

CITY OF MARCO ISLAND

ORDINANCE 02- 11

AN ORDINANCE TO ESTABLISH NEW SIGNAGE STANDARDS AND REGULATIONS TO SUPERSEDE, SUPPLEMENT, AND/OR REPLACE STANDARDS AND REGULATIONS FOUND IN THE COLLIER COUNTY LAND DEVELOPMENT CODE (ORDINANCE 91-102, AS AMENDED), AND CURRENTLY APPLICABLE TO THE SIGNAGE ON MARCO ISLAND; ESTABLISHING PURPOSE AND INTENT; PROVIDING FOR TEMPORARY SIGNAGE; PROVIDING FOR SIGNS IN RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR SIGNS IN COMMERCIAL DISTRICTS; PROVIDING FOR UNIFORM SIGN PLANS; ESTABLISHING SIGNS EXEMPT FROM PERMITTING; ESTABLISHING PROHIBITED SIGNS; PROVIDING FOR DEFINITIONS; PROVIDING FOR INCORPORATION, 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 163, Florida Statutes, requires municipalities to adopt Land Development Regulations within one year of Comprehensive Plan adoption; 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: PURPOSE AND INTENT

It is the purpose and intent of this ordinance is to provide specific signage development standards and design regulations to ensure the orderly and appropriate installation, providing for appropriately designed and constructed of individual signs, and to balance desired communication with the interests of the public health, safety, convenience, aesthetics and general welfare.

It is further the intent of this code that the June 15, 2001 compliance deadline for non-conforming on-premise permanent signs shall not be enlarged, expanded, or stayed except in full compliance with the provisions of this code.

SECTION TWO: TEMPORARY SIGNS

The following signs do not require a building permit:

- A. Real estate signs (See illustrations 1 and 2 below): One ground or wall "For Sale" or "For Rent" sign is permissible for each lot having street frontage pursuant to the criteria listed below. If a lot also has frontage on a navigable waterbody or a golf course, one (1) such sign shall be permitted on each frontage. It is the intent of this ordinance that "For Rent" signs hereinafter erected shall be for the purpose of identifying residential properties offered for long term occupancy (six months and one day). Signs identifying residential properties offered for short term occupancy (less than six months) shall not be allowed.
1. Maximum size:
 - a. Residential single-family: 1.5 square feet.
 - b. Residential multi-family: Four (4) square feet.
 - c. Non-residential: Four (4) square feet.
 2. Maximum height: 3 feet as measured from finished grade around the base of the sign.
 3. Setbacks:
 - a. Said signs may be placed at the property line of the subject property. Said signs are prohibited within the public right-of-way.
 - b. In no case shall such sign be located any closer than 10 feet to the edge of the pavement of any adjacent public street.
 - c. Signs may be located either parallel to or perpendicular to the adjacent right-of-way.
 4. Color:
 - a. White background.
 - b. Lettering may be any single color.
 - c. 20% of the sign face may include the display of a logo which may include multiple colors.
 5. Copy:
 - a. "For Sale" or "For Rent"
 - b. Name, address, telephone number and website address of any two of the following:
 - i) Property owner.
 - ii) Real estate broker.
 - iii) Investment company or business firm licensed to sell real estate in Florida.
 - iv) Salesperson.
 - v) Real estate agent.
 - c. "Pending" or "Sold" may be attached to the face of the sign within the 12" X 18" sign face until closing has been completed.
 - d. Signs may be double-faced, provided each sign face contains the same copy. The real estate agent's name is not required to be the same on each side of the sign.
 - e. No additional riders or information boxes shall be affixed to this sign.
 6. Sign supports.

- a. Supports shall not exceed 2 inches by 2 inches.
 - b. All supports shall be either white or black.
7. Signs may not be illuminated.
 8. Real estate signs shall be removed within seven days after the ownership has changed or the property is no longer for sale or rent.
 9. In addition to the real estate sign, one "open house" sign, no larger than four (4) square feet, may be erected on the property where the open house is taking place. Such sign shall be removed at the completion of the open house, and during non-supervised hours.

