Planning & Zoning Board
Monday, July 7, 2025 at 5:30 PM

City Commission Chambers
214 Sams Avenue, New Smyrna Beach, Florida 32168

1. CALL TO ORDER

A. Roll Call

2. APPROVAL OF MINUTES

2.A Consider the Approval of the Planning and Zoning Board May 5, 2025 Regular Meeting Minutes.

3. PUBLIC PARTICIPATION

4. OLD BUSINESS

4.A V-3-25 315 Faulkner, a variance to allow several structures to be located 2.1 feet from the side property line, a variance of 5.4 feet
The applicant will be requesting a continuance to the August 4, 2025 Planning and Zoning Meeting.

5. NEW BUSINESS

5.A ZT-4-25: Review and give a recommendation of a proposed text amendment, to the City's Land Development Regulations, to add a restriction on advertisement of unpermitted uses.

5.B ZT-6-25: Review and give a recommendation of a proposed text amendment, to the City's Land Development Regulations, to amend sign definitions and required improvements.

6. COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

7. REPORTS AND COMMUNICATION BY THE STAFF

7.A Development Activity

8. ADJOURNMENT

Pursuant to Florida Statutes 286.0105, if an individual decides to appeal any decision made by the board, agency or commission of the City of New Smyrna Beach with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office in person or by mail at 210 Sams Avenue, New Smyrna Beach, Florida 32168, (386) 410-2630, prior to the meeting.

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

CONSIDER THE APPROVAL OF THE PLANNING AND ZONING BOARD MAY 5, 2025 REGULAR MEETING MINUTES.

July 7, 2025

Background:
Florida Statutes require that minutes be prepared and approved for all meetings of the Planning and Zoning Board.

Findings:
Staff recommends the Planning and Zoning Board approve the minutes of the regular Planning and Zoning Board meeting held on May 5, 2025 Regular Meeting Minutes.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Stephanie Ferrara - Development Services Coordinator

Attachments:

May 5, 2025 FULL MEETING MINUTES.pdf

Planning and Zoning Regular Meeting
Monday May 5, 2025, at 5:30 PM
MINUTES

1. CALL TO ORDER

Having been duly advertised as required by law, the regular meeting of the Planning and Zoning Board of the City of New Smyrna Beach, Florida, was held on Monday, May 5, 2025, at the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida 32168.

Larry Wheatcraft called the meeting to order at 5:30 PM.

Roll Call

Attendee Name	Title	Status	Arrived
John Causey	Member	Present	5:30 PM
Thomas Bien	Member	Present	5:30 PM
Jon Hall	Member	Present	5:30 PM
Stephen Yates	Member	Absent	Absent
Larry Wheatcraft	Member	Present	5:30 PM
Curtis Hodges	Member	Present	5:30 PM
Kip Hulvershorn	Member	Present	5:30 PM

Also present were, Stephanie Doster, Planning Manager, Jake Baker and Robert Mathen, Senior Planners, City Assistant Attorney Grant Day, and Board Secretary Stephanie Ferrara.

Chair Wheatcraft asked City Staff if there were any changes to the agenda. Stephanie Doster stated that the applicant for agenda Item 5.D, has withdrawn their application and Agenda Item 5.B should read Z-1-25 not Z-1-24.

2. APPROVAL OF MINUTES

2.A Approval of the Planning and Zoning April 7, 2025, Regular Meeting Minutes.

Chair Wheatcraft asked the board if they had any additional questions or comments. One correction – change Curtis Hodges status from absent to present.

DRAFT

Motion:
Member Hodges motions to approve April 7, 2025, Planning and Zoning regular meeting minutes, with the correction and as submitted. Member Hulvershorn seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Hodges
SECONDER:	Hulvershorn
AYES:	Causey, Bien, Hall, Hodges, Hulvershorn, Wheatcraft

3. PUBLIC PARTICIPATION

None.

4. OLD BUSINESS

None.

5. NEW BUSINESS

5.A A-5-25: 1198 N Golf Lake Drive

Robert Mathen, Senior Planner, outlined the Applicant and Property Owner's request for a Voluntary annexation, Comprehensive Plan amendment, and rezoning: From: Volusia County Future Land Use (FLU) designation of Rural, and Volusia County zoning designation of A-3, Transitional Agriculture with an "A" attached for Airport Height Notification Zone. To: City FLU designation of Rural and City zoning designation of A-3, Transitional Agriculture with an "A" attached for Airport Height Notification Zone

Chair Wheatcraft asked if the applicant would like to speak.

Chair Wheatcraft opened Public Participation. As no citizens wished to speak, Chair Wheatcraft closed Public Participation.

Member Wheatcraft asked the Board if they had any additional questions or

comments.

Motion:

Member Hodges motion to recommend approval to City Commission A-5-25: 1198 N Golf Lake Drive, as submitted. Member Bien seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Hodges
SECONDER:	Bien
AYES:	Causey, Bien, Hall, Hodges, Hulvershorn, Wheatcraft

5.B Z-1-25: 1016 Dillon Circle

Robert Mathen, Senior Planner, outlined the Applicant and Property Owners request rezoning from City A-3, Transitional Agriculture to City RA, Rural Agriculture on property located at 1016 Dillon Circle.

Chair Wheatcraft asked if the applicant would like to speak.

Jessica Gow, of Cobb Cole Attorneys at Law, One Daytona Boulevard, Suite 600, Daytona Beach Florida 32114, spoke about the rezoning request.

Chair Wheatcraft opened Public Participation. As no citizens wished to speak, Chair Wheatcraft closed Public Participation.

Chair Wheatcraft asked the Board if they had any additional questions or comments.

Motion:

Member Bien motion to recommend approval to City Commission for Z-1-25: 1016 Dillon Circle, as submitted. Member Hall seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Bien
SECONDER:	Hall
AYES:	Causey, Bien, Hall, Hodges, Hulvershorn, Wheatcraft

5.C **V-5-24: 618 Faulkner Street**

Jake Baker, Senior Planner, outlined the Applicant and Property Owner's request to approve a variance to allow a house and eave to encroach into the side yard setback. 1. A side yard setback variance from the Land Development Regulations (LDR) to extend a house 4'-4.8" from the side property line, a variance of 3'-1.2'' (requirement is 7'-6"). 2. A side yard setback variance from the LDR to allow an eave to be located 2'-6.8" from the side property line, a variance of 2'-5.2" (requirement is 5.0').

Chair Wheatcraft asked if the applicant would like to speak.

Tracye A. Ziglar, Applicant and Property Owner, 618 Faulkner Street, New Smyrna Beach, FL, 32168, spoke about her variance request.

Chair Wheatcraft opened Public Participation. As no citizens wished to speak, Chair Wheatcraft closed Public Participation.

Chair Wheatcraft asked the Board if they had any additional questions or comments.

The board members voiced concerns about water diverting to the neighboring property. All agreed that installing gutters on the north side of house would help divert the water away from the neighboring property.

Motion:

Member Hodges motion to approve V-5-24: 618 Faulkner Street, with conditions: to install gutters on the north side of the house and as submitted. Member Hulvershorn seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Hodges
SECONDER:	Hulvershorn
AYES:	Causey, Bien, Hall, Hodges, Hulvershorn, Wheatcraft

5.C **SE-1-25: Review and give a recommendation to the City Commission on a Special Exception request to extend the House of Worship use from the current House of Worship property located at 629 S. Pine Street to the adjacent lot to the south, 645 S. Pine Street for the construction of a new sanctuary.**

THIS APPLICANT HAS BEED WITHDRAWN

6. COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

None.

7. REPORTS AND COMMUNICATIONS BY THE STAFF

7.A Development Activity Report – is located on the City's Website.

8. ADJOURNMENT

As there was no other business to discuss, Chair Wheatcraft declared the meeting adjourned at 6:06 P.M.

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

V-3-25 315 FAULKNER, A VARIANCE TO ALLOW SEVERAL STRUCTURES TO BE LOCATED 2.1 FEET FROM THE SIDE PROPERTY LINE, A VARIANCE OF 5.4 FEET

July 7, 2025

Background:

A. Applicant: Mark Herwald, 2801 Sunset Drive, New Smyrna Beach, FL, 32168
B. Property Owner: Mark R. Hall, 315 Faulkner Street, New Smyrna Beach, FL 32168
C. Requests: A side yard setback variance to:
1. Extend the existing north wall of the primary structure (side yard) 8.0' at a 2.1' side yard setback;
2. Add a carport roof 26' in length 2.1' setback line in the front side yard (north); and
3. Increase the height of a non-conforming structure (existing portion of house 2.1' from side property line).
D. Site Information: The subject property is located at 315 Faulkner Street, is zoned R-4, is 50' X 145', contains approximately 0.166 acres, and is located on the east side of Faulkner Street, between Murray Street and Washington Street.

E. Tax I.D. Number: 7441-32-02-0030

F. Exhibits:
Exhibit A: Location Map
Exhibit B: Aerial Map
Exhibit C: Survey
Exhibit D: Pictures
Exhibit E: Depiction of Modification

Findings:

A. The subject parcel is the third parcel south of Murray Street, on the west side of Faulkner Street. The parcel is platted 50.0' X 150.0'. There is an open alley off Murray Street that runs along the back of the property, providing access to a garage on the east side of the lot, in the rear yard. The house was built in 1946, 2.5' from the north property line, and 5.3' from the south property line. The R-4 zoning requires a setback of 7.5', thus both side yard setbacks are non-conforming.

B. The applicant proposes to raise the floor level of the portion of the existing house

labeled 378 square feet on **(Exhibit C)** 18”, as well as increase the wall height, so the interior wall is at least 8’ in height, with a new roof over the section of the house. Per the Appraiser’s webpage, it appears this section of the house was originally a porch which was later enclosed. This section of the house is 2.1' from the side (north) property line. The applicant also proposes to continue this setback line of 2.1' from the side property line an additional 8.0' from the rear of the existing house, and extending 42.0' across the rear of the house, bringing that side of the house within 5.8' to the side (south) property line. Another request is to add a 26.0' carport 2.1' from the same north property line, towards Faulkner Street. Thus, in total three separate requests; the first being to increase the height of the non-conforming structure, already 2.1' from the north property line; an 8.0' section of new wall 2.1' from the same north side property line; and the new 26.0' section of carport, 2.1' from the north side property line towards the front property line.

C. The reason for lifting the floor is that this area of the house has flooded, and the way to avoid this in the future is to add an 18” stem wall to keep water out in the future. Per LDR Section 505.05.A., “no such nonconforming structure may be altered or enlarged, except that where an enlargement or alteration is proposed in required yard space which contains an existing nonconforming structure.” The section proposed to be raised is 2.5’ from the side yard property line, thus elevating this section of the house requires a variance.

D. The LDR requires variance requests to meet all of the following criteria. The applicant’s responses are *italicized,* Staff’s responses are in **bold,** following each criterion.

1. Special circumstances exist which are peculiar to the subject property owner’s land, structure, or building, and do not generally apply to the neighboring lands, structures, or buildings in the same district or vicinity.

The subject property is located in the R-4 Single Family Residential district and also in the designated Historic District. Existing non-conforming setbacks are present as to the Main residence, which are not unique to the Historic district. However, when the detached garage was built in 2000, near the rear alley (running parallel to Faulkner) special circumstances were considered to allow ample side yard access to emergency vehicles, on both the North and South side yards, which does not generally apply to neighboring Historic land, structures or buildings. This intentional placement was to mitigate the existing, non-conforming, setbacks of the main house and to provide adequate emergency access to the main home.

The house is already quite close to the property line (2.1'), which is relatively common

in this area, as it was developed prior to the establishment of our current Land Development Regulations. That being said, the request is to add an additional combined 34.0' (8.0' house addition and 26.0 of new carport) of new structures 2.1' from the side property line. Thus, it is accurate that the house itself is a non-conforming structure that dates back almost 80 years but the new proposed improvements are not because of a peculiarity with the house or land. There appear to be options that don't include building quite that close to the side property line. This criterion has not been met.

2. Strict application of the provisions of the Land Development Regulations would deprive the subject property owner of reasonable rights commonly applicable to other properties in the same district or may preclude a benefit to the community in general.

The Main residence was built in 1946. The property owner is applying to improve and enlarge the substandard Northeast 378 SF area, which flooded during Hurricane Ian as it is 18" lower than the Main house. Please see Survey Exhibit A and Photo Exhibits B, C and D **(included as Exhibit F)***. This 378 SF lower level will be raised up 18", maintaining and extending the existing North residence wall eastward at a 2.1' side yard setback, for an additional 8' into the conforming rear yard. A new wall would parallel the rear yard, southward, for 42' and return westward to join the existing south side wall for 28' to match the existing 5.8' south side yard setback. This would allow for a symmetrical rear facing addition that would be raised to the same floor level as the Main home no wider than already built. The front porch of the home could remain unaltered and preserve its original historic features.*

To the north of the existing Main house, and to the west of the 378 SF lower level (which we are proposing to raise up 18"), is the area marked on Exhibit A **(in Exhibit F)** *identified as a Concrete Drive and gated from the street view. We are proposing to add a covered accessibility ramp and entry door to accommodate "aging in place". This would remain "open air" much like a carport and would require a support/column or two to be placed along the existing 2.1' setback line to support the open roof.*

The original section of the house is only 624 square feet, and the area proposed to be raised is 378 square feet, a combined 1,002 square feet. It appears if and when the variances are approved and the construction completed, the house will be approximately 1,800 square feet. The proposed carport will add an approximate 260 square foot of building coverage on the lot as well. There is also a 768 square foot detached two-car garage on the parcel. In sum, approximately 2,828 square feet of building coverage, or 37.7%, below the maximum allowed building coverage of 40%.

There are houses and accessory structures that were built closer than currently allowed

in the older areas of town such as the subject property. Staff can support allowing the existing section of house to be raised, but cannot support new construction in this section. The LDR has a provision that allows structures that are 5.0' from a side property line to be continued along that line in zoning districts that require a greater setback than 5.0'. In this instance, 2.1' is too close for staff to support as there are other options that could meet the setback requirements, or at the very least not encroach to such an extent. . Staff believes this criterion has not been met for the proposed new area to the rear and the carport, but has been met for the raised section.

3. The special circumstances and conditions that exist do not result from the direct or indirect actions of the present property owner(s) or past property owner(s). This criterion shall not be satisfied if the present or past property owner(s) created, to any degree, the hardship that is the subject of the variance request.

The current Florida Building code and the Land Development Regulations, established and changed since 1946, have redefined and created the special circumstances and non-conformities that are the subject of this Variance request.

As noted above, the variance request to raise the existing section of house can be supported, however, the new construction is a direct result of the current property owner. This criterion has been met for the raised section of house, but not the addition or carport.

4. That granting of the variance will not cause substantial detriment to the public welfare or impair the purposes and intent of this Ordinance.

This request is historically mindful and is keeping with the other neighborhood property improvements - all of which are impacted by this Ordinance, the current LDR and 2023 FBC requirements. The 8' extension to the non-conforming 2.1' North side setback is a minor request that defines one intent of the Variance process: to give relief to strict application of current codes and standards to an existing code revision created nonconformity.

Given that the improvements are all proposed behind a fence and won't be visible from the street (unless the fence is opened), there will be little impact to the public, however, setback requirements are in place to allow people to access and maintain their structures, and a setback of 2.1 makes it difficult to not only maintain the structure. This criterion has not been met.

5. That granting of the variance will not constitute a grant of special privilege that is

denied by the Land Development Regulations.

The current LDR, Ordinance and the current FBC 2023 were not in place in 1946, when this home was built existing non-conformity as defined by code changes and is not a special privilege that is not available to all NSB citizens if determined the criteria is met.

Approving the carport and the new addition would be a grant of special privilege, as there appears to be options available to achieve the intent without encroaching 5.4' into the 7.5' side yard setback. This criterion has not been met.

E. Given that the house already has a two-car garage along the alley that conforms to the LDR setback requirements, and an addition can be added along the south property line at the existing 5.8' setback, there appears to be options to add onto the house that does not require this much of a variance from the LDR. For instance, a covered entryway that isn't quite that large might be an option, or bringing the house within 5.0' of the north property line, instead of 2.1', might be supportable, but as proposed, the request is too great to support.

Recommendation:

Staff recommends approving the raising of the existing section of the house 18", but cannot support the carport and new addition variances. If the Planning and Zoning Board chooses to approve the variance requests, staff recommends the entirety of the structure 2.1' from the property line to be guttered and the water diverted away from the north property line.

Fiscal Analysis:
N/A

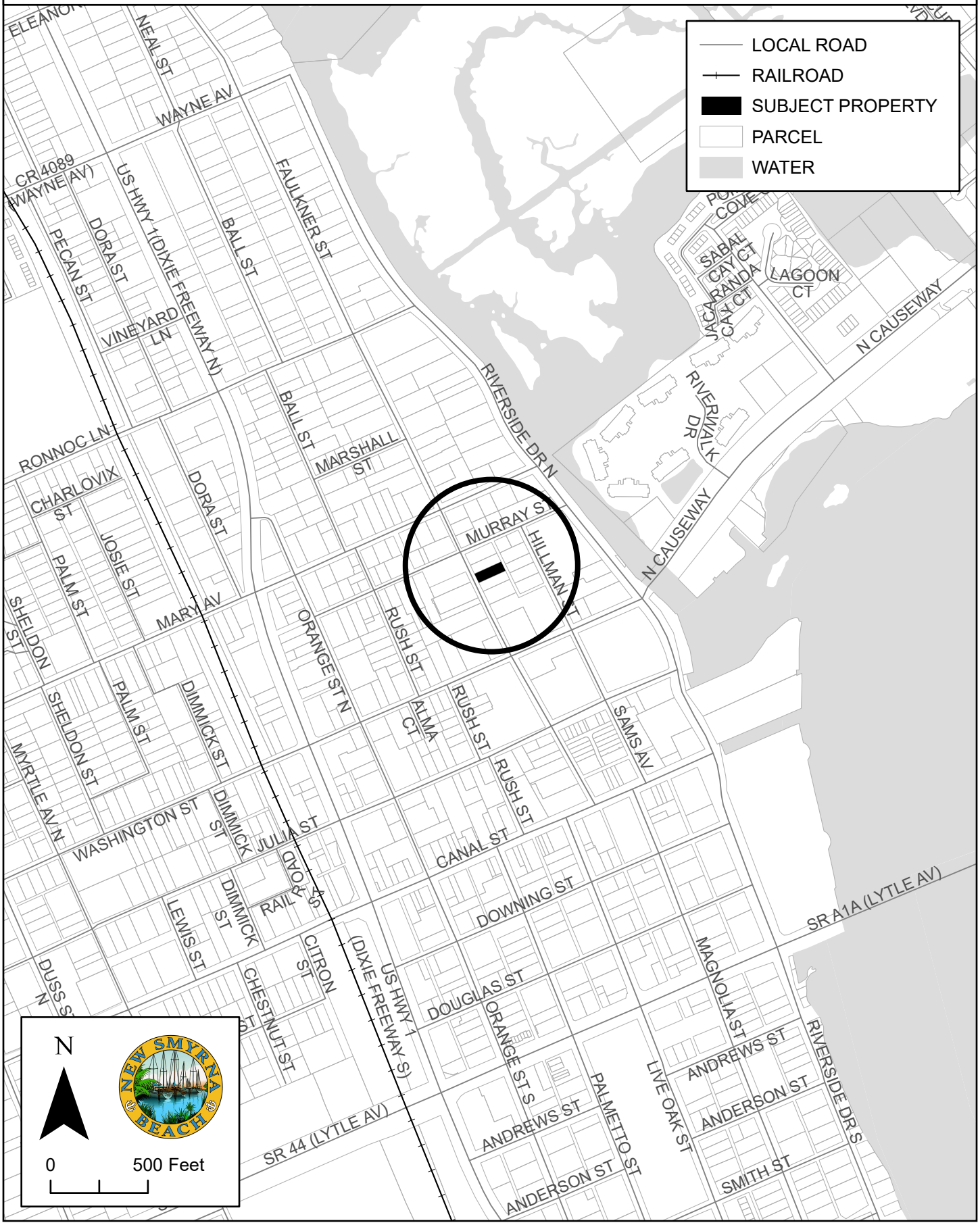
Strategic Plan Item:
No

Staff Report Created By: Stephanie Ferrara - Development Services Coordinator

Attachments:

Exhibit_A_Location_Map.pdf
Exhibit_B_Aerial_Map.pdf
Exhibit_C_Survey.pdf
Exhibit_D_Pictures.pdf
Exhibit_E_depiction_of_modification.pdf

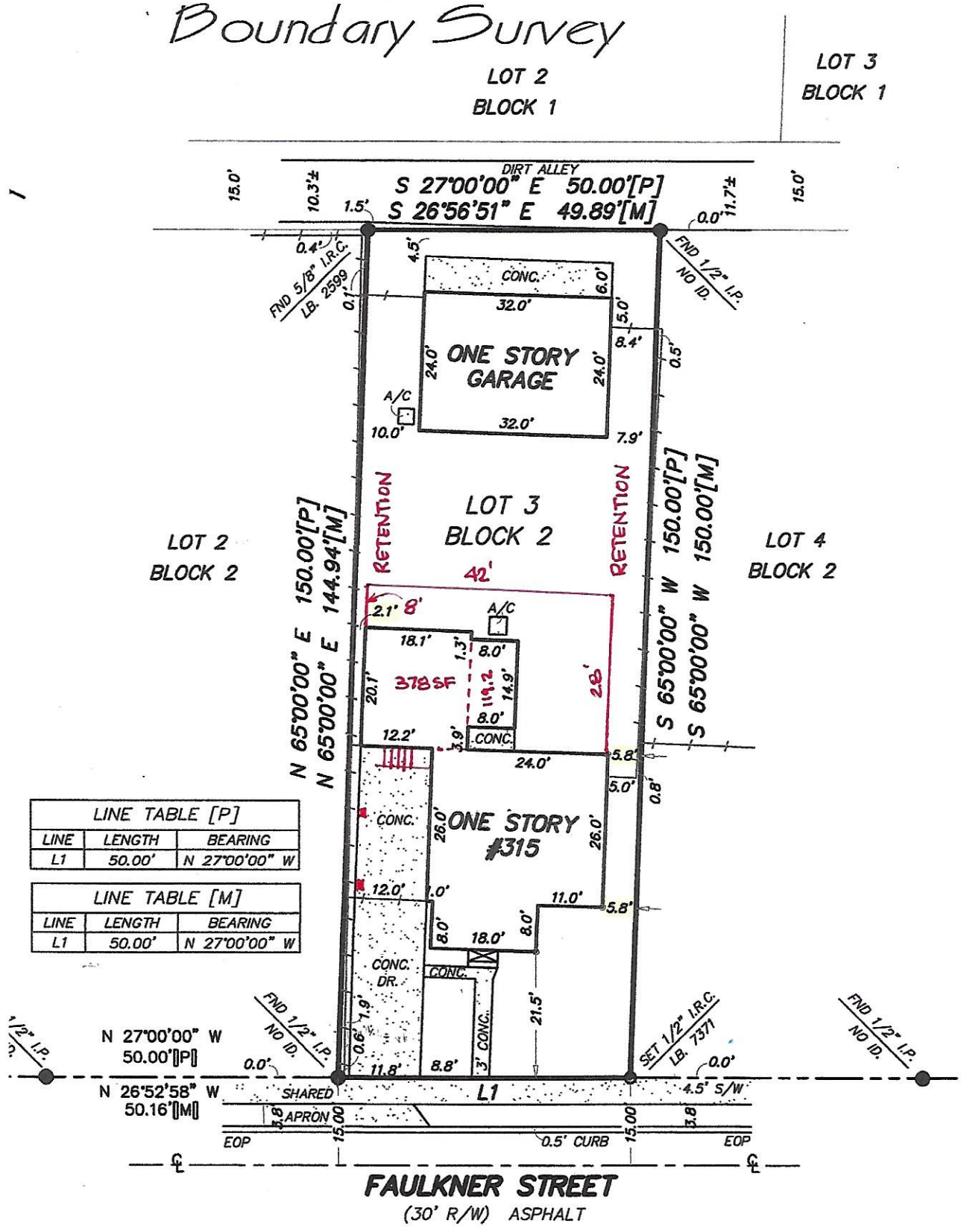
V-3-25: 315 FAULKNER STREET
PARCEL: 7441-32-02-0030 LOCATION MAP



V-3-25: 315 FAULKNER STREET
PARCEL: 7441-32-02-0030 AERIAL MAP



Boundary Survey



LINE TABLE [P]		
LINE	LENGTH	BEARING
L1	50.00'	N 27°00'00" W

LINE TABLE [M]		
LINE	LENGTH	BEARING
L1	50.00'	N 27°00'00" W

A/C
A.E.
B.C.
BLK
C.B.
C.B.S.
C.M.
CONC.
D
D.E.
E.O.P.
F.C.C.
F.F.E.
FND
ID.
I.P.
I.R.
I.R.C.
L
L.B.
L.S.
L.E.
M
M.E.
M&D
P
P.E.
P.C.
P.C.C.
P.C.P.
P.L.
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P.D.A.E.
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F.P.L.E.
R.P.
PK NAIL

BEARIN
THE

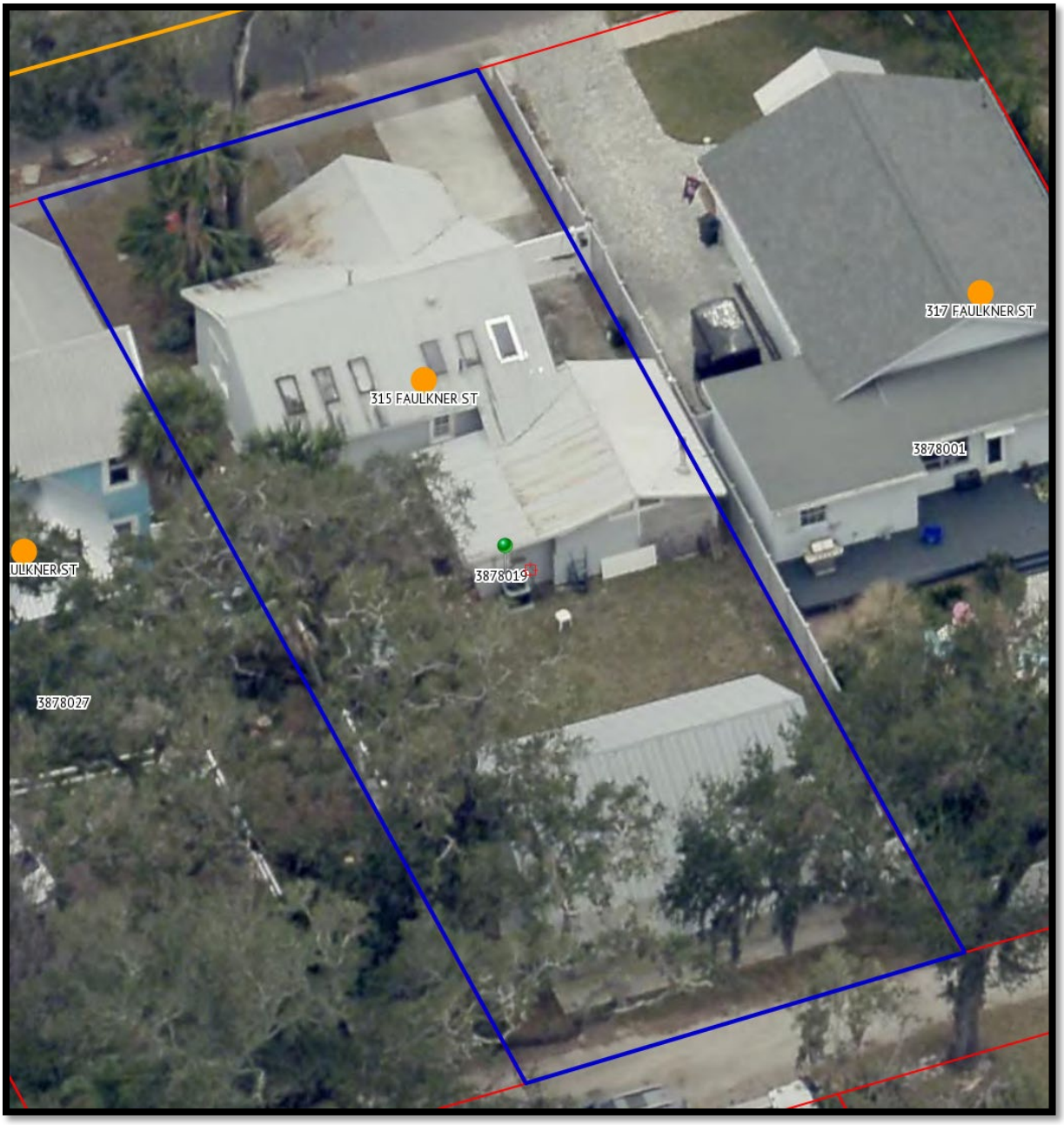
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1) This su
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3) Do not
4) No foo
5) No imp
shown
6) Not val
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Certification:
meets the m
Land Surveya

SURVEY No. 137396
03/06/25

Exhibit D


3878027
3878019
313 FAULKNER ST
3878001
315 FAULKNER ST
317 FAULKNER ST


317 FAULKNER ST
315 FAULKNER ST
3878001
ULKNER ST
3878019
3878027


TACOMA


From alley



Extend existing north wall Eastward 8 LF. Build up on top of existg North wall to acheive min. 8' interior height above new raised floor:

← new 18" stem wall to support wood floor joists – to match existing residence floor elevation +/- 18"

Please note: Actual construction drawings have not yet been prepared, pending outcome of Variance Request. This drawing is for illustration purposes as to North and West walls.


existing ±18"

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

ZT-4-25: REVIEW AND GIVE A RECOMMENDATION OF A PROPOSED TEXT AMENDMENT, TO THE CITY'S LAND DEVELOPMENT REGULATIONS, TO ADD A RESTRICTION ON ADVERTISEMENT OF UNPERMITTED USES.

