

CITY OF MARCO ISLAND

ORDINANCE 04- 22

AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE VI (SIGN REGULATIONS) OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES BY AMENDING SECTION 30-524 (SIGNS IN COMMERCIAL DISTRICTS), AMENDING SECTION 30-526 (SIGNS EXEMPT FROM PERMITTING), AND AMENDING SECTION 30-528 (DEFINITIONS); PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Chapter 30, Article VI, Section 30-524 contains construction standards that include illumination design and methods for commercial signage; and

WHEREAS, Chapter 30, Article VI, Section 30-526 identifies signs that are exempt from permitting requirements; and

WHEREAS, Chapter 30, Article VI, Section 30-528 provides definitions specifically related to signage; and

WHEREAS, the Marco Island Planning Board, as the Local Planning Agency, has conducted all required public hearings related to this Ordinance, and has forwarded this Ordinance to City Council with a recommendation of approval.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

SECTION ONE:

That section 30-524 of the Code of Ordinances is hereby amended to read as follows, with underlining indicating new text additions and strikeouts indicating deletions:

Sec. 30-524(1)(e). Signs in commercial districts.

(1)e. Special purpose signs:

1. Automobile service station - In addition to the signs otherwise permitted by this Code, automobile service stations shall be permitted one reader board ~~or changeable message~~ sign not to exceed ten (10) square feet in area for the purpose of displaying gasoline prices only. Such sign shall be affixed to the structure of a pole on the property or incorporated within the ground or pole sign which is otherwise allowed.

2. Movie theater - In addition to the signs otherwise permitted by this Code, a theater shall be permitted ~~a changeable message~~ a reader board sign, the surface of which shall not exceed 100 square feet in area.
3. Reader Board Signs – Reader board signs as a component of signage will be permitted at business establishments, religious and educational or civic organizations provided:
 - i. The reader board is a part of the total square footage allowable for a sign, not to exceed 20% of the sign's total square footage. Existing, legally permitted reader boards that are greater than the 20% standard at the time of adoption of this Ordinance, shall be allowed until such time that a permit is taken out or required to replace or physically modify the structural components of the sign.
 - ii. Internally or externally illuminated reader board signs will comply with the sign face illumination standards set forth in the illumination design and methods section of this chapter.
 - iii. Internally illuminated reader boards will have an opaque border background, not to exceed the allowable standard set forth in the illumination design and methods section of this chapter.
 - iv. The interchangeable letter sets or panels of a reader board shall be displayed as "reverse copy", where the background of the interchangeable letter sets or panels are opaque and of a similar color as the border, and the text is translucent. Opaque blanks will be used in the spaces between words so that only the text is translucent.
 - v. Externally illuminated and non-illuminated reader boards will be required to contain "reverse copy".
 - vi. Reader board signs at automobile service stations and theaters will comply with the illumination and reverse copy standards set forth in this Ordinance.
 - vii. Existing permitted signage that does not conform to the reader board sign standards at the time of adoption of this Ordinance, will not have to comply with the requirements of this section unless that sign or sign face is voluntarily altered, replaced, repaired or relocated.

(1)f. Construction standards:

1. Signs and any supporting structure shall be constructed of CBS, wood (with raised or engraved letters), stone, metal, or durable opaque plastic. Plywood is not permissible as a finished sign face material.
2. Illumination design and methods:
 - i. Sign lighting shall be designed in such a fashion so as not to cause confusion with traffic control devices, and not to shine directly onto adjoining properties or public rights-of-way;

- ii. ~~Signs shall be illuminated in the following manner: e~~External fixtures for lighting sources shall be designed to avoid excessive brightness and positioned so that ~~no~~ minimal light spills over the edge of the sign face. Externally illuminated signs shall not emit more than 10.0 foot-candles of light when measured at night, five (5) feet perpendicular from the center of the sign. Internal or back-lit signs shall be designed with an opaque face, allowing only the sign copy to be illuminated.
- iii. Lighted signs shall be shielded in such a manner as to produce no glare, hazard or nuisance to motorists or occupants of adjacent properties, ~~not be~~. No lighted sign shall be reflective, or phosphorescent, have a steady nonfluctuating or nonundulating light source.
- iv. Internally illuminated, translucent signs shall not emit more than 10.0 foot-candles of light when measured at night, five (5) feet perpendicular from the center of the sign. The opaque background of the sign face will not emit more than 2.0 foot-candles of light when measured at night, with the light meter placed directly against the sign face, positioned on the background area only.
- v. Existing signage that does not conform to the illumination standards at the time of adoption of this Ordinance, shall have 3 years from the date of adoption of this Ordinance to comply with the illumination requirements of this section. If a non-conforming sign or sign face is voluntarily altered, replaced, repaired or relocated prior to the required date of compliance, the sign must come into conformance at that time.
- vi. Owners and/or lessees which have signs that exceed either the 2.0 or the 10.0 foot-candle maximums for illumination have the option of applying for an administrative variance from the community development director. In no case shall the administrative variance relief granted exceed 10% of the allowable foot-candle standards. Further, such administrative variance relief shall be allowed under one of the following circumstances:
 - a. Where due to the nature and location of existing landscaping features and/or specimen trees, it would be prudent to allow for an increase in the maximum illumination, or
 - b. Where the sign owner has demonstrated a good-faith effort to obtain compliance, but due to factors inherent to the sign components and/or materials, full compliance cannot be achieved without substantial additional costs, or
 - c. Where the signage in question is part of an approved unified sign plan, whereby the intended uniformity or harmony of the sign plan cannot be achieved without variance relief to the maximum illumination standards, or
 - d. In cases where such variance relief to the maximum illumination standard(s) will not create on or off-site impacts to pedestrians or to vehicular traffic.

