

**STAFF REPORT**  
**Community Development Department**  
**Petition Number: VAR-15-002**

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**To:** The Charlotte County Board of Zoning Appeals

**From:** Shaun Cullinan, Planning and Zoning Official

**Prepared By:** Ken Quillen, AICP, Planner III

**Report Date:** June 3, 2015

**BZA meeting date:** June 10, 2015

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**Requested Action/General Information:**

Duane Needham, agent for Tile & Carpet World, is requesting a variance to increase the maximum area permitted for wall signs, from 50 to 72 square feet, to allow an additional wall sign. This property is located at **4820 Tamiami Trail** in Charlotte Harbor (see **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is *Mixed Use* (MU). This property has a *Charlotte Harbor Mixed Use*, Future Land Use Map (FLUM) designation.

Section **3-9-50.4** (**Exhibit A**) of the Zoning Code regulates the number, size and location of signs in the Charlotte Harbor CRA. Wall signs are a type of Class "A" Secondary Sign, which are permitted; however, the area of all wall signs is limited to 50 square feet in area as stated on pages six and seven of **Exhibit A**.

The applicant would like to erect a new wall sign on the north wall of his building advertising the "*Carpet One*" brand of products. The applicant has submitted the attached **Narrative** (**Exhibit B**), **Proposed Sign** (**Exhibit C-1**) graphic and a photo showing the proposed **Sign Location** (**Exhibit C-2**). The proposed new wall sign for "*Carpet One*" is 20.25 square feet in area. The **Existing Wall Signs** (**Exhibit D**) on the front (west) side of the building total 51.45 square feet. The total area of wall signs proposed equals 71.70 square feet. As such, the applicant has submitted this application for a variance to increase the area allowed for Class "A" Secondary Signs from 50 to 72 square feet.

The sign regulations of the Charlotte Harbor CRA Code, section **3-9-50.4(g) Table 1** (**Exhibits A-6 and A-7**), allows one square foot of signage for each linear foot of building frontage up to a maximum of 50 square feet. This commercial building has 78 lineal feet of frontage along Tamiami Trail. For comparison, the Charlotte County Sign Code (**Sub-section 1.1.4.B.1. of section 3-9-95 – Signs** **Exhibit G-3**) allows three square feet of signage for each linear foot of building frontage.

The Charlotte Harbor Community Redevelopment Agency Advisory Committee met on May 4, 2015, and recommended that the requested variance be approved. The Advisory Committee's actions are summarized in the attached **Memorandum** (**Exhibit E**). The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (**Exhibit F**) dated May 21, 2015.

**Sub-section 1.1.7. of section 3-9-95. Signs, (Exhibit G)** states that: "Variances may be granted by the Board of Zoning Appeals to exceed the size and height limitations or to exceed the number of signs permitted within this article, provided that all of the following conditions are found to exist:"

**Findings: The three standards for approval of a sign variance according to sub-section 3-9-95.1.1.7. (Exhibit G-7) of the Charlotte County Zoning Code are as follows:**

A. That the characteristics unique to the parcel of land on which the sign(s) are to be located would render the visibility of the sign on that parcel significantly less than that enjoyed by similarly situated parcels.

Finding: The proposed new wall sign is 20.25 square feet in area and will be located on the north building wall facing the parking lot. This sign's location will not be visible to north-bound traffic on Tamiami Trail and will have limited visibility to south-bound traffic due to its small size, the distance from south-bound lands, and existing landscaping located in the boulevard of Tamiami Trail. This sign is primarily intended for customers in the parking lot of this flooring business.

B. That the request would not create a visibility hazard to adjoining parcels or the traveling public.

Finding: The proposed wall sign does not create a visibility hazard to adjoining parcels or the traveling public because it will be mounted on the north wall of the building and will not project more than 12 inches from the wall.

C. The height of the sign(s) would not exceed 40 feet.

Finding: The proposed wall sign will not exceed 20 feet in height.

## **ANALYSIS AND CONCLUSIONS:**

After review of the site and the application requesting a variance, to allow 72 square feet of wall signs (Class "A" Secondary Signs), staff believes that the requested variance does meet all three criteria for granting a variance.

If the Board of Zoning Appeals decides to approve the requested variance staff recommends the following conditions be adopted, as conditions of approval, to ensure that signage is in compliance with the purpose and intent of the Zoning Code. The recommended condition(s) are as follows:

1. The variance, as approved by the Board of Zoning Appeals, is to allow up to 72 square feet of wall signs or Class "A" Secondary Signs as proposed in the application.
2. The new 20.25 square foot sign proposed in the application must be located on the north building wall facing the parking lot.