July 7, 2025

Background:

Applicant: City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida 32168

Request: To add a new regulation under Section 504.00.S, to restrict advertisement on any platform for any use that has not been permitted or approved.

Exhibits used in this report:

Exhibit A: Proposed regulation

Findings:

The City Code Compliance department of the City of New Smyrna Beach has requested language be inserted in the City Land Development Regulations to assist the Code Compliance Officer with regulating advertisements of uses within the city hat have not been permitted or approved in any zoning district.

The Planning Department with assistance from the City Attorney's office have proposed a minor change to Section 504.00, District Regulations and requirements. **See Exhibit A.**

Recommendation:

The Planning Department is requesting the Planning and Zoning Board to review the application and give a positive recommendation to the City Commission to **approve** the proposed language in the Land Development Regulations.

Fiscal Analysis:

N/A

Strategic Plan Item:

No

Staff Report Created By: Robert Mathen - Senior Planner

Attachments:

Exhibit A Proposed Regulation.pdf

504.00. District regulations and requirements.

504.01. *General regulations.*

A. No building, structure, or land, shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

B. Uses not designated as permitted by right or subject to additional conditions in a district shall be prohibited from that district. Special exceptions are permitted subject to additional regulations imposed. The special exceptions may be approved only by the city commission following proper application as described within this LDR. Additional uses may be added to this LDR by amendment.

C. In any business district, more than one structure housing a permitted principal use may be erected on a single commercial lot, provided that yard and other requirements of this LDR shall be met for each structure and the total lot.

D. The maximum density on a residential project shall be computed by multiplying the Net Acreage of the site, as defined in Section 201.00, by the number of allowable units per acre. In addition, on sites containing wetlands, the total number of allowable residential units on a project may be increased by one dwelling unit per 10 acres of wetlands.

E. Where the density calculation results in a fraction that is 0.50 or greater, the number is rounded up (e.g. 12.6 = 13 units). Fractions lower than 0.50 are rounded down (e.g. 12.4 = 12 units).

F. The density calculation described above provides the maximum number of dwelling units that may be built on a site. However, the development is not guaranteed to attain that maximum density. The application of other development standards may substantially decrease the lot yield for a specific site.

G. No yard or lot existing at the time of passage of this LDR shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots

created after the effective date of this LDR shall meet at least the minimum requirements established by this LDR.

H. No part of a yard, or other open space, or off-street parking or loading space required about or in conjunction with any building for the purpose of complying with this LDR shall be included as part of a yard, open space, or off street parking or loading space similarly required for any other building.

I. All buildings shall be placed on lots or mobile homes on lots or spaces, in a manner that provides safe and convenient access for servicing, fire protection and required off-street parking.

J. The height limitations contained in the schedule of district regulations do not apply to spires, belfries, cupola, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

K. Lots platted or created prior to the effective date of this LDR having less width, depth and area than required in their zoning district but having no less than 90 percent of the width, depth and area shall be considered conforming with the requirements of this LDR.

L. Any lot platted or created prior to the effective date of this LDR which meets two of the three size requirements of width, depth and area and which meet no less than 85 percent of the third requirement shall be considered a nonconforming lot but shall be considered buildable.

M. The number of residential and hotel/motel units and the percentage of building coverage and impervious lot coverage allowed on oceanfront property shall be calculated by using only the land zoned for residential or hotel/motel use. The applicant must demonstrate, by evidence of clear title, that the upland property is under its control and has not been dedicated or reserved for a public use including, but not limited to, recreational, right-of-way or park use; is not submerged by ocean, natural lake, natural pond or other natural waters, and is not subject to a deed restriction.

N. Short term rental (less than 30 days) of a dwelling unit is permitted only in the designated areas and zoning districts indicated below:

East of the Intracoastal Waterway Zoning districts: R-3A east of Atlantic Avenue, R-4, R-5, R-6, B-4, M-U, and BBH

East of the Intracoastal Waterway and south of Third Avenue Zoning districts: R-2A

West of the Intracoastal Waterway Zoning districts: M-U, BBH

O. Front yard setbacks shall be calculated from the future right-of-way line as indicated in the Traffic Circulation Element, Table III-2, for property located along the rights-of-way listed in Table III-2 of the comprehensive plan or the setback required in the respective district, whichever is greater.

P. No single-family residential lot may contain more than one principal structure and no residential lot may contain more than one principal use.

Q. Walkways on private property that are five feet in width or less may be located as close as one foot from side and rear property lines, such that there is no dedicated drainage easement present or negative impacts to drainage.

R. It is the responsibility of the property owner, renter, lessee, or agent, adjacent to the right-of-way to maintain all areas within the right-of-way which do not contain the road, curb, or sidewalk to maintain the sod or other approved materials approved by the city engineer.

S. ~~Reserved.~~[1] Advertisement on any platform for any use that has not been permitted or approved in any Zoning District is strictly prohibited.

THE CITY OF NEW SMYRNA BEACH - DEVELOPMENTAL SERVICES

ZT-6-25: REVIEW AND GIVE A RECOMMENDATION OF A PROPOSED TEXT AMENDMENT, TO THE CITY'S LAND DEVELOPMENT REGULATIONS, TO AMEND SIGN DEFINITIONS AND REQUIRED IMPROVEMENTS.

July 7, 2025

Background:

A major update to the sign regulation was done in 2011. See attached ordinance number 108-11, **Exhibit C**, with associated staff report from 2011. Before the City Commission approved that new legislation, there was a sign committee formed that included the planning department, code enforcement staff, several sign contractors, local business owners, and a member from the Historic New Smyrna Beach Preservation Commission. After the final draft was completed, the planning department posted the proposed changes on the city website. The proposed changes were also forward to the Southeast Volusia Chamber of Commerce and the Volusia County Association for Responsible Development, (VCARD). The entire regulation was replaced and a 10-year amortization to remove all pole signs within the city by November 29, 2021. Before that 10-year amortization period ended, the City Commission extended, along with other conditions to November 29, 2025. See Ordinance number 31-21, **Exhibit E**. This was done during the Covid-19 period and the Commission did not want to create an additional hardship during this time. Under ordinance 54-21, **Exhibit F**, the city commission approved a path for any future designated vintage pole signs to stay after the required removal. The Historic New Smyrna Beach Preservation Commission was tasked in reviewing and approving the vintage sign designation applications. There are currently four (4) vintage signs within the city. (Southern Paint, Pappa's Restaurant, Pappa's Plaza, and the Dairy Queen) The final amortization date for all non-vintage pole signs is November 29, 2025 which will impact 145 signs.

Findings:

On May 15, 2025 staff reviewed the sign amortization schedule with the City Commission at a workshop and was given direction to remove the amortization provision from the code altogether. Later staff received additional direction from the City Manager to add new provisions to address the proliferation of feather signs. The current code does not clearly distinguish between a flag and a feather sign which makes them difficult to regulate. In addition, staff is proposing a few very minor amendments since this section is being opened for discussion.

Exhibit A: Pole Sign Map.pdf
Exhibit B: Pole Sign List

Exhibit C: Ordinance 108-11.pdf
Exhibit D: ZT-11-11 Staff Report with PZ recommendation
Exhibit E: ORD 31-21 Sec 604.12 Signs
Exhibit F: Ordinance 54-21 LDR Amendment Sec 604.12 Vintage Signs
Exhibit G: Proposed Sign Regulations Definitions
Exhibit H: Proposed Required Improvements

Recommendation:

Staff is requesting the Planning and Zoning Board to review the application and give a positive recommendation to the City Commission to approve the proposed language in the Land Development Regulations.

Fiscal Analysis:
NA

Strategic Plan Item:
Yes

Staff Report Created By: Shane Corbin - Developmental Services Director

Attachments:

Pole_Sign_Map.pdf
Pole_Sign_List.pdf
Ordinance_108-11.pdf
ZT-11-11_Staff_Report_with_PZ_recommendation.pdf
ORD_31-21_Sec_604.12_Signs.pdf
Ordinance_54-21_LDR_Amendment_Sec_604.12_Vintage_Signs.pdf
205.00.___Sign_regulations_definitions 6.16.25.pdf
604.00.___Required_improvements. Signs RMSC 6.26.25.pdf

POLE SIGN MAP

0 3,000 Feet

- POLE SIGN
- LOCAL ROAD
- PARCEL
- WATER
- CITY BOUNDARY

N

NEW SMYRNA BEACH

April 2025

MAP ID	BUSINESS NAME	BUSINESS ADDRESS	OWNER NAME	OWNER ADDRESS
1	Vacant Property	2606 N DIXIE FWY	CDCP INC	911 N DIXIE FREEWAY, NSB 32168
2	Mobile/Circle K	2600 N DIXIE FWY	BRENNAN FRANCIS X III	4370 SE 26TH TER RD, OCALA FL 34480 7260
3	BOTTOMS UP CLUB/MOTEL	2520 N DIXIE FWY	RINTRONA DOMINICK	PO BOX 884, NSB 32170
4	ARMED 'N DANGEROUS CYCLES	2514 N DIXIE FWY	MARLENE DJUSIC, ROBERT LASIC	PO BOX 1891, NSB 32170
5	ENTERPRISE RENT-A-CAR	2510 N DIXIE FWY	EDWIN C SIMONSEN	208 SCHOONER AVE EDGEWATER FL 32141
6	LOST LAGOON RESTAURANT	2004 N DIXIE FWY	CASTAWAY RESTAURANT GROUP LLC	2004 N DIXIE FRWY NSB 32168
7	TAYLOR STORAGE	1350 N DIXIE FWY	CHERKLEY MANAGEMENT GROUP LLC	1350 N DIXIE HWY
8	PARK AVENUE MOTORS	1313 N DIXIE FWY	TODD & KRISTIN WESTPFAHL	126 S CORY DR EDGEWATER 32141
9	BLUE HERON MOTEL	1204 N DIXIE FWY	VAUTOUR LLC	1204 N DIXIE FRWY NSB 32168
10	NSB CHIROPRACTIC CLINIC	1205 N DIXIE FWY	PROKOP ENTERPRISES LLC	1205 N DIXIE FRWY NSB 32168
11	MOM'S HOME COOKING	1201 N DIXIE FWY	SALVATOR & LOUISE ZARBO	4502 S ATLANTIC AVE NSB 32169
12	OCEAN AIR MOTEL	1161 N DIXIE FWY	FRED & SHARON VINCENT	1161 N DIXIE FRWY NSB 32168
13	SWIM TOTTS	1159 N DIXIE FWY	AMBER THOMPSON	1159A N DIXIE FWY NSB 32168
14	DUDLEY FUNERAL HOME	1108 N DIXIE FWY	DEBELLA INC	1108 N DIXIE FRWY
15	NOCTURNE MOTEL	1104 N DIXIE FWY	JESSICA UREMOVIC	1104 N DIXIE FRWY NSB 32168
16	BENS PAINT SUPPLY/SIGN SHOP	1102 N DIXIE FWY	BENS AUTO-MARINE INC	1102 N DIXIE FRWY NSB 32168
17	HIDDEN LAKES GOLF CLUB	1100 N DIXIE FWY	GOLF COURSE HOLDINGS LLC	1891 HIGH ST LONGWOOD FL 32750
18	WHITE BIRD MOTEL	1100 N DIXIE FWY	SEASUNS INC	24850 VINCNA ST DEARBORN MI 48124
19	LAUNDRY/LEASING CENTER	1109 N DIXIE FWY	CHRIS PAPPS	PO BOX 1946 NSB 32170
20	SOUTHEAST SELF STORAGE	450 TURNBULL BAY RD	DELAWARE GROUP	1414 N PENINSULA AVE nsb 32169
21	U HAUL SELF STORAGE	500 TURNBULL BAY RD	THREE C BAC SELF STORAGE LTD PARTNERSHIP	3077 E CHANDLER PHOENIX AZ 85012
22	BANANA SPLIT REPUBLIC	1042 N DIXIE FWY	PERRINE ARNOLD H JR & DIANNA S	690 ORA DELLA AVE TITUSVILLE FL 32796
23	PERRINE'S PRODUCE	1042 N DIXIE FWY	PERRINE ARNOLD H JR & DIANNA S	690 ORA DELLA AVE TITUSVILLE FL 32796
24	COMPUTERS BY THE SEA	1003 N DIXIE FWY	IDICOM INC	911 N DIXIE FRWY NSB 32168
25	SUZUKI	911 N DIXIE FWY	DIAMOND MOTORS OF DAYTONA LLC	911 N DIXIE FRWY NSB 32168
26	REGIONS BANK	900 N DIXIE FWY	AILANI NORTH DIXIE LLC	1055 N DIXIE FRWY NSB 32168
27	BACI RISTORANTE	840 N DIXIE FWY	BACI INVESTMENT PROPERTIES LLC	830 N DIXIE FRWY NSB 32168
28	TUSCAN INN	835 N DIXIE FWY	LAXMI OF NEW SMYRNA BEACH LLC	835 N DIXIE FWY NSB 32168
29	BACI PIZZERIA & RISTORANTE	830 N DIXIE FWY	CARMINE CORTESE & JOHN ANTHONY CORTESE	830 N DIXIE FRWY NSB 32168
30	1 MOTORS	828 N DIXIE FWY	LYON PROPERTY HOLDINGS OF FLORIDA LLC	PO BOX 1141 NSB 32170
31	AMERIPRISE FINANCIAL	824 N DIXIE FWY	EDWARD AFTUCK	32 CUNNINGHAM DR NSB 32168
32	SHANGRI-LA MOTEL	803 N DIXIE FWY	SARALYN A SCHAAF	PO BOX 723 NSB 32170
33	RIVERSIDE MOTORCARS INC	726 N DIXIE FWY	F & F CARS LLC	726 N DIXIE FREEWAY NSB 32168
34	TERRACE GARDEN NORTH MOTEL	724 N DIXIE FWY	SYDIAN GROUP LLC	9 FORE DR NSB 32168
35	BUDGET RENT A CAR	715 N DIXIE FWY	MARA HOLDINGS LLC REAL ESTATE TAX DEP	6 SYLVAN WAY PERSIPPANY NJ 07054
36	RAVIS BROS	708 N DIXIE FWY	AIR SPECIALISTS OF VOL CTY INC	708 N DIXIE FRWY NSB 32168
37	VACANT RESTAURANT	705 N DIXIE FWY	TNS PARTNERSHIP LLP	11301 SW 91ST AVE MIAMI FL 33176
38	BLACKBEARDS RESTAURANT	701 N DIXIE FWY	RANDALL B KINZEY	658 NEEDLERUSH RD PORT ORANGE FL 32127
39	CRYOTHERAPY AND O2 BAR	646 N DIXIE FWY	THOMAS HIKEC	PO BOX 1631 NSB 32170
40	SMYRNA AUTO AIR	646 N DIXIE FWY	THOMAS HIKEC	PO BOX 1631 NSB 32170
41	TACO SHACK	642 N DIXIE FWY	EMILY E COLON	2351 EVERGREEN DR EDGEWATER FL 32141
42	POOLE'S MOTEL	635 N DIXIE FWY	HAZ SOOK INC	635 N DIXIE FREEWAY NSB 32168
43	MARATHON	620 N DIXIE FWY	DEEP PETROLEUM INC	620 N DIXIE FREEWAY NSB 32168
44	HILL BROS TIRE CO	623 N DIXIE FWY	VEENE INC	1530 VICTORY PALM DR EDGEWATER FL 32132
45	ADVANCE DISCOUNT AUTO PARTS	613 N DIXIE FWY	SPIRIT MASTER FUNDING X LLC	2727 N HARWOOD ST STE 300 DALLAS TX 75201
46	VACANT (PICKERS BARN)	540 N DIXIE FWY	BARKER FINANCIAL LLC	114 1/2 E COLLEGE ST STE 1 IOWA CITY IA 52240
47	GARY'S TRANSMISSIONS	539 N DIXIE FWY	STUART NICHOLSON & NICHOLSON FAMILY TRUST	25 ASPEN TRL NEBO NC 28761
48	VOLUSIA COUNTY PUBLIC WORKS	530 N DIXIE FWY	COUNTY OF VOLUSIA	123 W INDIANA AVE DELAND FL 32720
49	HALIFAX URBAN MINISTRIES SOUTH	524 N DIXIE FWY	500 BLOCK N DIXIE NSB LLC	700 S RIVERSIDE DR NSB 32168
50	GLOBE EXTERMINATORS	521 N DIXIE FWY	ROBERT PEPE	5484 RIVERSIDE DR PORT ORANGE FL 32127
51	DERMATOLOGY	519 N DIXIE FWY	MICHAEL M GUTIERREZ	7652 ASHLEY PARK CT #306 ORLANDO FL 32835
52	SALTY DOG TOO CAR WASH	508 N DIXIE FWY	508 N DIXIE INC	3086 LOG CABIN LN EDGEWATER FL 32132
53	METRO PCS	504 N DIXIE FWY	CAROLYN QUEENER	5880 WOODPOINT TER PORT ORANGE FL 32128
54	SUNDOWN SMOKEHOUSE	515 N DIXIE FWY	MARK RENAUD	113 CRYSTAL VIEW E SANFORD FL 32773
55	NU-DAY PLAZA/ SEASIDE SEWING & QUILTS	401 MARY AV	MESSICK PROPERTIES INC	2013 KING AIR CT PORT ORANGE FL 32128
56	OFFICES	406 N ORANGE ST	SILVESTRI INCESTMENTS OF FLORIDA INC	5300 S ATLANTIC AVE NSB 32169
57	CHECKS ON HOLD/CASH ADVANCE	332 N DIXIE FWY	WILLIAM SHAFFER	1007 SHOONEY DR ORMOND BEACH FL 32174
58	ALL SEASONS POOLS	322 N DIXIE FWY	BOB HERROLDS ALL SEASONS SWIMMING POOLS	322 N DIXIE FRWY NSB 32168
59	MUFFLER MANN AUTO SERVICE	300 N DIXIE FWY	JAMES CHRISTENSEN	PO BOX 58 CLIO MI 48420
60	VACANT CONV STORE	218 N DIXIE FWY	NSB SEASIDE LLC	PO BOX 248 DAYTONA BEACH FL 32115
61	STUARTS CAR CARE	219 N DIXIE FWY	STUART & LIANN WINKLER	219 N DIXIE FREEWAY NSB 32168
62	NAPA AUTO PARTS	214 N ORANGE ST	BT ENTERPRISES OF NSB LLC	2011 CALDWELL ST NSB
63	INDIAN RIVER GLASS	201 N ORANGE ST	VALLEY VIEW NORTH INC	7108 FAIRWAY DR STE 120 PALMBEACH FL 33418
64	PINCHA PENNY POOL SUPPLIES	214 N DIXIE FWY	LESLIE & TINA ORNSTEIN	766 SANDY HILL CIR PORT ORANGE FL 32127
65	XPRESS LUBE	200 N DIXIE FWY	FOWLER ENTERPRISES FLORIDA INC	221 DEER COLONY LN PONTE VEDRA BEACH FL 32082
66	STEADMANS LAUNDRY	201 N DIXIE FWY	SAMS FAMILY LIMITED PARTNERSHIP LLLP SERIES	PO BOX 190007 ATLANTA GA 31119
67	CITGO	199 N DIXIE FWY	NARNARAYAN DEV INVESTMENT LLC	199 N DIXIE FRWY NSB 32168
68	PREMIERE PHYSICAL THERAY	715 CANAL ST	JAMES CORWIN	715 CANAL ST NSB 32168
69	AK FOOD STORE	727 CANAL ST	HART LAND & CATTLE CO INC	138 S SR 415 NSB 32168
70	LACY'S COIN LAUNDRY	727 CANAL ST	HART LAND & CATTLE CO INC	138 S SR 415 NSB 32168
71	HALL MACHINE SHOP	508 DOWNING ST	R E D MANUFACTURING INC	PO BOX 1518 NSB 32170
72	ANDRES & ANDERS FINANCIAL GROUP	315 LIVE OAK ST	ANDERS & ANDERS HOLDINGS LLC	315 LIVE OAK ST NSB 32168
73	STATE FARM INSURANCE DOUG WILSON	207 MAGNOLIA ST	KATHLEEN CANFIELD	108 N PINE ST NSB 32169
74	RIVERPARK TERRACE	302 S RIVERSIDE DR	NSB GARDENS LLC	302 S RIVERSIDE DR NSB 32168
75	RIVERSIDE MOTORCARS SOUTH	511 S DIXIE FWY	JIMMIE K WALKER	2428 S GLENCOE RD NSB 32168
76	PAPPAJOHNS PIZZA	601 S DIXIE FWY	TRIPLE R ACQUISITION CORP	6300 NE 1ST AVE 3RD FLR FORT LAUDERDALE FL 33334
77	GIFT AND PAWN	413 SMITH ST	CITY OF NSB	210 SAMS AVE NSB 32168
78	AA MINI SELF STORAGE	720 MAGNOLIA ST	AAA MINI STORAGE OF NSB	PO BOX 632 NEW SMYRNA BEACH FL 32170
79	MARTIAL FITNESS	505 1ST ST	HORIZON FLORIDA PUBLICATIONS INC	1120 N CARBON STE 100 MARION IL 62959
80	NEW SMYRNA GLASS &DESIGN CENTER	823 S DIXIE FWY	HORIZON FLORIDA PUBLICATIONS INC	1120 N CARBON STE 100 MARION IL 62959
81	SMILE LOT/HOSPICE RESALE AND SPECIAL	720 S DIXIE FWY	OZNUS NSB LLC C/O SUNZIO LLC	12481 BRANTLEY COMMONS CT FORT MYERS FL 33907
82	AUTOMOTIVE LINK CAR LOAN	911 S DIXIE FWY	CRISTY & SONS INVESTMENTS LLC	2070 VERSAILLES AVE WINTER PARK FL 32789
83	HABITAT FOR HUMANITY	722 S DIXIE FWY	SOUTHEAST VOLUSIA HABITAT FOR HUMANITY INC	612 N RIDGEWOOD AVE STE A EDGEWATER FL 32132
84	SMYRNA DENTAL MEDICAL CENTER	1111 S DIXIE FWY	SMYRNA DENTAL MEDICAL CENTER ASSOCIATION	1939 TAYLOR RD NSB 32168
85	NEW SMYRNA SHOPPING CENTER	1401 S DIXIE FWY	NEW SMYRNA ACD LLC	1985 CEDAR BRIDGE AVE LAKEWOOD NJ 08701
86	THE SAND BAR CAFE	1500 S DIXIE FWY	CHRIS PAPPAS SOULA PAPPAS	PO BOX 1946 NEW SMYRNA BEACH FL 32170
87	PIZZA POMODORO	1518 S DIXIE FWY	HELKIM REALTY LLC	811 23RD AVE NSB 32169
88	PIZZA HUT	1616 S DIXIE FWY	TATE STANLEY G TR-DENISON FAMILY PARTNERS LI	1175 NE 125TH ST STE 102 NORTH MIAMI FL 33161
89	MCDONALDS	1704 S DIXIE FWY	MCDONALDS CORP- SUSAN H MARTIN	PO BOX 632 NEW SMYRNA BEACH FL 32170
90	TIRE KINGDOM	1698 SR 44	REALTY INCOME PROPERTIES 13 LLC	11995 EL CAMINO REAL SAN DIEGO CA 92130
91	PLAZA 44	1700 CANAL ST	RANDOLPH & SHARON MCHENRY	701 N ATLANTIC AVE UNIT 801 NSB 32169
92	FOX BICYCLES	1609 CANAL ST	GORNDON & NANCY ARMSTRONG	6135 SEQUOIA DR
93	VOLUSIA MOTORSPORTS	1701 SR 44	VMRE LLC	1701 SR 44 NSB 32168
94	WELLS FARGO BANK	1791 SR 44	FIRST UNION NATL BANK OF FL	C/O RYAN LLC PO BOX 2609 CARLSBAD CA 92018
95	WEAVER CONSTRUCTION	121 WALLACE RD	121 WALLACE INC	PO BOX 635 NSB 32170
96	CIRCLE K	1801 SR 44	DBNCH CIRCLE LLC	PO BOX 52085 PHOENIX AZ 85072
97	CRITTER CORNER PET SHOP	110 WALLACE RD	JOHN HINTON JR	949 BEVILLE RD SOUTH DAYTONA 32119
98	DENNYS RESTAURANT	1630 SR 44	CHARAF INVESTMENTS OF FLORIDA INC	6175 NW 16TH ST STE GAINESVILLE FL 33015
99	WINN DIXIE	1835 CANAL ST	COAST PLAZA I LLC	11199 POLO CKUB RD STE 1 WELLINGTON FL 33414
100	VICTORY SQUARE	1847 SR 44	GIL PROPERTIES	9 KENVIEW BLVD BRAMPTON ON L6T 5G5 CANADA
101	BANK OF AMERICA	1860 SR 44	BARNETT BANK OF VOLUSIA COUNTY	101 N TRYON ST CHARLOTTE NC 28255
102	KENTUCKY FRIED CHICKEN	2000 SR 44	CHASIN RALTY CORP	58 N COLLIER BLVD APT 1612 MARCO ISLAND FLR 34145
103	VACANT CONV STORE	2153 SR 44	GAUTIER E W EST % PATRICIA GAUTIER KITCHENS	2604 CLINE ST TALLAHASSEE 32308
104	HAWKS COVE	152 W CORBIN LLC	53 CEDAR DUNES NSB 32169	
105	HAYNES BROTHERS' FURNITURE/JOHNS AP	2240 SR 44	HIGHWAY 44 LLC	949 BEVILLE RD SOUTH DAYTONA 32119
106	FISHIN COVE BAIT AND TACKLE	107 N RIVERSIDE DR	SAMS FAMILY LIMITED PARTNERSHIP LLLP SERIES S	PO BOX 190007 ATLANTA GA 31119
107	ANGLERS PRIVATE CLUB	2 N CAUSEWAY	CITY OF NEW SMYRNA BCH LSD TO ANGLERS YACH	350 N CAUSEWAY NSB 32168
108	OFF THE WALL ART & WINE GALLERY	109 N CAUSEWAY	KENNETH RHEAULT	5806 MARLAKE DR ORLANDO 32839
109	NSB MEDICAL CENTER	161 N CAUSEWAY UNIT A	HUBBLES CONSTANT LLC	161 N CAUSEWAY UNIT A NSB 32169
110	BB&T BANK	161 N CAUSEWAY UNIT B	161 N CAUSEWAY NSB LLC	2439 SWORDFISH LN EDGEWATER FL 32141
111	MERK'S BAR AND GRILL	193 N CAUSEWAY	NTERNATIONAL BREW INC	193 N CAUSEWAY NSB 32169
112	ATLANTIC WELLNESS CENTER	225 N CAUSEWAY	ATLANTIC WELLNESS LLC	225 N CAUSEWAY
113	WEICHERT REALTORS	235 N CAUSEWAY	SEA FAMILY PARTNERS LTD	937 N MAGNOLIA AVE
114	PENINSULA LAND REALTY	394 N CAUSEWAY	MAITLAND FRUIT CO INC	261 N CAUSEWAY STE#2 NSB 32169
115	BUENA VISTA INTRACOASTAL INN	500 N CAUSEWAY	K&B CAMP INC	500 N CAUSEWAY NSB 32169
116	NU DAY REALTY	224 FLAGLER AV	JACOBS ANN K	1881 WATERFORD ESTATES DR NSB 32168
117	BEACHSIDE REALTY	315 FLAGLER AV	LORD & COLLETT INC	315 FLAGLER AVE NSB 32169
118	7-ELEVEN	100 N ATLANTIC AV	SOUTHLAND CORPORATION SOUTHLAND STORE 1	PO BOX 711 DALLAS TX 75221 0711
119	RIP CURL	510 FLAGLER AV	CHARLES BALDWIN	121 LAGOON CT NSB 32169
120	ATLANTIC PLAZA	425 S ATLANTIC AV	VACATION INVESTMENT PLAN INC	425 N FEDERAL HIGHWAY HALLANDALE FL 33009
121	COCONUT PALMS BEACH RESORT II	611 S ATLANTIC AV	OCEAN DEVELOPMENT GROUP INC C/O KGI RESOR	3099 QUADRANGLE BLVD STE 300 ORLANDO FL 32817
122	OUTBACK PLAZA	429 3RD AV	RICHARD S CAPOLUPO	98 ELM ST SALISBURY MA 01952
123	EDWARD JONES INVESTMENTS	551 E 3RD AV	ROBERT ALONZO	1035 MAGNOLIA CIR NSB 32168
124	COOMER CONSTRUCTION	620 E 3RD AV	SPANISH PLAZA DEV CORP	628 3RD AV NSB 32169
125	E-CIG SUPPLIES/PLANET PIZZA	620 E 3RD AV	SPANISH PLAZA DEV CORP	628 3RD AV NSB 32169
126	BEACHSIDE TAVERN	690 E 3RD AV	BEACHSIDE TAVERN LLC	690 E 3RD AVE NSB 32169
127	CVS	615 E 3RD AV	51 REMSEN STREET CORP % CVS 3115 ACCOUNT	ONE CVS DR WOONSOCKET RI 02895
128	EAST COAST KITCHENS	712 E 3RD AV	HEIDE WIESENBERGER REV TRUST	4388 SAXON DR NSB 32169
129	FIRST AMERICAN TITLE INS	710 E 3RD AV	DONALD CRISP	900 W 26TH ST LYNN HAVEN FL 32444
130	SCOTT REMODELING	730 E 3RD AV	PAUL SCOTT	2724 BROOKLINE AVE NSB 32168
131	BEACHSIDE SHOPPING CENTERS	804 E 3RD AV	MORSE REALTY INC THE 806 THIRD AVE REALTY TR	PO BOX 940658 MAITLAND FL 32794
132	LINES AND VINES COFFEE SHOP	810 E 3RD AV	ROTHERY PETER CRAMPTON	4443 SAXON DR NSB 32169
133	ALVINS ISLAND	812 E 3RD AV	EDMONDS FAMILY PARTNERSHIP LLLP	12954 MANDARIN RD JACKSONVILLE FL 32223
134	PARADISE POWERSPORTS	920 3RD AV	920 EAST THIRD AVE NSB LLC	920 E THIRD AVE NSB 32169
135	RED DOG SURF SHOP	801 SR A1A	RED DOG SEA SPORT INC	801 US A1A NSB 32169
136	WALGREENS	800 SR A1A	CITRUS ENTERPRISES INC	PO BOX 1159 DEERFIELD IL 60015
137	CENTER STATE BANK	763 3RD AV	PONTUS VAULT PORTFOLIO LLC	875 PROSPECT DT STE 303 LAJOLLA CA 92037
138	WATSON REALTY	1504 S ATLANTIC AV	WATSON REALTY CORP	7821 DEERCREEK CLUB RD JACKSONVILLE FL 32256
139	WELLS FARGO BANK	1650 S ATLANTIC AV	FIRST UNION NATL BANK OF FLA C/O RYAN LLC	PO BOX 2609 CARLSBAD CA 92018
140	ISLANDER BEACH RESORT	1601 S ATLANTIC AV	ISLANDER BEACH RESORTS ASSOC	1601 S ATLANTIC AVE NSB 32169
141	SEA VISTA	1701 S ATLANTIC AV	DOMINICK ROSA & JAMES ROSA	1701 S ATLANTIC AVE NSB 32169
142	VALDORA COURT	1708 S ATLANTIC AV	OCEAN ELEVEN NSB LLC	1550 MADRUGA AVE STE 130 CORAL GABLES FL 33146
143	BROWN FOX RENTALS	2702 S ATLANTIC AV	BROWN JOSEPH M % CAMPUS BOOK MART	1164 E LEE BLVD STARKVILLE MS 39759
144	OCEANVIEW NURSING HOME	2810 S ATLANTIC AV	ATLANTIC AVENUE FACILITY LLC	5310 NW 33RD AVE STE 211 FORT LAUDERDALE FL 33309
145	PONCE DE LEON TOWERS	3501 S ATLANIC AV	SENTRY MANAGEMENT INC	2180 W SR 434 STE 5000 LONGWOOD FL 32779

