

Sec. 12-40. Definitions.

Event: Any planned occasion, activity, or observable occurrence on private or public property or right-of-way. Events include, but are not limited to, festivals, grand openings and elections, whether privately or publicly held.

Temporary sign: The term "temporary sign" shall mean any sign that is not a permanent sign, and shall include a sign formerly or commonly known as an election sign, a political sign, a free expression sign, a real estate sign, a directional sign, a garage sale sign, a construction sign, a grand opening sign, a banner, an event sign, or any other temporary sign unless otherwise provided herein. The term "temporary sign" shall not include any substitution of message on an existing lawful sign or sign structure.

Window sign: Sign, object or display placed on either side of a window or displayed in the interior of a building and turned with its front toward the window so that it is visible from the exterior of a building.

Sec. 12-982. Signs not requiring permits.

No permit is required for the following types of signs; however, said signs shall be subject to all other provisions of this division:

- (1) A non-illuminated, non-activated nameplate not exceeding two (2) square feet in area and attached flat against a building, providing only the name, address and occupation of the building tenant or owner.
- (2) Flags and insignias of any governments. Flags of the same government must be at least one hundred (100) feet apart, on the same plot.
- (3) Legal notices, identification, informational or directional signs erected by government agencies or in compliance with their regulations.
- (4) Informational signs placed on single-family residential property not exceeding one square foot each.
- (5) No more than two (2) non-illuminated, non-activated directional signs which do not exceed four (4) square feet each and which bear no advertising other than a logo of the property owner or business owner or business for which a local business tax has been paid to the city and a receipt obtained for posting at the location.
- (6) Non-illuminated, nonreflective memorial signs or signs bearing the name of the building and date of erection, provided that said signs do not exceed twelve (12) square feet in area and either carved into, embossed on or permanently embedded in masonry, bronze or other noncombustible materials, in such a way that they are an architectural detail of a building.
- (7) No more than two (2) non-illuminated, non-activated signs of eight (8) square feet or less each, located on buildings or property owned or leased by public, charitable or religious institutions.
- (8) Reserved.
- (9) Signs and required regulatory information which are an integral part of, and not simply attached to, gasoline pumps or other similar dispensing or servicing devices.
- (10) Signs not exceeding two (2) square feet which advertise that the business for which an occupational license has been issued at the location accepts credit cards; provided that such signs are attached to the commercial building.
- (11) Time or temperature signs which contain no advertising and do not exceed eight (8) square feet.
- (12) Window signs conforming to the provisions of the section related to window signs.
- (13) Reserved.

- (14) Hanging identification signs placed in the near proximity and associated with a business entrance, affixed to the underside of a covered walkway and not primarily viewable from a street right-of-way, not exceeding four (4) square feet in size.
- (15) Vinyl or plastic lettering affixed to any awning or canopy, and conforming to the provisions of the section related to awning/canopy type signs. (Note: installation of awning and/or canopy structure does require a building permit.)
- (16) Changeable copy lettering within any approved changeable copy sign area, and conforming to the provisions of the section related to changeable copy type signs.
- (17) Replacement of "panels" within existing wall signs and/or directory panel signs, and conforming to the provisions of the section related to wall and/or directory panel type signs.
- (18) Temporary signs.

Sec. 12-983. Prohibited signs.

The following signs classified by location, type and content are prohibited:

- (1) *Location.*
 - a. *By zoning districts.* Any sign not specifically permitted within a zoning district shall be prohibited within such zoning district.
 - b. *On public property.*
 - 1. No sign shall be permitted to extend into, above or be placed in or on any portion of a public street, avenue or alley, nor shall any sign be painted, pasted, posted, printed or nailed to or on any curb, sidewalk, tree, light standard, utility pole, hydrant or bridge, or in any manner displayed within the public property or public right-of-way lines of any street, avenue or alley within the city, except upon the written approval of the city manager or designee. Said written permission shall be filed in the office of the director.
 - 2. No temporary sign shall be posted in any public right-of-way, in any public park or on any other public property. The prohibition contained in this subsection shall in no way apply to signs posted by the city, supervisor of elections or other local, state, or federal government agency.
 - c. *Obstructing egress.* No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress, nor shall any sign be placed in such a manner as to interfere with any opening required for ventilation.
 - d. *Encroaching onto public lands.* Any private sign located on or over public land or public right-of-way, unless authorized by the city council, shall be considered unlawful and shall be subject to immediate removal by the department of public works at the direction of the city manager or designee and at the sign owner's cost.
 - e. *Blocking utilities and drainage.* Signs and their supporting structures shall maintain clearance and non-interference with all surface and underground utilities. Furthermore, placement shall not interfere with natural or artificial drainage or surface or underground water.
 - f. *Hillsborough River.* Unless otherwise provided by law, it shall be unlawful to erect, relocate, maintain or use any sign in or upon the Hillsborough River, or other body of water within the limits of the city.
 - g. *Hazardous or dangerous.* No permit shall be issued for the erection, construction, display or use of any sign which, in the opinion of the city manager or designee is hazardous or dangerous or a potential impediment to rescue personnel in the event of an emergency, or which constitutes a public nuisance.

- h. *Roof signs.* Roof signs shall not be permitted except for those placed on mansard roofs.
 - i. *Ground-mounted roof signs.* Ground-mounted signs which extend above and encroach over the surface of a roof are not permitted.
 - j. *Signs which advertise a business.* Signs which advertise a business and are located on a building facade, mansard roof, parapet wall or awning which faces and is contiguous to property zoned and used for single-family residential purposes.
- (2) *Type.*
- a. *Billboards.* No billboard signs shall be permitted in the city.
 - b. *Portable and vehicular signs.* Except as may be otherwise expressly provided within this division, no portable sign, sandwich sign, or snipe sign shall be permitted within the city, and no motorized vehicle or trailer shall be parked upon public or private property within the city for the obvious purpose of advertising; provided that commercial vehicles may be identified only by business name, type of business, business address, business telephone number, and contractor's state/county license number when required.
 - c. *Motion pictures.* No sign shall be permitted which employs motion picture projection or has moving parts or gives the illusion of motion except as permitted by this division.
 - d. *Certain illuminated signs.* No signs with externally directed or flashing lights shall be permitted. Signs with exposed neon are also prohibited, except as may be conditionally permitted elsewhere in this LDC.
 - e. *Nuisance.* No sign shall be permitted which emits audible sound, vapor, smoke, odor particles or gaseous matter.
 - f. *Interference with communications prohibited.* No sign shall be permitted which may cause radio, television or other communication interference.
 - g. *Certain painted signs.* Painted wall signs in excess of fifty (50) square feet or twenty (20) percent of the building facade, whichever is less. Painted wall signs are those in which the painted lettering or graphics are applied directly to the exterior surface of the building or facade. This prohibition shall only apply to wall signs.
- (3) *Content.*
- a. *Obscene matter.* No person shall display upon any sign or other advertising structure an obscene, indecent or immoral matter.
 - b. *Traffic safety.* No sign shall be erected or continued in use within the city, which:
 - 1. Obstructs the sight distance in a straight line approach along a public or private right-of-way.
 - 2. Uses admonitions such as "stop," "go," "slow," and "danger," which might be confused with traffic direction signs.
 - 3. Would, by its location, color or nature, tend to be confused with or obstruct sight of traffic signs or traffic signals by motorists or pedestrians, or which would otherwise constitute a hazard to the safe and efficient operation of vehicles, or would create a condition which might endanger the safety of persons.
 - c. Corporate or commercial flags, including flags containing logos.

Sec. 12-988. Advertising.