**Please be advised that the final decision regarding the petition rests with the Board of Zoning Appeals, and will be decided upon consideration of all the evidence introduced at the hearing.**

Attachments: Staff Report (3), Location Map, Zoning Map, Aerial Photo, Section 3-9-50.4 (9), Narrative, Proposed Sign, Sign Location Photo, Existing Wall Signs, Charlotte Harbor Community Redevelopment Agency Advisory Committee Recommendation, Environmental Specialist Memorandum, and Section 3-9-95 (9)



Community Development

# CHARLOTTE COUNTY

## Location Map for VAR-15-002



### 36/40/22 Mid-County

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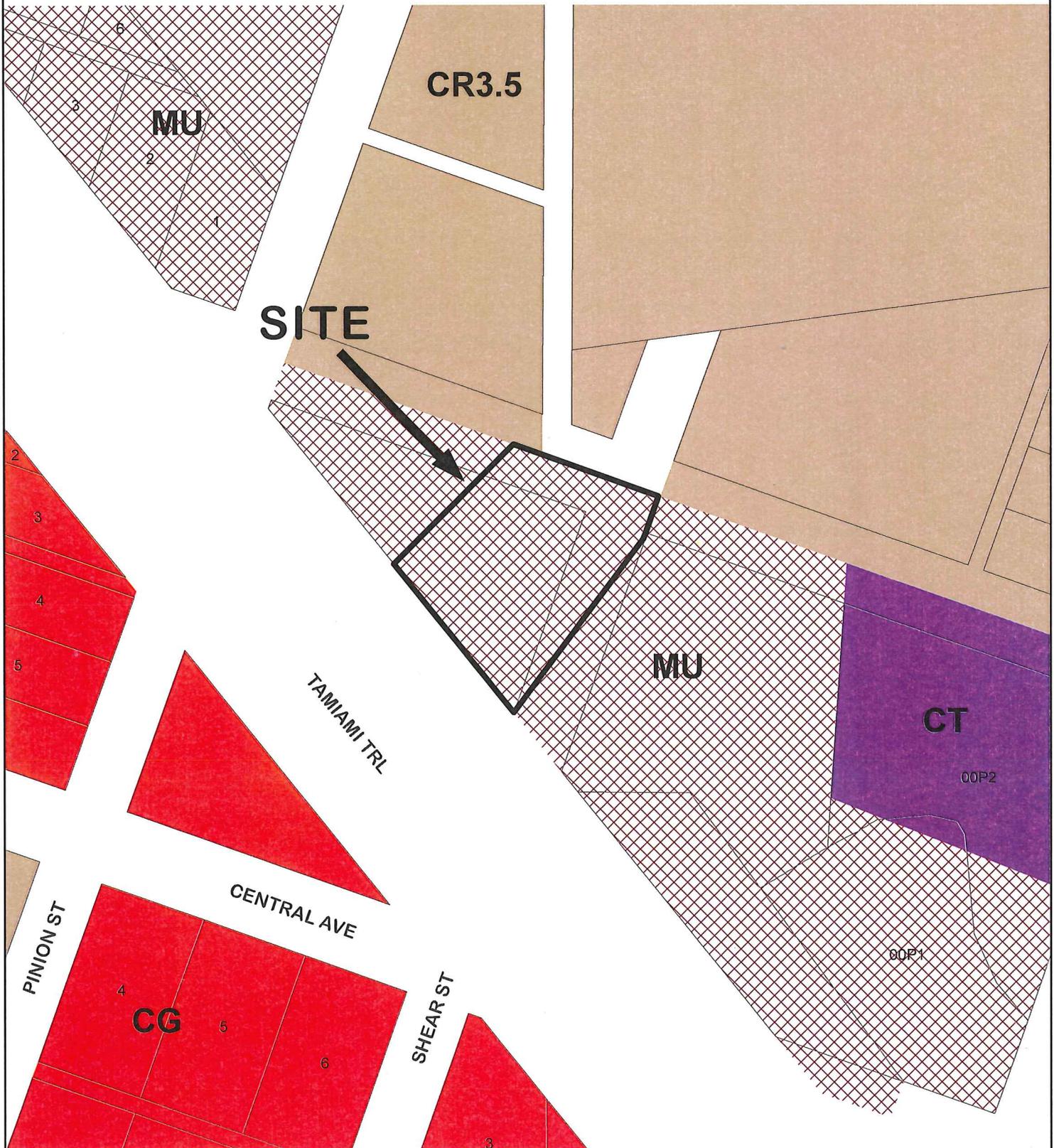




Community Development

# CHARLOTTE COUNTY

## Zoning Map for VAR-15-002



36/40/22 Mid-County

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Community Development

# CHARLOTTE COUNTY

## 2014 Aerial View for VAR-15-002

Charlotte County Government

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NOT TO SCALE

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**Sec. 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 (1) 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 section 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 (1) 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 (1) 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 directing the attention of drivers to the movement of vehicles from traffic movement on streets, roads, or highways.

**Section 3-9-50.4**  
**( Exhibit A-1 )**

- (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 thirty (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 two (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 thirty (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 (1) professional nameplate for each person or entity located at a site, not exceeding two (2) square feet in area.
  - (2) One (1) identification sign which may also include changeable copy for educational, charitable, religious or other similar instructional uses not exceeding twelve (12) square feet each, not more than six (6) feet high in a residential zoning district.
  - (3) One (1) sign advertising daily or weekly specials, not exceeding four (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 (1) occupational sign not exceeding two (2) square feet in area listing the name, location and business of an occupant within a building.
  - (7) One (1) identification sign at the entrance to residences, estates, ranches and like uses, which does not exceed four (4) square feet in area.
  - (8)

**Section 3-9-50.4**  
**( Exhibit A-2 )**

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 four (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 twelve (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 (1) sign, not exceeding twenty-four (24) square feet in area, advertising a model residential unit located on the same parcel as the model and located a minimum of ten (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 thirty-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 (1) 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 eight (8) square feet in area, and are not located in a right-of-way.
  - (17) Community identification signs not exceeding one hundred (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 (1) or two (2) 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 four (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 thirty (30) days within any six-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 twenty-four (24) hours and shall be