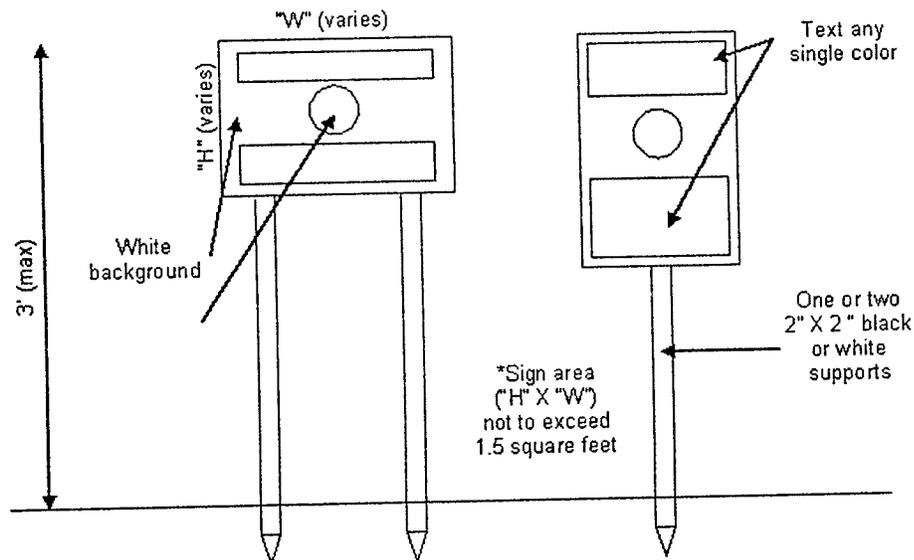


Illustration 1: Single family real estate sign

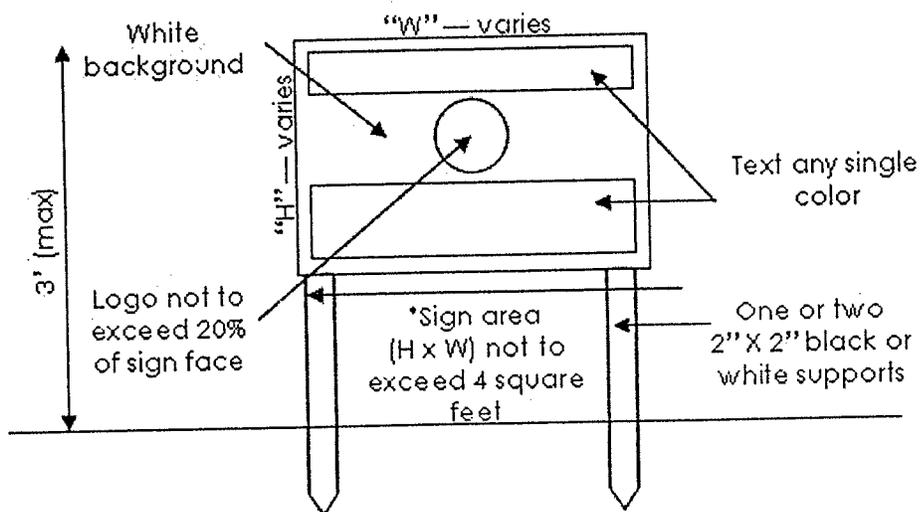


Illustration 2: Multi-family and non-residential real estate sign

- B. Open house directional signs. One right-of-way directional sign is allowed during a supervised open house. Said off-site directional sign shall comply with the standards of Section 2.A.1.A and 2.A.2 of this ordinance, and shall be placed at the intersection of the arterial or collector street providing access to the street on which the open house is being conducted. No other off-site signs shall be permitted. Such sign shall be removed at the completion of the open house, and during non-supervised hours.
- C. Model home and sales center signs (See illustration 3 below): One on-premise sign for a model home or sales center in conjunction with an approved temporary use permit is permitted subject to the following criteria.
1. Maximum size: 16 square feet.
 2. Maximum height: 6 feet as measured from finished grade around the base of the sign.
 3. Setbacks:
 - a. Said signs may be placed at the property line. Said signs are prohibited within the public right-of-way.
 - b. In no case shall such sign be located any closer than 10 feet to the edge of the pavement of any adjacent public street.
 - c. Signs may be located either parallel to or perpendicular to the adjacent right-of-way.
 4. Color:
 - a. White background or match the principal color of the model home.
 - b. Lettering may be any single color.
 - c. 20% of the sign face may include the display of a logo which may include multiple colors.
 5. Copy:
 - a. Name of the model.
 - b. Name, address, phone number and logo of the developer/builder.
 - c. Name, address, phone number and logo of the real estate company/broker, investment company or business firm licensed to sell real estate in Florida.
 - d. Signs may be double-faced, provided each sign face contains the same copy.
 - e. No additional riders or information boxes shall be affixed to this sign.
 6. Construction materials:
 - a. 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.
 - b. No other signs, including real estate, open house and construction signs, shall be placed on the property on which a model home sign is erected. Incidental signs shall be permitted according to the regulations set forth in Section Six of this ordinance. No flags, except one American flag, attached to the home, or upon an appropriate flagpole foundation, are permitted.

7. Model home and sales center signs may not be illuminated in any manner.

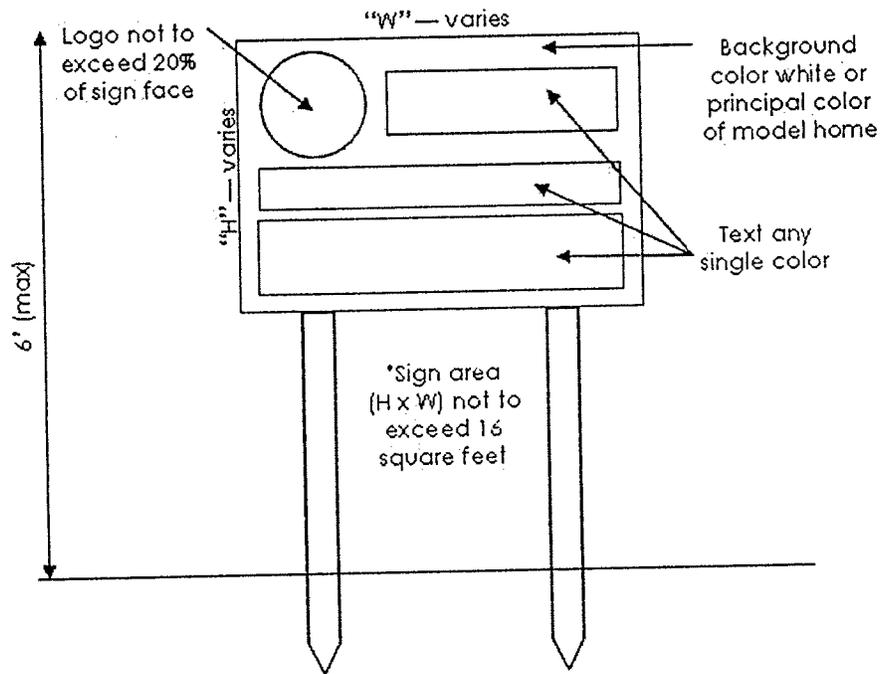


Illustration 3: Model home sign

- D. Construction/Project signs (See illustrations 4 – 6 below): One construction sign is allowed for each property after either a Site Development Plan has been approved or a building permit has been granted, subject to the following criteria. The construction sign must be removed prior to the issuance of a certificate of occupancy or a certificate of completion.

1. Maximum size:
 - a. Residential single-family: Six (6) square feet.
 - b. Residential multi-family: 16 square feet.
 - c. Non-residential: 32 square feet.
2. Maximum height: 6 feet as measured from average finished ground elevation.
3. Setbacks – Pursuant to Section 2.C.3.
4. Color – Pursuant to Section 2.C.4.
5. Copy:
 - a. Name, address & telephone number of the following:
 - i) Developer and/or leasing agent.
 - ii) Architectural, planning and engineering firm.
 - iii) Contractor and/or subcontractor(s) involved with the project.
 - iv) Name of the individual(s) for whom the dwelling/addition is being constructed.
 - v) Depiction of project (Project sign only)

- b. Signs shall be single-faced. The back side of the sign may be utilized as a permit board.
- c. No additional riders or information boxes shall be affixed to this sign except tubes or boxes designed to hold construction plans
- 6. Construction signs shall not be illuminated in any manner.