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5	ENTERPRISE RENT-A-CAR	2510 N DIXIE FWY
6	LOST LAGOON RESTAURANT	2004 N DIXIE FWY
7	TAYLOR STORAGE	1350 N DIXIE FWY
8	PARK AVENUE MOTORS	1313 N DIXIE FWY
9	BLUE HERON MOTEL	1204 N DIXIE FWY
10	NSB CHIROPRACTIC CLINIC	1205 N DIXIE FWY
11	MOM'S HOME COOKING	1201 N DIXIE FWY
12	OCEAN AIR MOTEL	1161 N DIXIE FWY
13	SWIM TOTTS	1159 N DIXIE FWY
14	DUDLEY FUNERAL HOME	1108 N DIXIE FWY
15	NOCTURNE MOTEL	1104 N DIXIE FWY
16	BENS PAINT SUPPLY/SIGN SHOP	1102 N DIXIE FWY
17	HIDDEN LAKES GOLF CLUB	1100 N DIXIE FWY
18	WHITE BIRD MOTEL	1100 N DIXIE FWY
19	LAUNDRY/LEASING CENTER	1109 N DIXIE FWY
20	SOUTHEAST SELF STORAGE	450 TURNBULL BAY RD
21	U HAUL SELF STORAGE	500 TURNBULL BAY RD
22	BANANA SPLIT REPUBLIC	1042 N DIXIE FWY
23	PERRINE'S PRODUCE	1042 N DIXIE FWY
24	COMPUTERS BY THE SEA	1001 N DIXIE FWY
25	SUZUKI	911 N DIXIE FWY
26	REGIONS BANK	900 N DIXIE FWY
27	BACI	840 N DIXIE FWY
28	TUSCAN INN	835 N DIXIE FWY
29	BACI PIZZERIA & RISTORANTE	830 N DIXIE FWY
30	I MOTORS	828 N DIXIE FWY
31	AMERIPRISE FINANCIAL	824 N DIXIE FWY
32	SHANGRI-LA MOTEL	803 N DIXIE FWY
33	RIVERSIDE MOTORCARS INC	726 N DIXIE FWY
34	TERRACE GARDEN NORTH MOTEL	724 N DIXIE FWY
35	BUDGET RENT A CAR	715 N DIXIE FWY
36	DAVIS BROS	708 N DIXIE FWY
37	VACANT RESTAURANT	705 N DIXIE FWY
38	BLACKBEARDS RESTAURANT	701 N DIXIE FWY
39	CRYOTHERAPY AND O2 BAR	646 N DIXIE FWY
40	SMYRNA AUTO AIR	646 N DIXIE FWY
41	TACO SHACK	642 N DIXIE FWY
42	POOLE'S MOTEL	635 N DIXIE FWY
43	MARATHON	620 N DIXIE FWY
44	HILL BROS TIRE CO	623 N DIXIE FWY
45	ADVANCE DISCOUNT AUTO PARTS	613 N DIXIE FWY
46	VACANT (PICKERS BARN)	540 N DIXIE FWY
47	GARY'S TRANSMISSIONS	539 N DIXIE FWY
48	VOLUSIA COUNTY PUBLIC WORKS	530 N DIXIE FWY
49	HALIFAX URBAN MINISTRIES SOUTH	524 N DIXIE FWY
50	GLOBE EXTERMINATORS	521 N DIXIE FWY
51	DERMATOLOGY	519 N DIXIE FWY
52	SALTY DOG TOO CAR WASH	508 N DIXIE FWY
53	METRO PCS	504 N DIXIE FWY
54	SUNDOWN SMOKEHOUSE	515 N DIXIE FWY
55	NU-DAY PLAZA/ SEASIDE SEWING & QUILTS	401 MARY AV
56	OFFICES	406 N ORANGE ST
57	CHECKS ON HOLD/CASH ADVANCE	332 N DIXIE FWY
58	ALL SEASONS POOLS	322 N DIXIE FWY
59	MUFFLER MAN AUTO SERVICE	300 N DIXIE FWY
60	VACANT CONV STORE	218 N DIXIE FWY
61	STUARTS CAR CARE	219 N DIXIE FWY

OWNER NAME
CDCP INC
BRENNAN FRANCIS X III
RINTRONA DOMINICK
MARLENE DJUSIC, ROBERT LASIC
EDWIN C SIMONSEN
CASTAWAY RESTAURANT GROUP LLC
CHERKLEY MANAGEMENT GROUP LLC
TODD & KRISTIN WESTPFAHL
VAUTOUR LLC
PROKOP ENTERPRISES LLC
SALVATOR & LOUISE ZARBO
FRED & SHARON VINCENT
AMBER THOMPSON
DEBELLA INC
JESSICA UREMOVIC
BENS AUTO-MARINE INC
GOLF COURSE HOLDINGS LLC
SEASUNS INC
CHRIS PAPPS
DELAWARE GROUP
THREE C SAC SELF STORAGE LTD PARTNERSHIP
PERRINE ARNOLD H JR & DIANNA S
PERRINE ARNOLD H JR & DIANNA S
IDICOM INC
DIAMOND MOTORS OF DAYTONA LLC
AILANI NORTH DIXIE LLC
BACI INVESTMENT PROPERTIES LLC
LAXMI OF NEW SMYRNA BEACH LLC
CARMINE CORTESE & JOHN ANTHONY CORTESE
LYON PROPERTY HOLDINGS OF FLORIDA LLC
EDWARD AFTUCK
SARALYN A SCHAAF
F & F CARS LLC
SYDIAN GROUP LLC
MARA HOLDINGS LLC REAL ESTATE TAX DEP
AIR SPECIALISTS OF VOL CTY INC
TNS PARTNERSHIP LLP
RANDALL B KINZEY
THOMAS HIKEC
THOMAS HIKEC
EMILY E COLON
HAE SOOK INC
DEEP PETROLEUM INC
VEENE INC
SPIRIT MASTER FUNDING X LLC
BARKER FINANCIAL LLC
STUART NICHOLSON & NICHOLSON FAMILY TRUST
COUNTY OF VOLUSIA
500 BLOCK N DIXIE NSB LLC
ROBERT PEPE
MICHAEL M GUTIERREZ
508 N DIXIE INC
CAROLYN QUEENER
MARK RENAUD
MESSICK PROPERTIES INC
SILVESTRI INCESTMENTS OF FLORIDA INC
WILLIAM SHAFFER
BOB HERROLDS ALL SEASONS SWIMMING POOLS &
JAMES CHRISTENSEN
NSB SEASIDE LLC
STUART & LIANN WINKLER

OWNER ADDRESS
911 N DIXIE FREEWAY, NSB 32168
4370 SE 26TH TER RD, OCALA FL. 34480 7260
PO BOX 884, NSB 32170
PO BOX 1891, NSB 32170
208 SCHOONER AVE EDGEWATER FL 32141
2004 N DIXIE FRWY NSB 32168
1350 N DIXIE HWY
126 S CORY DR EDGEWATER 32141
1204 N DIXIE FRWY NSB 32168
1205 N DIXIE FRWY NSB 32168
4502 S ATLANTIC AVE NSB 32169
1161 N DIXIE FRWY NSB 32168
1159A N DIXIE FWY NSB 32168
1108 N DIXIE FRWY
1104 N DIXIE FRWY NSB 32168
1102 N DIXIE FRWY NSB 32168
1891 HIGH ST LONGWOOD FL 32750
24850 WINONA ST DEARBORN MI 48124
PO BOX 1946 NSB 32170
1414 N PENINSULA AVE nsb 32169
207 E CLARENDON PHOENIX AZ 85012
690 ORA DELLA AVE TITUSVILLE FL 32796
690 ORA DELLA AVE TITUSVILLE FL 32796
911 N DIXIE FRWY NSB 32168
911 N DIXIE FRWY NSB 32168
1055 N DIXIE FRWY NSB 32168
830 N DIXIE FRWY NSB 32168
835 N DIXIE FWY NSB 32168
830 N DIXIE FRWY NSB 32168
PO BOX 1141 NSB 32170
32 CUNNINGHAM DR NSB 32168
PO BOX 723 NSB 32170
726 N DIXIE FREEWAY NSB 32168
9 FORE DR NSB 32168
6 SYLVAN WAY PERSIPPANY NJ 07054
708 N DIXIE FWY NSB 32168
11301 SW 91ST AVE MIAMI FL 33176
658 NEEDLERUSH RD PORT ORANGE FL 32127
PO BOX 1631 NSB 32170
PO BOX 1631 NSB 32170
2351 EVERGREEN DR EDGEWATER FL 32141
635 N DIXIE FREEWAY NSB 32168
620 N DIXIE FREEWAY NSB 32168
1530 VICTORY PALM DR EDGEWATER FL 32132
2727 N HARWOOD ST STE 300 DALLAS TX 75201
114 1/2 E COLLEGE ST STE 1 IOWA CITY IA 52240
25 ASPEN TRL NEBO NC 28761
123 W INDIANA AVE DELAND FL 32720
700 S RIVERSIDE DR NSB 32168
5484 RIVERSIDE DR PORT ORANGE FL 32127
7652 ASHLEY PARK CT #306 ORLANDO FL 32835
3086 LOG CABIN LN EDGEWATER FL 32132
5880 WOODPOINT TER PORT ORANGE FL 32128
113 CRYSTAL VIEW E SANFORD FL 32773
2013 KING AIR CT PORT ORANGE FL 32128
5300 S ATLANTIC AVE NSB 32169
1007 SHOCKNEY DR ORMOND BEACH FL 32174
322 N DIXIE FRWY NSB 32168
PO BOX 58 CLIO MI 48420
PO BOX 248 DAYTONA BEACH FL 32115
219 N DIXIE FREEWAY NSB 32168

62	NAPA AUTO PARTS	214 N ORANGE ST
63	INDIAN RIVER GLASS	201 N ORANGE ST
64	PINCH A PENNY POOL SUPPLIES	214 N DIXIE FWY
65	XPRESS LUBE	200 N DIXIE FWY
66	STEADMANS LAUNDRY	201 N DIXIE FWY
67	CITGO	199 N DIXIE FWY
68	PREMIERE PHYSICAL THERAY	715 CANAL ST
69	AK FOOD STORE	727 CANAL ST
70	LACY'S COIN LAUNDRY	727 CANAL ST
71	HALL MACHINE SHOP	508 DOWNING ST
72	ANDRES & ANDERS FINANCIAL GROUP	315 LIVE OAK ST
73	STATE FARM INSURANCE DOUG WILSON	207 MAGNOLIA ST
74	RIVERPARK TERRACE	302 S RIVERSIDE DR
75	RIVERSIDE MOTORCARS SOUTH	511 S DIXIE FWY
76	PAPPA JOHNS PIZZA	601 S DIXIE FWY
77	GIFT AND PAWN	413 SMITH ST
78	AAA MINI SELF STORAGE	720 MAGNOLIA ST
79	MARTIAL FITNESS	505 1ST ST
80	NEW SMYRNA GLASS &DESIGN CENTER	823 S DIXIE FWY
81	SAVE A LOT/HOSPICE RESALE AND SPECIAL	720 S DIXIE FWY
82	AUTOMOTIVE LINK CAR LOAN	911 S DIXIE FWY
83	HABITAT FOR HUMANITY	722 S DIXIE FWY
84	SMYRNA DENTAL MEDICAL CENTER	1111 S DIXIE FWY
85	NEW SMYRNA SHOPPING CENTER	1401 S DIXIE FWY
86	THE SAND BAR CAFÉ	1500 S DIXIE FWY
87	PIZZA POMODORO	1518 S DIXIE FWY
88	PIZZA HUT	1616 S DIXIE FWY
89	MCDONALDS	1704 S DIXIE FWY
90	TIRE KINGDOM	1698 SR 44
91	PLAZA 44	1700 CANAL ST
92	FOX BICYCLES	1609 CANAL ST
93	VOLUSIA MOTORSPORTS	1701 SR 44
94	WELLS FARGO BANK	1791 SR 44
95	WEAVER CONSTRUCTION	121 WALLACE RD
96	CIRCLE K	1801 SR 44
97	CRITTER CORNER PET SHOP	110 WALLACE RD
98	DENNYS RESTAURANT	1830 SR 44
99	WINN DIXIE	1835 CANAL ST
100	VICTORY SQUARE	1847 SR 44
101	BANK OF AMERICA	1880 SR 44
102	KENTUCKY FRIED CHICKEN	2000 SR 44
103	VACANT CONV STORE	2153 SR 44
104	HAWKS COVE	152 W CORBIN PARK RD
105	HAYNES BROTHERS' FURNITURE/JOHNS APF	2240 SR 44
106	FISHIN COVE BAIT AND TACKLE	107 N RIVERSIDE DR
107	ANGLERS PRIVATE CLUB	2 N CAUSEWAY
108	OFF THE WALL ART & WINE GALLERY	109 N CAUSEWAY
109	VOLUSIA MEDICAL CENTER	161 N CAUSEWAY UNIT A
110	BB&T BANK	161 N CAUSEWAY UNIT B
111	MERK'S BAR AND GRILL	193 N CAUSEWAY
112	ATLANTIC WELLNESS CENTER	225 N CAUSEWAY
113	WEICHERT REALTORS	235 N CAUSEWAY
114	PENINSULA LAND REALTY	394 N CAUSEWAY
115	BUENA VISTA INTRACOASTAL INN	500 N CAUSEWAY
116	NU DAY REALTY	224 FLAGLER AV
117	BEACHSIDE REALTY	315 FLAGLER AV
118	7-ELEVEN	100 N ATLANTIC AV
119	RIP CURL	510 FLAGLER AV
120	ATLANTIC PLAZA	425 S ATLANTIC AV
121	COCONUT PALMS BEACH RESORT II	611 S ATLANTIC AV
122	OUTBACK PLAZA	429 3RD AV
123	EDWARD JONES INVESTMENTS	551 E 3RD AV

BT ENTERPRISES OF NSB LLC
VALLEY VIEW NORTH INC
LESLIE & TINA ORNSTEIN
FOWLER ENTERPRISES FLORIDA INC
SAMS FAMILY LIMITED PARTNERSHIP LLLP SERIES 3
NARNARAYAN DEV INVESTMENT LLC
JAMES CORWIN
HART LAND & CATTLE CO INC
HART LAND & CATTLE CO INC
R E D MANUFACTURING INC
ANDERS & ANDERS HOLDINGS LLC
KATHLEEN CANFIELD
NSB GARDENS LLC
JIMMIE K WALKER
TRIPLE R ACQUISITION CORP
CITY OF NSB
AAA MINI STORAGE OF NSB
HORIZON FLORIDA PUBLICATIONS INC
HORIZON FLORIDA PUBLICATIONS INC
OZINUS NSB LLC C/O SUNIZO LLC
CRISTY & SONS INVESTMENTS LLC
SOUTHEAST VOLUSIA HABITAT FOR HUMANITY INC
SMYRNA DENTAL MEDICAL CENTER ASSOCIATION I
NEW SMYRNA ACD LLC
CHRIS PAPPAS SOULA PAPPAS
HELKIM REALTY LLC
TATE STANLEY G TR-DENISON FAMILY PARTNERS L
MCDONALDS CORP- SUSAN H MARTIN
REALTY INCOME PROPERTIES 13 LLC
RANDOLPH & SHARON MCHENRY
GORNDON & NANCY ARMSTRONG
VMRE LLC
FIRST UNION NATL BANK OF FL
121 WALLACE INC
DBNCH CIRCLE LLC
JOHN HINTON JR
CHARAF INVESTMENTS OF FLORIDA INC
COAST PLAZA I LLC
GIL PROPERTIES
BARNETT BANK OF VOLUSIA COUNTY
CHASIN RALTY CORP
GAUTIER E W EST % PATRICIA GAUTIER KITCHENS
152 W CORBIN LLC
HIGHWAY 44 LLC
SAMS FAMILY LIMITED PARTNERSHIP LLLP SERIES 3
CITY OF NEW SMYRNA BCH LSD TO ANGLERS YACH
KENNETH RHEAULT
HUBBLES CONSTANT LLC
161 N CAUSEWAY NSB LLC
NTERNATIONAL BREW INC
225 N CAUSEWAY LLC
SEA FAMILY PARTNERS LTD
MAITLAND FRUIT CO INC
K&B CAMP INC
JACOBS ANN K
LORD & COLLETT INC
SOUTHLAND CORPORATION SOUTHLAND STORE 10
CHARLES BALDWIN
VACATION INVESTMENT PLAN INC
OCEAN DEVELOPMENT GROUP INC C/O KGI RESORT
RICHARD S CAPOLUPO
ROBERT ALONZO

2011 CALDWELL ST NSB
7108 FAIRWAY DR STE 120 PALMBEACH FL 33418
766 SANDY HILL CIR PORT ORANGE FL 32127
221 DEER COLONY LN PONTE VEDRA BEACH FL 32082
PO BOX 190007 ATLANTA GA 31119
199 N DIXIE FRWY NSB 32168
715 CANAL ST NSB 32168
138 S SR 415 NSB 32168
138 S SR 415 NSB 32168
PO BOX 1516 NSB 32170
315 LIVE OAK ST NSB 32168
108 N PINE ST NSB 32169
302 S RIVERSIDE DR NSB 32168
2428 S GLENCOE RD NSB 32168
6300 NE 1ST AVE 3RD FLR FORT LAUDERDALE FL 33334
210 SAMS AVE NSB 32168
720 MAGNOLIA ST NSB 32168
1120 N CARBON STE 100 MARION IL 62959
1120 N CARBON STE 100 MARION IL 62959
12481 BRANTLEY COMMONS CT FORT MYERS FL 33907
2070 VERSAILLES AVE WINTER PARK FL 32789
612 N RIDGEWOOD AVE STE A EDGEWATER FL 32132
1939 TAYLOR RD NSB 32168
1985 CEDAR BRIDGE AVE LAKEWOOD NJ 08701
PO BOX 1946 NEW SMYRNA BEACH FL 32170
811 23RD AVE NSB 32169
1175 NE 125TH ST STE 102 NORTH MIAMI FL 33161
PO BOX 632 NEW SMYRNA BEACH FL 32170
11995 EL CAMINO REAL SAN DIEGO CA 92130
701 N ATLANTIC AVE UNIT 801 NSB 32169
6135 SEQUOIA DR
1701 SR 44 NSB 32168
C/O RYAN LLC PO BOX 2609 CARLSBAD CA 92018
PO BOX 635 NSB 32170
PO BOX 52085 PHOENIX AZ 85072
949 BEVILLE RD SOUTH DAYTONA 32119
6175 NW 16TH ST STE G26 HIALEAH FL 33015
11199 POLO CKUB RD STE 1 WELLINGTON FL 33414
9 KENVIEW BLVD BRAMPTON ON L6T 5G5 CANADA
101 N TRYON ST CHARLOTTE NC 28255
58 N COLLIER BLVD APT 1612 MARCO ISLAND FLR 34145
2604 CLINE ST TALLAHASSEE 32208
53 CEDAR DUNES NSB 32169
949 BEVILLE RD SOUTH DAYTONA 32119
PO BOX 190007 ATLANTA GA 31119
350 N CAUSEWAY NSB 32168
5806 MARLAKE DR ORLANDO 32839
161 N CAUSEWAY UNIT A NSB 32169
2439 SWORDFISH LN EDGEWATER FL 32141
193 N CAUSEWAY NSB 32169
225 N CAUSEWAY
937 N MAGNOLIA AVE
261 N CAUSEWAY STE#2 NSB 32169
500 N CAUSEWAY NSB 32169
1881 WATERFORD ESTATES DR NSB 32168
315 FLAGLER AVE NSB 32169
PO BOX 711 DALLAS TX 75221 0711
121 LAGOON CT NSB 32169
425 N FEDERAL HIGHWAY HALLANDALE FL 33009
36269 QUADRANGLE BLVD STE 300 ORLANDO FL 32817
98 ELM ST SALISBURY MA 01952
1035 MAGNOLIA CIR NSB 32168

124	COOMER CONSTRUCTION	620 E 3RD AV
125	E-CIG SUPPLIES/PLANET PIZZA	620 E 3RD AV
126	BEACHSIDE TAVERN	690 E 3RD AV
127	CVS	615 E 3RD AV
128	EAST COAST KITCHENS	712 E 3RD AV
129	FIRST AMERICAN TITLE INS	710 E 3RD AV
130	SCOTT REMODELING	730 E 3RD AV
131	BEACHSIDE SHOPPING CENTERS	804 E 3RD AV
132	LINES AND VINES COFFEE SHOP	810 E 3RD AV
133	ALVIN'S ISLAND	812 E 3RD AV
134	PARADISE POWERSPORTS	920 3RD AV
135	RED DOG SURF SHOP	801 SR A1A
136	WALGREENS	800 SR A1A
137	CENTER STATE BANK	763 3RD AV
138	WATSON REALTY	1504 S ATLANTIC AV
139	WELLS FARGO BANK	1650 S ATLANTIC AV
140	ISLANDER BEACH RESORT	1601 S ATLANTIC AV
141	SEA VISTA	1701 S ATLANTIC AV
142	VALDORA COURT	1708 S ATLANTIC AV
143	BROWN FOX RENTALS	2702 S ATLANTIC AV
144	OCEANVIEW NURSING HOME	2810 S ATLANTIC AV
145	PONCE DE LEON TOWERS	3501 S ATLANIC AV

SPANISH PLAZA DEV CORP
SPANISH PLAZA DEV CORP
BEACHSIDE TAVERN LLC
51 REMSEN STREET CORP % CVS 3115 ACCOUNT DI
HEIDE WIESENBERGER REV TRUST
DONALD CRISP
PAUL SCOTT
MORSE REALTY INC THE 806 THIRD AVE REALTY TR
ROTHERY PETER CRAMPTON
EDMONDS FAMILY PARTNERSHIP LLLP
920 EAST THIRD AVE NSB LLC
RED DOG SEA SPORT INC
CITRUS ENTERPRISES INC
PONTUS VAULT PORTFOLIO LLC
WATSON REALTY CORP
FIRST UNION NATL BANK OF FLA C/O RYAN LLC
ISLANDER BEACH RESORTS ASSOC
DOMINICK ROSA & JAMES ROSA
OCEAN ELEVEN NSB LLC
BROWN JOSEPH M % CAMPUS BOOK MART
ATLANTIC AVENUE FACILITY LLC
SENTRY MANAGEMENT INC

628 3RD AV NSB 32169
628 3RD AV NSB 32169
690 E 3RD AVE NSB 32169
ONE CVS DR WOONSOCKET RI 02895
4388 SAXON DR NSB 32169
900 W 26TH ST LYNN HAVEN FL 32444
2724 BROOKLINE AVE NSB 32168
PO BOX 940658 MAITLAND FL 32794
4443 SAXON DR NSB 32169
12954 MANDARIN RD JACKSONVILLE FL 32223
920 E THIRD AVE NSB 32169
801 US A1A NSB 32169
PO BOX 1159 DEERFIELD IL 60015
875 PROSPECT DT STE 303 LAJOLLA CA 92037
7821 DEERCREEK CLUB RD JACKSONVILLE FL 32256
PO BOX 2609 CARLSBAD CA 92018
1601 S ATLANTIC AVE NSB 32169
1701 S ATLANTIC AVE NSB 32169
1550 MADRUGA AVE STE 130 CORAL GABLES FL 33146
1164 E LEE BLVD STARKVILLE MS 39759
5310 NW 33RD AVE STE 211 FORT LAUDERDALE FL 33309
2180 W SR 434 STE 5000 LONGWOOD FL 32779

ORDINANCE NO. 108-11

AN ORDINANCE AMENDING NEW SMYRNA BEACH ORDINANCE 1-91, NEW SMYRNA BEACH LAND DEVELOPMENT REGULATIONS, ARTICLE II, DEFINITIONS, SECTION 205.00, SIGN REGULATIONS DEFINITIONS, BY UPDATING SIGN REGULATIONS DEFINITIONS: PROVIDING FOR AMENDING ARTICLE VI, DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS, BY REPEALING SECTION 604.14, SIGNS, IN ITS ENTIRETY; PROVIDING FOR CREATING A NEW SECTION 604.14, SIGNS; PROVIDING FOR AMENDING ARTICLE VIII, SUPPLEMENTARY REGULATIONS, SECTION 801.06, HOME OCCUPATIONS, TO ALLOW SIGNAGE FOR PERMITTED HOME OCCUPATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of New Smyrna Beach, has requested an administrative amendment to the City's Land Development Regulations, Article II, Definitions, Section 205.00, Sign Regulations, by updating sign regulations definitions, and amending Article VI, Development Design and Improvement Standards, by repealing in its entirety Section 604.14, Signs, and creating a new Section 604.14, Signs, and amending Article VIII, Supplementary Regulations, Section 801.06, Home Occupations, by allowing signage for permitted home occupations; and

WHEREAS, the Planning and Zoning Board, at its meeting on Monday, September 12, 2011, by a vote of 6-0, (Mr. Casey was absent) recommended to the City Commission that the aforedescribed amendment be ***approved;*** and

WHEREAS, the City Commission deems it is in the best interests of the citizens of the City of New Smyrna Beach to amend the Land Development Regulations as more particularly set forth hereinafter.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF NEW SMYRNA BEACH, FLORIDA:

SECTION 1: ***Amendment.*** That New Smyrna Beach Ordinance 1-91, New Smyrna Beach Land Development Regulations, Article II,

Definitions, Section 205.00, Sign Regulations Definitions, is hereby amended as follows: **(Note: Omissions from text are indicated by [...], deletions from text are indicated by ~~strikeout~~, and additions to text are indicated by underline.)**

ARTICLE II. DEFINITIONS

Except where specific definitions are used within a specific article or section of this LDR for the purpose of such sections, the following terms, phrases, words, and their derivations shall have the meaning given herein when not inconsistent with the context.

Any words not specifically defined within this LDR shall assume the meaning as indicated in "Webster's Ninth New Collegiate Dictionary," Copyright 1988, by Merriam-Webster, Inc.

...

Section 205.00. – Sign regulations definitions.

The following definitions shall apply to [sub]section 604.14 of this LDR:

...

Copy area. Surface area encompassed within any regular geometric figure which forms the informational component of a sign, when such sign is viewed from one direction on the adjacent right-of-way. The frame which decorates or structurally supports the copy area shall be included when calculating area. The pole associated with a pole sign shall not be included when calculating copy area. The entire area of a ground sign shall be used in calculating the area of a ground sign.

~~*Electronic message center.* A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.~~

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

...

Semipublic body. Any organization operating as a nonprofit activity and serving a public purpose or service including such organizations as noncommercial clubs, lodges, theater groups, recreational and neighborhood associations, cultural organizations, schools and churches.

Sign. Any surface, fabric, device or display, designed to advertise, inform, identify, or to attract the attention of persons not on the premises on which the [device] or display is located.

A sign shall be construed to be a single display surface or device containing elements organized, related, and composed to form a single unit. In cases where material is displayed in a random or unconnected manner, or where there is reasonable doubt as to the intended relationship of such components, without organized relationship of such components, each component or element shall be considered to be a single sign

A projecting or ground sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed on a single sign [side].

For purposes of this LDR, the term "sign" shall include all structural members. ~~**Signs shall not be subject to setback requirements. However, the sign face and all related structural members shall have a minimum setback of five feet from any property line.**~~ A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. This definition shall not include bumper stickers on cars.

Within the sign definition are the following signs.

(a) *Awning sign.* A sign located on the vertical face of an awning.

(b) **Banner signs.** Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind, including such signs stretched

across or hung over any public right-of-way. National flags, flags of political subdivisions and symbolic flags of any institution or business shall not be considered banners for the purpose of the article.

(c) **Beacon light sign.** Any sign or device which includes any light with one or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically.