**Section 3-9-50.4**  
**( Exhibit A-3 )**

- (ii) A maximum of two (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 twenty-four (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 four (4) flags or banners on the property of a model residential unit and that the flags remain only for the first thirty (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 (1) 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 four (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 (1) week after a certificate of occupancy is issued or, for repairs, remodeling or additions, one (1) 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 (1) sign not exceeding twenty-four (24) square feet shall be allowed for a period not to exceed six (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 (1) sign shall be allowed per street frontage, not exceeding forty (40) square feet and not exceeding a time period of six (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 (1) sign not exceeding four (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 (1) additional sign of four (4) square feet facing the body of water on which the property abuts.
    - (ii) One (1) sign not exceeding twenty (20) square feet in area shall be allowed per parcel or lot of property zoned or used as a nonresidential use of five (5) acres or larger in area. The foregoing shall not apply to individual, nonresidential units.
    - (iii) One (1) sign not exceeding ten (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 (5) acres in area.
    - (iv) All signs shall be removed no later than one (1) 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 two (2) per fifty-foot of road frontage, and the number of flags shall not exceed eight (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 fourteen (14) days. In the event flags are erected on a site for less than fourteen (14) days, the remaining days shall be forfeited and cannot be applied to a second event. The fourteen-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 site may not erect banners or pennants more

14) consecutive days. A time limit restrictions

**Section 3-9-50.4**  
**( Exhibit A-4 )**

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 three (3) signs, not exceeding four (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 six (6) off-site directional signs, not exceeding two (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 eight (8) feet above a sidewalk or walkway and eighteen (18) feet above any alley or driveway; and
    - (C) Any lettering larger than three (3) inches in height or symbols exceeding four (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 eight (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 ten (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 eight (8) square feet per auditorium or screen with multiple auditoriums or screens to a building maximum of seventy-five (75) square feet per building;
      - (ii) The sign box or sign face shall be set back a minimum of fifty (50) feet from the road right-of-way if parking for the building is allowed in the front, or set back a minimum twenty-five (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 six (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;
      - (vii) The signage shall otherwise comply with the :

**Section 3-9-50.4**  
**( Exhibit A-5 )**

- (C) A freestanding changeable copy sign is permitted only if incorporated in an otherwise permitted primary class A monument sign, except as provided below:
  - (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 six (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 three (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 eight (8) feet above a sidewalk or walkway and eighteen (18) feet above an alley or driveway; and
- (D) A projecting sign shall project from the wall and be at a ninety-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 eight (8) feet above a sidewalk or walkway and eighteen (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 (20) percent 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 (1) 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:

Table 1

Zoning District	Maximum square footage for a primary class "A" sign*	Maximum square footage per secondary class "A" sign**
Environmentally sensitive	25	8

**Section 3-9-50.4  
( Exhibit A-6 )**

Coastal residential	25	<u>8</u>
Residential multifamily	25	<u>8</u>
Neighborhood business residential	50	15
Commercial general	75	50
Commercial intensive	75	50
Commercial tourist	75	50
Mixed use	75	50
Planned development	75	50
Industrial light	75	50

\* 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 thirty (30) percent 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 ninety-eight (98) square feet.

**\*\* Secondary class A (on-premises) signs shall be allowed one (1) square foot of surface area of signage for each linear foot of building frontage of the business up to a maximum of fifty (50) 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 seventy-five (75) square feet.
    - (ii) There shall be no more than one (1) 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 (1) primary class A sign for any one (1) building, regardless of the number of parcels or lots on which the building is located, except as provided in subsection 3-9-50.4(b)(8).
  - (B) *Secondary class A signs.*
    - (i) An individual nonresidential occupant located within a multiple-occupancy structure of two (2) 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 six (6) inches 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 three (3) square feet in area comprised of the following dimensions: a maximum of one (1) foot high by a maximum of three (3) feet wide, or a maximum of three (3) feet high by a maximum of one (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 of a sign shall not be used in calculating the height of the sign display area.

**Section 3-9-50.4  
( Exhibit A-7 )**

(h) *Location, height and setbacks.*

- (1) A sign shall have a minimum clearance of eight (8) feet above a sidewalk or other walkway and eighteen (18) feet clearance above an alley, driveway, or public or private roadway.
- (2) Unless otherwise specified in this section, any primary class A sign that is a pole or pylon sign shall be fifteen (15) feet in height, except in environmentally sensitive and residential zoning districts, in which case the sign shall not exceed ten (10) feet 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 ten (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 awing or canopy. Any and all damaged plastic faces of an existing legally nonconforming sign may be replaced without the entire sign having to come into compliance with the existing regulations. If the entire sign has sustained damage greater than fifty (50) percent of replacement value said sign must comply with existing regulations. 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 or 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 thirty (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.

(l) *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 uti drawings and specifications for construction of the sign,

**Section 3-9-50.4  
( Exhibit A-8 )**

on the  
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 fifty (50) percent 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 Ordinance No. 2002-040 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, 2012; provided, however, that nothing herein shall be construed as permitting the continuance of any illegal or prohibited sign.