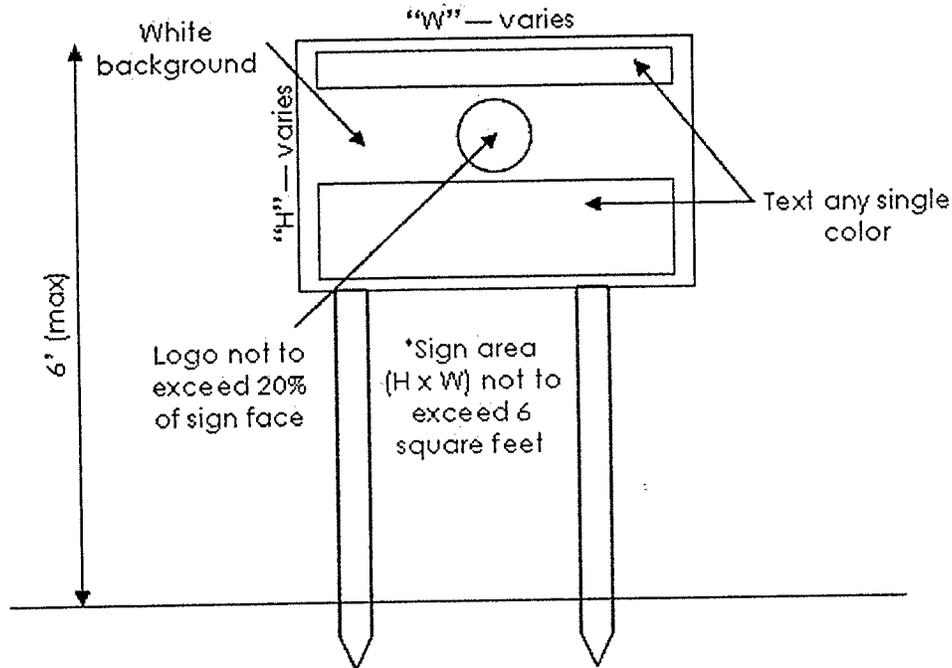


Illustration 4: Single family construction sign

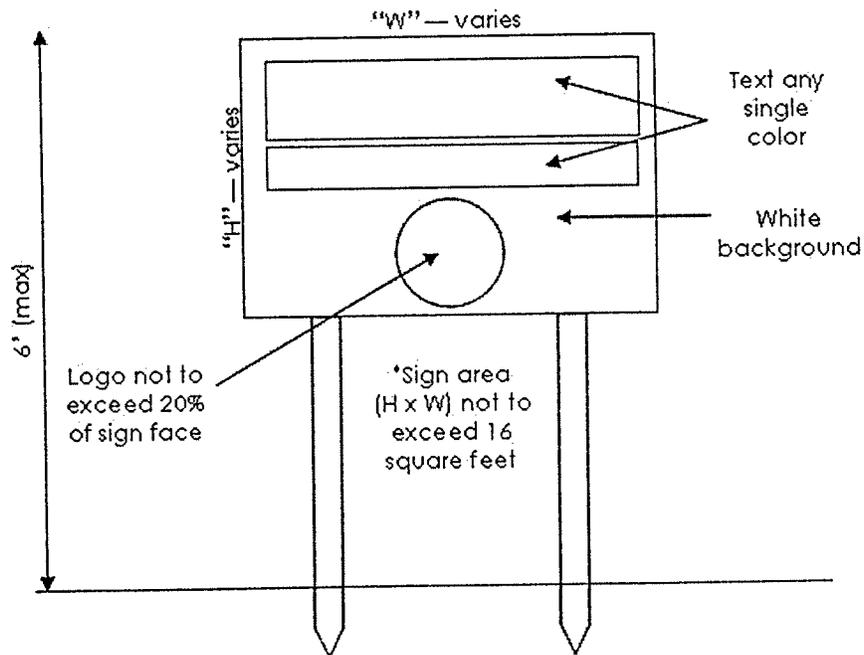


Illustration 5: Multi-family construction/project sign

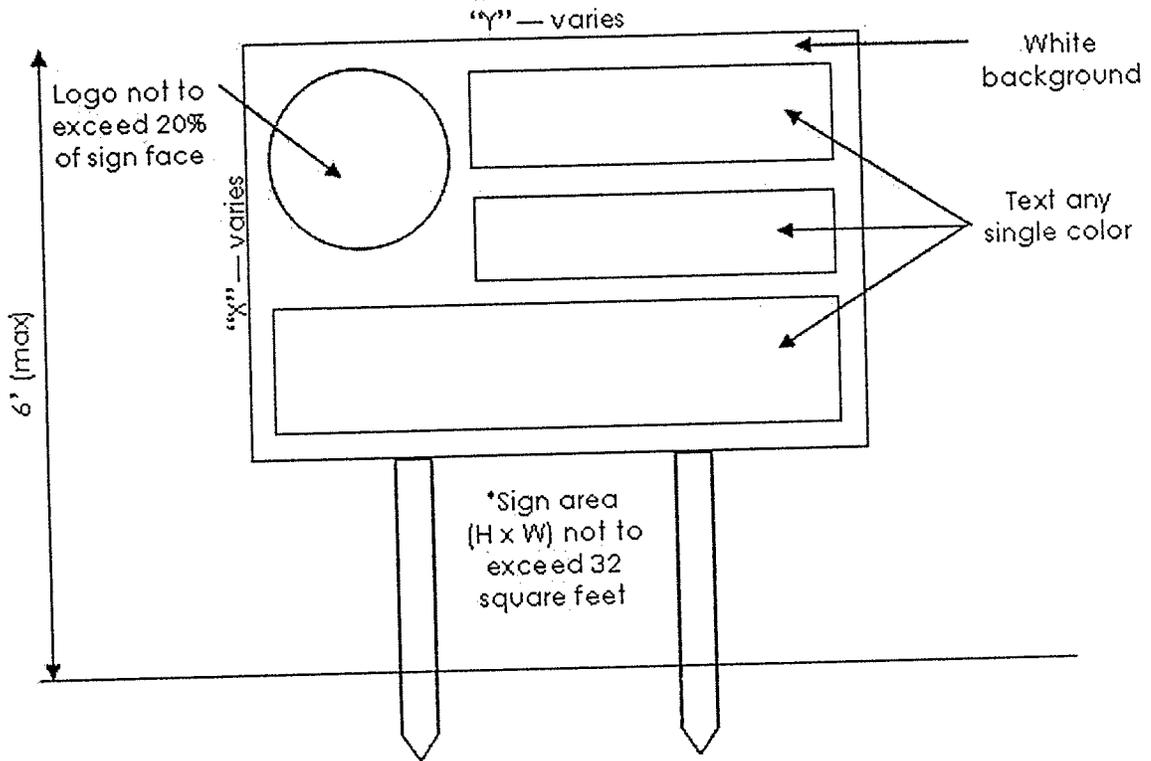


Illustration 6: Non-residential construction/project sign

- E. Garage sale: During a permitted garage, yard, or similar type sale, one on-premise "garage sale" sign no larger than four (4) square feet may be erected. Such sign shall be removed at the completion of the sale. The sign may be placed at the property line, however, in no case shall such sign be located any closer than ten (10) feet to the edge of the pavement of any adjacent public street. Said sign may not be placed within the right-of-way or on any other property.
- F. Political sign: Political campaign signs and posters shall be permitted subject to the following requirements:
1. Prior to the erection, installing, placing, or displaying of a political sign a bulk temporary permit shall be obtained. The permit number shall appear on every sign or on the pole supporting the sign.
 2. Political campaign signs or posters within residentially zoned or used property shall not exceed four (4) square feet in size, and shall not be located closer than five (5) feet to any property line. Political signs placed within residential districts shall require written permission from the property owner.
 3. Political campaign signs or posters will be permitted in all non-residential zoning districts within a maximum copy area of 40 square feet per sign and shall be located no closer than 15 feet to any property line. The number of such signs shall be limited to one sign for each lot or parcel per bulk permit issued for each candidate or issue.

4. The maximum height of any political campaign sign or poster, except those that may be affixed to a wall, shall be limited to four (4) feet.
 5. All supports shall be securely built, constructed and erected to conform with the requirements of this code.
 6. Political signs shall not be erected more than 60 calendar days prior to an election or political event and shall be removed within seven (7) calendar days after the election, event, or after the campaign issue has been decided.
- G. Special event:
1. One on-premise sign or banner, a maximum of 32 square feet, approved in conjunction with a temporary use permit is permitted. Two signs are permitted for properties containing more than one street frontage.

SECTION THREE: SIGNS IN RESIDENTIAL DISTRICTS

The following sign does not require a building permit.

- A. Incidental information and directional signs: A maximum of four incidental non-commercial information or directional signs may be erected on residential properties subject to the criteria listed below. Examples of such signs include name or insignia plaques identifying the home or homeowner, "No Trespassing" signs, "Beware of Dog" signs, and other similar types of information signs.
1. Maximum size: 12 inches in height by 18 inches in length.
 2. Maximum height: Three (3) feet as measured from average finished ground elevation, or, if attached to a wall or fence, not to exceed the maximum height of said wall or fence.

The following signs do require a building permit.

- A. Conditional uses within residential districts, subject to the following:
1. Approved conditional uses within residential zoned districts are permitted one (1) wall and one (1) ground sign, each not to exceed 32 square feet. Corner lots are permitted two wall signs. Said signs may be illuminated. 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. Houses of worship which have been approved as a conditional use within a residential zoned district are also permitted one bulletin board or identification sign to be located on the premises and not to exceed 12 square feet in size. Such sign may also be incorporated within the ground sign which is otherwise allowed.

- B. Subdivision/project signs: At each entrance to a specific subdivision, neighborhood, or multi-family project, two ground or wall entrance or gate signs may be located at each entrance to the project. Such signs shall contain only the name of the subdivision, neighborhood, or project in which it is located, subject to the following:
1. Maximum size: The ground or wall signs, in combination, shall not exceed a maximum size of 64 square feet, with no individual sign exceeding 32 square feet.
 2. Maximum height and width: The height of a ground or wall sign shall not exceed the height or width of the wall or gate upon which it is located or eight (8) feet, whichever is most restrictive.
 3. Required setback: Said signs shall maintain a 15-foot setback from any property line.
 4. Construction materials:
 - a. 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.

SECTION FOUR: SIGNS IN COMMERCIAL DISTRICTS

The following signs do require a building permit.

A. On-premises permanent signs.

1. Freestanding signs (Ground, pole and directory):
 - a. Minimum frontage requirements -
 - i) Single or multiple tenant buildings located on a parcel having less than 125 linear feet of street frontage are permitted a single ground sign per parcel, with a maximum of 32 square feet of sign face and a maximum of 20 square feet of copy area. Copy is limited to building reference name and street number.
 - ii) Single or multiple tenant buildings located on parcel having 125 linear feet or greater of street frontage are permitted a single ground or pole sign per parcel, with a maximum of 60 square feet of sign face area. Copy shall include building reference name and street number and may include a maximum of five tenant names.
 - iii) Shopping centers and other multi-tenant buildings having 250 linear feet or greater of street frontage on a single street, or 300 combined linear feet of street are permitted a single "directory sign" per street frontage, not to exceed two such signs. Copy shall include the shopping center or building name and street number and may include the name(s) of two or more persons or businesses associated with, or events conducted upon, or products or services offered upon the premises upon which the sign is located.
 - iv) Where a site development or site improvement plan has been approved for multiple properties, the minimum frontage shall be determined based on the aggregate frontage of all contiguous parcels which are part of the site

improvement or site development plan. In cases where a site development plan is not required, the combination of frontage along two or more adjacent properties for the purpose of sharing signage shall require review by the Planning Board and approval by the City Council.