(d) **Bench signs.** A sign located on any part of the surface of a bench or seat placed on or in a close proximity to a public right-of-way or other public area.

(e) **Billboard.** Any notice or advertisement, pictorial or otherwise, giving information regarding any business, organization, event, person, product, place, or thing of any kind located on a premises other than that on which the advertised product or service is offered for sale, except off-site signs, and which is intended for use for the display of advertising material.

~~(f) **Bus signs. Any sign affixed to the interior or exterior of a public bus operated by the Smyrna Transit System, its agent, or successors.**~~

(f) ***Bunting.*** **A temporary sign made of gathered cloth, canvas, light fabric or plastic exhibiting the color or colors of a flag of a government or governmental agency or any patriotic, religious, charitable, civic, educational or fraternal organization.**

(g) *Changeable copy sign.* A sign that is designed so that characters, letters or illustrations can be changed or rearranged either manually or mechanically.

(h) *Construction sign.* Any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other relevant information regarding such contractors, architects or lending institutions.

(i) *Development sign.* A sign designed and intended to advertise and promote the sale of buildings or subdivided lots on the same premises.

(j) *Directional sign, off-site.* A sign ~~**not exceeding 32 square feet**~~ bearing directions and/or instructions indicating the direction to the premises to which the sign relates. Said "Directional sign, off-site" may

include the name of the firm, major enterprise or products offered for sale on the premises to which the sign is directing, or with any other information relevant to such business, services, or products.

(k) *Directional sign, on site.* A sign ~~not exceeding three square feet~~ bearing only directions and/or instructions of the premises. This includes, but is not limited to, stop, one-way, speed limit, no left or right turn signs, or any other traffic signs; signs which identify a building section, such as; service department, lounge, kitchen, dining room or menu. On-site directional signs shall not be included when determining the number of signs allowed nor in the total amount of copy area of signs permitted on the premises.

(l) *Directory sign.* A sign on which the names and locations or occupants or the use of a building is given. This shall include office building and church directories.

(m) ***Electronic message center.*** **A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.**

(n) ***Flag.*** **Any fabric, banner, or bunting containing distinctive colors, patters, or symbols, used as a symbol. Regulations herein do not apply to flags denoting nations, government, or noncommercial organizations.**

(mo) *Flashing sign.* Any sign with a lighting device or devices which go on and off alternately, not including signs giving time and temperature.

(np) *Ground and~~/or pole~~ sign or freestanding sign.* ~~Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.~~ **A sign where the foundation and supporting structure are visually an integral part of the sign creating a continuous form from the ground to the top of the sign.**

(oq) *Illuminated sign.* Any sign illuminated in any manner by an artificial light source.

(pr) *Informational sign.* Any sign providing information to assist persons entering a premises. The following signs are included; no vacancy, credit card acceptance, cable TV, open and closed, wet paint, time and temperature, etc. Each premises shall be limited to three such signs

and no informational sign shall exceed two square feet. Informational signs shall not be included in determining the number of signs allowed nor in the total amount of copy area of signs permitted on the premises.

(qs) *Integral sign.* Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials in the form of a plaque mounted on the side or face of a building, bench, or other permanent structure.

(rt) *Marquee sign.* Any projecting sign attached to and made a part of a marquee. A marquee is defined as a permanent roof-like or awning type structure projecting beyond and supported by a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

(su) *Moving sign.* A fluttering sign or a balloon type sign that is filled with a lighter than air gas, including wind operated devices. All balloons (including all inflatables), dirigibles, airships, and kites located on, or tethered to, commercial property, or for the purpose of advertising a business or profession, shall be moving signs within the meaning of the Land Development Regulations. The items enumerated in the preceding sentence shall be moving signs even if no advertising appears on the item. Specifically excluded from the definition of moving signs are all balloons, dirigibles, airships, and kites for purposes of political activities, weddings, birthday parties, anniversary parties and other similar non-commercial purposes. Dirigibles and airships at airports shall not be moving signs within the meaning of the Land Development Regulations.

(tv) *Nonconforming sign.* Any sign which does not conform to the regulations of this ordinance.

(uw) *Occupant identification.* A sign that is used to indicate to the public the legal or exact firm name and/or the character of the business or profession conducted on the premises.

(vx) *Off-site sign or non-point-of-sale sign.* Any sign located on property other than the premises to which the sign relates that does not conform to the definition of "Directional sign, off-site."

(~~w~~y) *Pennants.* Shall include the terms "ribbons"and "streamers"and shall mean pieces of cloth, flexible plastic, or other flexible material, intended to attract attention because of their bright colors and/or flapping caused by action of the wind, commonly strung in series along a line. This definition shall include a single pennant, ribbon, or streamer, or a series of such pennants, ribbons, or streamers**, but shall not include *flags* as defined herein**.

(~~x~~z) *Point of sale sign.* Any sign which carries the name of the firm, major enterprise or products offered for sale on the premises on which the sign is located, together with any other information relevant to such business, service, or products.

(aa) *Pole sign.* Any freestanding sign that does not meet the definition of ground or portable sign. These signs are composed of the sign cabinet or base and the sign pole or pylon by which it connects to the ground.

(~~y~~bb) *Political sign or political campaign sign.* A sign relating to any persons, political party, or matter to be voted upon at public election.

(~~z~~cc) *Portable sign.* A sign that is mounted on a trailer or trailer-like chassis which is capable of being moved on wheels, legs, or skids as an entire unit**, but is placed temporarily in one location as outlined in Section 604.14. Signs pulled behind a vehicle for the purpose of mobile advertising are not considered *portable signs* (see *trailer signs*)**.

(~~aa~~dd) *Professional sign.* A sign designating the office of a professional practice, indicating the names of the professionals and the profession.

(~~bb~~ee) *Project sign.* Any sign designed as a permanent structure containing only the name of a development and possibly the address and not used for promotional purposes.

(~~cc~~ff) *Projecting sign.* Any sign, other than a wall sign, affixed to any building or wall, any edge of which, extends more than 12 inches beyond such building or wall.

(~~dd~~gg) *Real estate sign.* Any sign which is used to offer for sale, lease, or rent, the property upon which the sign is placed.

(~~ee~~hh) *Roof sign.* Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

(~~ff~~ii) *Shingle sign.* A projecting or wall sign not over one and 1½ square feet in area.

(~~gg~~jj) *Snipe sign.* Any sign of any material whatsoever that is attached in any way to a utility pole, tree, or any object located or situated on public or private property.

(~~hhkk~~) *Subdivision sign.* A sign designed as a permanent structure containing only the name of a subdivision or multifamily development and not used for promotional purposes.

(~~ii~~ll) *Temporary sign.* Any sign or advertising display intended for use for a period of time not to exceed 21 days and designed and constructed in accordance with this intention.

(mm) ***Trailer/mobile sign.*** **Any sign placed on a vehicle or on a trailer attached to a vehicle that projects more than one inch and that is displayed on public rights-of-way as a mobile sign, not intended to be permanent and not in compliance with the definition of *portable sign* or *temporary sign*.**

(~~jj~~nn) *Traveling lights sign.* Any sign which includes a series of lights, or lighting device, which appears to move or travel in automatic sequence on the display surface of the sign.

(oo) ***Vintage sign.*** **Any sign 30 years old or older that is designated as such by the Historic New Smyrna Beach Preservation Commission.**

(~~kk~~pp) *Wall sign.* Any sign containing one advertising surface, other than a projecting sign that is attached to and erected parallel with the face of any building wall, any edge of which extends beyond such building wall.

(~~ll~~qq) *Window sign.* Any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

~~(mm) *Informational sign.* Any sign providing information to assist persons entering a premises. The following signs are included, no vacancy, credit card acceptance, cable TV, open and closed, wet paint, time and temperature, etc. Each premises shall be limited to three such signs~~

~~and no informational sign shall exceed two square feet. Informational signs shall not be included in determining the number of signs allowed nor in the total amount of copy area of signs permitted on the premises.~~

SECTION 2: ***Repeal.*** That Section 604.14, Signs, of Article VI, Development Design and Improvement Standards, New Smyrna Beach Ordinance 1-91, New Smyrna Beach Land Development Regulations, is hereby repealed in its entirety.

SECTION 3: ***Amendment.*** That New Smyrna Beach Ordinance 1-91, New Smyrna Beach Land Development Regulations, Article VI, Development Design and Improvement Standards, is hereby amended by creating a new Section 604.14, Signs, as follows:

...

ARTICLE VI. DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

...

604.14. Signs.

A. *Purposes, intent, and scope.* The purpose of these sign regulations is to protect, preserve, and improve the character and appearance of the City of New Smyrna Beach; to provide ample opportunity to advertise in commercial and industrial areas while preventing excessive advertising which would have a detrimental effect on the character and appearance of those areas; and to limit signs in non-commercial and non-industrial areas to essential signs, primarily for the purpose of identification and information, in order to protect the residential character and appearance of those areas. These regulations shall be the minimum requirements necessary to accomplish these purposes, and therefore, to protect the public health, safety, and general welfare.

It is intended that signs placed on land or on a building for the purpose of identification, or for advertising use conducted on that land, or in that building, shall be deemed to be accessory and incidental to the land, building, or use.

With respect to signs advertising business uses, it is specifically intended among other things to avoid excessive competition and clutter among sign display in the demand for public attention. Therefore, the display of signs should be appropriate to the land, building, or use to which it is appurtenant and be adequate but not excessive for the intended purpose of identification or advertising.

Signs commonly referred to as billboards, outdoor advertising or poster panels, which advertise products or businesses not connected with the site on which they are located are prohibited in accordance with the predominantly residential atmosphere of the community, such signs being most appropriate on open highways and roads where they do not detract from community character.

It is also intended that all temporary signs erected for directional purposes, public information, or to direct attention to special events shall be confined to those that are of a general public interest, and that such signs shall be limited to the giving of information.

B. *Prohibited signs.* The following signs are prohibited in the City of New Smyrna Beach:

Beacon light signs.
Billboards.
Flashing signs except Time and Temperature signs.
Moving signs.
Off-site signs except those off-site signs which for limited specific purposes are expressly permitted by the terms of this LDR, including but not limited to banner signs, bench signs, bus signs, political signs, real estate signs, and excluding off-site directional signs.
Pole signs.
Roof signs.
Snipe signs.
Trailer/mobile signs.
Traveling light signs.
Signs which in any way simulate or appear to simulate emergency vehicles, traffic control signs or devices, or directional, informational or warning signs erected or

maintained by any public body, or any railroad, public utility or similar body.

Private signs placed on public property, except as expressly permitted by the appropriate public body.

Signs containing any statements, words or pictures of an obscene nature, that is, which are utterly without redeeming social value as determined by the community standard prevailing in New Smyrna Beach and the immediate surrounding area.

Signs attached to passenger vehicles exceeding three square feet.

Signs which in any way obstruct, cover, or block any fire escape, window or door, or which are attached to any fire escape or ventilation device.

Signs which include pennants, ribbons, streamers, spinners, or wind-operated devices, except as provided herein. Flags of the United States, the State of Florida or the City of New Smyrna Beach are exempt from this prohibition.

Signs designed to be visible from any part of the Atlantic Ocean beach area, or from any waterway within the City limits, with the following exceptions: 1) approved wall signs in MU, B-2, B-3, B-4 or CM zoning districts; 2) signs complying with the exemption provisions of this LDR; and 3) real estate signs complying with the provisions of this LDR..

Commercial signs that are carried, waved, or otherwise displayed by persons ("sign walkers," "sign spinners," or "commercial mascots") either on public rights-of-way or in a manner visible from public rights-of-way. This provision is directed toward such displays intended to draw attention for a commercial purpose, and is not intended to limit the display of placards, banners, flags, or other signage by persons participating in demonstrations, political rallies, or otherwise exercising their valid First Amendment rights.

Signs containing a portion of a message where some other portion is contained on another sign, thereby creating a series of advertising messages along a street or highway.

Signs located in the visibility triangle of any corner lot, except as provided herein. The visibility triangle shall be drawn using the street right-of-way lines and a line connecting them at points 25 feet from the intersection formed by such right-of-way lines, or signs which

otherwise obstruct the view in any direction at a street intersection.

C. *Exemptions.* The following signs shall be exempt from the permitting requirements of this LDR:

Automobile dealerships informational/directional service sign provided the dealership contains over 40,000 square feet of lot area, the sign only reads "service," has no advertising or logo, and has a copy area of 75 square feet or less.

Bench signs approved by the city commission.

Construction signs for one or two unit residential construction projects provided that only one such sign not exceeding 5-1/2 square feet for each such project may be erected.

Integral signs, provided the individual letters or numerals of each such sign do not exceed two inches in height, and provided the sign itself does not exceed three square feet of display area.

Legal notices.

Neon light or other type of light sign hung inside the window of an establishment and intended to be seen from the outside provided: (1) No more than five are exempt; (2) the sign advertises a product sold at the establishment; and (3) the energy sources is by plug into an existing wall outlet.

No trespassing, warning, or similar signs of not more than two square feet where such signs are reasonably necessary to notify the public of the matters contained in the signs.

One sign not exceeding three square feet in area per premises, bearing only property numbers, post office numbers, and names of occupants of such premises, for identification purposes only.

Political signs not exceeding six square feet in area.

Real estate signs provided that only one such sign not exceeding 5-1/2 square feet in area may be erected for each street frontage adjoining the parcel of property offered for sale, lease, or rent, and provided further that no such signs shall be erected on the subject property adjacent to the Atlantic Ocean beach. "Add-on" signs (warranty, multiple listing, sold, by appointment, etc.) not exceeding one square foot may be attached to

permissible real estate signs. Real estate signs shall be located a minimum of 15 feet from side property lines and a minimum of 2 feet from the public right-of-way lines. Real estate signs shall be located outside the required visibility areas on waterfront parcels with the exception that when the visibility areas on a waterfront parcel overlap due to the width of the parcel, either one exempt real estate sign or one non-exempt real estate sign may be placed at the approximate mid-point of the water frontage.

Signs attached to passenger vehicles that do not exceed three square feet in copy area.

Signs erected by any public body.

Signs located on soda, candy, or food dispensing machines.

Signs required by any professional licensing body of the State of Florida provided that such signs do not exceed the state minimum requirements imposed by such body in any respect.

Window signs, provided that the total area of all signs does not exceed 35% of the total glass area of the window containing the display.

D. *Permits.* No person shall erect, alter, repair or relocate any non-exempt sign without first obtaining a permit for such work from the building official of the City of New Smyrna Beach. No permit shall be issued until the planning manager and chief building official, or designees, have determined that such work is in accordance with this LDR and all other ordinances of the City of New Smyrna Beach and a certificate of zoning has been issued.

(1) Application for a permanent sign permit shall be on forms provided for that purpose by the chief building official and shall contain the following information:

a. The name, address and telephone number of the applicant, the owner of the sign and the owner of the property on which the sign is to be located;

b. The address, if any, and legal description of the premises on which the sign is to be located;

c. A drawing to scale, in duplicate, showing the size, height, structural details, and dimensions of the sign and sign structure;

d. A drawing to scale, in duplicate, showing the position of the sign and any other existing advertising structures in relation to the buildings or structures or the premises and to the boundaries of the property;

e. The signatures of the applicant and the owner of the property, or in the event the owner is not available, written evidence of the owner's permission for the erection of the sign;

f. Any electrical and/or plumbing permit required for the sign;

g. For any sign which the chief building official determines may reasonably be subject to dead load, wind or other physical stress, engineering drawings showing display area, support structure above and below ground, wind pressure specifications and method of installation, signed and sealed by a registered engineer or architect licensed by the State of Florida in that profession;

h. Signs in the Visibility Triangle shall have a maximum height of 3.0 feet to allow for proper visibility.

E. *Schedule of fees.* The schedule of fees for sign permits shall be established, and periodically adjusted by city commission resolution.

F. *General provisions.* The following provisions shall apply to every sign erected in the City of New Smyrna Beach, including exempt signs:

(1) The name and address of the company or person installing any sign and the name and address of the company or persons maintaining any sign, the date of erection and the voltage of any electrical apparatus shall be painted or printed conspicuously on every sign erected.

(2) Any light from any illuminated sign shall be shaded, shielded or directed so that the light intensity or brightness shall not affect adversely the vision for operation of vehicles in any public or private road, highway, driveway or parking area. Such light shall not shine directly on or into any residential structure or directly onto approaching traffic. Such light shall not

be visible from the public beach during sea turtle nesting season (May 1-November 1 annually) per Volusia County code of ordinances, Chapter 72, Division 12, Sea Turtle Protection.

(3) All signs shall be designed and constructed to withstand a wind pressure as required by the Florida Building Code.

(4) The area around the base of any ground sign shall be kept free of any rubbish or other material that might constitute a fire or health hazard. Appropriate landscaping, monument architectural detailing and/or pole skirts around the base of signs are required.

(5) Square footage of copy area determined by lineal feet of frontage shall be determined by measuring along the entrance side of individual stores; in the case of corner stores, additional signage may be allowed only when the same or similar facade treatment is used on both front and side; sign area is not transferable between facades.

(6) Copy area of a sign shall be based upon the surface area encompassed within any regular geometric figure which forms the information component of a sign when such sign is viewed from one direction on the adjacent right-of-way. The frame which decorates or structurally supports the copy area shall be included when calculating area. The pole associated with a pole sign shall not be included when calculating area. The entire area of a ground sign shall be used in calculating the area of a ground sign.

(7) A projecting or ground sign with sign surface on both sides shall be construed as a single sign, and the total area of such sign shall be the area computed on a single sign. The faces of ground signs may be separated, and will be construed as a single sign provided that the angle of separation does not exceed 45 degrees.

(8) Unless specifically specified otherwise, no more than a total of three signs shall be erected or maintained per premises. The signs may be apportioned between any allowable type of sign in the district so long as the total copy area (excluding on-site directional signs) does not exceed the maximum permissible area provided herein.

(9) All signs shall be erected, altered, operated, maintained in good repair and working order, and kept free of any foreign matter, and in addition, shall be designed and

installed in compliance with the requirements of the building and electrical codes of the City of New Smyrna Beach.

(10) Vintage signs that do not comply with sign regulations as outlined in this section may be removed and replaced, provided approval is obtained from the Historic New Smyrna Beach Preservation Commission.

(11) All signs shall be set back a minimum of five feet from the front property line unless specifically noted otherwise below.

C. *Sign standards.* The following sign standards shall apply in the respective zoning districts as indicated below unless more stringent regulations are included within the LDR. No sign shall be permitted except as provided herein:

(1) Signs erected upon property zoned for commercial or industrial use and designated as MU, B-2, B-3, B-4, B-6, B-6A, CM, I-1, I-2, I-3, and I-4, and Corridor Overlay Zone (COZ) zoning districts shall conform to the following:

a. Ground signs.

1. Maximum copy area: Four square feet for each lineal foot of building structure frontage, not to exceed forty-eight square feet.

2. If the building has frontage on more than one right-of-way, an additional two square feet of copy area shall be allowed for each additional lineal foot of frontage. Maximum copy area not to exceed 24 square feet.

3. No ground sign shall be erected within 50 feet of any other ground sign on the same premises. No such sign shall extend more than 10 feet above ground level. Existing pole signs are considered non-conforming and are to be amortized in accordance with subsection H below.

b. Wall signs.

1. Maximum copy area: 100 square feet per premises.

2. Wall signs shall not project more than one foot from any wall of a building, and no such

sign shall project above the roof line or parapet, whichever is higher.

3. Wall signs shall not cover, block or obstruct any part of a window, including any part of a window within the sign perimeter, or obstruct window light or vision.

c. Marquee signs.

1. Shall not project more than one foot below the bottom or above the top of the vertical face of the marquee.
2. At least eight feet of clearance from the walkway grade to the bottom of the sign must be maintained.
3. May be attached underneath a marquee at a business entrance, provided the sign:
   (a) does not extend beyond the perimeter of the marquee;
   (b) does not exceed three square feet total copy area; and
   (c) does not extend below an eight foot clearance measured from the sidewalk grade to the bottom edge of the sign.
4. If the marquee sign extends over public property, it shall have a minimum clearance of nine feet from the walkway grade to the bottom edge of the sign and shall require approval from the jurisdictional authority that has the maintenance responsibility for the affected public property.

d. Projecting signs.

1. Maximum copy area: 32 square feet.
2. No part of any such sign shall project more than 36 inches from the wall of a building.
3. No such sign shall physically cover, block or obstruct any window or part of a window, nor obstruct window light and vision.
4. No projecting sign shall extend above the top of a parapet wall.
5. In no event shall a sign projecting over a public right-of-way project to within less than two feet of the curb line.

6. Signs shall have a clearance above the sidewalk grade of at least nine feet, or at least fourteen feet above the grade of the road, driveway or alley.
7. The owner of any sign extending over the public right-of-way shall enter into a license agreement with the city, and shall hold the city harmless from any liabilities resulting from damage to or lack of maintenance of the sign.

e. Portable or movable signs. One portable sign shall be permitted one time for a new business, a business in a new location, or for a shopping center, whose allowable freestanding sign has not yet been erected. Such sign shall be permitted for a period of not more than thirty days or until installation of the allowable freestanding sign, whichever shall occur first. Portable temporary signs shall conform to all city codes and criteria, including but not limited to:
1. Maximum copy area: Thirty-two square feet.
2. No more than one such sign shall be permitted for each lot or parcel.
3. Copy on signs shall be maintained in a legible condition.
4. No flashing lights of any kind permitted. External illumination confined to sign face area.
5. Portable signs shall be used on-site only.
6. A new permit must be obtained for each period of use of a portable temporary sign. Application for a permit for a portable temporary sign shall include:
   (a) A diagram indicating the manner in which the sign will be anchored to meet the specifications outlined above;
   (b) Plot plan showing that the proposed location is:
      i. In accordance with intersection visibility standards outlined in this code;

ii. illuminated signs shall be connected to a ground fault interrupter circuit receptacle. The use of extension cords for the power supply to the sign shall be prohibited; and
iii. not in a required parking space.

f. Banner signs/temporary exterior wall signs. Each premises shall be permitted one banner sign under the following conditions:
1. In conjunction with a grand opening for a new use in a nonresidential zoning district, for a period of time not to exceed 30 consecutive days and utilized within the first three months of business for the use.
2. Maximum copy area: 32 square feet.
3. The location of the sign shall not interfere in any way with the traffic or public safety of the citizens of the city, and the sign shall not violate any other applicable provisions of this LDR. Banner signs shall not be considered in the computation for the number of signs allowed or the maximum allowable display area for a premises.
4. Banner signs erected to advertise a special event or function intended for the general public must obtain approval through the special events committee as outline below.

g. Construction signs.
1. One construction sign shall be allowed for each commercial or industrial project where a building permit has been obtained for the project.
2. Such signs shall be removed within 15 days after substantial construction operations have ceased, and in no event, later than the date of issuance of a certificate of occupancy.
3. Maximum copy area: 32 square feet.

h. Development signs.
1. One development sign for each street frontage, provided such development has been approved

and is undergoing active construction and/or sale.

2. Maximum copy area: 32 square feet.
3. Maximum height: 10 feet above grade.
4. All signs shall be removed when all units are sold.

i. Non-residential subdivision signs.
1. One sign per vehicular entrance.
2. Maximum copy area: 40 square feet.
3. Maximum height: 4 feet above grade.

j. Directory signs and nameplates.
1. Directory signs or nameplates shall contain only the name, address, and nature of business of the occupant(s).
2. Maximum copy area:
(a) Identification sign (nameplate): 4 square feet for each office.
(b) Office buildings or groupings of offices of two or more offices: one additional directory sign for the entire office building or grouping not exceeding 30 square feet of copy area.

k. Directional signs, off-site.
1. One off-site directional sign shall be allowed per premises.
2. The off-site directional sign shall be counted as one of the signs allowed on the premises on which said off-site directional sign is located.
3. Copy area of the off-site directional sign shall be included in the calculation for allowable copy area for the premise on which the sign is located.

l. Directional signs, on-site.
1. There shall be no limit to the number of on-site directional signs.
2. Maximum copy area: 3 square feet.

3. Maximum height: 48 inches above the center-line grade of the adjacent street right-of-way.

m. Awning sign.

1. One awning sign shall be allowed for each business.

2. Maximum copy area: One square foot per lineal foot of business unit frontage, not to exceed 50 square feet.

(2) Signs located in the B-5, Planned Shopping Center District and building(s) containing two or more units.

a. Freestanding ground signs:

1. Maximum height: 15 feet.

2. Maximum copy area:

(a) Shopping centers under 75,000 square feet: 62 square feet.

i. The sign may consist of the following:

- One sign panel for a major tenant: maximum 32 square feet; and
- One sign panel for individual tenant listings with letter and character sizes not less than six inches in height: maximum 30 square feet.

(b) Shopping centers of 75,000 square feet to 250,000 square feet:

i. The sign may consist of the following:

- Plaza identification panel: maximum 48 square feet;
- One sign panel for a major tenant: maximum 48 square feet; and
- One sign panel listing up to three major tenants: maximum 15 square feet for each tenant listing.

(c) Shopping centers over 250,000 square feet:

i. The sign may consist of the following:
- Plaza identification sign: maximum 64 square feet;
- One sign panel for a major tenant: maximum 48 square feet; and
- One sign panel listing up to three major tenants: maximum 15 square feet for each tenant listing.

3. Shall be placed only adjacent to the arterial right-of-way frontage line.
4. Minimum setbacks:
   (a) Five feet from the arterial right-of-way line.
   (b) Fifty feet from side lot lines.

b. Individual anchor stores shall be allowed additional signs as follows:
1. Wall signs.
   (a) Maximum number: 2
   (b) Maximum copy area: Two square feet of copy area per one lineal foot of store unit frontage, not to exceed 200 square feet.
2. Two signs hanging below the marquee, not to exceed three square feet of copy area and having a clearance of eight feet if hanging below the marquee. These signs shall be classified as directional signs, shall contain the establishment name and logo and shall not be calculated as any of the allowable number of signs.

c. Individual tenants in a shopping center or multi-tenant building, excluding anchor stores and businesses located on an outparcel shall be allowed additional signs as follows:
1. One wall sign not to exceed four square feet of a sign area per one lineal foot of store frontage, not to exceed 100 square feet.

2. One sign hanging below the marquee not to exceed three square feet of copy area and having a clearance of eight feet.

d. Individual businesses located on an outparcel shall be allowed any combination of signs as indicated in sec. 604.14G(1) above.

(3) Signs located in office or industrial parks. Office and/or industrial parks shall be allowed one freestanding sign as detailed below:

a. Office or industrial parks having less than 50 acres:
   1. Maximum copy area: 40 square feet.
   2. Maximum height: 8 feet.

b. Office or industrial parks having 50 to 100 acres:
   1. Maximum copy area: 60 square feet.
   2. Maximum height: 10 feet.

c. Office or industrial parks having more than 100 acres:
   1. Maximum copy area: 80 square feet.
   2. Maximum height: 10 feet identifying the park name and business names and addresses within the park.

d. Signs shall only identify the park name and business names and addresses within the park.

e. Individual businesses within an office or industrial park shall comply with the sign regulations as indicated in 604.14C.(1) above.

(4) Signs located on residentially zoned property.

a. Subdivisions.
   1. One subdivision sign per main vehicular access to the subdivision:
   2. Maximum copy area: 60 feet.
   3. Maximum height: four feet above the nearest adjacent road grade.

b. Multi-family residential developments:
   1. Ground signs:
      (a) One ground sign for each street frontage.
      (b) Maximum copy area: 32 square feet.
      (c) Maximum height: 8 feet above the nearest adjacent road grade.
   2. Wall signs.

(a) One wall sign shall be permitted on one of the buildings located within a multi-family development.

(b) Maximum copy area: one square foot per each foot of building height, or one square foot per each unit, whichever is less. Maximum sign area not to exceed 100 square feet.

(c) Maximum height of the channel letters is two feet.

3. All residential developments are allowed one off-site directional sign.

4. All residential developments are allowed one construction sign not to exceed 32 square feet, which must be removed upon completion of the project.

5. All residential developments are allowed one development sign not to exceed 32 square feet in area.

(5) Houses of worship. Any house of worship or related property is allowed the following signage:

a. One freestanding sign.

1. Maximum copy area: 32 square feet.

2. Maximum height: 6 feet above grade.

b. One wall sign.

1. Maximum copy area: 32 square feet.

(6) Political campaign signs. Temporary political campaign signs or posters exceeding six square feet in area shall be permitted subject to the following restrictions, and any other applicable requirements set forth in this sign regulation.

a. Minimum setbacks:

1. Front property line(s): 5 feet.

2. Side property lines: 25 feet.

b. Maximum height: 10 feet.

c. Maximum copy area: 32 square feet.

d. Maximum number of signs per parcel: one.

e. Political campaign signs shall not be erected more than 60 days prior to an election and shall be removed within 10 days after the election or after the campaign issue has been decided.

f. The erection and removal of all political signs shall be the joint responsibility of the owner of property upon which the sign is placed, the owner of such sign, and the candidate for whom such sign was placed. Each such person shall be jointly and severably liable for a violation of the terms and conditions of this sign regulation.

g. All persons seeking to install non-exempt political signs must comply with the following:

1. Obtain a permit from the city clerk.
2. Post a surety bond or cash bond in the amount of $250.00 conditioned upon the removal of such signs, billboards and posters within ten days after the election in which the candidate is eliminated or elected or the campaign issue is decided.
3. Should the candidate fail or refuse to remove said signs, billboards or posters within 15 days after such election, the city shall have the authority to remove such signs, billboards or posters and dispose thereof and charge the cost of such removal and disposal against the bond posted by the candidate.
4. In the event a cash bond is posted, any sums remaining in the hands of the city after the cost of such removal has been deducted shall be remitted to the candidate.

(7) Signs located at bed and breakfast homes, adult living facilities, nursing homes, public and private schools, and private and semi-public clubs located within residentially-zoned areas.

a. Ground signs.

