

ORDINANCE NO. #990

AN ORDINANCE OF THE CITY OF MARIANNA, FLORIDA AMENDING ARTICLE 5 OF THE LAND DEVELOPMENT CODE, AS AMENDED BY ORDINANCE NO. 863, WHICH WAS ADOPTED FEBRUARY 2, 1999; AMENDED BY ORDINANCE NO 893, WHICH WAS ADOPTED ON APRIL 2, 2002; AND FURTHER AMENDED BY ORDINANCE NO. 899, WHICH WAS ADOPTED ON SEPTEMBER 3, 2002, AS AMENDED BY ORDINANCE 959, WHICH WAS ADOPTED ON OCTOBER 7, 2008; DEALING WITH SIGN REGULATIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARIANNA, FLORIDA THAT:

**SECTION 1. Authority.** The authority for enactment of this ordinance is Article 1, Section 1.06 and 1.07 of the Charter of the City of Marianna.

**SECTION 2. Amendment.** Article V of the Land Development Code of the City of Marianna, as amended by Ordinance No. 863, which was adopted February 2, 1999; Ordinance 893, which was adopted on April 2, 2002; as amended by Ordinance No. 899 which was adopted on September 3, 2002, and further amended by Ordinance No. 959, which was adopted on October 7, 2008, is hereby further amended to read as follows:

Article V

SIGN REGULATIONS

Sec. 5-1. Purpose.

Sec. 5-2. Scope.

Sec. 5-3. Definitions.

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**Sec. 5-1. Purpose.**

The purpose of this article shall be to coordinate the type, placement, and physical dimensions of signs within the city; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The placement and physical dimensions of signs are regulated primarily by type and length of street frontage. No sign shall be permitted as a principal or accessory use except in accordance with the provisions of this article.

**Sec. 5-2. Scope.**

This article shall not relate to building design. Nor shall this article regulate official traffic control or governmental signs; the copy and message of signs; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

**Sec. 5-3. Definitions.**

The following definitions shall apply to this article in addition to those set forth in section 1-5 of this code.

*Abandoned sign.* A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found,

*Animated sign.* Any sign which uses movement or change of lighting to depict action or to create a special effect, scrolling message display, or scene (compare *Flashing sign*).

*Awning.* A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework (compare *Marquee*).

*Awning sign.* A sign painted on, printed on, or attached flat against the surface of an awning.

*Bandit sign.* Any sign placed on wooden stakes or wire supports that are driven into the ground.

*Banner sign.* A sign made of fabric or any nonrigid material with no enclosing framework.

*Beacon Light.* Any light with one or more beams, which flash or have a strobe effect and are capable of being directed in any direction in any or all directions or revolve automatically.

*Bench Sign.* Shall mean a sign located on any part of a bench or seat placed on or adjacent to the public right of way.

*Billboard.* Any freestanding on- or off-premises sign with at least one large panel designed to carry outdoor advertising that is erected on a parcel whose surface is typically rented or sold to advertise a use, establishment, product, activity or service, produced, manufactured, located, provided or furnished. (See also *Off-premise sign* or stacked billboard).

*Changeable Message Signs (CMS).* An off-premise advertising sign, display, or device which changes the message or copy on the sign by means of electronic rotation or panels or slats. CMS's are considered outdoor advertising signs and must comply with all requirements applicable to outdoor advertising signs. CMS's may not include lighting devices forming part of the message or border, video or scrolling messages. Each message displayed shall remain fixed for at least eight (8) seconds. When a message is changed, it must be accomplished within an interval of two (2) seconds or less. CMS must contain a default design that will freeze the sign in one position if a malfunction occurs.

*Changeable copy sign (automatic).* A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g. electrical or electronic time and temperature units. Each message displayed shall remain fixed for at least eight (8) seconds. When a message is changed, it must be accomplished within an interval of two (2) seconds or less.

*Changeable copy sign (manual).* A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.

*Clearance (of a sign).* The smallest vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework, embellishments, poles and supports, extending over that grade.

*Construction sign.* A temporary sign identifying an architect, a contractor, a subcontractor, materials supplier and/or the lending institutions participating in the construction on the site where the sign is placed

*Copy.* The wording on a sign surface in either permanent or [or] removable letter form.

*Digital Billboard.* A sign displaying static images controlled by electronic communications. Each image/message displayed shall remain fixed for at least eight (8) seconds. When a image/message is changed, it must be accomplished within an interval of two (2) seconds or less.

*Directional/information sign.* An on-premise sign giving directions, instructions, or facility information and which may not contain the name or logo of an establishment or any advertising copy, e.g., parking or exit and entrance signs. Directional/Informational signs are exempt from setback requirements, provided sign locations are approved by the Planning Director to not be a safety or traffic concern.