b. Setbacks-

- i) Freestanding signs shall be setback 15 feet from any property line, public or private right-of-way, or easement, unless otherwise reduced pursuant to 4.A.1.b.ii.
- ii) The 15-foot setback requirement may be administratively reduced to a minimum of five (5) feet by the Community Development Director upon submission of the administrative variance fee and a written request. As a condition of such approval, the Director may require a reduction in sign height and/or size. The Community Development Director's decision to reduce the required 15-foot setback shall be based on the following:
 - (1) Where due to the existing site conditions and improvements, it can be demonstrated that adherence to the required 15-foot setback will have a deleterious effect on the safety of users of the site from the perspective of vehicular parking and vehicular and pedestrian ingress and egress;
 - (2) Where due to the nature and location of existing landscape features and/or specimen trees, it would be prudent to allow for a reduction in the required setback so as to most appropriately locate the sign structure; or,
 - (3) The extent of the reduction is the minimum amount necessary to provide relief from the applicable conditions cited above.

c. Architectural embellishments

- i) For the purpose of identifying street address, articulated architectural embellishments may be allowed on any permanent freestanding sign not to exceed 12 inches in height over the top of the sign. Copy shall be limited to street number only.

d. Ground sign

- i) The height of ground signs shall be a minimum of four (4) feet and a maximum of eight (8) feet. The width of ground signs shall be a minimum of four (4) feet and a maximum of eight (8) feet.

e. Pole signs

- i) Pole signs shall not exceed fifteen (15) feet in height as measured from the finished grade on the lot on which the sign is located.
- ii) Pole signs shall provide a pole cover, width of which shall be a minimum of 20 percent and a maximum of 50 percent of the sign structure and extending from the bottom of the sign structure to the ground, completely covering the supporting pole(s). The height of the pole cover shall be a minimum of 5 feet.;
- iii) A minimum two-foot perimeter planting area shall be provided around the base of any pole sign, consistent with the provisions of the land development code. The two-foot perimeter shall be measured from the overall width of sign.

f. Directory signs

- i) The maximum size of any single directory sign shall not exceed 100 square feet. Where two directory signs are permitted, the maximum combined size shall not exceed 120 square feet in area.

2. Awning/Wall/Canopy signage: A single wall, mansard, canopy or awning sign is permitted for each single occupancy parcel, or for each establishment in a multiple

occupancy parcel. Corner buildings or corner units within a building may have one sign on each frontage wall or the unit or building not to exceed two signs.

- a. No wall, mansard, canopy or awning sign shall exceed 80 percent of the width of the unit(s) occupied by a business with a minimum of ten percent clear area on each outer edge of the unit(s).
 - b. Wall signs for a multi-tenant building shall be located at a uniform height on the building façade, for the top and bottom of the sign, except that anchor tenants may vary from this requirement subject to all provisions of this ordinance.
 - c. Wall, mansard, canopy or awning signs may not exceed 15 percent of the total square footage of the visual façade of the building, in the case of single-use buildings; or the unit, in the case of multi-use buildings, to which the sign will be attached. Each wall sign shall not exceed 150 square feet in any case. Signage on awnings shall be limited to one visual side only.
3. Under-canopy signage:
- a. In addition to any other sign permitted by this code, an under-canopy sign shall be allowed for each business in a multi-occupancy building;
 - b. Under-canopy signs shall not exceed six square feet for each establishment in a shopping center or multi-tenant building;
 - c. No building permit is required to erect an under-canopy sign, unless there is an electrical component;
 - d. Under-canopy signs shall adhere to the common signage theme for the property.
 - e. Under-canopy signs shall be installed so as to maintain a minimum of eight feet of clear, unobstructed area between the bottom of the sign and the sidewalk below.
4. Projecting signs: Projecting signs may be substituted for wall or mansard signs provided:
- a. The projecting sign does not protrude greater than four feet from the building wall to which it is attached.
 - b. Projecting signs shall not exceed 20 square feet of display area.
 - c. Projecting signs shall not extend above the roofline of the building to which they are attached; and,
 - d. Projecting signs which may project over any pedestrian way shall be elevated to a minimum height of eight (8) feet above said pedestrian way.
5. Special purpose signs:
- a. Automobile service station - In addition to the signs otherwise permitted by this code, automobile service stations shall be permitted one 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.
 - b. Movie theater - In addition to the signs otherwise permitted by this code, a theater shall be permitted a changeable message sign, the surface of which shall not exceed 100 square feet in area.
6. Construction standards:

- a. 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.
 - b. Illumination design and methods:
 - i) Signs 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: external fixtures for lighting shall be designed and positioned so that no light spills over the edge of the sign face; internal or back-lit signs shall be designed with an opaque sign 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 reflective or phosphorescent, have a steady nonfluctuating or nonundulating light source.
- B. Old Marco Overlay. In the Old Marco Overlay there are locational constraints and community character issues that warrant relief from strict adherence to the commercial signage standards contained in Section Four. The following standards are applicable to this district only:
- 1. Ground signs for commercial enterprises located on existing non-conforming lots of record may be setback 1.5 feet from the property line, provided such signs are constructed of wood with engraved lettering. Such signs may be illuminated with external lights, but only during business hours of operation.
 - 2. Off-premise signs.
 - a. Off-premise ground signs may be permitted through a right-of-way permit subject to the following criteria:
 - i) Such signs shall only be constructed of wood with raised or engraved letters.
 - ii) For signs which serve two or more businesses, copy area may not exceed 28 square feet.
- C. Marco Lake Business District Overlay. In the Marco Lake Business District Overlay there are locational constraints that warrant relief for strict adherence to the commercial signage standards contained in Section Four. The following standards are applicable to this district only:
- 1. In conjunction with an executed shared parking agreement, up to three (3) off-premise informational signs may be located within the area of shared parking. Such signs shall be limited to 12 inches in width by 18 inches in height and may not contain specific advertising for a business (e.g., Restaurant Parking).
 - 2. Off-premise signs.
 - a. The City Council, after consideration by the Planning Board, may approve off-premise ground directory signs, subject to the following criteria.
 - i) Such signs shall only be constructed of wood with raised or engraved letters.
 - ii) For directory signs which serve five or more businesses, copy area may not exceed 64 square feet.
 - iii) For directory signs which serve less than five businesses, copy area may not exceed 32 square feet.