1. Maximum copy area: 32 square feet.
2. Maximum height: 8 feet.
3. Materials and illumination. Must utilize indirect lighting to illuminate only the sign face.

(8) Electronic message centers. Electronic message centers shall only be allowed in the B-3 and B-5 zoning districts. Electronic message center signs shall be prohibited east of U.S. 1, except for properties with

direct frontage on the east side of U.S. 1, regardless of zoning. Additionally, electronic message centers shall conform with the following requirements:

a. Minimum separation between electronic message center signs is 600 feet unless approved by the Planning Manager based on visibility needs.

b. Electronic message center signs must not face property zoned for single-family residential uses.

c. Electronic message center signs shall be prohibited within historic districts or facing a historic district if the electronic message center sign will be within 200 feet of the historic district.

d. The maximum light emanation from an electronic message center sign shall be no greater than .3 foot-candles, measured 200 feet from the sign.

e. Every electronic message center shall be equipped with an automatic dimmer device.

f. All electronic message centers shall comply with the appropriate city sign and other regulations.

g. Any malfunctioning electronic message centers must be turned off or display a blank screen until repaired.

h. All electrical equipment shall be UL listed.

i. All power to an electronic message center shall be supplied via underground carrier, inside approved conduit, and shall be installed according to the city electrical requirements.

j. All electronic message centers shall be kept in good operating condition and maintained with good external appearance.

(9) Real estate signs.

a. Exempt real estate signs: The following real estate signs conforming to the following criteria shall not require a permit:

1. Maximum size and number of signs: One sign not exceeding six square feet in area may be erected for each street and/or water frontage adjoining the parcel of property offered for sale, lease or rent.

2. A maximum of three "add-on" or "rider" signs shall be permitted for each exempt real estate sign, provided the total area for all "add-on"

or "rider" signs does not exceed five square feet and provided that no "add-on" or "rider" sign exceeds the width of the exempt real estate sign.

3. Minimum setbacks: Ten feet from side property lines and two feet from public right-of-way lines.

b. Non-exempt real estate signs on property zoned C, RC, FR, R, A-1, A-2, MU, B-2, B-3, B-4, B-6, B-6A, CM, I-1, I-2, I-3, I-4, PUD and COZ shall require a permit and shall conform to the following:

1. Maximum size: 32 square feet.
2. Maximum number of signs: One per each street and/or water frontage for each premises.
3. Minimum setbacks: Five feet from any adjacent right-of-way, except where the applicant demonstrates that existing vegetation or other obstructions would preclude compliance with the five-foot setback.

c. Non-exempt real estate signs on property zoned RE, R-1, R-2, R-3, R-4, R-5, R-6, MH-1, and MH-2, shall require a permit and shall conform to the following:

1. Maximum size: 16 square feet.
2. Maximum number of signs: one per each street and/or water frontage for each premises.
3. Minimum setbacks: Five feet from all property lines.

d. Visibility requirements: All real estate signs shall be located outside the required visibility areas at the intersections of rights-of-way. All real estate signs shall be located outside the required visibility areas on waterfront parcels with the exception that when the visibility areas on a waterfront parcel overlap due to the width of the parcel, either one exempt real estate sign or one non-exempt real estate sign may be placed at the approximate mid-point of the water frontage.

(10) Special event signs. For the purpose of this section, "special event" means any public or private nonprofit event of limited duration in which the general public is invited to participate, and other events of limited duration that are otherwise unrelated to the primary use of the property. The following regulations apply to special event signage:

a. Prohibited signs. It shall be unlawful to erect, case to be erected, maintain or cause to be maintained any sign described in Section 604.14B of the land development regulations unless or except as follows:

1. Maximum number of off-site signs: 3

2. No sign prohibited in [sub]section 10a. above shall be authorized under this section as a special event sign.

3. No special event sign shall be placed so as to obscure visibility of any permanent freestanding sign, unless such placement has been approved in writing and filed with the city clerk by the property owner whose freestanding sign is obscured.

4. No special event sign shall be placed on lots or parcels of any privately owned, undeveloped property without written authorization of the property owner. Such authorization shall be filed with the city clerk prior to posting any sign on the undeveloped property.

5. The erection and removal of all special event signs shall be the responsibility of the person sponsoring the special event, except for political campaign signs which shall be the responsibility of the candidate for whom the sign was placed and as described in section 604.14G(6) above.

6. Special event signs shall be erected not more than 14 days prior to a major special event and not more than 48 hours prior to a minor special event. All special event signs shall be removed within 48 hours after the special event (major or minor) for which the sign was authorized.

7. Bond requirements:

(a) A surety bond or cash bond in the amount of $250.00 shall be posted a minimum of 48 hours prior to installation of the signs.

(b) The bond shall be to ensure the removal of such signs, billboards and posters within 48 hours of the special event (major or minor) for which the signs were posted.

(c) Should the person who posted the bond for such signs fail or refuse to remove said signs, billboards or posters within the specified time frames after the special event, the city shall have the authority to remove such signs, billboards and posters and dispose thereof and charge the cost of such removal and disposal against the bond posted.

(d) In the event a cash bond is posted, any funds remaining in the hands of the city after the cost of such removal has been deducted shall be remitted to the person who posted the bond.

(11) Flags.

a. Maximum number: Two flags per premises.

b. Flags shall be mounted on a single flag pole or separate flag poles installed either on the building or adjacent to the building.

c. No single flag shall exceed 40 square feet in area, and the aggregate size of all flags shall not exceed 72 square feet.

d. For the purpose of determining the size of a flag, only one side of the flag shall be counted as display surface.

(12) Home occupational signage.

a. Businesses with an approved and current business tax receipt for a home occupation as outlined in section 801.06 of this LDR may request a permit to install one sign not to exceed four square feet in copy area and not to exceed five and one-half feet in height.

b. Only one sign is permitted per parcel.

(13) Sandwich boards. Sandwich board signs are permitted within the MU, Mixed Use zoning districts only. Sandwich board signs must comply with the following regulations:

a. One sandwich board sign may be located in front of each non-residential property or tenant space.

b. Sandwich board signs may be placed on a public sidewalk no closer than one foot inside the curb, and must maintain a minimum of 36 inches of clear sidewalk space.

c. Maximum sign size: 42 inches in height and 36 inches in width.

d. The sign shall only be placed on the sidewalk during business hours.

e. The sign shall be located in front of the specific business advertised on the sign, and not at another location. If the business is a corner property, the sign may only be placed in one location.

H. *Non-conforming signs.*

(1) Amortization of non-conforming signs: Any existing sign which is in violation of this LDR after the effective date of this LDR shall be deemed a non-conforming sign. Such signs may be continued subject to the following requirements:

a. No non-conforming sign shall be altered, moved or changed in any way except in full compliance with the terms of this LDR. This provision shall not apply to the changing of temporary copy on changeable copy signs or the painting or altering of copy area to restore the original sign appearance.

b. This non-conforming sign provision shall not apply to repairs necessary to maintain the structural integrity or safety of a sign, provided the cost of such repairs does not exceed 25 percent of the cost of materials which would be necessary to construct, in all other respects, an identical conforming sign on the same site. Such costs shall be determined by the chief building official.

c. Pole signs shall be amortized within ten years of the effective date of this ordinance. No new pole

signs shall be permitted after the effective date of this ordinance. Face change-outs for pole signs shall be permitted provided the replacement complies with subsection "d" below and provided the pole sign is replaced with a conforming sign by the end of the amortization time.

d. Notwithstanding the time periods for amortization of non-conforming signs set out above, no non-conforming sign of any kind or type shall be allowed to remain with the sign has deteriorated to a point that the cost of repairing the sign to a safe, structurally sound condition exceeds 25 percent of the cost of materials which would be necessary to construct in all other respects an identical conforming sign on the same site. Such costs shall be determined by the chief building official.

e. Notwithstanding any other provision in this LDR, if a sign is destroyed by more than 50 percent of its replacement value, through an accident, act of God, or intentional act not caused by the person responsible for said sign, then the sign may be reconstructed and rebuilt and utilized for the balance of the amortization period then left.

(2) Non-conforming signs shall be removed or made to conform with this LDR within the time periods set out below or upon deterioration to the point specified below:

a. The following types of signs shall be removed or made to conform within 60 days after the effective date of this LDR:

1. Beach light signs
2. Flashing signs
3. Moving signs
4. Snipe signs
5. Trailer/mobile signs
6. Traveling light signs
7. Signs which in any way simulate or appear to simulate emergency vehicles, traffic control signs, or devises or directional information or warning signs erected or maintained by any public body or any railroad, public utility or similar body.

8. Private signs placed on public property, except as expressly permitted by the appropriate public body.
9. Signs containing any statements, words, or pictures of an obscene nature, that is, which are utterly without redeeming social value as determined by the community standard prevailing in New Smyrna Beach and the immediately surrounding area.
10. Signs attached to passenger vehicles exceeding three square feet.
11. Signs which in any way obstruct or block any fire escape, window or door, or which are attached to any fire escape or ventilation device.
12. Signs designed to be visible from any part of the Atlantic Ocean beach area, or from any waterway within the city limits, with the following exceptions: 1) approved wall signs in MU, B-2, B-3, B-4, or CM zoning districts; 2) signs complying with the exemption provision of this LDR; and 3) real estate signs complying with the provisions of this LDR.

b. The following types of signs prohibited by this LDR shall be removed within one year after the effective date of this LDR:
   1. Billboards
   2. Off-site signs, unless said sign is an off-site directional sign as defined herein.

(3) Removal of signs. The chief building official shall have the responsibility to enforce the provisions of this LDR.
a. If any property owner fails to comply with this LDR by failing to remove an unlawful sign, a sign for which the amortization period applicable to the sign has lapsed or a sign which has deteriorated beyond the point set forth in subsection (1)d. above, the code enforcement officer shall send a notice of violation by certified mail, return receipt requested, to the owner of the property at the address shown on the latest consolidated county

tax rolls. If the notice is returned unclaimed or otherwise undelivered, a true copy of such notice shall be posted on the subject property for 10 consecutive days. The notice shall contain the name and address of the owner as shown on the tax rolls, the legal description of the property, the time in which the owner shall abate the nuisance, not less than 30 days, and have attached a photocopy of the relevant provisions of this LDR.

b. Any owner aggrieved by any action taken by the city under this LDR may appeal such action to the City Commission.

c. If no action has been taken regarding a notice of violation by the owner of the property involved within 60 days after service of the notice, or the last day of posting on the property, and no appeal has been taken, the code enforcement officer shall request approval of the code enforcement board to remove the sign and after obtaining such approval, shall remove the sign. The reasonable cost of such removal is hereby assessed against the property involved and declared to be a lien on such land in accordance with state law. Such liens may be foreclosed by the city as provided by law.

(4) Signs visible from Interstate or Federal Aid Primary Highway System; harmony of regulations.

a. The removal provisions of this LDR shall not apply in the case of outdoor advertisements or advertising structures visible from roads or highway systems to the extent that such removal is preempted by the state. This shall not affect the duty of sign owners to remove the signs under this LDR nor shall it affect the authority and responsibility of the city to enforce this LDR through other appropriate means, including referral for criminal prosecution.

b. This LDR shall be construed to be in harmony with Florida Statutes. In cases where local authority is preempted by the state, or where a question arises regarding such preemption, it shall be the responsibility of the chief building official to coordinate with the state to insure that state

regulation and enforcement is pursued to the fullest extent.

I. Variances. Variances to the requirements of this LDR may be granted by the planning and zoning board only where a literal enforcement of the provisions of this LDR would result in substantial practical difficulty or unnecessary hardship or difficulty which might be suffered by the owners of that property. Variances shall be granted only in accordance with the procedures and criteria set out in the city land development regulations.

J. Penalties. Violations occurring on public property shall be issued a trespassing citation, fines for which are set by the city code of ordinances. Violations occurring on private property may be issued a code citation per Chapter 162, Florida Statutes, and may be cited to appear before the code enforcement board; additionally, violations must come into compliance as determined by the code enforcement officer.

SECTION 4: ***Amendment.*** That New Smyrna Beach Ordinance 1-91, New Smyrna Beach Land Development Regulations, Article VIII, Supplementary Regulations, Section 801.06, Home Occupations, is hereby amended as follows: **(Note: Omissions from text are indicated by [...], deletions from text are indicated by ~~strikeout~~, and additions to text are indicated by underline.)**

ARTICLE VIII. SUPPLEMENTARY REGULATIONS

...

801.06. Home occupations.

A. A home occupation shall be permitted as an accessory use in all residential districts, provided that:

(4) ...

(5) No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation;

~~(6) No advertisement directs consumers to the home or is located at the home;~~

(~~7~~6) The home occupation shall not generate the visitation by clients, customers, salesmen, suppliers or any other persons to the premises which results in vehicular traffic generation of more than one vehicle at any one time, or of more than a total of 12 vehicles per day;

(~~8~~7) No provision for off-street parking or loading facilities, other than the requirements of the residential district in which the use is located, shall be permitted; no part of a required yard shall be used for such off-street parking or loading purposes; and no additional driveways to serve such home occupation shall be permitted;

(~~9~~8) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference outside the dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises;

(~~10~~9) No home occupation shall interfere with the residential uses of adjoining property;

(~~11~~10) A home occupation shall be required to have a city occupational license.

(11) One sign not to exceed four square feet in copy area and not to exceed 5-1/2 feet in height is permitted per parcel.

...

SECTION 5: ***Codification.*** Following adoption of this ordinance, the City Attorney shall transmit a copy of this ordinance to Municipal Code Corporation of Tallahassee, Florida, to be codified into the City's Code of Ordinances. Municipal Code Corporation's usual and customary fee for said codification service is hereby approved.

SECTION 6: ***Public Hearings.*** That two public hearings noticed pursuant to §166.041(3)(c)2.b., F.S., considering the adoption of this ordinance were held October 25, 2011, and November 8, 2011, in

the City Commission Chambers at City Hall, 210 Sams Avenue (south entrance on Julia Street), New Smyrna Beach, Florida.

SECTION 7: ***Conflicting Ordinances.*** That all ordinances or parts thereof that are in conflict with this ordinance shall be and the same are hereby rescinded and repealed.

SECTION 8: ***Severability.*** That if any section, sentence, clause or phrase of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 9: ***Effective Date.*** That this ordinance shall take effect immediately upon its final adoption.

APPROVED AS TO FORM AND CORRECTNESS:

FRANK B. GUMMEY, III
City Attorney

DATE: 11/8/11

Sign Regulations - Land Development Regulations Amendment
Public Hearing October 25, 2011
Public Hearing November 8, 2011
November 8, 2011
1:53 PM

CITY OF NEW SMYRNA BEACH – DEVELOPMENT SERVICES
ZT-11-11: LDR AMENDMENT –
SIGNS
SEPTEMBER 12, 2011

Background

A. **Applicant:** City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach

B. **Request:** Approval of an amendment to the City's Land Development Regulations to update the Sign Ordinance.

Findings

A. Sections 205.00 and 604.14 of the City's *Land Development Regulations* (LDR) contain definitions and regulations regarding Signage. Over the past few years, staff has received varied feedback from citizens, business owners, and sign contractors regarding the sign regulations. This feedback ranged from expressions of over-restrictive regulations, requests that certain signs are allowed, to requests that certain signs be prohibited and an amortization schedule for these signs be created.

B. In an effort to rectify this, staff established a sign committee, consisting of Planning Department staff, code Enforcement staff, several sign contractors, local business owners, and a representative from the Historic New Smyrna Beach Preservation Commission. This committee met twice in person and communicated several times via e-mail regarding what should be changed, added and/or removed from the regulations to make them more user-friendly and to cater to the community's desires as to what is wanted and unwanted.

C. Specific changes were made to include regulations for sandwich-board signs, provisions for larger signs for multi-family structures, regulations for special event signage, and flags. Additionally, changes were made to prohibit new pole signs and provide a 10-year amortization schedule for these signs, with the intent to encourage monument and ground signs. Trailer/mobile signs were included in the "prohibited signs" list, too. Other changes were mostly in formatting to make the ordinance clearer and easier to read. Definitions for flags, trailer/mobile signs, pole signs, monument signs, and ground signs were drafted. Home occupation signs were added as permitted signage, and therefore the regulations pertaining to home occupations (Section 801.06 of the LDR) were amended to reflect this change.

D. After edits recommended by the sign committee were drafted, staff posted the draft ordinance on the City's website for several weeks, and forwarded a copy of it for general disbursement to members of the Southeast Volusia Chamber of Commerce and the Volusia County Association for Responsible Development. Staff incorporated additional feedback from the members of these entities, resulting in the attached amended Sign regulations.

Staff Recommendation

Staff recommends approval of the following zoning text amendment to the Land Development Regulations. Section 205.00 and 801.06 show omissions as ~~strikethroughs~~ and additions as <u>underlined</u>. Because of the large amount of editing done to Section 604.14, staff is recommending, for ease of review, that

the entire existing ordinance be shown as ~~stricken~~ followed by the revised entire ordinance as underlined.

Planning and Zoning Board Recommendation

At its September 12, 2011 meeting, the Planning and Zoning Board voted unanimously 6-0 (Brooks Casey absent), to recommend the City Commission approve the request.

205.00 Sign Regulations Definitions

The following definitions shall apply to Section 604.14 of this LDR.

Altering: Changing a sign to the extent that the structural components of the pole or copy area is replaced, repaired, or changed so that the shape, size, or appearance of the sign is different than previously. Painting a sign, rearranging letters or replacing the plastic copy area without any structural or frame changes shall not constitute altering.

Anchor Store: the major tenant within a shopping center used to draw patrons to the shopping center and containing at least 25,000 square feet of gross leasable area.

Chief Building Official: The City Official designated as the Chief Building Official for the City of New Smyrna Beach. The Chief Building Official shall have the responsibility and authority to enforce these sign regulations.

Copy Area: Surface area encompassed within any regular geometric figure which forms the informational component of a sign, when such sign is viewed from one direction on the adjacent right-of-way. The frame which decorates or structurally supports the copy area shall be included when calculating area. The pole associated with a pole sign shall not be included when calculating copy area. The entire area of a ground sign shall be used in calculating the area of a ground sign.

~~Electronic Message Center: A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.~~ **~~Ord. # 45-08~~**

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

Location: Any lot, premises, building, structure, wall, or any place whatsoever upon which a sign is located.

Person: Any persons, firm, partnership, association, corporation, company, or organization, singular or plural, of any kind.

Premises: A parcel or lot of property, or any combination of parcels or lots; except that in the case of a business having in excess of two hundred and fifty (250) feet of continuous road frontage in which such case each two hundred and fifty (250) feet of road frontage shall constitute one (1) premise for the purpose of this Ordinance. For example: a new car dealership with five hundred (500) feet of road frontage would constitute two (2) premises for the purpose of this LDR.

Public Body: Any government or governmental agency of the City of New Smyrna Beach, Volusia County, the State of Florida, or the United States.

Residential Development: Any housing project that is approved by the Planning and Zoning Board. Phasing of a project shall not constitute a separate residential development for the purpose of Sign Standards, unless the phase shall bear a separate name.

Roof Line: The juncture of the roof and the perimeter wall of the structure.

Semi-Public Body: Any organization operating as a non-profit activity and serving a public purpose or service including such organizations as non-commercial clubs, lodges, theater groups, recreational and neighborhood associations, cultural organizations, schools and churches.

Sign: Any surface, fabric, device or display, designed to advertise, inform, identify, or to attract the attention of persons not on the premises on which the devise or display is located.
(Ord. # 17-01)

A sign shall be construed to be a single display surface or device containing elements organized, related, and composed to form a single unit. In cases where material is displayed in a random or unconnected manner, or where there is reasonable doubt as to the intended relationship of such components, without organized relationship of such components, each component or element shall be considered to be a single sign.

A projecting or ground sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed on a single sign.
(Revised 4-19-01)

For purposes of this LDR, the term "sign" shall include all structural members. ~~Signs shall not be subject to setback requirements. However, the sign face and all related structural members shall have a minimum setback of 5 feet from any property line.~~ UA sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. This definition shall not include bumper stickers on cars.

Within the sign definition are the following signs:

(a) Awning Sign: a sign located on the vertical face of an awning.

(b) Banner Signs: any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind, including such signs stretched across or hung over any public right-of-way. National flags, flags of political subdivisions and symbolic flags of any institution or business shall not be considered banners for the purpose of the article.

(c) Beacon Light Sign: any sign or device which includes any light with one or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically.

(d) Bench Signs: a sign located on any part of the surface of a bench or seat placed on or in a close proximity to a public right-of-way or other public area.

(e) Billboard: any notice or advertisement, pictorial or otherwise, giving information regarding any business, organization, event, person, product, place, or thing of any kind located on a premises other than that on which the advertised product or service is offered for sale, except off-site signs, and which is intended for use for the display of advertising material.

(f) ~~Bus Signs: any sign affixed to the interior or exterior of a public bus operated by the Smyrna Transit System, its agent, or successors.~~
Bunting. A temporary sign made of gathered cloth, canvas, light fabric or plastic exhibiting the color or colors of a flag of a government or governmental agency or any patriotic, religious, charitable, civic, educational or fraternal organization

(g) Changeable Copy Sign: a sign that is designed so that characters, letters or illustrations can be changed or rearranged either manually or mechanically.

(h) Construction Sign: any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other relevant information regarding such contractors, architects or lending institutions.

(i) Development Sign: a sign designed and intended to advertise and promote the sale of buildings or subdivided lots on the same premises.

(j) Directional Sign, Off-Site: a sign ~~not exceeding thirty-two (32) square feet~~ bearing directions and/or instructions indicating the direction to the premises to which the sign relates. Said "Directional Sign, Off-Site" may include the name of the firm, major enterprise or products offered for sale on the premises to which the sign is directing, or with any other information relevant to such business, services, or products.

(k) Directional Sign, On-Site: a sign ~~not exceeding three (3) square feet~~ bearing only directions and/or instructions of the premises. This includes, but is not limited to, stop, one-way, speed limit, no left or right turn signs, or any other traffic signs; signs which identify a building section, such as: service department, lounge, kitchen, dining room or menu. On-site directional signs shall not be included when determining the number of signs allowed nor in the total amount of copy area of signs permitted on the premises.

(l) Directory Sign: a sign on which the names and locations or occupants or the use of a building is given. This shall include office building and church directories.

(m) Electronic Message Center: A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix. **Ord. # 45-08**

(n) Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol. Regulations herein do not apply to flags denoting nations, government, or noncommercial organizations

(~~m~~o) Flashing Sign: any sign with a lighting device or devices which go on and off alternately, not including signs giving time and temperature.

(~~n~~p) Ground and~~/or Pole~~ Sign or "Free-Standing Sign": ~~any sign which is supported by structures or supports in or upon the ground and independent of support from any building.~~ A sign where the foundation and supporting structure are visually an integral part of the sign creating a continuous form from the ground to the top of the sign.

(~~o~~g) Illuminated Sign: any sign illuminated in any manner by an artificial light source.

(~~p~~r) Informational Sign: any sign providing information to assist persons entering a premises. The following signs are included: no vacancy, credit card acceptance, cable TV, open and closed, wet paint, time and temperature, etc. Each premises shall be limited to three such signs and no informational sign shall exceed two square feet. Informational signs shall not be included in determining the number of signs allowed nor in the total amount of copy area of signs permitted on the premises.

(~~q~~s) Integral Sign: memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other non-combustible materials in the form of a plaque mounted on the side or face of a building, bench, or other permanent structure.

(~~r~~t) Marquee Sign: any projecting sign attached to and made a part of a marquee. A marquee is defined as a permanent roof-like or awning type structure projecting beyond and supported by a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

(~~s~~u) Moving Sign: a fluttering sign or a balloon type sign that is filled with a lighter than air gas, including wind operated devices. All balloons (including all inflatables), dirigibles, airships, and kites located on, or tethered to, commercial property, or for the purpose of advertising a business or profession, shall be *moving signs* within the meaning of the Land Development Regulations. The items enumerated in the preceding sentence shall be *moving signs* even if no advertising appears on the item. Specifically excluded from the definition of *moving signs* are all balloons, dirigibles, airships, and kites for purposes of political activities, weddings, birthday parties, anniversary parties and other similar non-commercial purposes. Dirigibles and airships at airports shall not be *moving signs* within the meaning of the Land Development Regulations. **(Ord. # 17-01)**

(~~t~~v) Non-Conforming Sign: any sign which does not conform to the regulations of this Ordinance.

(~~u~~w) Occupant Identification: a sign that is used to indicate to the public the legal or exact firm name and/or the character of the business or profession conducted on the premises.

(~~v~~x) Off-Site Sign or Non-Point-of-Sale Sign: any sign located on property other than the premises to which the sign relates that does not conform to the definition of "Directional Sign, Off-Site".

(~~w~~y) Pennants: shall include the terms "ribbons" and "streamers" and shall mean pieces of cloth, flexible plastic, or other flexible material, intended to attract attention because of their bright colors and/or flapping caused by action of the wind, commonly strung in series along a line. This definition shall include a single pennant, ribbon, or streamer, or a series of such pennants, ribbons, or streamers, but shall not include “flags” as defined herein.

(~~x~~z) Point of Sale Sign: any sign which carries the name of the firm, major enterprise or products offered for sale on the premises on which the sign is located, together with any other information relevant to such business, service, or products.

(~~y~~aa) Pole Sign: any freestanding sign that does not meet the definition of ground or portable sign. These signs are composed of the sign cabinet or base and the sign pole or pylon by which it connects to the ground.

(~~y~~bb) Political Sign or Political Campaign Sign: a sign relating to any persons, political party, or matter to be voted upon at public election.

(~~z~~cc) Portable Sign: a sign that is mounted on a trailer or trailer-like chassis which is capable of being moved on wheels, legs, or skids as an entire unit but is placed temporarily in one location as outlined in Section 604.14. Signs pulled behind a vehicle for the purpose of mobile advertising are not considered "portable signs" (see "trailer signs").

(~~aa~~dd) Professional Sign: a sign designating the office of a professional practice, indicating the names of the professionals and the profession.

(Revised 4-19-01)

(~~bb~~ee) Project Sign: any sign designed as a permanent structure containing only the name of a development and possibly the address and not used for promotional purposes.

(~~cc~~ff) Projecting Sign: any sign other than a wall sign affixed to any building or wall, any edge of which, extends more than 12 inches beyond such building or wall.

(~~dd~~gg) Real Estate Sign: any sign which is used to offer for sale, lease, or rent, the property upon which the sign is placed.

(~~ee~~hh) Roof Sign: any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

(~~ff~~ii) Shingle Sign: a projecting or wall sign not over one and one-half (1-1/2) square feet in area.

(~~gg~~jj) Snipe Sign: any sign of any material whatsoever that is attached in any way to a utility pole, tree, or any object located or situated on public or private property.

(~~hh~~kk) Subdivision Sign: a sign designed as a permanent structure containing only the name of a subdivision or multi-family development and not used for promotional purposes.

(~~ii~~ll) Temporary Sign: any sign or advertising display intended for use for a period of time not to exceed twenty-four (24) days and designed and constructed in accordance with this intention.

(mm) Trailer/Mobile Sign: Any sign placed on a vehicle or on a trailer attached to a vehicle that projects more than one (1) inch and that is displayed on

public rights-of-way as a mobile sign, not intended to be permanent and not in compliance with the definition of “portable sign” or “temporary sign”.

(~~jj~~oo) Traveling Lights Sign: any sign which includes a series of lights, or lighting device, which appears to move or travel in automatic sequence on the display surface of the sign.

(pp) Vintage Sign: Any sign 30 years old or older that is designated as such by the Historic New Smyrna Beach Preservation Commission

(~~kk~~qq)Wall Sign: any sign containing one advertising surface other than a projecting sign that is attached to and erected parallel with the face of any building wall, any edge of which extends beyond such building wall.

(~~ll~~rr) Window Sign: any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

(~~mm~~ss) Informational Sign: any sign providing information to assist persons entering a premises. The following signs are included: no vacancy, credit card acceptance, cable TV, open and closed, wet paint, time and temperature, etc. Each premises hall be limited to three such signs and no informational sign shall exceed two square feet. Informational signs shall not be included in determining the number of signs allowed nor in the total amount of copy area of signs permitted on the premises.