*Directory.* A sign which lists businesses within a multiple occupancy building.

*Dissolve.* A transition between static message displays that is achieved with varying light intensity and where the first message gradually appears to dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent message.

*Double-faced sign.* A sign with two faces.

*Electrical sign.* A sign or sign structure in which electrical wiring, connections, or fixtures are used.

*Electronic message center.* (See *Changeable copy sign, automatic*).

*Erect.* To build, construct, attach, hang, place, suspend or affix and shall also include the painting of wall/building signs.

*Facade.* The entire building front including the parapet.

*Face of sign.* The area of the sign in which the copy is placed.

*Fade.* A transition between static message displays that is achieved with varying light intensity and where the first message gradually loses light intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

*Festoons.* A string of ribbons, tinsel, small flags, or pinwheels.

*Flashing portable or on-premise sign.* A sign which contains an intermittent, sequential, or rotating light source or which, through reflection or other means, creates an illusion of flashing, intermittent, or rotation light. Does not include changeable copy signs.

*Flashing.* A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in a time frame of less than four seconds. (Static "dwell" time is typically 4-10 seconds.)

*Freestanding sign.* A sign supported upon the ground by poles or braces and not attached to any building.

*Frontage.* The full length of the property line of any one premise measured along a public right-of-way on which it borders. A property may have more than one frontage if it borders more than one right-of-way (i.e. corner lots).

*Frontage, building.* The full length of an outside building wall facing a public right-of-way measured along the wall which faces the right-of-way. A building may have more than one frontage (i.e. buildings located on corner lots). There cannot be any other structures between the building wall and the right-of-way to count the building frontage.

*Governmental sign.* Any temporary or permanent sign erected and maintained by the city, county, state, or federal government or any agency thereof including boards, districts, etc.

*Height (of a sign).* The vertical distance measured from the highest point of the sign, including embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is greater.

*High-Rise Sign.* An on premise mono pole sign used for the purpose of intrastate highway advertising which cannot be higher than 150'.

*Identification sign.* A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

*Illegal sign.* A sign which does not meet the requirements of this article and which has not received legal nonconforming status.

*Illuminated sign.* A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

*Incidental sign.* A small sign, emblem, or decal, located on the window or wall of the building, informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or sign indicating hours of business.

*Institutional Sign.* One sign per street front, setting forth or denoting the name of any public, charitable, or religious institution, when located on the premises of such an establishment.

*Integral Sign.* Shall mean memorial signs or tablets, names of buildings, and date of the erection of the building, when cut into any masonry surface or when constructed of bronze or other incombustible materials mounted on the face of a building, i.e. a corner stone.

*Intermittent.* A pattern of changing light intensity, other than that achieved with immediate, fade or dissolve transitions, where any message remains static at least four seconds.

*Interstate Highway.* Means the existing, unbuilt or unopened system of highways or portions thereof designated as part of the national system of intrastate and defense highways by the Department of Transportation.

*Location.* Shall mean any lot; premises; building, structure, wall or any place whatsoever

upon where a sign is located.

*Maintenance.* For the purposes of this article, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

*Mansard.* A sloped roof or roof-like facade architecturally comparable to a building wall.

*Marquee.* A permanent roof like structure or canopy of rigid materials supported by and extending from the facade of a building (compare *Awning*).

*Marquee sign.* Any sign attached to or supported by a marquee structure.

*Moving light.* The physical change in position of any visible illumination source while lighted or the simulation of movement achieved with a pattern of sequentially illuminating visible illumination sources within close proximity to each other. (Static "dwell" time is typically 4-10 seconds.)

*Multiple Occupancy.* A building with more than one business, each of which has a separate entrance, either on the inside or outside of the building, shall be deemed as a multiple occupancy building.

*Nameplate.* A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

*Nonconforming sign.*

- (1) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.
- (2) A sign which does not conform to the requirements provided herein but for which a variance has been issued.

*Occupancy.* The portion of a building or premise owned, leased, rented, or otherwise occupied for a given use.

*Off-premise sign.* A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising."

*On-premise sign.* A sign which pertains to the use of the premises on which it is located.

*Owner.* A person recorded as such on official records. For the purposes of this article, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the director, e.g., a sign leased from a sign company.

*Painted wall sign.* Any sign which is applied with paint or similar substance on the face of a wall.

*Parapet.* The extension of a false front or wall above a roofline.

*Permanent sign* - any permitted monument, freestanding or building sign installed to be used in excess of twelve (12) months from the date of installation, designed to be permanently affixed to the ground or building and meets windload requirements set forth in the Florida Building Code.

*Point of purchase display.* Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser.