SECTION FIVE: UNIFIED SIGN PLAN

Where multiple on-premise signs are proposed for a single site or project, or in the case of a shopping center or multi-use building, a unified signage plan shall be employed. Applications for site development or site improvement plan approval shall be accompanied by a graphic and narrative representation of the unified signage plan to be utilized on the site. Existing commercial buildings and projects shall submit a unified sign plan to the City of Marco Island before January 1, 2004. Building permits for new signs shall not be issued at such commercial buildings which have not submitted a unified sign plan after December 31, 2003. The unified sign plan may be amended and resubmitted for approval to reflect style changes or changing tenant needs. Design elements which shall be addressed in both graphic and narrative form include:

- A. Adherence with the provisions of this ordinance
- B. Colors
- C. Construction materials and method
- D. Architectural design
- E. Illumination method
- F. Copy style
- G. Sign type(s) and location(s)
- H. In the case of multi-use buildings, and parcels with multiple structures on site, including outparcels, the unified sign plan shall indicate conformance with the following:
 1. No wall sign shall exceed 80% of the width of the unit(s) occupied by a business with a minimum of 10% clear area on each outer edge of the unit(s).
 2. All wall signs for multi-use buildings shall be located at a consistent location on the building façade, except that anchor tenants may vary from this locational requirement in scale with the anchor's larger primary façade dimensions. All signs shall adhere to the dimensions provided for in this unified signage plan; and
 3. Pole signs shall provide a pole cover with architectural design features, including colors and/or materials common to those used in the design of the building the sign is accessory to. A minimum 100 square foot planting area shall be provided around the base of any ground or pole sign, consistent with the provisions of this ordinance.
- I. Outparcels
 1. In addition to the above requirements, unified sign plans for outparcels, regardless of the size of the out parcel, shall be limited to the following:
 - a. A wall sign for any façade adjacent to a public right-of-way and a wall sign for any façade facing the main commercial center, not to exceed a maximum of two wall signs for any single use.
 - b. A single ground or pole sign not to exceed 60 square feet. Pole signs shall be limited to 15 feet in height.
- J. Requests for building permits for permanent on-premise signs shall adhere to the unified signage plan, which shall be kept on file in the community development department. Request to permit a new sign, or to relocate, replace or structurally alter an existing sign shall be accompanied by a unified sign plan for the building or project the sign is accessory to. Existing permitted signs may remain in place; however, all future requests for permits, whether for a new sign, or relocation,

alteration, or replacement of an existing sign shall adhere to the unified sign plan for the property.

SECTION SIX: 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:

1. On-premises directional signs, not exceeding four (4) square feet in area, intended to facilitate the movement of pedestrians and vehicles within the site upon which such signs are posted.
2. Holiday, seasonal, or commemorative decorations provided that such signs display no commercial advertising and provide that such signs are not displayed for a period of more than 60 days.
3. One identification sign, professional nameplate, or occupational sign for each professional office, or business establishment not to exceed two (2) square feet in sign area and placed flush against a building face or mailbox side, and denoting only the name of the occupant and, at the occupant's election, the occupant's professional [professionally] or specialty and/or the street address of the premise.
4. Memorial plaques, cornerstones, historical tablets, and similar types of commemorative signs when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
5. Window merchandise displays which are changed on a regular basis, meaning no less frequently than every 30 days
6. Window signs not exceeding 20 percent of the total window area or 50 square feet, whichever is more restrictive.
7. Copy changes for shopping center, theaters, billboards or marquees that have routine changes of copy, or are specifically designed for changes of copy.
8. Painting, repainting or cleaning of an advertising structure, or changes which are determined to be less than a substantial improvement.
9. Religious displays that do not constitute advertising.
10. Flags, or insignias of governmental, religious, charitable, fraternal or other nonprofit organizations when displayed on property owned by or leased to said organization. Non-commercial flags that will be flown on a flagpole that does not exceed 15 feet in height above finish grade or extend more than ten feet from any building they are attached to, are allowable if the number of flags displayed does not exceed those described in the land development code and the flagpoles do not require a certified design or be sealed by a Florida registered engineer as described in the land development code.
11. One house (commercial) flag may be displayed on any developed commercial lot regardless of parcel size, provided:
 - a. The American flag shall also be flown at the establishment on a separate flagpole; and,
 - b. The house flag be no larger than the American flag or larger than four (4) feet by six (6) feet, whichever is smaller.
 - c. Developed commercial lots that have water frontage may fly one additional house flag on the waterfront side of the lot.
 - d. Any attempt to use the house (commercial) flag to convey or advertise merchandise, services or entertainment provided by, or at, the business establishment is prohibited.

12. Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers, provided such sign does not violate the land development code.
13. Signs required to be maintained or posted by law or governmental order, rule, or regulation.
14. Traffic control and safety signs or other municipal, county, state or federal signs, legal notices, railroad crossing signs, danger signs and such temporary emergency signs when erected by an appropriate authority.

