by its design and use is not intended to be permanently attached to a building or the ground, including, but not limited to, A-frame signs, pole attachments, searchlights, and stands.

Prohibited sign: Any sign which is not permitted.

Projecting sign: A sign attached to a building or other structure and extending more than twelve (12) inches beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached.

Real estate sign: A sign that advertises the sale, rental or development of the premises upon which it is located.

Revolving or whirling sign: A sign that revolves or turns by means of an external source of power, other than wind.

Rider: A small supplemental sign affixed to a real estate sign which conveys a message such as "Sale Pending", name of agent, and the like.

Roof sign: A sign erected, constructed and maintained wholly upon the roof or above the roof or roof line of any building.

Serial sign: Any use of a series of two (2) or more signs placed in a line generally parallel to the road or in a similar fashion, and displaying words or a message, part of which is contained on each sign.

Sign: Any letter, figure, character, mark, plane, point, marquee sign, design,

poster, pictorial, picture, stroke, logo, symbol, device, stripe, line, trademark, reading matter or illuminated service, which is so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that it is used to convey information visually or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, which is displayed in any manner whatsoever, exposed to public view, whether or not legible. For the purposes of the Charlotte Harbor Community Development Code, the term "sign" shall include all structural members.

The following, however, shall not be considered "signs" within the context of the Charlotte Harbor Community Development Code:

- (a) Legal notices, traffic, or informational signs or devices erected or required by federal, state or local government;
- (b) Standard gasoline pumps bearing thereon in usual size and form the name, type and price of gasoline;
- (c) Integral decorative or architectural feature of buildings; however, letters, registered trade or service or copyright marks, moving parts, and parts internally illuminated or decorated with gaseous tube or other lights shall be considered signs, notwithstanding that they are an integral part of the building.

Snipe sign: Any sign generally of a temporary nature, made of any material when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences or other objects when advertising matter appearing thereon is not applicable to the present use of the premises upon which the sign is located.

Street frontage: That portion of the principal structure that directly faces a street.

Temporary signs: Any sign that is intended to remain on a property for a period not to exceed a total of 30 calendar days.

Time and temperature sign: A sign conveying a lighted message of time, temperature, tide change, barometric pressure or similar information by means of electrical impulse at changing intervals of not less than four seconds in duration. Information displayed for four seconds or greater shall not be deemed a flashing sign.

Trespassing or caution sign: A sign intended to warn off trespassers or to point out a hazard on the premises upon which the sign is located.

Wall sign: A sign that is painted on, incorporated into, or affixed parallel to any wall of a building or other structure and with the furthest limit of the exterior face not projecting more than 12 inches from the building or structure.

Wind sign: Any sign or display, including but not limited to flags, banners, balloons, streamers and rotating devices, fastened in such a manner so as to move upon being subjected to air movement, whether natural or induced.

Window sign: A sign painted or placed on the inside or outside of a window that is visible from the exterior of the building.

Economic Impact Statement
For
Charlotte Harbor Community Redevelopment Agency Development Codes

Purpose

The ordinance amends the Charlotte Harbor Community Development Code to incorporate a sign ordinance and that provides for technical revisions that correct, clarify, expand and update provisions of the Community Code concerning its intent, applicability, boundaries, zoning designations, definitions and development review procedure.

The purpose is to establish new sign standards for the Charlotte Harbor CRA, which will promote safety, protect and preserve the aesthetic and visual environment, character, and quality of the Charlotte Harbor CRA. Further, this section will maintain the value of property in the Charlotte Harbor CRA, create a more attractive economic and business climate, reduce urban and visual clutter, and eliminate nuisance forms of advertising by ensuring that signs are compatible with surrounding land uses and, will not, by their size, location, construction or manner of display, endanger the public safety of individuals, confuse or mislead, or obstruct the vision necessary for traffic safety in the Charlotte Harbor CRA.

Impact

The impact of this ordinance will be positive for the overall character of the Charlotte Harbor CRA. The adoption of the ordinance will provide a uniform height standard for all primary class A signs, provide an incentive to construct class A monument signs, limit the maximum square footage for both primary and secondary class A signs, and further clarify allowable signage in the Charlotte Harbor CRA. Further, the ordinance will render existing signs that do not meet the new criteria as non-conforming. As a result, the non-conforming signs would decrease in number through attrition, as age and disuse become a factor.

Cost of Implementation

Because the ordinance utilizes existing processes and staff resources, there are no additional anticipated costs of implementation to the County. There may, however, be hidden costs associated with the ordinance if it becomes necessary to utilize code enforcement processes to remove non-conforming signs that have fallen into disuse or disrepair and are not removed by their owners. This cost cannot be accurately quantified. Costs to the private sector are also related to the downsizing in the "scale" of signs allowed. The reduction of sign height and total square footage may necessitate some minor changes in design, but should not create a negative economic impact. On the contrary, improved design standards throughout the boundaries of the CRA will add value to each property.

Source of Funds/Ultimate Burden of Costs

For Charlotte County, sources of funds to implement this ordinance include development review fees and the public safety unit general fund. Other potential, as-yet untapped sources of revenue may include additional development review fees or assessments specific to the CRA levied to help pay for implementation, should it be determined that reliance on existing processes and procedures is not proving satisfactory to either the developers or the community at large. It may be reasonably argued that, since there are no specific revenues associated with this

resolution, the ultimate burden of the costs are currently borne by both the general fund and the development community at large which are the two main sources of revenue for the department which oversees this code.

Effect on Competition and the Employment Market

The proposed ordinance should create competition among sign businesses for sign replacement within the CRA. The proposed ordinance should also increase the values of existing businesses and property owners who replace non-conforming signs with new signs.

As this ordinance applies equally to public and private owners, there should be no favoritism for competing businesses. No significant adverse effects on the local employment should result from the adoption of this ordinance. It is anticipated that full implementation of these standards will ultimately increase property values within the Charlotte Harbor CRA by making it a more attractive and desirable place to live. If the desired affects are realized, the establishment and enforcement of the proposed sign standards should have a positive near-term effect on employment through increased construction and, over the long term, through the overall improvement of the area, which will help prevent the departure of businesses from the area.

Benefits of Implementation

Adoption and implementation of the ordinance will benefit developers within the Charlotte Harbor CRA by maintaining the value of property in the Charlotte Harbor CRA, creating a more attractive economic and business climate, reducing urban and visual clutter, and eliminating nuisance forms of advertising by ensuring that signs are compatible with surrounding land uses and, will not, by their size, location, construction or manner of display, endanger the public safety of individuals, confuse or mislead, or obstruct the vision necessary for traffic safety in the Charlotte Harbor CRA. Over time, the Charlotte Harbor area will become a more attractive and distinctive community, which will benefit not only property owners within the CRA but the County as a whole through increased property values and a more vibrant economy. Implementation of the proposed ordinance will halt the ongoing proliferation of large out-of-scale and bright, distractive class A signs within the CRA. Further, sign clutter will be decreased over time as the above-referenced signs are rendered non-conforming by the proposed ordinance, and the signs are removed.