*Political sign.* For the purposes of this ordinance, a temporary sign used in connection with a local, state, or national election or referendum.

*Portable sign.* Any sign designed to be moved easily, which does not meet windload requirements as set forth in the Florida Building Code, and/or is not permanently affixed to the ground, a structure or building or which is attachable to a vehicle and is designed to be transported from one place to another whether on its own trailer, wheels or otherwise. Characteristically a portable sign will have removable lettering and symbols and requires an external source of power.

*Premises.* A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

*Projecting sign.* A sign, other than a flat wall sign, which is attached to and projects more than six (6") inches from a building wall or other structure not specifically designed to support the sign.

*Public Signs.* Signs which are of a public or non commercial nature, which shall include government community service information signs, public transit service, public utility informational or location signs, safety or danger signs, trespassing signs, signs which indicate scenic or historic points of interest and all signs erected by a public officer in the performance of a public duty.

*Real estate sign.* A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

*Roof sign.* Any sign erected over or on the roof of a building (compare *Mansard, Wall sign*).

*Roofline.* The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

*Rotating sign.* A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

*Setback.* The distance between the lot line or public right-of-way and the leading edge of the sign. In no case may a sign extend over the right-of-way line of any public way.

*Sign.* Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services.

*Sign, area of*

- (1) *Projecting and freestanding.* The area of a freestanding or projecting sign may have two sign faces each of which may be up to the same square footage on each side as allowed herein. The area of the sign shall be measured as follows if the sign is composed of one or more individual cabinets:

The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.

- (2) *Wall signs.* The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. The combined areas of the individual figures shall be considered the total sign area.

*Smartboards.* An off-premise advertising sign, display, or device that changes the message or copy on the sign by means of a liquid crystal display. Smartboards may not incorporate animation in the copy or change of copy. Smartboard signs must contain a default design that will freeze the sign in one position if a malfunction occurs. Each image/message displayed shall remain fixed for at least eight (8) seconds. When a image/message is changed, it must be accomplished within an interval of two (2) seconds or less.

*Snipe sign.* A temporary sign or poster affixed to a tree, fence, etc.

*Stacked Billboard(s).* A billboard style design located adjacent to the interstate which has two (2) facings on each side for a total allowable amount of four (4) facings.

*Street Banner Sign.* Shall mean any temporary banner which is stretched across and hung over a public right-of-way.

*Subdivision or Tract name sign.* An externally or internally illuminated freestanding or wall sign which may not exceed thirty two (32) square feet in area and is a recognized subdivision, condominium complex, or residential development.

*Temporary sign.* A sign not constructed or intended for long-term use, includes but is not limited to portable signs, banners, streamers, pennants, festoons, snipe signs and other similar non-permanent signs.

*Under-canopy sign.* A sign suspended beneath a canopy, ceiling, roof, or marquee.



*Under-marquee sign.* A sign suspended beneath a marquee.

*Use.* The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

*Vehicle sign.* A sign erected or placed on a vehicle, including automobiles, trucks, boats, campers, and trailers, which are parked on or otherwise utilizing the public right-of-way, or on private property so as to be viewed from the vehicular right-of-way for the basic purpose of providing advertisement or products, services or directions to a business. This definition is not to be construed to include those signs which are adhered to a vehicle for the purpose of identifying a company and used to traverse public highways or devices attached which are customarily attached to a vehicle of mass transit.

*Wall sign.* Shall mean a sign painted on or erected parallel to and extending not more than 6 inches from the wall of a building. This definition includes painted, individual letter(s), cabinet signs, and signs on a mansard, or parapet. These signs will be confined within the limits of the outside wall or building and will have one face.

*Window sign.* A sign installed inside a window and intended to be viewed from the outside.

#### **Sec. 5-4. Applicability.**

No person shall erect, place or maintain a sign within the city except in accordance with the provisions of this article.

#### **Sec. 5-5. Prohibited signs.**

The following signs are prohibited in all areas of the city:

1. Abandoned signs;
2. Any non-governmental sign located within a dedicated city street right-of-way unless specifically authorized by the City;
3. Flashing, fluttering, undulating, swinging, rotating, or otherwise moving or animated signs; except for City approved under-marquee and under-canopy signs in the Main Street District.
4. Any sign which blocks or restricts the sight distance of a motor vehicle operator at any driveway or intersection;
5. Any sign for which any part of the sign extends over, across, or above any public way, including roadways and sidewalks, except governmental signs and City approved under-canopy and under-marquee signs in the Main Street District.
6. Any sign using the words "Stop", "danger", "detour" or any comparable word

phrase and symbols which would normally be associated with traffic directions, in a manner that tends to mislead, confuse or distract the driver of a vehicle, shall be prohibited;