***

~~**604.14 Signs**~~

~~A. Purposes, Intent, and Scope~~

~~The purpose of these sign regulations is to protect, preserve, and improve the character and appearance of the City of New Smyrna Beach; to provide ample opportunity to advertise in commercial and industrial areas while preventing excessive advertising which would have a detrimental effect on the character and appearance of those areas; and to limit signs in non-commercial and non-industrial areas to essential signs, primarily for the purpose of identification and information, in order to protect the residential character and appearance of those areas. These regulations shall be the minimum requirements necessary to accomplish these purposes, and therefore, to protect the public health, safety, and general welfare.~~

~~It is intended that signs placed on land or on a building for the purpose of identification, or for advertising use conducted on that land, or in that building, shall be deemed to be accessory and incidental to the land, building, or use.~~

~~With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign display in the~~

~~demand for public attention. Therefore, the display of signs should be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement.~~

~~Signs commonly referred to as billboards, outdoor advertising or poster panels, which advertise products or businesses not connected with the site on which they are located, are prohibited in accordance with the predominantly residential atmosphere of the community, such signs being most appropriate on open highways and roads where they do not detract from community character.~~

~~It is also intended that all temporary signs erected for directional purposes, public information, or to direct attention to special events, shall be confined to those that are of a general public interest, and that such signs shall be limited to the giving of information.~~

~~B. Prohibited Signs~~

~~The following signs are prohibited in the City of New Smyrna Beach:~~

~~Beacon Light Signs~~
~~Billboards~~
~~Flashing Signs except Time and Temperature Signs~~ **~~Ord. #42-05, Ord. #45-08~~**
~~Moving Signs~~ **~~Ord. #42-05, Ord. #45-08~~**
~~Off-Site Signs except those off-site signs which for limited specific purposes are expressly permitted by the terms of this LDR, including but not limited to, banner signs, bench signs, bus signs, political signs, real estate signs*, and excluding off-site directional signs.~~
~~Roof Signs~~
~~Snipe Signs~~
~~Traveling Light Signs~~

~~Signs which in any way simulate or appear to simulate emergency vehicles, traffic control signs, or devices, or directional, informational or warning signs, erected or maintained by any public body, or any railroad, public utility, or similar body.~~

~~Private signs placed on public property, except as expressly permitted by the appropriate public body.~~

~~Signs containing any statements, words or pictures of an obscene nature, that is, which are utterly without redeeming social value as determined by the community standard prevailing in New Smyrna Beach and the immediate surrounding area.~~

~~Signs attached to passenger vehicles (automobile) except signs not exceeding three (3) square feet on the sides of such vehicles operated~~

~~during the normal course of business, and identifying only the business, its principal products or services, address, and/or a phone number.~~

~~Signs which in any way obstruct, cover, or block, any fire escape, window, or door, or which are attached to any fire escape or ventilation device.~~

~~Signs which include pennants, ribbons, streamers, spinners, or wind-operated devices, except as provided herein.~~

~~Signs designed to be visible from any part of the Atlantic Ocean beach area, or from any waterway within the City limits, with the following exceptions: 1) approved wall signs in MU, B-2, B-3, B-4, or CM zoning districts, 2) signs complying with the exemption provision of this LDR; and 3) real estate signs complying with the provisions of this LDR.~~ **Ord. #29-10**

~~Signs containing a portion of a message where some other portion is contained on another sign, thereby creating a series of advertising messages along a street or highway.~~

~~Signs located in the visibility triangle of any corner lot, such triangle to be drawn using the street right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection formed by such right-of-way lines, or signs which otherwise obstruct the view in any direction at a street intersection. Notwithstanding the foregoing, a sign shall not be considered an obstruction and shall be permitted in the visibility triangle where the sign conforms with the following requirements:~~

- ~~(1) a ground sign shall not exceed three (3) feet in height above the elevation of the centerline of the adjoining street right-of-way;~~
- ~~(2) the sign shall consist of not more than two (2) poles and neither pole shall exceed eight (8) inches in diameter between three (3) feet and eight (8) feet above the elevation of the centerline of the adjoining right-of-way;~~
- ~~(3) the bottom of the face of the sign shall be located no less than eight (8) feet above the elevation of the centerline of the adjoining right-of-way; and~~
- ~~(4) the maximum allowable sign height, measured from the centerline of the adjoining street right-of-way, is 30 feet. (Ord. 14-91)~~

~~C. Exemptions~~

~~The following signs shall be exempt from the permitting requirements of this LDR:~~

~~Automobile Dealerships Informational/Directional Service sign provided the dealership contains over 40,000 square feet of lot area, the sign only reads~~

~~"service", has no advertising or logo, and has a copy area of 75 square feet or less.~~

~~Bus Signs.~~

~~Construction Signs for one or two unit residential construction projects provided that only one such sign not exceeding five and one-half (5-1/2) square feet for each such project may be erected.~~

~~Integral Signs, provided the individual letters or numerals of such sign do not exceed two (2) inches in height, and provided the sign itself does not exceed three 3) square feet of display area.~~

~~Legal Notices - Political Signs.~~

~~Neon light or other type of light sign hung inside the window of an establishment and intended to be seen from the outside provided: (1) no more than five (5) are exempt; (2) the sign advertises a product sold at the establishment; and (3) the energy sources is by plug into an existing wall outlet.~~
~~No trespassing, warning, or similar signs of not more than two (2) square feet where such signs are reasonably necessary to notify the public of the matters contained in the signs.~~

~~One sign not exceeding three (3) square feet in area per premises, bearing only property numbers, post office numbers, and names of occupants of such premises, for identification purposes only.~~

~~One sign not exceeding six square feet in area may be erected for each street and/or water frontage adjoining the parcel of property offered for sale, lease, or rent. A maximum of three "add-on" or "rider" signs shall be permitted for each exempt real estate sign, provided the total area of all "add-on" or "rider" signs does not exceed five square feet and provided that no "add-on" or "rider" sign exceeds the width of the exempt real estate sign. Real estate signs shall be located a minimum of ten feet from side property lines and a minimum of two feet from the public right-of-way lines. Real estate signs shall be located outside the required visibility areas at the intersections of rights-of-way. Real estate signs shall be located outside the required visibility areas on waterfront parcels with the exception that when the visibility areas on a waterfront parcel overlap due to the width of the parcel, either one exempt real estate sign or one non-exempt real estate sign may be placed at the approximate mid-point of the water frontage.~~ ~~**Ord. #29-10**~~

~~Signs attached to passenger vehicles (automobiles) not exceeding three (3) square feet on the sides of vehicles operated during the normal course of a business and identifying only the business, its principal products or services, a phone number, and an address.~~

~~Signs erected by, and on the premises of, any church, identifying the church, the pastor, minister, priest, etc., and giving a schedule of services, and any other information pertinent to the operation of the church not exceeding twenty (20) square feet in display area.~~

~~Signs erected by any public body.~~

~~Signs located on soda, candy, or food dispensing machines.~~

~~Signs required by any professional licensing body of the State of Florida provided that such signs do not exceed the state minimum requirements imposed by such body in any respect.~~

~~Window Signs per Section 604.14 G. (1)d.5.~~

~~D. Permits~~

~~No person shall erect, alter, repair, or relocate any non-exempt sign without first obtaining a permit for such work from the Building Official of the City of New Smyrna Beach. No permit shall be issued until the City Planner and Chief Building Official have determined that such work is in accordance with this LDR and all other LDRs and ordinances of the City of New Smyrna Beach and a certificate of zoning has been issued.~~

~~(1) Application for a sign permit shall be on forms provided for that purpose by the Chief Building Official which forms may be included in the form for application for a building permit or any other form in the discretion of the Chief Building Official, and shall contain the following information:~~

~~a. the name, address, and telephone number of the applicant, the owner of the sign and the owner of the property on which the sign is to be located;~~

~~b. the address, if any, and legal description of the premises on which the sign is to be located;~~

~~c. a drawing to scale, in duplicate, showing the size, height, structural details, and dimensions of the sign and sign structure;~~

~~d. a drawing to scale, in duplicate, showing the position of the sign, and any other existing advertising structures, in relation to the buildings or structures on the premises and to the boundaries of the property;~~

~~e. the signatures of the applicant and the owner of the property; or in the event the owner is not available, written evidence of the owner's permission for the erection of the sign;~~

~~f. any electrical and/or plumbing permit required for the sign; and~~

~~g. for projecting signs, ground or pole signs, exceeding 32 square feet of surface area or 10 feet above grade level or any other sign which the Chief Building Official determines may reasonably be subject to dead load, wind, or other physical stress, engineering drawings showing display area, support structure above and below ground, wind pressure specifications and method of installation, signed and sealed by a registered engineer or architect licensed by the State of Florida in that profession.~~

~~(2) The Chief Building Official shall establish a procedure and form for applications for sign permits and for the permits themselves, which are reasonably calculated to avoid unnecessary duplication of administrative procedures. For example, where a sign permit is sought in conjunction with a new building or addition, the Chief Building Official may include necessary information for the sign permit in the application for a building permit, and may include the sign permit as part of the building permit.~~

~~E. Schedule of Fees~~

~~The schedule of fees for sign permits shall be established, and periodically adjusted by City Commission Resolution.~~

~~F. General Provisions~~

~~The following provisions shall apply to every sign erected in the City of New Smyrna Beach, including exempt signs:~~

~~(1) The name and address of the company or person installing any sign and the name and address of the company or persons maintaining any sign, the date of erection and the voltage of any electrical apparatus shall be painted or printed conspicuously on every sign erected.~~

~~(2) Any light from any illuminated sign shall be shaded, shielded or directed so that the light intensity or brightness shall not affect adversely the vision for operation of vehicles in any public or private road, highway, driveway, or parking area. Such light shall not shine directly on or into any residential structure or directly onto approaching traffic.~~

~~(3) All signs shall be designed and constructed to withstand a wind pressure as required by the Standard Building Code.~~

~~(4) Vegetation shall be kept cut in front of, behind, and beneath, the base of any ground sign for a distance of fifteen (15) feet from any portion of such sign touching the ground, and the area around such sign shall be kept free of any rubbish or other material that might constitute a fire or health hazard.~~

~~(5) All signs shall be erected, altered, operated, maintained in good repair and working order, and kept free of any foreign matter, and in addition, shall be designed and installed in compliance with the requirements of the building and electrical codes of the City of New Smyrna Beach.~~

~~(6) Copy area of a sign shall be based upon the surface area encompassed within any regular geometric figure which forms the information component of a sign when such sign is viewed from one direction on the adjacent right-of-way. The frame which decorates or structurally supports the copy area shall be included when calculating area. The pole associated with a pole sign shall not be included when calculating copy area. The entire area of a ground sign shall be used in calculating the area of a ground sign.~~ **~~Ord. #29-10~~**

~~(7) A projecting or ground sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed on a single sign. The faces of ground signs may be separated, and will be construed as a single sign, provided that the angle of separation does not exceed forty-five degrees.~~ **~~Ord. #29-10~~**

~~G. Sign Standards~~

~~The following sign standards shall apply in the respective zoning districts as indicated below unless more stringent regulations are included within the Land Development Regulations. No sign shall be permitted except as provided herein:~~

~~(1) Signs on property zoned commercial or industrial except property zoned B-5, COZ and PUD.~~

~~Signs erected upon property zoned for commercial or industrial use and designated as MU, B-2, B-3, B-4, B-6, B-6A, CM, I-1, I-2, I-3, and I-4, zoning districts shall conform to the following:~~

~~a. Maximum Allowable Ground, Pole, or Projecting Sign Copy Area: Unless otherwise specified, a total copy area of four (4) square feet for each lineal foot of building structure frontage shall be allowed. If the building has frontage on more than one street or highway, an additional two (2) square feet of copy area shall be allowed for each additional lineal foot of frontage. The total area of all signs erected shall be within the allowable square footage. Where there is multiple frontage, the amount of copy area attributable to each frontage may be applied only to signs erected in the yard area adjacent to such frontage. In computing the allowable copy area, only the faces of signs visible from any one direction on the adjoining street or highway shall be used. In no event, shall more than a total of one hundred (100) square feet of copy area be~~

~~allowed for each building frontage. The copy area of any directional signs shall not be included for purposes of computing maximum allowable advertising copy area for point of sale signs.~~

~~b. Maximum Allowable Wall Sign Copy Area: The total copy area of any and all wall signs shall not exceed 100 square feet per premises.~~

~~c. Maximum Number of Signs Per Premises: No more than a total of three (3) signs, excluding On-Site Directional Signs, shall be erected or maintained per premises. The signs may be apportioned between any allowable type of sign in the commercial or industrial district so long as the total copy area (excluding on-site directional signs) does not exceed the maximum permissible area provided herein.~~

~~d. Sign Type, Height, and Location: Only the following sign types, heights, and location shall be permitted in the commercial and industrial districts indicated in (1) above.~~

~~1. Ground or Pole Signs. A ground or pole sign shall be permitted only when the premises upon which it is to be placed has a minimum of fifty (50) lineal feet of frontage. No ground or pole sign shall be erected within fifty (50) feet of any other ground or pole sign on the same premises. No such sign shall extend more than thirty (30) feet above ground level.~~

~~2. Marquee signs. A permitted sign may be placed on the vertical faces of a marquee provided that such sign does not project more than 1 foot below the bottom or above the top of the vertical face of the marquee and there is a clearance of at least 8 feet from the walkway grade. A permitted sign may be attached to the bottom of a marquee at a business entrance, provided the sign does not extend beyond the perimeter of the marquee, does not exceed three (3) square feet total copy area and does not extend below an eight (8) foot clearance measured from the sidewalk grade to the bottom edge of the sign. If the Marquee Sign extends over public property, it shall have a minimum clearance of nine (9) feet from the walkway grade to the bottom edge of the sign and shall require approval from the jurisdictional authority that has the maintenance responsibility for the affected public property.~~

~~3. Projecting signs. Projecting signs shall be permitted provided that no part of any such sign projects more than thirty-six (36) inches from the wall of a building. No such~~

~~sign shall physically cover, block, or obstruct any window or part of a window, nor obstruct window light and vision. No projecting sign shall extend above the top of a parapet wall. A projecting sign may project over a public right-of-way only where the required building setback has been met, or there is no such setback required, and then only to a distance of two-thirds of the width of the sidewalk over which the sign hangs or 6 feet if no sidewalk exists. But in no event, shall a sign projecting over a public right-of-way project to within less than two (2) feet of the curb line, nor have a clearance above the sidewalk grade of less than nine (9) feet, or less than fourteen (14) feet above the grade of the road, driveway, or alley.~~

~~4. Wall signs. Wall signs shall be permitted provided that no such sign projects more than one (1) foot from any wall of a building, and provided that no such sign projects above the roof line or parapet, whichever is higher. Wall signs shall not cover, block, or obstruct, any part of a window, including any part of a window within the sign perimeter, or obstruct window light or vision.~~

~~5. Window signs. Window signs shall be permitted. There shall be no limit to the number of such signs provided that the total area of all signs does not exceed thirty-five (35) percent of the total glass area of the window containing the display. Window signs shall conform to Section 801.12 B. of this LDR.~~

~~6. Portable or moveable signs. One (1) portable sign shall be permitted one time for a new business, a business in a new location, or for a shopping center, whose allowable freestanding sign has not yet been erected. Such sign shall be permitted for a period of not more than thirty (30) days or until installation of the allowable freestanding sign, whichever shall occur first.~~

~~Portable temporary signs shall conform to all City codes and criteria, including but not limited to, those cited or set forth below:~~

~~(a) Securely anchored in accordance with the Standard Building Code.~~

~~(b) Electrical system shall be in compliance with the National Electrical Code.~~

~~(c) Maximum size of sign face area (one-side) shall be thirty-two (32) square feet.~~

~~(d) No more than one (1) such sign shall be permitted for each lot or parcel.~~

~~(e) Copy on signs shall be maintained in an intelligible condition.~~

~~(f) No flashing lights of any kind permitted. External illumination confined to sign face area.~~

~~(g) Portable signs shall be used on-site only.~~

~~(h) A new permit must be obtained for each period of use of a portable temporary sign. Application for a permit for a portable temporary sign shall include:~~

~~i. A diagram indicating the manner in which the sign will be anchored to meet the specifications outlined above;~~

~~ii. A plot plan showing that the proposed location is:~~

~~- in accordance with intersection visibility standards outlined in the City of New Smyrna Beach Land Development Regulations;~~

~~- illuminated signs shall be connected to a ground fault interrupter circuit receptacle. The use of extension cords for the power supply to the sign shall be prohibited; and~~

~~- not in a required parking space.~~

~~7. Banner signs. Each premises shall be permitted one banner sign for a period of time not to exceed one month for a grand opening of a business. Also, banner signs shall be permitted on the premises of a public or semi-public body to advertise a special event or function intended for the general public. The location of the sign shall not interfere in any way with the traffic or public safety of the citizens of the City, and the sign shall not violate any other applicable provisions of this LDR. Banner signs shall be temporary signs, and as such, shall not be considered in the computation for the number of signs allowed or the maximum allowable display area for a premises. (Ord. 4-97)~~

8. Bench signs. Bench signs shall be permitted only in accordance with the written authorization of the City Commission. If authorized, bench signs shall be erected only in accordance with all applicable provisions of this LDR. Integral signs erected on benches shall be exempt from the permitting requirements of this LDR in accordance with Section 604.14C.

9. Construction signs. One construction sign shall be allowed for each commercial or industrial project where a building permit has been obtained for the project. Such signs shall be removed within fifteen (15) days after substantial construction operations have ceased, and in no event, later than the date of issuance of a certificate of occupancy. No such sign shall exceed thirty two (32) square feet in area.

10. Development signs. One development sign for each development that fronts on a public right-of-way shall be permitted provided such development has been approved and is undergoing active construction and/or sale. Such signs shall not exceed thirty-two (32) square feet of display area, shall not extend higher than ten (10) feet above ground level, and shall be removed when all units are sold.

11. Subdivision signs. One sign per vehicular entrance to a commercial or industrial subdivision shall be permitted provided that no such sign shall exceed forty (40) square feet of copy area nor extend higher than four (4) feet above ground level.

12. Directory Signs and Nameplates; Professional Office. Professional offices and businesses existing in accordance with local ordinances in any zone may erect directory signs or nameplates containing only the name, address, and nature of business of the occupant(s). For each office building or group of attached offices or businesses, an identification sign (name- plate) not exceeding four (4) square feet shall be permitted for each office, and for office buildings or groupings of offices of two or more offices an additional directory sign for the entire office building or grouping not exceeding thirty (30) square feet of copy area will be permitted.

13. Identification signs. One sign per premises containing the name, address, and services of a public or semi-public body, or the office of such body, shall be permitted. Such signs

~~shall not exceed twenty (20) square feet of display area, and may not extend higher than six (6) feet above the ground.~~

~~14. Directional Signs, Off-Site. For each premises, no more than one off-site directional sign shall be allowed. The off-site directional sign shall be counted as one of the signs allowed on the premises which said off-site directional sign is located. Also, copy area of said off-site directional sign shall be included in the calculation for allowable copy area for the premise which the sign is located.~~

~~15. Directional Signs, On-Site. There shall be no limit to the number of on-site directional signs. However, no on-site directional sign shall exceed 3 square feet of copy area, include any advertising except what is required to adequately guide a person into the correct location and exceed the height of 48 inches above the center-line grade of the adjacent street right-of-way.~~

~~16. Awning Sign. One awning sign shall be allowed for each business. Said sign shall contain the name of the business or type of business and may contain the business logo or address. Awning signs shall be no more than one square foot per lineal foot of business unit frontage and shall not be greater than 50 square feet. Awning signs shall not extend above or below the face of the awning.~~

~~(2) Signs Located in the B-5 Planned Shopping Center District and Building(s) Containing Two (2) or More Units. (Ord. 14-91)~~

~~Signs erected shall conform to the following regulations:~~

~~a. Shopping Centers shall be allowed one free-standing ground or pole sign containing one hundred (100) square feet or less copy area. (Ord. 14-91)~~

~~b. Individual businesses, excluding anchor store and businesses located on an outparcel which are otherwise provided for in the LDR, shall be allowed additional signs as follows: (Ord. 67-94)~~

~~1.a.One (1) wall sign not to exceed four (4) square feet of sign area per one (1) lineal foot of store frontage. No wall sign shall exceed 100 square feet. (Ord. 14-91) (Ord. 67-94)~~

~~b. An individual business in the B-5 zoning district with two (2) or more storefronts shall be allowed up to two (2) wall signs. The area of the allowable wall signage is four (4)~~

~~square feet of sign area per one (1) lineal foot of store frontage up to a maximum sign area of 100 square feet for one (1) sign and 150 square feet for two (2) signs. (Ord. 67-94)~~

~~2. One (1) sign hanging below the marquee not to exceed three (3) square feet of copy area having a clearance of eight (8) feet.~~

~~3. Any number of window signs provided no more than thirty-five (35) percent of the total window area contains window signs.~~

~~c. Individual businesses located on an outparcel shall be allowed any combination of signs as indicated in 604.14G.(1) above. (Ord. 14-91)~~

~~d. Freestanding pole or ground signs shall have a maximum height of thirty (30) feet. (Ord. 14-91)~~

~~e. Individual anchor stores shall be allowed additional signs as follows:~~

~~1. One wall sign not to exceed four (4) square feet of copy area per one (1) lineal foot of store unit frontage but shall not exceed 300 square feet of copy area; (Ord. 14-91)~~

~~2. Two (2) wall signs not to exceed two (2) square foot of copy area per one (1) lineal foot of store unit frontage but shall not exceed 150 square feet of copy area each; (Ord. 14-91)~~

~~3. Two (2) wall signs or signs hanging below the marquee not to exceed three (3) square feet of copy area and having a clearance of eight (8) feet if hanging below the marquee. These signs shall be classified as directional signs, shall contain the establishment name and logo and shall not be calculated as any of the allowable number of signs.~~

~~4. Any number of window signs provided no more than thirty-five (35) percent of the total window area contains signs. These signs shall not be calculated as any of the allowable number of signs.~~

~~(3) Signs Located in Office or Industrial Parks~~

~~Signs erected within office or industrial parks shall conform to the following regulations unless more stringent regulations are included in any other portion of the LDR. The more stringent regulations shall apply.~~

~~a. Office or industrial parks having less than fifty (50) total acres shall be allowed one (1) freestanding ground or pole sign having forty (40) square feet of copy area identifying the park name and business names and addresses within the park.~~

~~b. Office or industrial parks having fifty to one-hundred total acres shall be allowed one (1) freestanding ground or pole sign having sixty (60) square feet of copy area identifying the park name and business names and addresses within the park.~~

~~c. Office or industrial parks having more than one-hundred total acres shall be allowed one (1) free-standing ground or pole sign having eighty (80) square feet of copy area identifying the park name and business names and addresses within the park.~~

~~d. Freestanding ground or pole signs within an office or industrial park which identify the park and businesses within the park shall not exceed six (6) feet in height and shall be located a minimum of five (5) feet from any right-of-way line.~~

~~e. Individual businesses within an office or industrial park shall comply with the sign regulations as indicated in 604.14 G.(1) above.~~

~~(4) Signs Located on Residentially Zoned Property~~

~~a. All subdivided residential developments are allowed to have one subdivision sign per main vehicular access to the subdivision. The subdivision sign shall not exceed four (4) feet in height above the nearest adjacent road grade or sixty (60) square feet in area.~~

~~b. All multi-family residential developments are allowed one ground sign for each street frontage. Said sign shall not exceed a height of four (4) feet above the nearest adjacent road grade or an area of twenty (20) square feet.~~

~~c. All residential developments are allowed one off-site directional sign.~~

~~d. All residential developments are allowed one construction sign which must be removed upon completion of the project.~~

~~e. All residential developments are allowed one development sign not to exceed 32 square feet in area.~~

~~f. Any church or church-related property is allowed to have one freestanding sign not to exceed 32 square feet in copy area and not~~

~~to exceed 6 feet in height. As an alternative, one wall sign not to exceed 32 square feet in copy area may be allowed.~~

~~(5) Signs located within property designated as Corridor Overlay Zone (COZ)~~

~~The sign regulations established in Section 604.14, et seq, shall also apply in any corridor zone, provided however, that sign regulations presented herein shall supersede where they are more stringent.~~

~~a. Standard Requirement~~

~~1. If a site is below grade, sign height is measured from the adjacent road elevation taken at the edge of the pavement nearest the affected property line.~~

~~2. Freestanding signs are permitted only adjacent to the arterial right-of-way frontage line.~~

~~b. Business Uses~~

~~1. Freestanding Sign. One (1) freestanding sign per parcel with arterial right of-way frontage shall be permitted with forty-eight (48) square feet of copy area if under eight (8) feet in height or thirty-two (32) square feet of copy area between eight (8) and fifteen (15) feet high.~~

~~2. Wall Signs. Two (2) square feet of sign area for each building front foot, up to two-hundred (200) square feet.~~

~~3. Height and Setback Requirements for Free-Standing Signs. Minimum sign setback from the arterial right-of-way frontage line and side lot lines shall be five (5) feet.~~

~~c. Shopping Center~~

~~1. Freestanding Signs~~

~~(a) Centers under seventy-five thousand (75,000) square feet. One (1) freestanding sign of sixty-two (62) square feet, or less, containing two (2) sign panels. One sign panel for a major tenant of thirty-two (32) square feet and one sign panel of thirty (30) additional square feet of sign area for individual tenant listings with letter and character sizes not less than six inches (6") in height. [Ord. No. 03-01]~~

~~(b) Centers of seventy-five thousand (75,000) square feet to two-hundred and fifty thousand (250,000) square feet. One (1) freestanding sign of forty eight (48) square feet or less that contains three (3) additional sign panels for three (3) major tenant signs, with fifteen (15) square feet or less for each panel.~~

~~(c) Centers of over two hundred and fifty thousand square feet. One (1) freestanding sign for sixty-four (64) square feet or less that contains four (4) additional sign panels for four (4) major tenant signs, with fifteen (15) square feet or less for each panel. [Revised 2/27/01]~~

~~2. Wall Signs. Wall signage for individual businesses in the shopping center shall be permitted to contain up to two (2) square feet for each building front foot. Front feet shall be measured along the entrance side of individual stores. In the case of corner stores, additional signage may be allowed only when the same or similar facade treatment is used on both front and side. Sign area is not transferable between facades.~~

~~3. Height, Setback, and Spacing Requirements for Freestanding Signs.~~

~~(a) Freestanding signs shall be placed only adjacent to the arterial right-of-way frontage line.~~

~~(b) Minimum sign setback from the arterial right-of-way frontage line shall be five (5) feet.~~

~~(c) Maximum height shall be fifteen (15) feet.~~

~~(d) Freestanding signs shall be setback a minimum of fifty (50) feet from side lot lines.~~

~~(e) Freestanding sign structures on the same ownership parcel shall be a minimum of seven-hundred (700) feet apart.~~

~~d. Office Buildings~~

~~1. Sign Area and Use~~

~~(a) One freestanding sign per parcel located adjacent to the arterial right-of-way frontage line shall be permitted with thirty (30) square feet of copy area;~~

~~(b) One wall directory sign located at the building entrance of up to eight (8) square feet; and~~

~~(c) Wall signs to identify individual offices not to exceed two (2) square feet each.~~

~~2. Height and Setback Requirements for Free-standing Signs.~~

~~(a) Maximum height shall be eight (8) feet.~~

~~(b) Freestanding signs shall be setback a maximum of twenty-five (25) feet from side lot lines.~~

~~(c) Minimum sign setback from the arterial right-of-way frontage line shall be five (5) feet.~~

~~e. Residential Uses~~

~~1. Freestanding Sign. One (1) freestanding sign adjacent to the arterial right-of-way frontage line shall be permitted as follows:~~

~~(a) Sixteen (16) square feet of copy area for multi-family uses where the project contains twelve (12) units or less; nursery schools; and day care centers.~~

~~(b) Thirty-two (32) square feet of copy area for multi-family uses where the project contains thirteen (13) or more units; adult congregate living facilities; nursing homes; public and private schools; churches; and semi-public and public clubs including halls and lodges.~~

~~(c) Wall Signs. One (1) wall sign is permitted in lieu of a freestanding sign of maximum size above. No projecting or roof signs are allowed.~~

~~2. Height and Setback Requirements for Free-standing Signs.~~

~~(a) Maximum height shall be (8) feet.~~

~~(b) Minimum sign setback from the arterial right-of way frontage line and side lot lines shall be ten (10) feet.~~

~~3. Subdivision Signs. Signage shall be provided as set forth in Section 604.14.~~

~~f. Portable Temporary Sign.~~

~~1. One (1) portable sign shall be permitted for a new business, a business in a new location, or for a shopping center, whose allowable freestanding sign has not yet been erected. Such sign shall be permitted for a period of not more than thirty (30) days or until installation of the allowable freestanding sign, whichever shall occur first.~~

~~2. Portable temporary signs shall conform to all City codes and criteria, including but not limited to, those cited or set forth below:~~

~~(a) Securely anchored in accordance with the Standard Building Code.~~

~~(b) Electrical system shall be in compliance with the National Electrical Code.~~

~~(c) Maximum size of sign face (one-side) shall be thirty-two (32) square feet.~~

~~(d) No more than one (1) such sign shall be permitted for each lot or parcel.~~

~~(e) Copy on signs shall be maintained in an intelligible condition.~~

~~(f) No flashing lights of any kind permitted. External illumination confined to sign face area.~~

~~(g) Portable signs shall be used on-site only.~~

~~3. A new permit must be obtained for each period of use of a portable temporary sign. Application for a permit for a portable temporary sign shall include:~~

~~(a) a diagram indicating the manner in which the sign will be anchored to meet the specifications outlined above.~~

~~(b) a plot plan showing that the proposed location is:~~

~~- In accordance with intersection visibility standards outlined in the City of New Smyrna Beach's LDR;~~

~~- Illuminated signs shall be connected to a ground fault interrupter circuit receptacle. The use of extension cords for the power supply to the sign shall be prohibited; and~~

~~- Not in a required parking space.~~

~~g. Political Campaign Signs~~

~~1. Temporary political campaign signs or posters shall be permitted subject to the following restrictions, limitations, and requirements, and any other applicable requirements set forth in this sign regulation.~~

~~2. Setback shall be five (5) feet from public rights-of-way lines.~~

~~3. Setback shall be twenty-five feet from side property lines.~~

~~4. The maximum height shall be ten (10) feet.~~

~~5. The maximum sign size shall be sixteen (16) square feet per sign and thirty-two (32) square feet per premises.~~

~~6. Political campaign signs shall be erected not more than sixty (60) days prior to an election and shall be removed within ten (10) days after the election or after the campaign issue has been decided.~~

~~7. The erection and removal of all political signs shall be the joint responsibility of the owner of property upon which the sign is placed, the owner of such sign, and the candidate for whom such sign was placed. Each such person shall be jointly and severably liable for a violation of the terms and conditions of this sign regulation.~~

~~8. It shall be unlawful for any candidate for an elected office to post any signs, billboards or posters, within the corridor unless such candidate or his campaign manager shall first obtain a permit from the City Clerk and post a good and sufficient surety bond or cash bond in an amount of not less than two-hundred and fifty ($250.00) dollars conditioned upon the removal of such signs, billboards and posters, within ten (10) days after the election in which the candidate is eliminated or elected or the campaign issue is decided.~~

~~Should the candidate fail or refuse to remove said signs, billboards or posters, within fifteen (15) days after such election, the City shall have the authority to remove such signs, billboards or posters, and dispose thereof and charge the cost of such removal and disposition against the bond posted by the candidate. In the event a cash bond is posted, any sums remaining in the hands of the City after the cost of~~