*(Ord. No. 96-011, § 1, 2-20-96; Ord. No. 2002-040, § 5, 9-10-02; Ord. No. 2006-076, §§ 1—4, 8-15-06)*

**Section 3-9-50.4**  
**( Exhibit A-9 )**



Tile and Carpet World  
4820 Tamiami Trail  
Port Charlotte, FL 33980

To whom it may concern,

My name is Duane Needham; I am the owner of Tile and Carpet World, Inc. located at 4820 Tamiami Trail in Port Charlotte for over 20 years. I recently became part of Carpet One Floor & Home buying group. They are the largest buying group in the nation for floor covering products in my industry. They are requiring me to carry the "Carpet One" Floor & Home signage on my building. It is a well-recognized name with over 1000 locations in the United States and 2000 smaller groups across the US.

I would like to add the small <sup>108"</sup>27" x <sup>96"</sup>96" sign to the side of my building that faces the parking lot to meet their requirements. I am asking the board to please consider giving me a variance on this to better my future and the future of Charlotte County. The Carpet One logo shows strength in my professional field and strength in this community. Carpet One is a large company who requires me to meet their standards and requirements like other large franchises. Instead of changing all my signage on the front which would not only cost a lot of money, but would also take away from all the other products we need to advertise to inform our customers of the products we offer. I am requesting to put this <sup>108"</sup>27" x <sup>96"</sup>96" sign on the parking lot side of our building. SEE PHOTO. Carpet One is allowing us to downsize the size of the sign due to our unique situation.

Thank you for considering this variance as it would greatly benefit my business, my customers and our community.

Respectfully,

Duane Needham

Owner

Dec 31, 2014

**Narrative**  
**( Exhibit B )**



**CARPET ONE**

**FLOOR  
& HOME**

**Proposed sign is:**

**2.25' (27") by 9.0' (108") = 20.25 square feet in area**

**North wall of building is 100' by 20' = 200 square feet in area**

**Proposed Sign  
( Exhibit C-1 )**



**Proposed sign is:**

**2.25' (27") by 9.0' (108") = 20.25 square feet in area**

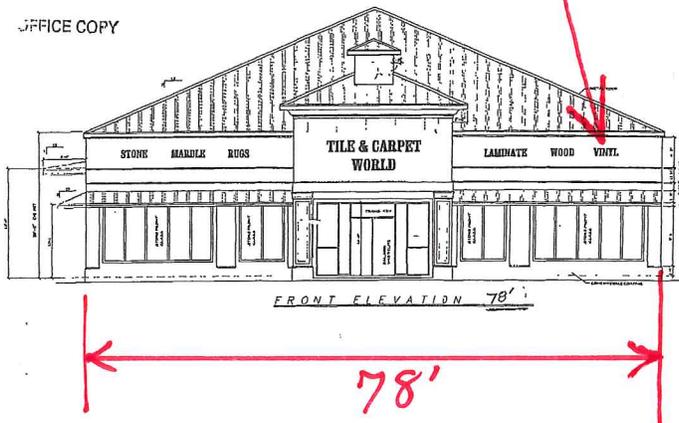
**North wall of building is 100' by 20' = 200 square feet in area**

**Sign Location  
( Exhibit C-2 )**

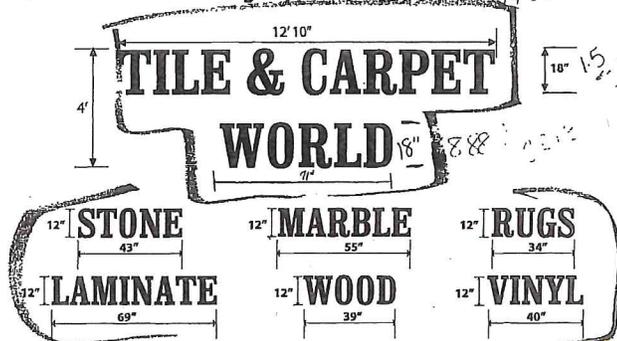
# GRANITE

19.25 Sq. ft. + 8.88 sq. ft. = 28.13 sq. ft.

OFFICE COPY



### Sign Specifications



- TILE & CARPET WORLD 3.58 sq. ft.
- 4.58 sq. ft.
- LAMINATE WOOD RUGS 2.83 sq. ft.
- STONE MARBLE VINYL 5.75 sq. ft.
- 3.25 sq. ft.

### Installation Specifications

Location for install = Front Elevation  
 Wall surface = Flat wall/Stucco (seal all wall penet  
 Mounting hardware = Construction Grade Adhesi  
 Electric = Not Applicable

+ 3.33 sq. ft. = 23.32 sq. ft.

+ 28.13 sq. ft. = 51.45 sq. ft.