7. Portable Signs. The use of portable signs as defined in this code is prohibited, except as permitted in Section 5-11.1 of this Code;
8. Vehicle signs. The use of vehicle signs as defined in Sec. 5-3 of this code is prohibited.
9. Beacon lighting as defined in this code is prohibited;
10. Bench signs as defined by this Code are prohibited within the corporate city limits of the City of Marianna;
11. Banners, pennants, streamers, balloons, flags, or flying paraphernalia, with the exception of official federal, state, county, or educational institution flags, and one symbolic flag for each institution or business, except as permitted in Section 5-11.1 of this Code;
12. Signs erected or maintained upon trees or painted or drawn upon rocks or other natural features with the exception of "posted property" signs;
13. Tethered inflatable signs, whether on-site or off-site;
14. Bandit signs, either on-site or off-site, except for real estate signs and as allowed in Section 5-11.1(12);
15. Towers or other structures erected for advertising purposes, which do not meet windload requirements as set forth in the Florida Building Code and/or are determined by the planning director to be a public safety concern; and
16. Snipe signs, except as allowed in Sec. 5-7.11.
17. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering the public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.

#### **Sec. 5-6. Permits required.**

No person shall erect, place or construct any sign without first obtaining a permit from the city except as specified in section 5-7. No permit is required for the maintenance of a sign or for a change of copy on, printed or changeable copy signs.

#### **Sec. 5-7. Signs not requiring permits.**

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this article.

- (1) Construction signs of 32 square feet or less, including bandit signs.
- (2) Directional/information signs of four square feet or less located behind the applicable setbacks.
- (3) Holiday or special events decorations.
- (4) Name plates of two square feet or less.
- (5) Political signs.
- (6) Public signs or notices, or any sign relating to an emergency.
- (7) Real estate signs.
- (8) Non-Permanent window signs.
- (9) Incidental signs.
- (10) "For sale" signs of two square feet or less.
- (11) Snipe signs for garage sales, yard sales or similar events in residential and mixed use districts provided that the sign is not in the City or State right-of-way, the owner has permission from the property owner for placement of the sign and the sign is removed by the installer within 24 hours of the sale or event.
- (12) Integral signs as defined in this code.

**Sec. 5-8. Maintenance.**

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The city commission shall have the authority under subsection 5-16.5 to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

**Sec. 5-9. Changeable copy, Changeable Message Signs and Smartboards.**

Unless otherwise specified by this article, any sign herein allowed may use manual or automatic changeable copy. Changeable message signs and smartboards are also allowed, unless otherwise specified by this article. No display or device shall be illuminated by any rapid flashing light or lights. Dissolve and fade are allowed, provided the lighting does not flash. Animation is prohibited. No advertising sign shall be erected or maintained which involves rapid motion or rotation of the structure.

**Sec. 5-10. Lighting/illumination.**

Unless otherwise specified by this article, all signs may be lighted or illuminated consistent with the following provisions:

1. Sign lighting shall not be installed or located so as to cause confusion with traffic control lights.
2. Illumination by spotlights or floodlights or other signs that are of such intensity or brilliance as to cause glare or impair vision are not allowed if the light emitted shines onto an adjoining property or into the eyes of persons driving, cycling, or walking upon any roadway or sidewalk.
3. Exposed incandescent lights shall not be used for lighting outdoor signs.
4. Revolving beacons and flashing lights are prohibited.

**Sec. 5-11. Allowable on-premises signs--Land use districts.**

*5-11.1. Allowable signs in all districts.* The following signs are allowed in all districts:

1. All signs not requiring permits.
2. One construction sign for each street frontage of construction project, not to exceed 32 square feet in sign area. Such signs may be erected 120 days prior to beginning of construction and shall be removed 30 days following completion of construction.
3. One non-illuminated real estate sign per lot or premises, per street front will be allowed. They are not to exceed six square feet in sign area in residential districts and 32 square feet in the Mixed use and Commercial districts. Such signs must be removed ten days following sale, rental, or lease.
4. One attached nameplate per occupancy, not to exceed four square feet in sign, area.
5. Political signs not to exceed six square feet in residential districts and 32 square feet in nonresidential district. All political signs shall be removed within 14 days after the election or runoff.
6. Four directional/information signs per business, not to exceed four square feet in area, provided that the directional/information sign does not contain any name or logo, and provided that the location of any such directional information signs is approved by the Municipal Development Director.
7. One temporary special events sign and decoration per premises for special public events, grand openings, or holidays. Such signs and decorations may be erected 30 days prior to a special event or holiday and shall be removed ten days following the event or holiday. For grand openings such signs may be used for no more than 14 days.