- g. Permits Required for Commercial Signs: A sign permit is required to erect, reinstall, alter or replace the sign face, repair or relocate a sign within the City limits. In addition, a sign permit is required for the use of banners, pennants, balloons and portable signs.
- h. Graphics or Logos: Twenty percent of the sign face may include the display of a company graphic or logo which may include multiple colors.
 - 1. On internally illuminated signs, graphics or logos may be translucent but still must conform to the illumination standards set forth in this Ordinance.

SECTION TWO:

That section 30-526 of the Code of Ordinances is hereby amended to read as follows, with underlining indicating new text additions and strikeouts indicating deletions:

Sec. 30-526. Signs Exempt From Permitting

In addition to those signs identified elsewhere in this Code, the following signs are exempt from the permit requirements of this Code, and shall be permitted in all districts subject to the limitations set forth below:

- 7. ~~Copy changes~~ Altering interchangeable letter sets or panels for shopping center, theaters, reader board signs billboards or marquees that have routine changes of copy, or are specifically designed for changes of interchangeable letter sets or sign panels copy.

SECTION THREE:

That certain definitions within section 30-528 of the Code of Ordinances are hereby amended with underlining indicating new text additions and strikeouts indicating deletions. Otherwise all other definitions within this section shall otherwise remain unchanged.

Sec. 30-528. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Background (Sign Face Background): The background of a sign face is the area of that sign face which is void of copy or graphics. For internally illuminated signs, this area cannot exceed 2.0 foot-candles of illumination when the measuring device is placed on the face of the sign, in the background area away from any copy or graphic.

~~Copy: The letters, text or other graphics which compose the message displayed upon the sign surface area.~~ Any text to be included in an advertisement.

Changeable Copy: Interchangeable letter sets which can be either placed manually in channels to form messages, or copy which can be changed electronically.

Excessive brightness: Standard applicable for any externally or internally illuminated sign that emits more than 10.0 foot-candles of light when measured at night, five (5) feet perpendicular from the center of any sign face.

Graphic: An item to be displayed in a sign that is not copy (text); includes photographs and illustrations such as company logos.

Interchangeable Letter Sets: Single letters, numbers or symbol sets placed on rectangles of material (usually plastic) which can be inserted into channels in sign faces such as for reader boards. All interchangeable letter sets on illuminated reader board signs will have opaque backgrounds and translucent text. All interchangeable letter sets on non-illuminated reader board signs will also have reverse copy letter sets. The sign face background color will closely match the background color of the letter sets.

Opacity of Backgrounds: Standard applicable for any opaque background on a internally illuminated sign that emits more than 2.0 foot-candles of light when measured at the surface of the sign face in the background area only.

Panels: Changeable plastic or metal inserts that can be placed into channels in sign faces such as reader board or directory signs. Panels usually contain messages or business names and fill the whole channel of a sign. Panels on illuminated reader boards will have opaque backgrounds and translucent text. Panels on non-illuminated reader boards will also have reverse copy letter sets. The sign face background color will closely match the background color of the letter sets.

Reverse Copy: A type of copy design where the text is white or light colored and the background is black or of a darker color than the text. Reader Board signs must contain reverse copy letter sets on both illuminated and non-illuminated signs.

~~Sign, alterations: Any substantial improvement to a sign, but shall not include routine maintenance, painting or change of copy of an existing sign.~~

Sign, bulletin board: A board for posting notices such as those found at a school, church, or other civic organization. (This is a type of reader board sign).

~~Sign, changeable copy: Any permanently enframed sign illuminated or not which is principally devoted to and designed for changeable text and graphics, including electronically controlled public service, time, temperature and date signs, message centers, or reader boards.~~

~~Sign, copy: The letters, text or other graphics which compose the message displayed upon the sign surface area.~~

Sign, directory: An on-premises sign of permanent character indicating the name of five or more independent businesses associated with, or events conducted upon, or products or services offered upon the premises upon which such sign is maintained. This sign may be a freestanding (pole, monument or ground), awning, or wall sign as otherwise permitted by this Code. ~~Such signs may have changeable copy.~~

Sign face: ~~The area display surface, or part of a sign on which the copy of message is placed~~ comprising the display surface upon which the copy and/or graphic is placed for advertisement.

Sign, on-premises: A sign containing copy and/or graphics relating only to the principal legally licensed business, project, service or activity conducted or sold on the same premises as that on which the sign is located.

Sign, reader boards: A sign where interchangeable letter sets or panels can be either placed manually in channels to form messages, or in the case of an LED display, changeable lit messages are displayed. Lighted LED or electronic marquees, combination panels, led signs, changeable signs, changeable message boards, bulletin boards and status display boards are all forms of reader boards.

SECTION FOUR: INCORPORATION, CONFLICT AND SEVERABILITY

(a) It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida, and that the word "ordinance" may be changed to "section," "articles," or other appropriate word.

(b) All sections or parts of section of the Code of Ordinances of the City of Marco Island, all City Ordinances or parts of Ordinances, and all City Resolutions or parts of Resolutions in conflict herein are hereby repealed to the extent of such conflict.

(c) In the event this Ordinance conflicts with any other Ordinance of the City of Marco Island or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION FIVE: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Marco Island City Council.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida this 6th day of December, 2004.

Attest:

CITY OF MARCO ISLAND, FLORIDA

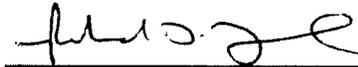


Laura Litzan, City Clerk

By: Teri DiSciullo

Terry DiSciullo, Chairwoman

Approved as to form and
Legal sufficiency:



Richard D. Yovanovich
City Attorney