Pad Mount

Letters adhere to surface with construction grade adhesive to withstand 130 mph windload

CRAIAC Reviewed  
 Date 8-8-2007  
 [Signature] Approved



ANY STRUCTURE OR APPURTENANCE LOCATED  
 ON ANY EASEMENT SHALL REQUIRE APPROVAL  
 IN ACCORDANCE WITH THE DEED RESTRICTIONS FILED BY  
 THE PLATTEE COUNTY ENGINEER, 450 DEPT

19800 VETERANS BLVD.  
 PORT CHARLOTTE, FL 33954  
 941-743-SIGN (7446)

Date:  
 May 14, 2007

Customer:  
 Tile & Carpet World  
 Dwayne  
 625-9825

Location:  
 4820 Tamiami Trail  
 Port Charlotte, FL

IT IS A LEGAL OBLIGATION BY  
 THE OWNER AND/OR BUILDER ON THIS  
 PROPERTY TO COMPLY WITH THE DEED  
 RESTRICTIONS FILED OF RECORD

2007052841

Reviewed for Code  
 Compliance

Ryan Bredfeldt

AUG 09 2007  
 address H/Wall/  
 Non-Wall/CF/30K  
 1106 + Carpet  
 World

OFFICE COPY

## Existing Wall Signs ( Exhibit D )



# Charlotte County Government

*"To exceed expectations in the delivery of public services."*

www.CharlotteCountyFL.com

## MEMORANDUM

**Date:** May 4, 2015  
**To:** Board of Zoning Appeals  
**From:** Shaun Cullinan, Zoning Official  
**Subject:** Charlotte Harbor Community Redevelopment Agency Advisory Committee (CHCRAAC) recommendation for a variance at 4820 Tamiami Trail

---

Dear BZA Members,

At their regularly scheduled meeting on Monday, May 4, 2015, the Charlotte Harbor Community Redevelopment Agency Advisory Committee (CHCRAAC) met and took the following action regarding an application by Duane Needham, agent for Tile & Carpet World, requesting a variance to allow additional wall signs in the Charlotte Harbor Mixed Use zoning district.

A motion was presented by Michael Haymans and seconded by Garland Wilson that the application to the Board of Zoning Appeals (file number VAR-15-002) requesting a variance to increase the maximum area permitted for wall signs, from 50 to 72 square feet, to allow an additional wall sign, be APPROVED based on the application submitted on December 24, 2014, and the evidence and discussion presented at the meeting.

**Motion was approved with a unanimous vote of 6-0.**

cc: File: VAR-15-002

**( Exhibit E )**

**Community Development Department – Zoning Division**

18400 Murdock Circle, Port Charlotte, FL 33948-1068

Phone: 941.743.1964 | Fax: 941.743.1598



## MEMORANDUM

**Date:** May 21, 2015  
**To:** Ken Quillen, Planner III  
**From:** Jamie Scudera, Environmental Specialist  
**Subject:** VAR-15-002, Tile & Carpet World, 4820 Tamiami Trail

The Zoning Environmental Review Section has conducted a cursory review (additional wildlife or environmental reviews may be required by state or federal agencies) of the above referenced petition for compliance with Environmental, Tree and Landscaping codes or ordinances and offers the following comments:

- ❖ The site consists of an existing commercial business located on US 41.

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review (if required) and the issuance of any county permit or land improvement activities:

- ❖ As this proposal moves forward, the Environmental Review Section has no issues which need to be addressed.

If there are any questions pertaining to this review please feel free to contact me at (941) 743-1290.

JS

**( Exhibit F )**

**Sec. 3-9-95. - Signs.**1.1.1. *Purpose.*

The purpose of this article is to permit such signs that will not, by their reason, size, location, construction or manner of display, endanger the public safety by distracting, confusing, misleading or obstructing the vision necessary for pedestrian or vehicular traffic safety, or detract from the community appearance as part of the county's concerted effort to enhance the aesthetic qualities of the county.

1.1.2. *Definitions.*

- A. *Additional signs or signage* means signs that are not permanently attached to the ground, a building or other structure. Such signs are temporary in nature in so much as they do not require an individual sign permit, and may be removed easily in the event of an approaching tropical storm or hurricane. Generally, these signs include, but are not limited to, banners, pennants, streamers, wind powered signs, window signs, wind socks, flags and yard signs.
- B. *Building frontage* means the length of the building that directly faces a right-of-way, as measured by the distance between the outermost points of the building parallel to the right-of-way.
- C. *Nonconforming sign* means any sign lawfully in existence on the effective date of the ordinance from which the particular provisions of this article rendering that sign no longer in conformity with this article is derived.
- D. *Primary sign* means any permanent freestanding or building signage, which, due to its nature or design, requires a building permit in order to ensure conformity with applicable building codes. Examples include signs that require the laying of a foundation, signs which are electrified, and signs which must meet applicable wind-load requirements.
- E. *Right-of-way* means any legal public vehicular throughway, such as a street or internal road intended to be used by the traveling public twenty-four (24) hours a day. For purposes of this article, the definition does not include alleys, limited access easements, loading zones, or unimproved rights-of-way.
- F. *Sign* means any outdoor advertising display comprehensible from a right-of-way using letters, words, figures, symbols, pictures, designs or a combination thereof to advertise, attract attention, indicate direction, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
- G. *Sign allocation* means the total amount of square footage available for any unit of land, encompassing both the primary and additional signage permissible for nonresidential properties.
- H. *Sight triangle* means an area formed by the edge of the pavement of intersecting roads or driveway cuts, or both, as extended and a straight line connecting points of such lines at a distance of forty (40) feet from the point of intersection. Such connecting lines will extend to the curb lines, from which point there can be no obstruction to vision between the heights of three and eight feet.
- I. *Street frontage* means the length of the unit that directly faces a right-of-way.
- J. *Unit* means any subdivided or otherwise legally created and definable tract of land, including individual storefront units in nonresidential multitenant structures, which is able to be legally developed in conformity with the provisions of this Code.
- K. *Vehicle signs* means any sign that is attached, painted, or placed onto or inside a parked vehicle that is used for advertising.
- L. *Window sign* means any sign attached to or visible through any window.
- M. *Yard sign* means any freestanding sign placed along a property frontage.