- (a) *Posting advertisements on unoccupied buildings or temporary structures.* No sign or other advertisement shall be posted, erected, displayed or constructed on any unoccupied building or temporary structure within the city, except as may be otherwise specifically permitted in this section.
- (b) *Advertising leaflets; restrictions.* It shall be unlawful for any person to scatter upon any street of the city leaflets, posters, bills or other loose sheets of paper constituting advertising matter, or to affix such leaflets, posters, bills or other loose sheets of paper on any public place along or on the streets, alleys or sidewalks of the city so that the same may be scattered by the wind.
- (c) *Advertising material, placing in or on automobiles.*
 - (1) No owner of private property within the city, which is utilized by the general public for parking, shall permit any vehicle, including, but not limited to, automobiles, motorcycles, mopeds, boats, trailers, trucks, campers, mobile homes, recreational vehicles and other conveyances, (hereinafter "vehicle") with a temporary sign to be parked abutting, adjacent to, or facing any street, right-of-way, sidewalk or public property. Owners of private property may erect one or more signs that comply with the requirements of F.S. § 715.07. Both the owner of the real property on which the vehicle is parked and the registered owner of the vehicle shall be liable for violation of this subsection; provided, however, that the owner shall have a complete defense in any action to enforce this section and the vehicle owner shall be solely liable for the violation, upon proof by the owner of the real property that the owner:
 - a. Has erected signs in compliance with F.S. § 715.07; and
 - b. Has made good faith attempts to enforce said signs.
 - (2) Owners of vehicles shall not be permitted to park said vehicles with temporary signs on any publicly owned property abutting, adjacent to, or facing any street, right-of-way or sidewalk, except while conducting business or visiting said public facility.

Sec. 12-989. Temporary signs.

- (a) *Scope.* Notwithstanding anything to the contrary in the city's land development code or in any other ordinance or code provisions of the city, the provisions of this section shall govern the regulation of temporary signs, and take precedence over any other provisions that pertain to temporary signs unless specifically exempted or excepted herein.
- (b) *Findings of fact.* The city council finds that the location and maintenance of temporary signs affects the public health, safety, and general welfare of the people of this community, and that in order to preserve and enhance the city as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance. The city council further finds that the regulation of temporary signs within the city is a highly contributive means by which to achieve this desired end, and that uncontrolled and unlimited temporary signs would degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation and permanent growth.
- (c) *Purpose and intent.* It is the purpose of this section to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory standards for temporary signs. The temporary sign regulations in this section are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech, and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. It is the intent of the city council that the temporary sign regulations shall provide uniform sign criteria which regulate the size, height, number and placement of signs in a manner that is compatible with the character of the city, and which minimizes possible restrictions on personal liberties, property rights, commerce, and the free exercise of Constitutional

rights while achieving the city's goal of creating a healthy, safe and attractive environment that does not contain excessive clutter and visual distraction in rights-of-way, adjacent properties, the commercial district and residential neighborhoods. These sign regulations have been adopted with the intent of enhancing the visual environment of the city and promoting its continued well-being regarding the regulation of temporary signage, and are further intended to:

- (1) Encourage the effective use of signs as a means of communication in the city;
 - (2) Maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
 - (3) Improve pedestrian and traffic safety;
 - (4) Minimize the possible adverse impact of temporary signs on nearby public and private property;
 - (5) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of temporary signs which compete for the attention of pedestrian and vehicular traffic;
 - (6) Allow temporary signs that are compatible with their surroundings, while precluding the placement of temporary signs that contribute to sign clutter or that conceal or obstruct adjacent land use or signs;
 - (7) Encourage and allow temporary signs that are appropriate to the zoning district in which they are located;
 - (8) Regulate temporary signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
 - (9) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the city;
 - (10) Protect property values by precluding to the maximum extent possible temporary signs that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement; and
 - (11) Enable the fair and consistent enforcement of these sign regulations.
- (d) *Criteria required for temporary signs.* The criteria for temporary signs are set forth below. A temporary sign is unlawful if it does not meet the criteria established for the zoning district in which the sign is located.

Temporary Sign Design Standards and Limitations		
Zoning Districts	R-7, R-7.5, R-9, R-10, PD-R	A-U, PRS, R-MF, R-MFA, PD, CO, CG, PROF, P/QP, E-I, LI, Shopping Centers
Maximum Number of Signs per Parcel	4	4 if ≤ 200 lineal feet of street frontage
		1 per 50 lineal feet of street frontage if > 200 lineal feet of street frontage
Maximum Sign Area	6 sq ft/sign	32 sq ft/sign
Maximum Sign Height	5 feet	8 feet
Minimum Sign Setback	5 feet	5 feet
Minimum Spacing between Signs (Temporary or Permanent)	15 feet	15 feet
Duration of Display	Event: Maximum of 90 days before event; Remove within 7 days after event	
	Non-Event: Maximum of 30 days	