8. Temporary banners for civic events or events of general public good extending across the public right-of-way at locations specified by the Planning Board. Such banners shall be up no more than 14 days.
9. "For sale" signs advertising vehicles, boats or other similar items for sale by owner provided such sign does not exceed two square feet of sign area.
10. Temporary banners, balloons and streamers for special sales events are allowed once each quarter for sixteen days. The business owner must apply for a permit a minimum of five business days prior to the event. The permitted banners, balloons and streamers must not be located in the public right-of-way. The permitted banners, balloons and streamers must not endanger the health and/or safety of the public.
11. During the hours of business operation one non-illuminated/non-powered A-frame or T-frame menu/sandwich sign may be displayed per business frontage. The sign may be a maximum of 3½ feet tall by 3 feet wide. The sign must allow a minimum of 4 feet of clearance on the sidewalk and cannot impede pedestrian traffic. Under no circumstances may the sign be displayed when the business is closed. The sign must be constructed of wood, metal or a similar sturdy and attractive material as approved by the Municipal Development Director. Under no circumstances will cardboard construction be allowed.
12. Nonprofit 501(c)(3) or similarly designated organizations may erect bandit signs for a period not to exceed five days quarterly. The sign owner shall be responsible for removal of the sign within two days after the five day period expires.

*5-11.2. Permitted signs in residential district.* The following signs shall be permitted in residential land use districts; all other signs are prohibited.

1. All signs permitted in subsection 5-11.1.
2. Two subdivision or apartment identification signs per residential development, not to exceed 32 square feet of sign area.
3. Signs describing a home occupation or home office of convenience provided signs are mounted flat against the wall of the building; there are no more than one sign per residence; and, the sign does not exceed four square feet of sign area.
4. For churches, synagogues or similar institutional uses one freestanding sign not to exceed 32 square feet in sign area, and one wall sign not to exceed 24 square feet in sign area.
5. All allowed freestanding signs in residential districts shall have a height limit of seven feet and shall have a setback of ten feet from all lot lines and any public right-of-way.

6. All freestanding signs in the residential district must be constructed so that the minimum lowest point ground clearance is less than three feet, so as to either prevent persons from walking under or through the sign or sign structure.

*5-11.3. Permitted signs in mixed use (MU) districts.* The following signs shall be permitted in MU districts; all other signs are prohibited.

1. All signs permitted in subsection 5-11.2.
2. Two identification signs per apartment, townhouse, condominium or other multifamily residential development, not to exceed 32 square feet of sign area.
3. For commercial development allowed in MU districts, one freestanding sign per premises not to exceed 24 square feet of sign area and one wall sign not to exceed 24 square feet of sign area for businesses fronting upon arterial or collector roadways; and one freestanding sign and one wall sign not to exceed 12 square feet in sign area for businesses fronting upon local streets.
4. All allowed freestanding signs in MU districts shall have a height limit of ten feet and shall have a setback of ten feet from all lot lines and any public right-of-way except for electrified signs in areas subject to vehicular traffic which shall have a height limit of 16 feet. Electrified signs in areas subject to vehicular traffic shall have a height limit of 16 feet and shall have a setback of ten feet from all lot lines and any public right-of-way. In no case may a sign extend over the right-of-way line or any public way.
5. All free standing signs in the MU district must be constructed so that the minimum lowest point ground clearance is either less than three or more than seven feet so as to either prevent or allow persons to walk under or through the sign or sign structure.

*5-11.4. Permitted signs in commercial and industrial districts.* The following signs shall be permitted in commercial and industrial districts; all others are prohibited.

1. All signs permitted in subsection 5-11.3.
2. One freestanding sign per premises and street front is allowed. This sign may not exceed one square foot in sign area for each linear foot of main street frontage. If the property is a shopping center only one freestanding sign is allowed per street front. Where the premises is located on a corner or has more than one public street frontage, one additional freestanding sign will be allowed on the additional frontage, not to exceed the size of other allowed freestanding signs. If linear footage exceeds 300 feet a second pylon is allowed as long as total square footage of all signage does not exceed one square foot per linear foot.
3. All freestanding signs shall be located at least ten feet from all lot lines and public right-of-way lines. In no case may a sign extend over the right-of-way line or any public way. In the case of electrified signs, the bottom of the sign and the outline

lighting enclosure shall not be less than 16 feet above grade in areas accessible by on-site vehicular traffic.