~~such removal has been deducted, shall be remitted to the candidate.~~

~~(6) Signs located within property designed as Planned Unit Development (PUD)~~

~~The sign regulations shall apply as in Section 604.14 of this LDR except that the following shall supercede:~~

~~a. Business Uses~~

~~1. Freestanding Signs~~

~~One freestanding pole or ground sign shall be allowed per parcel with no more than forty-eight (48) square feet of copy area if under eight (8) feet in height or thirty-two (32) square feet of copy area between eight (8) and fifteen (15) feet high. No sign shall be allowed with a height greater than 15 feet.~~

~~Minimum freestanding sign setback from front lot lines shall be five (5) feet and side lot lines shall be twenty five (25) feet.~~

~~2. Wall Signs~~

~~No more than two (2) wall signs are permitted per parcel with a maximum of two (2) square feet of sign area for each foot of building front. Total wall sign area shall not be greater than 200 square feet.~~

~~b. Shopping Centers~~

~~1. Freestanding Signs~~

~~(a) Centers under 75,000 square feet of gross leasable area. One (1) freestanding sign of thirty-two (32) square feet or less that contains two (2) additional sign panels for two (2) major tenant signs, with fifteen (15) square feet or less for each panel.~~

~~(b) Centers of 75,000 square feet to 250,000 square feet of gross leasable area. One (1) freestanding sign of forty-eight (48) square feet or less that contains three (3) additional sign panels for three (3) major tenant signs, with fifteen (15) square feet or less for each panel.~~

~~(c) Centers of over 250,000 square feet gross leasable area. One (1) freestanding sign of sixty-four (64) square feet or less that contains four (4) additional sign panels for four (4) major tenant signs, with fifteen (15) square feet or less for each panel.~~

~~2. Wall Signs~~

~~Wall signage for individual businesses in the shopping center shall be permitted to contain up to two (2) square feet for each building front foot. Front feet shall be measured along the entrance side of individual stores. In the case of corner stores, additional signage may be allowed only when the same or similar facade treatment is used on both front and side. Sign area is not transferable between facades.~~

~~3. Marquee Sign~~

~~Each individual unit within the shopping center is allowed one sign which hangs below the marquee pro-vided the sign does not exceed three (3) square feet and does not extend below an eight (8) foot clearance measured from the sidewalk grade to the bottom edge of the sign.~~

~~c. Office Buildings~~

~~1. Sign Area and Use~~

~~(a) One (1) freestanding sign shall be allowed per parcel with a copy area no greater than thirty (30) square feet looking from one direction;~~

~~(b) One (1) wall directory sign located at the building entrance of up to eight (8) square feet; and~~

~~(c) Wall signs to identify individual offices not to exceed two (2) square feet each.~~

~~2. Height and Setback Requirements for Free-standing Signs:~~

~~(a) Maximum height shall be eight (8) feet.~~

~~(b) Freestanding signs shall be set back a minimum distance of twenty-five (25) feet from side lot lines and five (5) feet from front lot lines.~~

~~d. Residential Uses~~

~~1. Freestanding Sign~~

~~One (1) freestanding ground sign identifying the development may be allowed for each residential development according to the following size regulations:~~

~~(a) Sixteen (16) square feet of copy area for residential developments having twelve (12) dwelling units or less.~~

~~(b) Thirty-two (32) square feet of copy area for residential developments having 13 or more dwelling units.~~

~~2. Freestanding Sign Height and Setback Requirements.~~

~~(a) Freestanding signs shall be setback a minimum of five (5) feet from the front property line and ten (10) feet from the side property line.~~

~~(b) Freestanding signs shall have a maximum height of four (4) feet or less measured from the normal grade level to the highest portion of the sign.~~

~~3. Exception to Freestanding Signs~~

~~One (1) wall sign is permitted in lieu of a freestanding sign and shall conform to the same size requirements as a freestanding sign as indicated above except the maximum height above normal grade is 12 feet.~~

~~e. Portable Temporary Signs~~

~~One (1) portable sign shall be permitted for a new business, a business in a new location, or for a shopping center, whose allowable freestanding sign has not yet been erected. Such sign shall be permitted for a period of not more than thirty (30) days or until installation of the allowable freestanding sign, whichever shall occur first.~~

~~Portable temporary signs shall conform to all City codes and criteria, including but not limited to, those cited or set forth below:~~

~~1. Securely anchored in accordance with the Standard Building Code.~~

~~2. Electrical system shall be in compliance with the National Electrical Code.~~

~~3. Maximum size of sign face area (one-side) shall be thirty-two (32) square feet.~~

~~4. No more than one (1) such sign shall be permitted for each lot or parcel.~~

~~5. Copy on signs shall be maintained in an intelligible condition.~~

~~6. No flashing lights of any kind permitted. External illumination confined to sign face area.~~

~~7. Portable signs shall be used on-site only.~~

~~8. A new permit must be obtained for each period of use of a portable temporary sign. Application for a permit for a portable temporary sign shall include:~~

~~(a) a diagram indicating the manner in which the sign will be anchored to meet the specifications out-lined above;~~

~~(b) a plot plan showing that the proposed location is:~~

~~- in accordance with intersection visibility standards outlined in the City of New Smyrna Beach Land Development Regulations;~~

~~- illuminated signs shall be connected to a ground fault interrupter circuit receptacle. The use of extension cords for the power supply to the sign shall be prohibited; and~~

~~- not in a required parking space.~~

~~f. Signs in the Visibility Triangle~~

~~1. Ground Signs~~

~~Ground signs shall have a maximum height of 3.5 feet to allow for proper visibility.~~

~~2. Pole Signs~~

~~Pole signs shall have a minimum clearance of 8 feet measured from the bottom of the sign to the crown of the nearest, highest, adjacent roadway. In addition, the pole~~

~~shall have a maximum width of 8 inches and the base shall have a maximum height of 3.5 feet.~~

~~(7) Signs Located at Bed and Breakfast Homes~~

~~Point of sale sign, either mounted on the building or on the ground or a pole, not exceeding ten (10) square feet in total sign area, and subject to the conditions that if mounted on the building, the sign may not be located above the roof line; if mounted on the ground or a pole, the sign may not exceed six (6) feet in height at any point, must be constructed of natural materials consistent with the architectural style and historic ambiance of the building; may utilize indirect lighting to illuminate the sign face only; may be double facing if on a ground or a pole sign; one (1) sign per premises only, except double frontage lots may utilize a directional sign on the site.~~

~~(8) Electronic Message Centers~~

~~Electronic message centers shall only be allowed in the B-3 and B-5 zoning districts. Electronic message center signs shall be prohibited east of U.S.1, except for properties with direct frontage on the ease side of U.S.1, regardless of zoning. Additionally, electronic message centers shall conform with the following requirements:~~

~~a. Minimum separation between electronic message center signs is 600', unless approved by the Development Services Director based on visibility needs.~~

~~b. Electronic message center signs must not face property zoned for single-family residential uses.~~

~~c. Electronic message center signs shall be prohibited within historic districts or facing a historic district if the electronic message center sign will be within 200 feet of the historic district.~~

~~d. The maximum light emanation from an electronic message center sign shall be no greater than .3 foot-candles, measured 200 feet from the sign.~~

~~e. Every electronic message center shall be equipped with an automatic dimmer device.~~

~~f. All electronic message centers shall comply with the appropriate City sign and other regulations.~~

~~g. Any malfunctioning electronic message centers must be turned off or display a blank screen until repaired.~~

~~h. All electrical equipment shall be UL listed.~~

~~i. All power to an electronic message center shall be supplied via underground carrier, inside approved conduit, and shall be installed according to the City electrical requirements.~~

~~j. All electronic message centers shall be kept in good operating condition and maintained with good external appearance.~~ **Ord. #~~45-08~~**

~~(9) Real estate signs.~~

~~a. Exempt real estate signs: The following real estate signs conforming to the following criteria shall not require a permit:~~

~~1. Maximum size and number of signs: One sign not exceeding six square feet in area may be erected for each street and/or water frontage adjoining the parcel of property offered for sale, lease, or rent.~~

~~2. A maximum of three "add-on" or "rider" signs shall be permitted for each exempt real estate sign, provided the total area for all "add-on" or "rider" signs does not exceed five square feet and provided that no "add-on" or "rider" sign exceeds the width of the exempt real estate sign.~~

~~3. Minimum setbacks: Ten feet from side property lines and two feet from public right-of-way lines.~~

~~b. Non-exempt real estate signs on property zoned C, RC, FR, R, A-1, A-2, MU, B-2, B-3, B-4, B-6, B-6A, CM, I-1, I-2, I-3, I-4, PUD and COZ, shall require a permit and shall conform to the following:~~

~~1. Maximum size: 32 square feet.~~

~~2. Maximum number of signs: One per each street and/or water frontage for each premises.~~

~~3. Minimum setbacks: Five feet from any adjacent right-of-way, except where the applicant demonstrates that existing vegetation or other obstructions would preclude compliance with the five-foot setback.~~

~~c. Non-exempt real estate signs on property zoned RE, R-1, R-2, R-3, R-4, R-5, R-6, MH-1, and MH-2, shall require a permit and shall conform to the following:~~

1. Maximum size: 16 square feet.

2. Maximum number of signs: One per each street and/or water frontage for each premises.

3. Minimum setbacks: Five feet from all property lines.

d. Visibility requirements. All real estate signs shall be located outside the required visibility areas at the intersections of rights-of-way. All real estate signs shall be located outside the required visibility areas on waterfront parcels with the exception that when the visibility areas on a waterfront parcel overlap due to the width of the parcel, either one exempt real estate sign or one non-exempt real estate sign may be placed at the approximate mid-point of the water frontage. **Ord. #29-10**

H. Non-Conforming Signs

(1) Amortization of Non-Conforming Signs

Any existing sign which is in violation of this LDR, after the effective date of this LDR shall be deemed a non-conforming sign. Such signs may be continued subject to the following requirements:

a. No non-conforming sign shall be altered, moved, or changed in any way except in full compliance with the terms of this LDR. This provision shall not apply to the changing of temporary copy on changeable copy signs or the painting or altering of copy area to restore the original sign appearance. Although repair of sign requires a permit in accordance with the LDR, this non-conforming sign provision shall not apply to repairs necessary to maintain the structural integrity or safety of a sign so long as the cost of such repairs does not exceed twenty-five (25) percent of the cost of materials which would be necessary to construct, an in all other respects, identical conforming sign on the same site, such costs to be determined by the Chief Building Official. **Ord. #42-05, Ord. #45-08**

b. Non-conforming signs shall be removed or made to conform with this LDR within the time periods set out below or upon deterioration to the point specified below:

1. The following types of signs shall be removed or made to conform within sixty (60) days after the effective date of this LDR:

Beacon Light Signs
Flashing Signs
Moving Signs

~~Snipe Signs~~

~~Traveling Light Signs~~

~~Signs, which in any way simulate or appear to simulate, emergency vehicles, traffic control signs, or devices or directional, informational or warning signs erected or maintained by any public body or any railroad, public utility, or similar body.~~

~~Private Signs placed on public property, except as expressly permitted by the appropriate public body.~~

~~Signs containing any statements, words, or pictures of an obscene nature, that is, which are utterly without redeeming social value as determined by the community standard prevailing in New Smyrna Beach and the immediately surrounding area.~~

~~Signs attached to passenger vehicles (automobile) except signs not exceeding three (3) square feet on the sides of such vehicles operated during the normal course of business, and identifying only the business, its principal products of services, address, and/or phone number.~~

~~Signs which, in any way, obstruct or block any fire escape, window or door, or which are attached to any fire escape or ventilation device.~~

~~Signs designed to be visible from any part of the Atlantic Ocean beach area, or from any waterway within the city limits, with the following exceptions: 1) approved wall signs in MU, B-2, B-3, B-4, or CM zoning districts; 2) signs complying with the exemption provision of this LDR; and 3) real estate signs complying with the provisions of this LDR.~~

~~**Ord. #29-10**~~

~~2. The following types of signs prohibited by this LDR shall be removed within one (1) year after the effective date of this LDR:~~

~~Billboards~~

~~**Ord. #42-05, Ord. #45-08**~~

~~Off-site signs, unless said sign is an off-site directional sign as defined herein.~~

~~3. Notwithstanding the time periods for amortization of non-conforming signs set out in paragraphs (a) and (b) above, no non-conforming sign of any kind or type shall be allowed to~~

~~remain where the sign has deteriorated to a point that the cost of repairing the sign to a safe, structurally sound condition, exceeds twenty-five (25) percent of the cost of materials which would be necessary to construct, an in all other respects, identical conforming sign on the same site, such costs to be determined by the Chief Building Official.~~

~~4. Notwithstanding any other provision in this LDR, if a sign is more than fifty (50) percent destroyed through an accident, act of God, or intentional act not caused by the person responsible for said sign, then the sign may be reconstructed and rebuilt and utilized for the balance of the amortization period then left.~~

~~(2) Removal of Signs.~~

~~The Chief Building Official shall have the responsibility to enforce the provisions of this LDR.~~

~~a. If any property owner fails to comply with this LDR by failing to remove an unlawful sign, a sign for which the amortization period applicable to the sign has lapsed or a sign which has deteriorated beyond the point set forth in 1.(4) above, the Enforcement Official shall send a notice of violation by certified mail, return receipt requested, to the owner of the property at the address shown on the latest consolidated county tax rolls. If the notice is returned unclaimed or otherwise undelivered, a true copy of such notice shall be posted on the property involved for ten (10) consecutive days. The notice shall contain the name and address of the owner as shown on the tax rolls, the legal description of the property, the time in which the owner shall abate the nuisance, not less than thirty (30) days, and have attached a photocopy of the relevant provisions of this LDR.~~

~~b. Any owner aggrieved by any action taken by the City under this LDR may appeal such action to the City Commission.~~

~~c. If no action has been taken regarding a notice of violation by the owner of the property involved within sixty (60) days after service of the notice, or the last day of posting on the property, and no appeal has been taken, the Enforcement Official shall request approval of the LDR Enforcement Board to remove the sign and after obtaining such approval shall cause the sign to be removed. The reasonable cost of such removal is hereby assessed against the property involved and declared to be a lien on such land in accordance with state law. Such liens may be foreclosed by the City as provided by law.~~

~~I. Signs Visible from Interstate or Federal Aid Primary Highway System; Harmony of Regulations.~~

~~(1) The removal provisions of this LDR shall not apply in the case of outdoor advertisements or advertising structures visible from roads or highway systems to the extent that such removal is preempted by the State. This shall not affect the duty of sign owners to remove signs under this LDR nor shall it affect the authority and responsibility of the City to enforce this LDR through other appropriate means, including referral for criminal prosecution.~~

~~(2) This LDR shall be construed to be in harmony with Florida Statutes, Chapter 479 and 23 USC, S131, and any succeeding versions of those statutes. In cases where local authority is preempted by the State, or where a question arises regarding such preemption, it shall be the responsibility of the Chief Building Official to coordinate with the State to insure that State regulation and enforcement is pursued to the fullest extent.~~

~~J. Variances~~

~~Variances to the strict requirements of this LDR may be granted by the Planning and Zoning Board only where a literal enforcement of the provisions of this LDR would result in substantial practical difficulty or unnecessary hardship or difficulty which might be suffered by the owners of that property. Variances shall be granted only in accordance with the procedures and criteria set out in the City Land Development Regulations.~~

~~**Ord. #59-10**~~

~~K. Penalties~~

~~Any person, organization, or corporation, violating the provisions of this LDR shall, upon conviction, be subject to the penalties provided for in Section 1-8 of the Code of Ordinances of the City of New Smyrna Beach, Florida.~~

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604.14 Signs

A. Purposes, Intent, and Scope

The purpose of these sign regulations is to protect, preserve, and improve the character and appearance of the City of New Smyrna Beach; to provide ample opportunity to advertise in commercial and industrial areas while preventing excessive advertising which would have a detrimental effect on the character and appearance of those areas; and to limit signs in non-commercial and non-industrial areas to essential signs, primarily for the purpose of identification and information, in order to protect the

residential character and appearance of those areas. These regulations shall be the minimum requirements necessary to accomplish these purposes, and therefore, to protect the public health, safety, and general welfare.

It is intended that signs placed on land or on a building for the purpose of identification, or for advertising use conducted on that land, or in that building, shall be deemed to be accessory and incidental to the land, building, or use.

With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign display in the demand for public attention. Therefore, the display of signs should be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement.

Signs commonly referred to as billboards, outdoor advertising or poster panels, which advertise products or businesses not connected with the site on which they are located, are prohibited in accordance with the predominantly residential atmosphere of the community, such signs being most appropriate on open highways and roads where they do not detract from community character.

It is also intended that all temporary signs erected for directional purposes, public information, or to direct attention to special events, shall be confined to those that are of a general public interest, and that such signs shall be limited to the giving of information.

B. Prohibited Signs

The following signs are prohibited in the City of New Smyrna Beach:

Beacon Light Signs
Billboards
Flashing Signs except Time and Temperature Signs **Ord. #42-05, Ord. #45-08**
Moving Signs **Ord. #42-05, Ord. #45-08**
Off-Site Signs except those off-site signs which for limited specific purposes are expressly permitted by the terms of this LDR, including but not limited to, banner signs, bench signs, bus signs, political signs, real estate signs, and excluding off-site directional signs.
Pole Signs

Roof Signs
Snipe Signs
Trailer/Mobile Sign
Traveling Light Signs

Signs which in any way simulate or appear to simulate emergency vehicles, traffic control signs, or devices, or directional, informational or warning signs, erected or maintained by any public body, or any railroad, public utility, or similar body.

Private signs placed on public property, except as expressly permitted by the appropriate public body.

Signs containing any statements, words or pictures of an obscene nature, that is, which are utterly without redeeming social value as determined by the community standard prevailing in New Smyrna Beach and the immediate surrounding area.

Signs attached to passenger vehicles exceeding three (3) square feet.

Signs which in any way obstruct, cover, or block, any fire escape, window, or door, or which are attached to any fire escape or ventilation device.

Signs which include pennants, ribbons, streamers, spinners, or wind-operated devices, except as provided herein. Flags of the United States, the State of Florida or the City of New Smyrna Beach are exempt from this prohibition.

Signs designed to be visible from any part of the Atlantic Ocean beach area, or from any waterway within the City limits, with the following exceptions: 1) approved wall signs in MU, B-2, B-3, B-4, or CM zoning districts, 2) signs complying with the exemption provision of this LDR; and 3) real estate signs complying with the provisions of this LDR. **Ord. #29-10**

Commercial signs that are carried, waved, or otherwise displayed by persons (“sign walkers”, “sign spinners”, or “commercial mascots”) either on public rights-of-way or in a manner visible from public rights-of-way. This provision is directed toward such displays intended to draw attention for a commercial purpose, and is not intended to limit the display of placards, banners, flags, or other signage by persons participating in demonstrations, political rallies, or otherwise exercising their valid First Amendment rights.Signs

containing a portion of a message where some other portion is contained on another sign, thereby creating a series of advertising messages along a street or highway.

Signs located in the visibility triangle of any corner lot, except as provided herein. The visiblity triangle shall be drawn using the street right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection formed by such right-of-way lines, or signs which otherwise obstruct the view in any direction at a street intersection.

C. Exemptions

The following signs shall be exempt from the permitting requirements of this LDR:

Automobile Dealerships Informational/Directional Service sign provided the dealership contains over 40,000 square feet of lot area, the sign only reads "service", has no advertising or logo, and has a copy area of 75 square feet or less.

Bench Signs approved by the City Commission.

Construction Signs for one or two unit residential construction projects provided that only one such sign not exceeding five and one-half (5-1/2) square feet for each such project may be erected.

Integral Signs, provided the individual letters or numerals of such sign do not exceed two (2) inches in height, and provided the sign itself does not exceed three 3) square feet of display area.

Legal Notices.

Neon light or other type of light sign hung inside the window of an establishment and intended to be seen from the outside provided: (1) no more than five (5) are exempt; (2) the sign advertises a product sold at the establishment; and (3) the energy sources is by plug into an existing wall outlet.

No trespassing, warning, or similar signs of not more than two (2) square feet where such signs are reasonably necessary to notify the public of the matters contained in the signs.

One sign not exceeding three (3) square feet in area per premises, bearing only property numbers, post office numbers, and names of occupants of such premises, for identification purposes only.

Political Signs not exceeding six (6) square feet in area.

Real Estate signs provided that only one such sign not exceeding five and one-half (5-1/2) square feet in area may be erected for each street frontage adjoining the parcel of property offered for sale, lease, or rent, and provided further that no such signs shall be erected on the subject property adjacent to the Atlantic Ocean beach. "Add-on" signs (warranty, multiple listing, sold, by appointment, etc.) not exceeding one square foot may be attached to permissible real estate signs. Real estate signs shall be located a minimum of fifteen (15) feet from side property lines and a minimum of two (2) feet from the public right-of-way lines. Real estate signs shall be located outside the required visibility areas on waterfront parcels with the exception that when the visibility areas on a waterfront parcel overlap due to the width of the parcel, either one exempt real estate sign or one non-exempt real estate sign may be placed at the approximate mid-point of the water frontage. **Ord. #29-10**

Signs attached to passenger vehicles that do not exceed three (3) square feet in copy area .

Signs erected by any public body.

Signs located on soda, candy, or food dispensing machines.

Signs required by any professional licensing body of the State of Florida provided that such signs do not exceed the state minimum requirements imposed by such body in any respect.

Window Signs, provided that the total area of all signs does not exceed thirty-five percent (35%) of the total glass area of the window containing the display.

D. Permits

No person shall erect, alter, repair, or relocate any non-exempt sign without first obtaining a permit for such work from the Building Official of the City of New Smyrna Beach. No permit shall be issued until the Planning Manager and Chief Building Official, or designees, have determined that such work is in accordance with this LDR and all other ordinances of the City of New Smyrna Beach and a certificate of zoning has been issued.

(1) Application for a permanent sign permit shall be on forms provided for that purpose by the Chief Building Official, and shall contain the following information:

a. the name, address, and telephone number of the applicant, the owner of the sign and the owner of the property on which the sign is to be located;

b. the address, if any, and legal description of the premises on which the sign is to be located;

c. a drawing to scale, in duplicate, showing the size, height, structural details, and dimensions of the sign and sign structure;

d. a drawing to scale, in duplicate, showing the position of the sign, and any other existing advertising structures, in relation to the buildings or structures on the premises and to the boundaries of the property;

e. the signatures of the applicant and the owner of the property; or in the event the owner is not available, written evidence of the owner's permission for the erection of the sign;

f. any electrical and/or plumbing permit required for the sign; and

g. for projecting signs or ground signs, exceeding 32 square feet of surface area or 10 feet above grade level or any other sign which the Chief Building Official determines may reasonably be subject to dead load, wind, or other physical stress, engineering drawings showing display area, support structure above and below ground, wind pressure specifications and method of installation, signed and sealed by a registered engineer or architect licensed by the State of Florida in that profession.

h. Signs in the Visibility Triangle shall have a maximum height of 3.0 feet to allow for proper visibility.

E. Schedule of Fees

The schedule of fees for sign permits shall be established, and periodically adjusted by City Commission Resolution.

F. General Provisions

The following provisions shall apply to every sign erected in the City of New Smyrna Beach, including exempt signs:

(1) The name and address of the company or person installing any sign and the name and address of the company or persons maintaining any sign, the date of erection and the voltage of any electrical apparatus shall be painted or printed conspicuously on every sign erected.

(2) Any light from any illuminated sign shall be shaded, shielded or directed so that the light intensity or brightness shall not affect adversely the vision for operation of vehicles in any public or private road, highway, driveway, or parking area. Such light shall not shine directly on or into any residential structure or directly onto approaching traffic. Such light shall not be visible from the public beach during sea turtle season (May 1-November 1 annually) per Volusia County Code of Ordinances, Chapter 72, Division 12 Sea Turtle Protection.

(3) All signs shall be designed and constructed to withstand a wind pressure as required by the Florida Building Code.

(4) The area around the base of any ground sign shall be kept free of any rubbish or other material that might constitute a fire or health hazard. Appropriate landscaping, monument architectural detailing and/or pole skirts around the base of signs is required.

(5) Square footage of copy area determined by lineal feet of frontage shall be determined by measuring along the entrance side of individual stores; in the case of corner stores, additional signage may be allowed only when the same of similar façade treatment is used on both front and side; sign area is not transferable between facades.

(6) Copy area of a sign shall be based upon the surface area encompassed within any regular geometric figure which forms the information component of a sign when such sign is viewed from one direction on the adjacent right-of-way. The frame which decorates or structurally supports the copy area shall be included when calculating area. The pole associated with a pole sign shall not be included when calculating copy area. The entire area of a ground sign shall be used in calculating the area of a ground sign. **Ord. #29-10**

(7) A projecting or ground sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed on a single sign. The faces of ground signs may be separated, and will be construed as a single sign, provided that the angle of separation does not exceed forty-five degrees. **Ord. #29-10**

(8) Unless specifically specified otherwise, no more than a total of three (3) signs shall be erected or maintained per premises. The signs may be apportioned between any allowable type of sign in the district so long as the total copy area (excluding on-site directional signs) does not exceed the maximum permissible area provided herein.

(9) All signs shall be erected, altered, operated, maintained in good repair and working order, and kept free of any foreign matter, and in addition, shall be designed and installed in compliance with the requirements of the building and electrical codes of the City of New Smyrna Beach.

(10) Vintage signs that do not comply with sign regulations as outlined in this section, may be removed and replaced, provided approval is attained from the Historic New Smyrna Beach Preservation Commission.

(11) All signs shall be set back a minimum of 5 feet from the front property line, unless specifically noted otherwise below.

G. Sign Standards

The following sign standards shall apply in the respective zoning districts as indicated below unless more stringent regulations are included within the Land Development Regulations. No sign shall be permitted except as provided herein:

(1) Signs erected upon property zoned for commercial or industrial use and designated as MU, B-2, B-3, B-4, B-6, B-6A, CM, I-1, I-2, I-3, and I-4, and Corridor Overlay Zone (COZ) zoning districts shall conform to the following:

a. Ground Signs.

i. Maximum copy area: Four (4) square feet for each lineal foot of building structure frontage, not to exceed 48 square feet.

ii. If the building has frontage on more than one right-of-way, an additional two (2) square feet of copy area shall be allowed for each additional lineal foot of frontage. Maximum copy area not to exceed 24 square feet.

iii. No ground sign shall be erected within fifty (50) feet of any other ground sign on the same premises. No such sign shall extend more than ten (10) feet above ground level. Existing pole signs are considered non-conforming and are to be amortized in accordance with subsection H below.

b. Wall Signs.

i. Maximum copy area: 100 square feet per premises.

ii. Wall signs shall not project more than one (1) foot from any wall of a building, and no such sign shall project above the roof line or parapet, whichever is higher.

iii. Wall signs shall not cover, block, or obstruct, any part of a window, including any part of a window within the sign perimeter, or obstruct window light or vision.

c. Marquee signs.

i. Shall not project more than 1 foot below the bottom or above the top of the vertical face of the marquee

ii. At least 8 feet of clearance from the walkway grade to the bottom of the sign must be maintained.

iii. May be attached underneath a marquee at a business entrance, provided the sign:

1. does not extend beyond the perimeter of the marquee,
2. does not exceed three (3) square feet total copy area and
3. does not extend below an eight (8) foot clearance measured from the sidewalk grade to the bottom edge of the sign.

iv. If the Marquee Sign extends over public property, it shall have a minimum clearance of nine (9) feet from the walkway grade to the bottom edge of the sign and shall require approval from the jurisdictional authority that has the maintenance responsibility for the affected public property.

d. Projecting signs.

i. No part of any such sign shall project more than thirty-six (36) inches from the wall of a building.

ii. No such sign shall physically cover, block, or obstruct any window or part of a window, nor obstruct window light and vision.

iii. No projecting sign shall extend above the top of a parapet wall.

iv. A projecting sign may project over a public right-of-way a distance of two-thirds of the width of the sidewalk over which the sign hangs, or 6 feet if no sidewalk exists.

v. In no event, shall a sign projecting over a public right-of-way project to within less than two (2) feet of the curb line.

vi. Signs shall have a clearance above the sidewalk grade of at least nine (9) feet, or at least fourteen (14) feet above the grade of the road, driveway, or alley.

e. Portable or moveable signs. One (1) portable sign shall be permitted one time for a new business, a business in a new location, or for a shopping center, whose allowable freestanding sign has not yet been erected. Such sign shall be permitted for a period of not more than thirty (30) days or until installation of the allowable freestanding sign, whichever shall occur first. Portable temporary signs shall conform to all City codes and criteria, including but not limited to:

i. Maximum copy area: Thirty-two (32) square feet.

ii. No more than one (1) such sign shall be permitted for each lot or parcel.

iii. Copy on signs shall be maintained in a legible condition.

iv. No flashing lights of any kind permitted. External illumination confined to sign face area.

v. Portable signs shall be used on-site only.

vi. A new permit must be obtained for each period of use of a portable temporary sign. Application for a permit for a portable temporary sign shall include:

(a) A diagram indicating the manner in which the sign will be anchored to meet the specifications outlined above;

(b) Plot plan showing that the proposed location is:

1. in accordance with intersection visibility standards outlined in this code;
2. illuminated signs shall be connected to a ground fault interrupter circuit receptacle. The use of extension cords for the power supply to the sign shall be prohibited; and
3. not in a required parking space.

f. Banner signs/temporary exterior wall signs. Each premises shall be permitted one banner sign under the following conditions:

i. In conjunction with a grand opening for a new use in a nonresidential zoning district, for a period of time not to exceed 30 consecutive days and utilized within the first three months of business for the use.

ii. Maximum copy area: 32 square feet;

iii. The location of the sign shall not interfere in any way with the traffic or public safety of the citizens of the City, and the sign shall not violate any other applicable provisions of this LDR. Banner signs shall not be considered in the computation for the number of signs allowed or the maximum allowable display area for a premises. (Ord. 4-97)

iv. Banner signs erected to advertise a special event or function intended for the general public must attain approval through the Special Events Committee as outlined in below

g. Construction signs.

i. One construction sign shall be allowed for each commercial or industrial project where a building permit has been obtained for the project.

ii. Such signs shall be removed within fifteen (15) days after substantial construction operations have ceased, and in no event, later than the date of issuance of a certificate of occupancy.

iii. Maximum copy area: 32 square feet.

h. Development signs.

i. One development sign for each street frontage, provided such development has been approved and is undergoing active construction and/or sale.

ii. Maximum copy area: 32 square feet.
iii. Maximum height: 10 feet above
iv. All signs shall be removed when all units are sold.

i. Non-residential subdivision signs.
i. One sign per vehicular entrance
ii. Maximum copy area: 40 square feet
iii. Maximum height: 4 feet above grade

j. Directory Signs and Nameplates.
i. Directory signs or nameplates shall contain only the name, address, and nature of business of the occupant(s).
ii. Maximum copy area:
(a) Identification sign (nameplate): 4 square feet for each office
(b) Office buildings or groupings of offices of two or more offices: One additional directory sign for the entire office building or grouping not exceeding 30 square feet of copy area.

k. Directional Signs, Off-Site.
i. One off-site directional sign shall be allowed per premises.
ii. The off-site directional sign shall be counted as one of the signs allowed on the premises on which said off-site directional sign is located.
iii. Copy area of the off-site directional sign shall be included in the calculation for allowable copy area for the premise on which the sign is located.

l. Directional Signs, On-Site.
i. There shall be no limit to the number of on-site directional signs.
ii. Maximum copy area: 3 square feet.
iii. Maximum height: 48 inches above the center-line grade of the adjacent street right-of-way.

m. Awning Sign.
i. One awning sign shall be allowed for each business.
ii. Maximum copy area: One square foot per lineal foot of business unit frontage, not to exceed 50 square feet.