1.1.3. *General provisions.*

The following regulations apply to all signs authorized under this article:

- A. *Florida building code.* The adopted county building code shall control the construction, inspection, maintenance, and removal of signs. Prior to the erection of any sign the building department of the county should be consulted to determine if a building permit shall be required.
- B. *Signs on public property.*
  - 1. No private sign shall be erected, altered or maintained over or upon any publicly owned property or right-of-way without the express permission of the person who owns such property. Such permission shall be the county administrator or designee.

**Section 3-9-95 Signs  
( Exhibit G-1 )**

2. Any sign placed on public property or upon any public right-of-way must conform to the requirements of this article.
  3. Violators of paragraph 1. of this subsection shall be guilty of a misdemeanor of the second degree punishable by a fine not to exceed five hundred dollars (\$500.00) per violation or term of sixty (60) days imprisonment per violation, or both. A second conviction may result in penalties of one thousand dollars (\$1,000.00) per violation or up to one (1) year imprisonment, or both.
  4. Existence of unauthorized signage on public property shall not alone be sufficient evidence of a violation of paragraph 1. for the criminal penalties of paragraph 3. to attach without an eyewitness to the placement of the unauthorized signage.
  5. The county may remove any such sign, which shall then be held for a minimum period of five (5) days. At any time during the five-day holding period the owner of the sign may reclaim the sign after having paid a removal and storage fee of twenty dollars (\$20.00). Signs not reclaimed by the owner during this period shall be discarded.
- C. *Sign permit required.*
1. A sign permit is required prior to erection, construction, installation or alteration of any primary sign.
  2. An annual permit shall be required for all additional signs.
  3. Normal maintenance, as defined by the adopted county building code, of existing permitted signs such as painting, or repairs to existing signs which do not alter the size or height of the sign shall not require a permit or inspection. Removal and reinstallation of a sign face shall not be considered normal maintenance, and a sign permit shall be required.
- D. *Other provisions.*
1. No sign of any type or classification, including exempt signs, shall be erected, altered or maintained in such location or position as to present any unfinished side toward adjacent property.
  2. Other than primary building signs, no sign shall have a total height at any point greater than twenty (20) feet above the crown of the adjoining right-of-way on which the parcel fronts. Where the parcel abuts more than one (1) right-of-way, the highest shall control.
  3. All nonprimary signs must be removed or otherwise prevented from becoming a potential projectile in the event that a tropical storm or hurricane warning has been issued in the county.
  4. Individual handheld signs are permitted, provided it is done only on private property or, if on a public right-of-way, either on or beyond, when viewed from the road, designated pedestrian sidewalks and pathways.
  5. All signs, except for vacant lots as provided for in this article, are considered accessory structures to a principle use and structure.
  6. All signs must be maintained in good repair, acceptable appearance and substantially similar to their original condition.
- E. *Sign area calculation.*
1. The sign area shall be calculated as the area within the smallest regular geometric shape or combination of shapes which encompasses all the display elements (letters, numbers, figures, characters, corporate logos, etc.) of the sign, including blank areas between display elements. The area of the sign shall include all changing copy features such as letterboards or light boards.
  2. Murals and other artwork will not be calculated towards allowable sign area to the extent it does not contain text, registered corporate logos, or other symbols that advertise the particular use, business, product or service rendered on the premises.
  3. For irregularly shaped signs, the sign area shall be calculated as eighty (80) percent of the area within the smallest regular geometric shape or combination of shapes which encompasses all the display elements (letters, numbers, figures, characters, corporate logos, etc.) of the sign, including blank areas between display elements, but not including structural elements.
  4. In the case of two-sided or multisided signs with the same face on each side, only one (1) face shall count toward the total aggregate area so long as:
    - a. With respect to multisided signs the angle of separation from the connection point cannot exceed ninety (90) degrees.

**Section 3-9-95 Signs  
( Exhibit G-2 )**

- 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.