4. No part of any sign shall be located within a 25-foot radius of the intersection of the improved surface of any two streets or the improved surface of any street and railroad unless any part of the sign extending over or into this radius has at least ten feet of clearance.
5. No part of any sign shall be located within a 15-foot radius of the intersection of any driveway and the improved surface of any street unless any part of the sign extending over or into this radius has at least ten feet of clearance.
6. Wall signs shall not exceed an aggregate area of one square foot in sign area for each linear foot of that occupancy's building frontage.
7. Awning and marquee signs are measured by copy area only.
8. One under-canopy sign per occupancy, not to exceed eight square feet in sign area.
9. Incidental signs not to exceed four square feet in aggregate sign area per occupancy.
10. The maximum permitted height for any on-premise sign in a nonresidential district shall be 50 feet above the surface grade beneath the sign.
11. Projecting signs shall conform to the requirements of the Florida Building Code and shall be permitted only where a public sidewalk abuts the side of the building on which the projecting sign is affixed.
12. All free standing signs in commercial and industrial districts must be constructed so that the minimum lowest point ground clearance is either less than three or more than seven feet so as to either prevent or allow persons to walk under or through the sign or sign structure.

*5-11.5. Permitted signs in public/institutional (P/I) and recreation (REC) districts.* The following signs shall be permitted in P/I and REC districts; all others are prohibited.

1. All government signs.
2. For any non-government use, one freestanding sign not to exceed 32 square feet of sign area, and one wall sign not to exceed 24 square feet of wall area.
3. All allowed freestanding signs in P/I or recreation districts shall have a height limit of eleven feet and shall have a setback of ten feet from all lot lines and any public rights-of-way. Electrified signs in areas subject to on-site vehicular traffic

shall have a height limit of 16 feet and shall have a setback of ten feet from all lot lines and any public rights-of-way. In no case may a sign extend over the right-of-way line or any public way.

4. All free standing signs in P/I and recreation districts must be constructed so that the minimum lowest point ground clearance is either less than three or more than seven feet, so as to either prevent or allow persons to walk under or through the sign or sign structure.

*5-11.6 Main Street District sign regulations.* The following regulations shall apply to all signs which are permitted in existing and future Main Street District areas. All others shall be prohibited. Realizing that sign appearances have a proven impact on business patronage, the following requirements shall be fulfilled.

1. The total building allowable signage is 35% of the primary-entry building frontage (i.e. wall facing public right-of-way where the front door is located). One sign from each of the two following categories may be chosen for each individual frontage:
  - 1). Vehicle Category. A sign which is designated or placed with the intent of being seen by customers driving by. One of the following:
    - A). Projecting above the awning.
    - B). Awning.
    - C). Flush mounted on the wall above the awning.
  - 2). Pedestrian Category. A sign which is intended to draw in customers who are walking by the location. One of the following:
    - A). Window.
    - B). Projecting under the awning.
    - C). Hanging under the awning.
2. Flush mounted signs are permitted on the exterior of the buildings and above the awnings in the Main Street District and shall not be more than 2'6" high, 4" deep and the allowable length shall be three-fourths foot by every linear foot of store frontage with a maximum length of 30'. Placement below the awnings is allowed as long as it conforms to the size and shape of the wall where it is to be placed.
3. Flush mounted back lit signs, consisting of only logs and letters, are permitted on the exterior of the buildings and above the awnings in the Main Street District and shall not be more than 18" high and the allowable length shall be three-fourths foot for every linear foot of store frontage with a maximum length of 15'. Placement below the awning is not allowed. Boxed back lit signs are not allowed.
4. Projecting signs are permitted in the Main Street District subject to the



requirements of 5-11.6.2.

5. Window signs may not obscure the display area. Not more than 30% of the total window space per frontage can be used for signage.
6. Signs shall not cover existing architectural features, such as windows or cornices. Where the upper portion of the building facade is occupied by decorative features, an alternate location for signs must be found. Awnings and store front windows may be used as alternatives provided that they meet other sign and life safety code regulations.
7. Buildings with divided suites may have flush mounted directories. These directories will count as part of the total 35% sign area allowed.
8. All relief lettering and numbering which are original to the building and are deemed to be historic, must remain in place and be maintained. The historic architectural elements may not be covered or altered.
9. Neon signs are allowed in the Main Street district as long as they meet other applicable sign requirements.
10. Materials which will be allowed in the Main Street District for signs include: wood, masonry, metal, opaque or translucent material, glass, or man made products which are designed to closely reflect the look of such materials.
11. All Main Street signs which are non conforming at the effective date of this ordinance, shall have the following incentive plan for coming into compliance within three years:
  - A). Applications received within the first year from the effective date of this ordinance will have development order fees waived.
  - B). Applications received within the second year will receive 75% discount of the development order fee in effect at that time.
  - C). Applications received in the third year will receive a 50% discount of the development order fee in effect at the time. All Main Street District signs which do not come into compliance utilizing the three year incentive plan will be subject to the full development order fee that is in effect at that time.
12. All Main Street District signs which do not come into compliance within three years of the effective date of this ordinance will have the status of a non conforming sign. Once an existing non conforming sign is removed for more than 180 days, the sign must be brought into compliance and future signs must meet the requirements of Article V of this Code.
13. All abandoned signs and sign poles must be taken down within one year of the

effective date of this ordinance, or the property owner will be charged with the cost to contract to have the work done in accordance with Sec. 5-16.5 of this code.