SECTION SEVEN: PROHIBITED SIGNS

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from this code. The following signs are expressly prohibited:

1. Signs which are in violation of the building code or electrical code adopted by the City of Marco Island.
2. Animated or activated signs, except time and temperature signs.
3. Flashing signs. Electronic reader boards that do not flash on and off are not flashing signs.
4. Rotating signs.
5. Illuminated signs in any residentially zoned district, except residential identification signs, residential nameplates, and street signs that are illuminated by soft or muted light. Nonresidential uses within residentially used or zoned district by provisional use, PUD ordinance, or as otherwise provided for within the zoning ordinance, shall be allowed the use of illuminated signs, subject to the approval of the community services administrator or his designee.
6. Signs located upon, within, or otherwise encroaching upon public rights-of-way, except as may be permitted and erected by a governmental agency or required to be erected by a governmental agency.
7. Billboards.
8. Strip lighted signs.
9. Neon type business identification signs, except non-exposed neon signs covered with an opaque or translucent shield which will prevent radiation of direct light, within all commercial and industrial districts. Businesses with existing neon type signs at the date of adoption of this ordinance may remain as a legal non-conforming sign.
10. Roof signs.
11. Portable signs.
12. Signs which resemble any official sign or marker erected by any governmental agency, or which by reason of position, shade or color, would conflict with the proper function of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination which may be reasonably confused with or construed as, or conceal, a traffic control device.
13. Signs, commonly referred to as snipe signs, made of any material whatsoever and attached in any way to a utility pole, tree, fence post, stake, stick or any other object located or situated on public or private property, except as otherwise expressly allowed by, or exempted from this code.
14. Wind signs and tethered inflatable signs.
15. Any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:
 - a. Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors; and
 - b. Taken as a whole, lacks serious literary, artistic, political, or scientific value.

16. Any sign which:
 - a. Emits audible sound, vapor, smoke, or gaseous matter.
 - b. Obstructs, conceals, hides, or otherwise obscures from view any official traffic or government sign, signal, or device.
 - c. Employs motion, have visible moving parts, or gives the illusion of motion (excluding time and temperature signs).
 - d. Is erected or maintained so as to obstruct any firefighting equipment, window, door, or opening used as a means of ingress or egress for fire escape purposes including any opening required for proper light and ventilation
 - e. Constitutes a traffic hazard, or detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing or distracting the vision of drivers or pedestrians.
17. Signs mounted on a vehicle, be it the roof, hood, trunk, bed, and so on, where said sign is intended to attract or may distract the attention of motorists for the purpose of advertising a business, product, service, or the like, whether or not said vehicle is parked, or driven, excluding emergency vehicles, taxi cabs, and delivery vehicles, where a roof mounted sign does not exceed two square feet. This section shall not apply to magnetic type signs affixed to or signs painted on a vehicle, which are not otherwise prohibited by this code.
18. Uses flashing or revolving lights, or contains the words "Stop," "Look," "Danger," or any other words, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse vehicular traffic.
19. Abandoned signs, including any sign which advertises or publicizes an activity not conducted on the premises upon which the sign is maintained.
20. No sign shall be placed or permitted as a principal use on any property, in any zoning district except as follows: Political signs or signs approved by temporary permit pursuant to the time limitations set forth herein.
21. Accent lighting as defined in this code, outlining doors and windows, or attached to columns and vertical corners of structures.
22. Accent lighting on walls of commercial buildings that abut residentially zoned parcels.

SECTION EIGHT: DEFINITIONS

Bulk permit (signs): A permit issued for any number of political signs.

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

House (commercial) flag: A cloth flag displayed with the intent of conveying a business identification by name, corporate symbol, or registered trademark only.

Sign: Any structure, device, vehicle, advertisement, advertising device or visual representation intended to advertise, identify, or communicate information to attract the attention of the public for any purpose and without prejudice to the generality of the foregoing, and includes any symbols, letters, figures, illustrations, or forms painted or otherwise affixed to attract the attention of the public for any purpose and also any structure or device the primary purpose of which is to border, illuminate, animate or project a visual representation. However, this definition shall not be held to include official notices issued by any court or public office, or officer in the performance of a public or official duty, and traffic control signs. For the purpose of removal, signs shall also include all sign structures.

Sign, abandoned: Any sign or sign structure expressly installed for the purpose of affixing a sign which bears no sign or copy for 90 consecutive days or more; or for a period of 90 consecutive days or more, displays information which incorrectly identifies the business, owner, lessor, or principal activity conducted on the site; or which, through lack of maintenance, becomes illegible or nearly so; or is in a state of disrepair. Signs displaying an "available for lease" or similar message or partially obliterated faces which do not identify a particular product, service, or facility, shall be deemed abandoned.

Sign, activated: Any sign which contains or uses for illumination any light, lighting device, or lights which change color, flash, or alternate; or change appearance of said sign or any part thereof automatically; any sign which contains moving parts as part of its normal operation, such as rotating signs, shall be considered an activated sign.

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

Sign, animated: Any sign which includes action, motion, or the optical illusion of action or motion, or color changes of all or any part of the sign facing, requiring electrical energy, or set in motion by movement of the atmosphere.

Sign area: The area of a sign is the entire area within the periphery of a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. The sign area shall include the aggregate sign area upon which copy is placed and all parts of the sign structure that bear advertising matter or are constructed in such a manner as to draw attention to the matter advertised. Signs consisting of detached letters shall also be measured as defined above.

Sign, awning (a/k/a canopy sign or marquee sign): A sign suspended from or forming part of a shelter supported partially or entirely for the exterior wall of a building or structure.

Sign, banner: A temporary sign such as used to announce open houses, grand openings or special announcements.

Sign, billboard: Any sign structure advertising an establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished at the property on which the sign is located.

Sign, bulletin board: A board for posting notices such as those found at a school, church, or other civic organization.

Sign, canopy: (See Awning 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, construction: A temporary sign placed in advance of issuance of a certificate of occupancy of a building or structure indicating the name of the building or structure, the

architects, the contractors, and other similar information regarding the building or structure. Construction signs may not contain any promotional or sales material.
Sign, copy: The letters, text or other graphics which compose the message displayed upon the sign surface area.

Sign, directional: An on-premises sign giving direction, instructions, or facility information such as parking or entrance or exit signs, and which may contain the name, logo, service or activity of an establishment.

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, double-faced: A sign having two display surfaces, not necessarily displaying the same copy, which are parallel and back-to-back and not more than 24 inches apart. Double-faced signs shall be measured by only one side if both sides are advertising the same business, commodity, or service.

Sign, electric: Any sign containing electric wiring, but not including signs illuminated by exterior light sources, such as floodlights.