1.1.4. *Nonresidential signage.*

A. *General provisions.*

1. Any unit containing a legal nonresidential use is entitled to a sign allocation as provided in this article. Such allocation may be divided by the unit's owner between primary and additional signage in any manner they see fit. However, in no case shall the signage of a unit exceed its allocation.
2. In the event that one (1) or more contiguous units are engaged in a single commercial enterprise, the individual units will be treated as a single unified unit under the terms of this article. For the purposes of this article, separate commercial enterprises are those which maintain separate financial records, capital, property, and personnel.
3. No illuminated sign may exceed ten (10) candlepower per square foot, as measured ten (10) feet from the sign, and must shield lights from direct view.
4. Each unit is permitted one freestanding primary sign per right-of-way frontage not to exceed one hundred fifty (150) square feet. Where the size and shape of the unit would permit additional freestanding primary signs along other right-of-way frontages, such signs may not be located within one hundred (100) feet of another on the same unit.
5. Additional primary signs, utilized for directional and wayfinding purposes only, such as "drive-thru" signs, are permissible, provided they do not exceed four (4) square feet.
6. Except for directional signs, all freestanding primary signs are required to display the street number of the unit, with the numbers being not less than eight (8) inches in height.
7. There are no setback requirements for signs, provided no portion of any sign shall extend beyond a private property line or into a sight triangle.
8. Each unit is permitted an unlimited number of primary building signs within the unit's sign allocation, provided that no individual building sign may exceed three hundred (300) square feet.
9. Primary building signs shall not be located above the upper line of the parapet or the peak of the pitched roof. For purposes of this article, height shall be measured on a vertical line from the sign to the parapet or peak from each point along the top of the sign. Roof ornaments (such as domes, cupolas, steeples, and roof decks and rails) shall not be used in the calculation of sign heights.
10. No portion of any sign over a walkway or driveway, including frames or supporting structures, shall be less than eight (8) feet above the surface of such walkway or driveway.
11. No single item of additional signage, excluding window signage, may exceed thirty-two (32) square feet.
12. Primary signs may have either digital or mechanical changeable copy, provided the message is not animated and that the message remains static for a minimum of fifteen (15) seconds between cycles.
13. Vacant units are limited to three additional signs, provided their aggregate square footage does not exceed thirty-two (32) square feet.
14. In multitenant commercial properties each individual storefront unit shall be treated similar to any unit as defined herein, provided that multitenant parcels shall not be entitled to more than one (1) freestanding primary sign per right-of-way.

B. *Calculation of sign allocation.*

1. Each unit is entitled to an allocation of signage based on the greater of the unit's right-of-way or building frontage, calculated at a rate of three (3) square feet per linear foot of frontage.
2. Each unit shall be entitled to a minimum of two hundred (200) square feet of signage and no unit may exceed seven hundred fifty (750) square feet of signage.
3. For multitenant structures, each individual unit as defined herein is entitled to its own allocation separate and apart from any allocation for commonly owned property.

C. *Noncommercial messages permitted in substitution.*

1. No sign shall be subject to any limitation based upon the content of the message contained on such sign or displayed on such sign structure.
- 2.

**Section 3-9-95 Signs  
( Exhibit G-3 )**

Whenever this article permits the erection of signs for commercial purposes or for the identification of the property on which the sign is located, the sign owner may substitute a noncommercial message in lieu of the message otherwise permitted.

3. The right to substitute the noncommercial message does not waive any other requirement imposed by the county as to number, size, construction, location, lighting, obscenity, safety or any other regulated attribute.
4. The right created by this subsection is one of substitution and not one of addition and may be performed as frequently as desired by the owner of the sign provided all other requirements of this article are met.

D. *Sign classes.*

Primary—Freestanding Signs that are not attached to another building or structure. Generally, these signs include pole signs, pylon signs, or monument signs.



**Section 3-9-95 Signs  
( Exhibit G-4 )**



**Section 3-9-95 Signs  
( Exhibit G-5 )**



Additional signage. Signs that are temporary in nature, do not require a building permit, nonelectrified, and can be removed in the event of a hurricane. Generally, these signs include window signs, flags, banners, streamers, and yard signs.



**Section 3-9-95 Signs  
( Exhibit G-6 )**

1.1.5. *Residential signage.*

- A. Every single-family residential parcel is permitted two (2) freestanding yard signs, provided they are located on private property and do not exceed four (4) square feet in area individually or one (1) sign up to six (6) square feet. Such yard signs must be temporary in nature and shall be removed fifteen (15) days after their purpose has been fulfilled. Examples include, but are not limited to, signs advertising the particular parcel for sale or lease, denoting the building contractor or architect of a structure on the parcel, advertising garage sales, free expression, and special event signs.
- B. Every residential parcel is entitled to three (3) freestanding flags, not to exceed twenty-four (24) square feet individually.
- C. Multifamily residential parcels shall be treated as a single unit under this article; however, individual residential dwelling units in a multifamily complex, are entitled to two (2) temporary window signs each not to exceed four (4) square feet in area individually which shall be removed fifteen (15) days after their purpose has been fulfilled.
- D. Community signs, such as those at the entrance to a subdivision or multifamily complex, are permitted provided they do not exceed forty (40) square feet and are monument signs.
- E. No residential signage is permitted to be internally illuminated or backlit.
- F. Vacant properties zoned multifamily are limited to three (3) additional signs, as defined in this article, provided their aggregate square footage does not exceed thirty-two (32) square feet.

1.1.6. *Special sign districts.*

The following special sign districts include their own specific sign provisions:

## Special District

Charlotte Harbor CRA

U.S. 41 Overlay District

Manasota Key Overlay District

Babcock Ranch Overlay District

1.1.7. *Variances.*

Variances may be granted by the board of zoning appeals to exceed the size and height limitations or to exceed the number of signs permitted within this article, provided that all of the following conditions are found to exist:

- A. That the characteristics unique to the parcel of land on which the sign(s) are to be located would render the visibility of the sign on that parcel significantly less than that enjoyed by similarly situated parcels.
- B. That the request would not create a visibility hazard to adjoining parcels or the traveling public.
- C. The height of the sign(s) would not exceed forty (40) feet.