**Sec. 5-11.6.2 Projecting Signs.**

1. Shall be signs which project more than six (6") inches from the wall.
2. Shall show engineered certification of meeting the applicable wind load requirements.
3. Shall be limited to the overall size of 30 square feet.

**Sec. 5-12. Portable signs.**

Portable signs as defined by this code are prohibited within the corporate city limits of Marianna.

**Sec. 5-13. On- and Off-premises signs (billboards and high rise signs).**

In addition to any regulations applying to signs in general, the following regulations shall apply to off-premises signs and billboards.

*5-13.1. Location*

1. Off-premises signs and billboards shall only be located, installed or constructed on Penn Avenue (Hwy. 276) and I-10 within a one half mile radius of the SR276/I-10 interchange measured from the middle of the median between the two lanes.
2. No off-premises sign or billboard shall be located closer than 1,000 feet to any other off premises sign on the same side on any street, on the route of travel. The distance shall be measured along the nearest edge of the pavement at points directly opposite the center of the sign and located on the same side of the same street.
3. Unless otherwise provided for in this article, off-premises signs and billboards shall comply with the same heights, setback and sight distance requirements as all other signs.
4. No off-premise signs or billboards shall be located closer than 100 feet to any residential district or any property used for residential purposes, unless separated from it by a street or building. Must meet Florida Building Code height.
5. All off-premises signs and billboards located adjacent to state roads shall be subject to the provisions of F.S. ch. 479, in addition to this article.

6. Billboard signs may be stacked one on top of the other as long as they can meet all other applicable codes. They can have two faces on each side for a total of four facings. The height limit shall be 65 feet.

*5-13.2. Development standards.*

1. The lowest portion of any billboard must be at least 16 feet above the surface grade beneath the sign.
2. No billboard shall be illuminated by or contain flashing intermittent, rotating or moving light or lights used primarily to attract attention, excluding electronic message centers or time and temperature.
3. All billboards shall be all-metal single-pole construction except for the skirt which may be of other durable materials.
4. The maximum permitted height for any off-premise sign or billboard shall be 65 feet above the surface grade beneath the sign or the maximum height permitted in the district within which the sign is located.

5-13.3 All billboards, whether on- or off-premises signs, shall conform to the provisions of the signage regulations, including Sec. 5-13. Any lawful nonconforming billboards existing after February 2, 1999, shall be brought into conformance with the requirements of Article V of this Code as follows:

- (A) Any modification, except for sign maintenance and repair, of an existing nonconforming sign, requiring a sign permit (e.g. change of sign face, structure modifications, etc.) shall be in compliance with the sign standards;
- (B) All nonconforming billboards shall be removed or otherwise made to comply with the sign standards by December 1, 2015.

*5-13.4 On-Premise signs (High-Rise signs).*

1. High-Rise signs will be allowed to be erected at businesses which are located within one quarter mile of Interstate 10. For the purpose of this code, High-Rise signs shall be considered as On-Premise signs. These signs shall be allowed in addition to the total amount of signage otherwise allowed for the zone in which the land is located.
2. High-Rise signage shall not exceed 150 feet in height.
3. High-Rise signage shall not exceed 500 square feet in frontage, per face, with a total of four facings to be allowed.
4. High-Rise signs can not be located any closer than 500 feet apart.
5. When located in a parking lot or traffic way, the base of these signs must have protective barriers capable of stopping vehicular traffic in a safe manner included

in the site plan drawings.

6. Animation will be allowed on High-Rise signs.

#### **Sec. 5-14. Nonconforming signs.**

Existing, permanent signs which do not conform to the provisions of this article shall be legally nonconforming provided that:

1. The director determines that such signs are properly maintained and do not in any way endanger the public.
2. Such signs are not located on any public right-of-way.

*5-14.1. Loss of legally nonconforming status.* A legal nonconforming sign shall lose this designation if:

1. The sign is relocated or replaced;
2. The structure or size of the sign is altered in any way except towards compliance with this article (this does not refer to normal maintenance);
3. The sign is a billboard sign that meets the requirements set forth in 5-13.3.

*5-14.2. Maintenance and repair of nonconforming signs.* The legal nonconforming sign is subject to all requirements of this article regarding safety, maintenance, and repair. However, if the sign suffers more than 50 percent appraised damage or deterioration; it must be brought into conformance with this code or removed.