- (e) *Prohibition of temporary signs on public property or right-of-way.* Other than government signs, temporary signs on public property or within right-of-way are prohibited.
- (f) *Display of temporary sign requires permission of real property owner.* A temporary sign on any parcel shall not be erected or maintained if the placement of the same does not have the permission of the owner of the real property.
- (g) *A temporary sign may not display any lighting and must remain static.* A temporary sign may not be lit, activated, or animated by any means.
- (h) *A temporary sign may not obstruct a permanent sign or the visions between pedestrians and vehicles.* A temporary sign may not obstruct the view of a permanent sign as viewed from any public road, street or highway or any public sidewalk, and may not obstruct the visions between pedestrians and vehicles using the public right-of-way, including but not restricted to, those meeting intersection visibility requirements.
- (i) *A temporary sign may display multiple messages.* A temporary sign may display multiple independent messages on any portion of the sign area.
- (j) *A temporary sign is not subject to permitting.* A temporary sign does not require a permit from the city.
- (k) *Regulation of interior facing signage.*Section 12-989 allows for the regulation of interior facing temporary signs, except for interior of school yards, ball/play fields or similar uses where such signage is designed to face the interior of such locations and is not to be viewed or seen from adjacent roadways.
- (l) *Administrative waiver for temporary signs.*
 - (1) The city manager or designee may grant an administrative waiver from subsection 12-989(d) provided the deviation does not exceed twenty-five (25) percent of the temporary sign criteria. Any other deviation from the temporary sign section shall require a sign variance from city council in accordance to section 12-159 of this Code.
 - (2) *Temporary sign waiver application and process.* An application shall be submitted to the city manager or designee with appropriate information, including but not limited to the following:
 - a. Description and explanation of the requested temporary sign waiver.
 - b. A graphic of the proposed temporary sign(s) that identifies the height, sign area, dimensions, sign supports and method of how the sign will be attached to either the ground or structure, etc.
 - c. Property owner contact information, deed, and legal description
 - d. Where applicable, the applicant shall submit a letter from the property owner granting permission to display the proposed sign(s).
 - e. A site plan of the property identifying the location of proposed temporary sign(s) in relation to existing signs, driveway entrances, intersections, streets, property line, sight triangles or visibility at entrances, landscaping, public infrastructure, parking spaces and vehicle use areas, buildings, etc.
 - f. Additional information that will support the requested waiver application.
 - (3) Waiver applications shall be reviewed by the city manager or designee within ten (10) business days of the receipt of a temporary sign waiver application. The city manager or designee shall provide written notice to the property owner, applicant, and/or authorized agent with regards to the reasons for approval or denial of the requested temporary sign waiver(s).
 - (4) Waivers to the temporary sign section of this Code shall be allowed to be approved by the city manager or designee, based on the following criteria:
 - a. The application of the provision of this section of the LDC to the particular piece of property would create an unnecessary hardship;

- b. Such conditions are peculiar to the particular piece of property involved;
 - c. Relief, if granted would not cause substantial detriment to the public good or impair the purposes and intent of this section of the LDC. In permitting any waiver for a temporary sign from the terms of this section of the LDC, the city manager or designee shall prescribe any conditions it deems to be necessary or desirable to promote the public interest and shall fully set forth, in its findings, the reasons for permitting or denying a waiver from the temporary sign section of the LDC. Any waiver granted shall be the minimum practicable waiver.
- (5) *Appeal process.*
- a. Any person adversely affected by a decision of the city manager or designee in the enforcement or the interpretation of any of the terms or provisions of the temporary sign section of the LDC may appeal such decision to the city council.
 - b. Such appeal shall be made by filing a written request to the city clerk within ten (10) business days of the determination of the city manager or designee. Appeals shall be heard by the city council on the earliest available agenda following the submittal of the written request to the city council. The applicant also shall have the opportunity to present the reason for appeal and evidence in support of the appeal to the city council. The city council shall:
 - 1. Affirm the decision of the city manager or designee, or
 - 2. Reverse the decision. Decisions of the city council may be challenged in a court of competent jurisdiction in accordance with applicable law.