1.1.8. *Nonconforming signs.*

- A. Nonconforming signs shall be required to comply with the provisions of this article upon the occurrence of any of the following.
  - 1. The sign is removed, dismantled, or relocated.
  - 2. The sign permit has expired.
  - 3. The sign has deteriorated or been damaged to an extent which reduces its value to less than fifty (50) percent of its structural replacement value.
- B. For nonresidential nonconforming signs, the sign area of any existing nonconforming sign shall reduce the unit's sign allocation by a factor of one and a half (1½) square feet per square foot of the nonconforming sign.
- C. Except for prohibited signs, any sign which existed and was maintained on February 22, 2005, may remain, although such sign does not conform to all of the provisions of this article; provided that all such signs, structural and electrical components, shall be completely removed from the premises or brought into conformance with this article not later than February 22, 2015.

1.1.9. *Prohibited signs.*

It shall be unlawful for any person to construct, maintain

**Section 3-9-95 Signs  
( Exhibit G-7 )**

- A. Any sign prohibited by state or federal law.
- B. Any sign creating a traffic hazard by obstructing vision in any sight triangle.
- C. 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.
- D. Any sign that is obscene, such as a sign depicting nudity or sexual conduct.
- E. Any sign that constitutes a public nuisance, such as signs that produce a hazardous amount of glare, advertise an illegal activity, convey false information, or lead the public into errors of conduct, thought or judgment, especially by intentionally deceiving.
- F. Any sign that emits a sound, smell or smoke.
- G. Any sign that has been abandoned, including primary signs, unless the sign panel within the abandoned sign structure has been removed and replaced with a sign panel of neutral color containing no message.
- H. Any sign designed with mechanized or electric changeable copy to display more than one (1) image on an ongoing basis where any information flashes, fades, dissolves, or scrolls or signs that move or create the illusion of movement, or signs that are or appear to be animated or projected.
- I. Any sign affixed to a tree or utility pole.
- J. Portable signs which are manifestly designed to be transported as a trailer is transported, on its own wheels even where the wheels may be removed and the remaining chassis may be permanently attached to the ground.

1.1.10. *Signs exempt from permits.*

The following signs shall be exempt from the permit requirements and also from any permit or inspection fees. All other provisions of this article shall apply.

- A. Signs required by law (legal notices, traffic control signage, warning signs, etc.).
- B. Holiday decorations on residential properties.
- C. Signage authorized under a temporary event permit, provided that such signage does not exceed forty (40) square feet. Any signage over forty (40) square feet must be available under the unit's sign allocation.
- D. Temporary signage used for elections, provided said signs are subject to the following restrictions. For the purpose of this article, election signs mean signs related to candidates for public office or measures on election ballots.
  1. Said signs shall be erected not earlier than forty-five (45) days prior to the primary election day and shall be removed within fifteen (15) days after the earliest of the following events:
    - a. Withdrawal of the candidate or measure.
    - b. The candidate or measure having been eliminated as a candidate or measure.
    - c. The date of the general election.
  2. Only one (1) sign per candidate or measure is permitted on any one (1) lot, parcel or tract of land. No election sign shall exceed thirty-two (32) square feet in area or six (6) feet in height. Said sign shall not be erected in such a manner as to constitute a roof sign.
  3. Pursuant to F.S. section 106.1435(3), no such sign shall be erected, posted, painted, tacked, nailed or otherwise displayed, placed or located within, on or above any state or county right-of-way. Upon a determination by the county that a violation of this restriction exists at one (1) or more locations, the signs may be immediately removed or be caused to be removed by the county.
  4. Upon a determination by the county of any violation of this exemption, other than addressed above in 3., the affected candidate or sign owner, if determinable, will be contacted and advised of the violation. The candidate or sign owner will have no more than twenty-four (24) hours to remove the sign or cause the sign to comply with the requirements of this article.
  5. The affected candidate or sign owner, if determinable, will then be notified of said removal. Any election signs removed by the county shall be stored for five (5) business days and will be returned upon payment of a removal and storage fee of twenty dollars (\$20.00) per sign. Election signs not picked up within this period shall be discarded.
- E. Vehicle signs located on a truck, bus, trailer, taxi o

ked on-site while

**Section 3-9-95 Signs  
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1. That the primary use of the vehicle is not for the purpose of advertisement, such as a delivery vehicle.
2. The vehicles must have a current license plate and be in operable condition, and shall only be parked in designated parking areas as defined by this code.
3. The vehicle's signs must be painted on, attached by magnet, graphic wrap, window tinting, or by some other means incorporated into the vehicle in an aesthetic and safe manner.
4. Hanging banners, placing placards or signs inside the windows of vehicles, painting the windows of, or otherwise attaching signs to a vehicle in a manner which would endanger the driver's safety is prohibited, except where the vehicle itself is advertised for sale and the vehicle is not being driven regularly as a result.
5. In no case shall such vehicles be parked in rights-of-way or on publicly owned land unless in the course of business and only for the duration of the actual business transaction which necessitated the temporary placement of the vehicle at that location.

*(Ord. No. 2011-033, § 1, 8-16-11)*

**Cross reference**— Buildings and building regulations, Ch. 3-2.

**Section 3-9-95 Signs  
( Exhibit G-9 )**



**View from north-bound lanes**



**View from south-bound lanes**

**Street View Photos by Google Maps**