#### **Sec. 5-15. Construction standards.**

All permanent signs shall be constructed and erected in accordance with the requirements of the Florida Building Code and the National Electrical Code, and as specified in this section.

##### *5-15.1. Anchoring.*

1. No sign shall be suspended by nonrigid attachments that will allow the sign to swing in a wind, except for under-canopy and under-marquee signs.
2. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.

*5-15.2. Wind loads.* All signs shall be designed and constructed to meet the wind loading requirements as set forth in the Florida Building Code. In addition, on all signs 30 feet or greater in overall height, the drawings and structural specifications submitted for permitting shall bear the seal and signature of a Florida registered engineer.

*5-15.3. Additional construction specifications.*

1. No signs shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
2. No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation.
3. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on voltages concerned.
4. All signs containing electrical components shall be constructed or located according to the specifications of the National Electrical Code as well as the specifications of Underwriters Laboratories or other approved testing agency. All such signs shall have a clearly visible testing agency label permanently affixed.
5. Any freestanding sign, whether for on or off-premises use, which has a sign area of 100 square feet or more shall be all-metal single-pole construction except for the skirt which may be of other durable materials.
6. All exposed metals, unless galvanized or non-corrosive materials, shall be painted.

**Sec. 5-16. Administration.**

*5-16.1. Administration.* The director shall be authorized to process applications for permits and variances, schedule public hearings as required, and enforce and carry out all provisions of this article, both in letter and in spirit.

The director is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the city for the purpose of inspecting a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. The director may be accompanied by other appropriate inspectors or officials necessary to ensure compliance with the provisions of applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

*5-16.2. Application for permits.* Application for a permit for the erection, alteration, location or relocation of a sign shall be made to the director upon a form provided by the city and shall include the following information:

1. Name and address of the owner of the sign.
2. Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
3. The type of sign structure as defined in this article.

4. A site plan showing the proposed location of the sign along with the locations and square footage areas of all existing on the same premises.
5. Specifications and scale drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign.

*5-16.3. Issuance and denial.* The Director or the staff designee will approve all signs which do not require a variance, or modification of the code. If a sign should need a variance or other decisions beyond staff level authority, a variance request shall be submitted in writing and the applicable administrative procedure(s), including proper public notice, shall be followed.

*5-16.4. Permit conditions.* A sign permit issued by the Director and/or City Commission shall remain valid for a period of six months from the date of issuance.

If any sign is installed or placed on any property prior to the receipt of a permit, the sign, including any embellishments, poles, and supporting structures, shall be removed. If any alteration, addition, or enlargement requiring a permit is made to a sign prior to the receipt of a permit, such-alteration, addition, or enlargement shall be removed. No variance from these provisions shall be granted.

*5-16.5. Removal of signs.* It shall be unlawful for any person or company to violate or fail to comply with any provision of this Article. Violation of the provisions of this Article shall constitute a misdemeanor and the defendant shall be subject to a fine not exceeding \$500.00. Companies applying for permits, installing signs, or otherwise acting on behalf of individuals, businesses, and/or groups found in violation of this Article shall be subject to a fine not exceeding \$1,000.00. Each day's violation of any provision of this Article shall constitute a separate offense. Failure to adhere to the provisions of this Article as a result of not contacting the City Municipal Development Department does not constitute or create a situation where a variance can be requested.

The director, upon approval by the City Commission, may cause the removal of an illegal or unsafe sign when the owner fails to comply with the orders of removal, relocation or repair, or upon determination that the sign has been abandoned for a period of 90 days. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment on the costs as certified by the city clerk together with an additional 15 percent for inspection and incidental costs. For the purposes of this subsection, removal of a sign shall include the removal of any embellishments, poles, and supporting structures.

Temporary signs not meeting the requirements of Article V of this Code may be removed by the Director or his/her designee at the Director's discretion. In cases where unsafe signs may cause an emergency, the City Manager may approve the Director to remove the sign.

If the amount specified in the notice is not paid within 30 days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property with a ten percent penalty for connection in the same manner as the real estate taxes.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the city, as in the case of a leased sign.

**Section 3. Severability.** Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

**Section 4. Effective Date.** This Ordinance shall become effective upon its adoption by the City Commission as provided by law.

PRESENTED AND READ TO THE CITY COMMISSION OF THE CITY OF MARIANNA, FLORIDA ON THE 3rd DAY OF August, 2010.

PASSED AND ADOPTED BY THE CITY COMMISSION OF MARIANNA, FLORIDA ON THIS THE 7th DAY OF September, 2010.

  
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ROGER CLAY, Mayor/Commissioner

ATTEST:

  
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KIM APPLEWHITE, City Clerk