Sign, entrance or gate (a/k/a subdivision sign): Any community entry sign which is designed to identify a subdivision or neighborhood, including but not limited to industrial and commercial parks, multifamily projects, and single-family residential development.

Sign face: The area, display surface, or part of a sign on which the copy of message is placed.

Sign, flashing: A flashing sign is an activated sign on which any electric lighting by any device is either alternated on and off or raised and lowered in brightness or intensity.

Sign, freestanding: (See Ground, Pole or Directory sign.)

Sign, ground (a/k/a monument sign): Any sign other than a pole sign which is placed upon or supported by structures or supports in or upon the ground and independent of support from any building so that the top edge of the sign face is less than eight feet above grade.

Sign, identification: A sign which contains no advertising but is limited to the name, address, and number of a building, institution, or person and the activity carried on in the building, institution or the occupation of the person.

Sign, illuminated: An illuminated sign is one which either: (a) provides artificial light through exposed bulbs, lamps, or luminous tubes on the sign surface; (b) emits light through transparent or translucent material from a source within the sign; or (c) reflects light from a source intentionally directed upon it.

Sign, inflatable: Any object made of plastic, vinyl, or other similar material that, when inflated with gas or air, represents, advertises, or otherwise draws attention to a product, service, or activity.

Sign, mansard: Any sign which is attached to a mansard-style roof with the face parallel to the structure to which it is attached and which does not project more than 18 inches from such structure, or above the roofline. Mansard signs shall be considered wall signs.

Sign, marquee: (See Awning sign.)

Sign, monument: A detached sign typically containing design elements such as a base, columns, borders, toppers or caps, and a sign cabinet occupying at least two-thirds of the total sign area.

Sign, nonconforming: Any sign or advertising structure lawfully in existence within the City of Marco Island on the effective date of this Code, which by its height, area, location, use or structural support does not conform to the requirements of this Code. This definition shall not be construed to include signs specifically prohibited by this Code.

Sign, on-premises: A sign containing copy 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, permanent: A sign which is affixed to a building or the ground in such a manner as to be immobile.

Sign, pole: A sign, independent of support from any building, that is mounted on freestanding poles or other supports.

Sign, political: Any sign which states the name and/or picture of an individual seeking election, or appointment to a public office, or pertaining to a forthcoming public election, or referendum pertaining to or advocating political views of [or] policies.

Sign, portable: Any sign which is designed to be transported, including by trailer or on its own wheels, even though the wheels of such signs may be removed and the remaining chassis or support constructed without wheels is converted to an A or T frame sign, or attached temporarily or permanently to the ground since this characteristic is based on the design of such sign. It is characteristic of such a portable sign that the space provided for advertising matter consists of a changeable copy sign.

Sign, projecting: Any sign which is attached to, and which projects more than 18 inches from the outside wall of any building or structure, excluding wall, marquee, and canopy signs.

Sign, real estate: A sign which advertises the sale, lease, rental, or development of the property upon which it is located.

Sign, residential identification: A sign intended to identify a residential subdivision or other development.

Sign, revolving (a/k/a rotating sign): Any sign so erected or constructed as to periodically or continuously change the direction toward which any plane containing the display surface area is oriented.

Sign, roof: Any sign erected, constructed, or maintained either on the roof, or more than 18 inches above the roof of any building.

Sign, safety: A sign used only for the purpose of identifying and warning of danger, or potential hazards.

Sign, snipe: A sign made of any material and attached to a utility pole, tree, fence post, stake, stick, mailbox or any similar object.

Sign, special purpose: Directional, safety, and other signs of a noncommercial nature.

Sign structure: Any structure which supports or is capable of supporting any sign. Said definition shall not include a building to which a sign is attached.

Sign, temporary: A sign intended to advertise community or civic projects, construction projects, or other special events on a temporary basis, for a designated period of time.

Sign, V-shaped: Two single-face freestanding signs that are constructed in the form of a "V" when viewed from above, provided the internal angle at the apex is not more than 90 degrees, and the two faces are not separated by more than six inches at the apex.

Sign, vehicle: Any sign affixed to a vehicle other than a license plate, or other identification required for access to restricted parking areas, a registered logo, trademark, or service mark.

Sign, wall, fascia or parapet: A sign affixed in a manner to any exterior wall of a building or structure, and which is parallel to and projects not more than 18 inches from the building or structure wall, and which does not extend more than 18 inches above the roof line of the main building or from the point where the roof line intersects the parapet wall on which the sign is located, whichever is more restrictive.

Sign, wind: Any sign or display including, but not limited to, flags, balloons, banners, streamers and rotating devices, fastened in such a manner to move upon being subject to pressure by wind or breeze, but shall not include official flags, emblems, insignia or pennants of any religious, educational, national, state, or political subdivision.

Sign, window: A window sign which is painted on, attached to, or visible through a window, excluding displays of merchandise, and shall not exceed restricted amount of the total window area in the same vertical plane at the same floor level on the side of the building or unit upon which the signs are displayed.

Strip lighting: A continuous series of linear exterior lights designed to illuminate a sign or a structure.

Substantial improvement: Any repair, reconstruction, or improvement of a sign, the estimated cost of which equals or exceeds 50 percent of the market value of current replacement cost of the sign, whichever is lower, either [sic] before the improvement.

SECTION NINE: 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 part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of this Ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.
- [B] All sections or parts of sections of the Code of Laws and Ordinances of Collier County, Florida, all Collier County ordinances or parts of ordinances, and all Collier County resolutions or parts of resolutions made applicable by the City Charter in conflict herewith are hereby repealed to the extent of such conflict.
- [C] If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid by any court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

SECTION TEN: 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 18th day of March, 2002.

Attest:

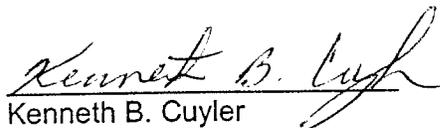
CITY OF MARCO ISLAND, FLORIDA



A. William Moss
City Manager/City Clerk

By: 
E. Glenn Tucker, Chairman

Approved as to form and
Legal sufficiency:


Kenneth B. Cuyler
City Attorney