(2) Signs Located in the B-5 Planned Shopping Center District and Building(s) Containing Two (2) or More Units. (Ord. 14-91)
a. Freestanding ground signs:
i. Maximum height: 15 feet;
ii. Maximum copy area:
a) Shopping centers under 75,000 square feet: 62 square feet

i. The sign may consist of the following:
- One sign panel for a major tenant; maximum 32 square feet; and
- One sign panel for individual tenant listings with letter and character sizes not less than six inches (6") in height; maximum 30 square feet.

b) Shopping centers of 75,000 square feet to 250,000 square feet:

i. The sign may consist of the following:
- Plaza identification panel; maximum 48 square feet;
- One sign panel for a major tenant; maximum 48 square feet; and
- One sign panel listing up to three major tenants; maximum 15 square feet for each tenant listing;

c) Shopping centers over 250,000 square feet:

i. The sign may consist of the following:
- Plaza identification sign; maximum 64 square feet;
- One sign panel for a major tenant; maximum 48 square feet; and
- One sign panel listing up to three major tenants; maximum 15 square feet for each tenant listing.

iii. Shall be placed only adjacent to the arterial right-of-way frontage line;

iv. Minimum setbacks:

a. 5 feet from the arterial right-of-way line;

b. 50 feet from side lot lines.

b. Individual anchor stores shall be allowed additional signs as follows:

i. Wall signs:

1. Maximum number: 2
2. Maximum copy area: 2 square feet of copy area per one (1) lineal foot of store unit frontage, not to exceed 200 square feet;

ii. Two signs hanging below the marquee, not to exceed 3 square feet of copy area and having a clearance of eight (8) feet if hanging below the marquee. These signs shall be classified as directional signs, shall contain the establishment name and logo and shall not be calculated as any of the allowable number of signs.

c. Individual tenants in a shopping center or multi-tenant building, excluding anchor stores and businesses located on an outparcel, shall be allowed additional signs as follows: (Ord. 67-94)

i. One wall sign not to exceed four (4) square feet of sign area per one (1) lineal foot of store frontage, not to exceed 100 square feet.
ii. One (1) sign hanging below the marquee not to exceed three (3) square feet of copy area and having a clearance of eight (8) feet.

d. Individual businesses located on an outparcel shall be allowed any combination of signs as indicated in 604.14G.(1) above. (Ord. 14-91)

(3) Signs Located in Office or Industrial Parks

Office and/or industrial parks shall be allowed one freestanding sign as detailed below:

i. Office or industrial parks having less than 50 acres:
   a. Maximum copy area: 40 square feet
   b. Maximum height: 8 feet
ii. Office or industrial parks having 50 to 100 acres:
   a. Maximum copy area: 60 square feet
   b. Maximum height: 10 feet
iii. Office or industrial parks having more than 100 acres:
   a. Maximum copy area: 80 square feet
   b. Maximum height: 10 feet identifying the park name and business names and addresses within the park.
iv. Signs shall only identify the park name and business names and addresses within the park.
v. Individual businesses within an office or industrial park shall comply with the sign regulations as indicated in 604.14 G.(1) above.

(4) Signs Located on Residentially Zoned Property

a. Subdivisions:
   i. One subdivision sign per main vehicular access to the subdivision;
   ii. Maximum copy area: 60 square feet
   iii. Maximum height: Four (4) feet above the nearest adjacent road grade
b. Multi-family residential developments:

Ground signs:

i. One ground sign for each street frontage
ii. Maximum copy area: 32 square feet
iii. Maximum height: 8 feet above the nearest adjacent road grade.

Wall signs:

i. One wall sign consisting of individual channel letters shall be permitted on one of the buildings located within a multi-family development.
ii. Maximum copy area: one (1) square foot per each foot of building height, or one square foot per each unit, whichever is less. Maximum sign area not to exceed 100 square feet.

iii. Maximum height of the channel letters is two (2) feet.

c. d. All residential developments are allowed one off-site directional sign.

e. All residential developments are allowed one construction sign not to exceed 32 square feet, which must be removed upon completion of the project.

f. All residential developments are allowed one development sign not to exceed 32 square feet in area.

(5) Houses of Worship.

a. Any house of worship or related property is allowed the following signage:

i. One freestanding sign

1. Maximum copy area: 32 square feet
2. Maximum height: 6 feet above grade

ii. One wall sign

1. Maximum copy area: 32 square feet

(6) Political Campaign Signs

Temporary political campaign signs or posters, exceeding six (6) square feet in area, shall be permitted subject to the following restrictions, and any other applicable requirements set forth in this sign regulation.

a. Minimum setbacks:

i. Front property line(s): 5 feet
ii. Side property lines: 25 feet

b. Maximum height10 feet.

c. Maximum copy area: 32 square feet

d. Maximum number of signs per parcel: One

e. Political campaign signs shall not be erected not more than sixty (60) days prior to an election and shall be removed within ten (10) days after the election or after the campaign issue has been decided.

f. The erection and removal of all political signs shall be the joint responsibility of the owner of property upon which the sign is placed, the owner of such sign, and the candidate for whom such sign was placed. Each such person shall be jointly and severably liable for a violation of the terms and conditions of this sign regulation.

g. All persons seeking to install non-exempt political signs must comply with the following:

i. Obtain a permit from the City Clerk
ii. Post a surety bond or cash bond in the amount of $250.00 dollars conditioned upon the removal of such signs, billboards and posters, within ten (10) days after the election in which the candidate is eliminated or elected or the campaign issue is decided.

iii. Should the candidate fail or refuse to remove said signs, billboards or posters, within fifteen (15) days after such election, the City shall have the authority to remove such signs, billboards or posters, and dispose thereof and charge the cost of such removal and disposition against the bond posted by the candidate.

iv. In the event a cash bond is posted, any sums remaining in the hands of the City after the cost of such removal has been deducted, shall be remitted to the candidate.

(7) Signs Located at Bed and Breakfast Homes, Adult Living Facilities, Nursing Homes, Public and Private Schools, and Semi-Public Clubs Located Within Residentially-Zoned Areas.

a. Ground signs:
   i. Maximum copy area: 32 square feet
   ii. Maximum height: 8 feet
   iii. Materials and illumination:
   iv. Must utilize indirect lighting to illuminate the sign face only;

(8) Electronic Message Centers

Electronic message centers shall only be allowed in the B-3 and B-5 zoning districts. Electronic message center signs shall be prohibited east of U.S.1, except for properties with direct frontage on the ease side of U.S.1, regardless of zoning. Additionally, electronic message centers shall conform with the following requirements:

a. Minimum separation between electronic message center signs is 600', unless approved by the Development Services Director based on visibility needs.
b. Electronic message center signs must not face property zoned for single-family residential uses.
c. Electronic message center signs shall be prohibited within historic districts or facing a historic district if the electronic message center sign will be within 200 feet of the historic district.
d. The maximum light emanation from an electronic message center sign shall be no greater than .3 foot-candles, measured 200 feet from the sign.
e. Every electronic message center shall be equipped with an automatic dimmer device.
f. All electronic message centers shall comply with the appropriate City sign and other regulations.
g. Any malfunctioning electronic message centers must be turned off or display a blank screen until repaired.
h. All electrical equipment shall be UL listed.
i. All power to an electronic message center shall be supplied via underground carrier, inside approved conduit, and shall be installed according to the City electrical requirements.

j. All electronic message centers shall be kept in good operating condition and maintained with good external appearance. Ord. #45-08

(9) Real estate signs.

a. Exempt real estate signs: The following real estate signs conforming to the following criteria shall not require a permit:

i. Maximum size and number of signs: One sign not exceeding six square feet in area may be erected for each street and/or water frontage adjoining the parcel of property offered for sale, lease, or rent.

ii. A maximum of three “add-on” or “rider” signs shall be permitted for each exempt real estate sign, provided the total area for all “add-on” or “rider” signs does not exceed five square feet and provided that no “add-on” or “rider” sign exceeds the width of the exempt real estate sign.

iii. Minimum setbacks: Ten feet from side property lines and two feet from public right-of-way lines.

b. Non-exempt real estate signs on property zoned C, RC, FR, R, A-1, A-2, MU, B-2, B-3, B-4, B-6, B-6A, CM, I-1, I-2, I-3, I-4, PUD and COZ, shall require a permit and shall conform to the following:

i. Maximum size: 32 square feet.

ii. Maximum number of signs: One per each street and/or water frontage for each premises.

iii. Minimum setbacks: Five feet from any adjacent right-of-way, except where the applicant demonstrates that existing vegetation or other obstructions would preclude compliance with the five-foot setback.

c. Non-exempt real estate signs on property zoned RE, R-1, R-2, R-3, R-4, R-5, R-6, MH-1, and MH-2, shall require a permit and shall conform to the following:

i. Maximum size: 16 square feet.

ii. Maximum number of signs: One per each street and/or water frontage for each premises.

iii. Minimum setbacks: Five feet from all property lines.

d. Visibility requirements. All real estate signs shall be located outside the required visibility areas at the intersections of rights-of-way. All real estate signs shall be located outside the required visibility areas on waterfront parcels with the

exception that when the visibility areas on a waterfront parcel overlap due to the width of the parcel, either one exempt real estate sign or one non-exempt real estate sign may be placed at the approximate mid-point of the water frontage. **Ord. #29-10**

(10) Special Event Signs.

For the purpose of this section, "special event" means any public or private nonprofit event of limited duration in which the general public is invited to participate, and other event of limited duration that is otherwise unrelated to the primary use of the property. The following regulations apply to special event signage:

a. Prohibited signs. It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any sign described in Section 604.14B of the Land Development Regulations unless or except as follows:

i. Maximum number of off-site signs: 3

ii. No sign prohibited in section (a) of this section shall be authorized under this section as a special event sign.

iii. No special event sign shall be placed so as to obscure visibility of any permanent freestanding sign, unless such placement has been approved in writing and filed with the City Clerk by the property owner whose freestanding sign is obscured.

iv. No special event sign shall be placed on lots or parcels of any privately owned, undeveloped property without written authorization of the property owner. Such authorization shall be filed with the city clerk prior to posting any sign on the undeveloped property.

v. The erection and removal of all special event signs shall be the responsibility of the person sponsoring the special event, except for political campaign signs which shall be the responsibility of the candidate for whom the sign was placed and as described in section 604.14G(6), above.

vi. Special event signs shall be erected not more than 14 days prior to a major special event and not more than 48 hours prior to a minor special event. All special event signs shall be removed within 48 hours after the special event (major or minor) for which the sign was authorized.

vii. Bond requirements:

- A surety bond or cash bond in an amount of $250.00 shall be posted a minimum of 48 hours prior to installation of the signs
- The bond shall be to ensure the removal of such signs, billboards and posters within 48 hours of the special event (major or minor) for which the signs were posted.

- Should the person who posted the bond for such signs fail or refuse to remove said signs, billboards or posters within the specified time frames after the special event, the city shall have the authority to remove such signs, billboards and posters and dispose thereof and charge the cost of such removal and disposition against the bond posted.
- In the event a cash bond is posted, any funds remaining in the hands of the city after the cost of such removal has been deducted shall be remitted to the person who posted the bond.

(11) Flags.

a. Maximum number: Two (2) flags per premises.

a. Flags shall be mounted on a single flag pole or separate flag poles installed either on the building or adjacent to the building to.

b. No single flag shall exceed forty (40) square feet in area, and the aggregate size of all flags shall not exceed seventy-two (72) square feet.

c. For the purpose of determining the size of a flag, only one side of the flag shall be counted as display surface.

(12) Home Occupational Signage.

Businesses with an approved and current business tax receipt for a home occupation as outlined in section 801.06 of this LDR may request a permit to install one (1) sign not to exceed four (4) square feet in copy area and not to exceed 5 ½ feet in height.

(13) Sandwich Boards.

Sandwich board sign are permitted within the Mixed Use Mixed Use Zoning Districts only. Sandwich board signs must comply with the following regulations:

a. One (1) sandwich board sign may only be located in front of each non-residential property or tenant space .

b. Sandwich board signs may be placed on a public sidewalk no closer than one (1) foot inside the curb, and must maintain a minimum of 36-inches of clear sidewalk space.

c. Maximum sign size: Forty-two (42) inches in height and thirty-six (36) inches in width.

d. The sign shall only be placed on the sidewalk during business hours.

e. The sign shall be located in front of the specific business advertised on the sign, and not at another location. If the business is a corner property, the sign may only be placed in one location.

(H) Non-Conforming Signs

(1) Amortization of Non-Conforming Signs: Any existing sign which is in violation of this LDR, after the effective date of this LDR shall be deemed

a non-conforming sign. Such signs may be continued subject to the following requirements:

a. No non-conforming sign shall be altered, moved, or changed in any way except in full compliance with the terms of this LDR. This provision shall not apply to the changing of temporary copy on changeable copy signs or the painting or altering of copy area to restore the original sign appearance. Ord. # 42-05, Ord. #45-08.

b. This non-conforming sign provision shall not apply to repairs necessary to maintain the structural integrity or safety of a sign, provided the cost of such repairs does not exceed twenty-five (25) percent of the cost of materials which would be necessary to construct, in all other respects, an identical conforming sign on the same site. Such costs shall be determined by the Chief Building Official.

c. Pole signs shall be amortized within ten (10) years of the effective date of this ordinance. No new pole signs shall be permitted after the effective date of this ordinance. Face change-outs for pole signs shall be permitted, provided the replacement complies with subsection d below and provided the pole sign is replaced with a conforming sign by the end of the amortization time.

d. Notwithstanding the time periods for amortization of non-conforming signs set out above, no non-conforming sign of any kind or type shall be allowed to remain when the sign has deteriorated to a point that the cost of repairing the sign to a safe, structurally sound condition, exceeds twenty-five (25) percent of the cost of materials which would be necessary to construct, in all other respects, an identical conforming sign on the same site. Such costs shall be determined by the Chief Building Official.

e. Notwithstanding any other provision in this LDR, if a sign is destroyed through an accident, act of God, or intentional act not caused by the person responsible for said sign, by more than 50% of its replacement value, then the sign may be reconstructed and rebuilt and utilized for the balance of the amortization period then left.

(2) Non-conforming signs shall be removed or made to conform with this LDR within the time periods set out below or upon deterioration to the point specified below:

a. The following types of signs shall be removed or made to conform within sixty (60) days after the effective date of this LDR:

Beacon Light Signs
Flashing Signs
Moving Signs
Snipe Signs
Trailer/Mobile Signs
Traveling Light Signs

Signs, which in any way simulate or appear to simulate, emergency vehicles, traffic control signs, or devices or directional, informational or warning signs erected or maintained by any public body or any railroad, public utility, or similar body.

Private Signs placed on public property, except as expressly permitted by the appropriate public body.

Signs containing any statements, words, or pictures of an obscene nature, that is, which are utterly without redeeming social value as determined by the community standard prevailing in New Smyrna Beach and the immediately surrounding area.

Signs attached to passenger vehicles exceeding three (3) square feet.

Signs which, in any way, obstruct or block any fire escape, window or door, or which are attached to any fire escape or ventilation device.

Signs designed to be visible from any part of the Atlantic Ocean beach area, or from any waterway within the city limits, with the following exceptions: 1) approved wall signs in MU, B-2, B-3, B-4, or CM zoning districts; 2) signs complying with the exemption provision of this LDR; and 3) real estate signs complying with the provisions of this LDR.
Ord. #29-10

b. The following types of signs prohibited by this LDR shall be removed within one (1) year after the effective date of this LDR:

Billboards **Ord. #42-05, Ord. #45-08**
Off-site signs, unless said sign is an off-site directional sign as defined herein.

(3) Removal of Signs.
The Chief Building Official shall have the responsibility to enforce the provisions of this LDR.

a. If any property owner fails to comply with this LDR by failing to remove an unlawful sign, a sign for which the amortization period applicable to the sign has lapsed or a sign which has deteriorated beyond the point set forth in subsection, (1)d., above, the Code Enforcement Officer shall send a notice of violation by certified mail, return receipt requested, to the owner of the property at the address shown on the latest consolidated county tax rolls. If the notice is returned unclaimed or otherwise undelivered, a true copy of such notice shall be posted on the subject property for ten (10)

consecutive days. The notice shall contain the name and address of the owner as shown on the tax rolls, the legal description of the property, the time in which the owner shall abate the nuisance, not less than thirty (30) days, and have attached a photocopy of the relevant provisions of this LDR.

b. Any owner aggrieved by any action taken by the City under this LDR may appeal such action to the City Commission.

c. If no action has been taken regarding a notice of violation by the owner of the property involved within sixty (60) days after service of the notice, or the last day of posting on the property, and no appeal has been taken, the Code Enforcement Officer shall request approval of the Code Enforcement Board to remove the sign and, after obtaining such approval, shall remove the sign. The reasonable cost of such removal is hereby assessed against the property involved and declared to be a lien on such land in accordance with state law. Such liens may be foreclosed by the City as provided by law.

(4) Signs Visible from Interstate or Federal Aid Primary Highway System; Harmony of Regulations.

a. The removal provisions of this LDR shall not apply in the case of outdoor advertisements or advertising structures visible from roads or highway systems to the extent that such removal is preempted by the State. This shall not affect the duty of sign owners to remove signs under this LDR nor shall it affect the authority and responsibility of the City to enforce this LDR through other appropriate means, including referral for criminal prosecution.

b. This LDR shall be construed to be in harmony with Florida Statutes. In cases where local authority is preempted by the State, or where a question arises regarding such preemption, it shall be the responsibility of the Chief Building Official to coordinate with the State to insure that State regulation and enforcement is pursued to the fullest extent.

I. Variances

Variances to the requirements of this LDR may be granted by the Planning and Zoning Board only where a literal enforcement of the provisions of this LDR would result in substantial practical difficulty or unnecessary hardship or difficulty which might be suffered by the owners of that property. Variances shall be granted only in accordance with the procedures and criteria set out in the City Land Development Regulations.

J. Penalties

Violations occurring on public property shall be issued a trespassing citation, fines for which are set by Ordinance 70-102 of the City Code of Ordinances. Violations occurring on private property may be issued a code citation per Chapter 162 of the Code of Ordinances and may be cited to appear before the

Code Enforcement Board; additionally, violations must come into compliance as determined by the Code Enforcement Officer.

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ARTICLE VIII

SUPPLEMENTARY REGULATIONS

***

801.06 Home Occupations

A. A home occupation shall be permitted as an accessory use in all residential districts, provided that:

(1) such occupation shall be conducted entirely within the dwelling unit used as the residence and shall not occupy more than twenty (20) percent of the cumulative floor area;

(2) no persons other than members of the household shall be engaged in such occupation;

(3) the use of the dwelling unit for the home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes, and such use shall not change the residential character thereof;

(4) there shall be no structural additions, enlargements or exterior alterations to the residence or premises, ~~signs,~~ or other visible evidence of such home occupation;

(5) no additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation;

(6) ~~no advertisement directs consumers to the home or is located at the home;~~

(~~7~~6) the home occupation shall not generate the visitation by clients, customers, salesmen, suppliers or any other persons to the premises which results in vehicular traffic generation of more than one vehicle at any one time, or of more than a total of twelve vehicles per day;

Ord. #53-00

(~~8~~7) no provision for off-street parking or loading facilities, other than the requirements of the residential district in which the use is located, shall be permitted; no part of a required yard shall be used for such off-street parking or loading purposes; and no additional driveways to serve such home occupation shall be permitted;

(~~9~~8) no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference outside the dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises;

(10) no home occupation shall interfere with the residential uses of adjoining property;

(11) a home occupation shall be required to have a City Occupational License. **[Revised 5/2/01]**

***

ORDINANCE NO. 31-21

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS; AMENDING ARTICLE VI, DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS, SECTION 604.12, SIGNS, TO ALLOW FOR A FOUR (4) YEAR EXTENSION TO THE AMORTIZATION OF EXISTING POLE SIGNS, WITH CONDITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLIC HEARING; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, has requested administrative text amendments to the Land Development Regulations Article VI, Development Design and Improvements Standards, Section 604.12, Signs allowing up to a four (4) year extension for the removal of existing pole signs; and

WHEREAS, the Planning and Zoning Board, at its regular meeting on July 12, 2021, by a vote of 6-0, recommended that the City Commission approve the text amendments; and

WHEREAS, the City Commission deems it is in the best interests of the citizens of the City of New Smyrna Beach to amend the Land Development Regulations as more particularly set forth hereinafter.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF NEW SMYRNA BEACH, FLORIDA:

SECTION 1: ***Amendment.*** That New Smyrna Beach Land Development Regulations, Article VI, Development Design and Improvements Standards, Section 604.12, Signs allowing up to a four (4) year extension for the removal of existing pole signs, with conditions, is hereby amended to read as follows: **(Note: Omissions from text are indicated by [...], deletions from text are indicated by ~~strikethrough~~ and additions to text are indicated by underline.)**

604.00. Required improvements.

604.12. Signs.

H. Non-conforming signs.

(1) Amortization of non-conforming signs. Any existing sign which is in violation of this LDR, after the effective date of this LDR shall be deemed a non-conforming sign. Such signs may be continued subject to the following requirements:

a. No non-conforming sign shall be altered, moved, or changed in any way except in full compliance with the terms of this LDR. This provision shall not apply to the changing of temporary copy on changeable copy signs or the painting or altering of copy area to restore the original sign appearance.

b. The non-conforming sign provision shall apply to repairs necessary to maintain a sign, in good working order. The cost of such repairs may not exceed 25 percent of the cost of materials which would be necessary to construct, in all other respects, an identical conforming sign on the same site. Such costs shall be determined by the chief building official.

c. All existing, non-vintage designated ~~P~~pole signs shall be removed by November 29, 2025. The following conditions apply:

1. No face changes are permitted on existing non-vintage designated pole signs after November 29, 2023.

2. Existing non-vintage designated pole signs shall be removed after November 29, 2024 for a change of use, activation of a terminated use, change of tenant, or change of ownership. ~~amortized within ten years of the effective date of this ordinance [Ord. No. 108-11 effective November 29, 2011]. No new pole signs shall be permitted after the effective date of this ordinance [Ord. No. 108-11].~~ Face change-outs for pole signs shall be permitted prior to November 29, 2023, provided the replacement complies with subsection "d" below and provided the pole sign is replaced with a conforming sign by November 29, 2025 ~~the end of the amortization time~~.

d. Notwithstanding the time periods for amortization of non-conforming signs set out above, no non-conforming sign of any kind or type shall be allowed to remain if:

1. The sign is determined to be structurally unsound.

2. Cosmetic changes to the sign are valued in excess of 25 percent of the cost of materials that would be necessary to construct a sign identical to the nonconforming sign.

3. Repairs required to keep the sign in good working order exceed 25 percent of the cost of materials that would be necessary to construct a sign identical to the nonconforming sign.

e. Notwithstanding any other provision in this LDR, if any nonconforming ~~a~~ sign, other than a pole sign, is destroyed by more than 50 percent of its replacement value, through an accident, act of God, or intentional act not caused by the person responsible for said sign, then the sign may be reconstructed and rebuilt and utilized for the balance of the amortization period then left.

SECTION 2: ***Codification.*** Following adoption of this ordinance, the City Clerk shall transmit a copy of this ordinance to Municipal Code Corporation of Tallahassee, Florida, to be codified into the City's Code of Ordinances. Municipal Code Corporation's usual and customary fee for said codification service is hereby approved.

SECTION 3: ***Public Hearing.*** That the public hearing considering the adoption of this ordinance shall be held at 6:30 p.m. on August 24, 2021 in the City Commission Chambers, 214 Sam Avenue, New Smyrna Beach, Florida, after notice published pursuant to §166.041(3)(a), F.S.

SECTION 4: ***Conflicting Ordinances.*** That all ordinances or parts thereof that are in conflict with this ordinance shall be and the same are hereby rescinded and repealed.

SECTION 5: ***Severability.*** That if any section, sentence, clause or phrase of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 6: ***Effective Date.*** That this ordinance shall take effect immediately upon its final adoption.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

DATE: 7/30/2021

ORDINANCE NO. 54-21

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS; AMENDING ARTICLE VI, DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS, SECTION 604.12, SIGNS, TO PROVIDE CRITERIA FOR THE DESIGNATION OF VINTAGE SIGNS; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLIC HEARING; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, has requested administrative text amendments to the Land Development Regulations Article VI, Development Design and Improvements Standards, Section 604.12, Signs, to provide criteria for the designation of vintage signs; and

WHEREAS, the Historic Preservation Board voted 3-1 at its regular meeting on October 13, 2021, to recommend that the text amendment be approved; and

WHEREAS, the Planning and Zoning Board, at its regular meeting on November 1, 2021, recommended that the City Commission approve the text amendment by a vote of 6-0; and

WHEREAS, the City Commission deems it is in the best interests of the citizens of the City of New Smyrna Beach to amend the Land Development Regulations as more particularly set forth hereinafter.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF NEW SMYRNA BEACH, FLORIDA:

SECTION 1: ***Amendment.*** That New Smyrna Beach Land Development Regulations, Article VI, Development Design and Improvements Standards, Section 604.12, Signs, is hereby amended to read as follows: **(Note: Omissions from text are indicated by [...], deletions from text are indicated by ~~strikethrough~~ and additions to text are indicated by underline.)**

604.00. Required improvements.

604.12. Signs.

H. Non-conforming signs.

...

(5) Vintage Sign Designation

(a) Applications for the designation of vintage signs shall be reviewed and approved by the Historic New Smyrna Beach Preservation Commission at a public hearing in accordance with the following criteria:

1. The sign must be a least 30 years old at the time of application; and

2. The sign is in good structural and working condition; and

3. The sign meets two or more of the following criteria:

a. The sign is one that demonstrates a past style of architecture; an example of technology, craftsmanship or design of the period when it was constructed. (e.g. satellite signs, roto-spheres, donut signs, clock signs, paint can signs, opal glass signs, retro pole signs, neon signs, character signs, etc.).

b. The sign uses historic sign materials or means of illumination (e.g. exposed integral incandescent lighting, or exposed neon lighting).

c. The sign has retained the majority of its character-defining features (i.e. materials, technologies, structure, colors, shapes, symbols, text, typography, and/or artwork) that have historical significance, are integral to the overall sign design, or convey historical or regional context.

d. The sign exemplifies the cultural, economic, and historic heritage of the City.

e. The sign exhibits aesthetic quality, creativity or innovation.

f. The sign is unique, was originally associated with a local business or local or regional chain, there is academic research, including, but not limited to, sign industry journals, articles or books to support its significance, or it is a surviving example of a once common sign type that is no longer common.

(b) If character-defining features have been altered or removed, the majority of these features shall be restored to their historic function and appearance upon approval of the sign as vintage.

(c) An applicant may appeal the decision of the Historic New Smyrna Beach Preservation Commission to the City Commission by filing a notice of appeal with the City Clerk within 30 days of written rendition of the decision.

SECTION 2: ***Codification.*** Following adoption of this ordinance, the City Clerk shall transmit a copy of this ordinance to Municipal Code Corporation of Tallahassee, Florida, to be codified into the City's Code of Ordinances. Municipal Code Corporation's usual and customary fee for said codification service is hereby approved.

SECTION 3: ***Public Hearing.*** That the public hearing considering the adoption of this ordinance shall be held at 6:30 p.m. on December 14, 2021 in the City Commission Chambers, 214 Sam Avenue, New Smyrna Beach, Florida, after notice published pursuant to §166.041(3)(a), F.S.

SECTION 4: ***Conflicting Ordinances.*** That all ordinances or parts thereof that are in conflict with this ordinance shall be and the same are hereby rescinded and repealed.

SECTION 5: ***Severability.*** That if any section, sentence, clause or phrase of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 6: ***Effective Date.*** That this ordinance shall take effect immediately upon its final adoption.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

DATE: 11/5/2021

205.00. Sign regulations definitions.

The following definitions shall apply to [sub]section 604.12 of this LDR:

Advertising message. The letters and graphics on a sign intended to directly or indirectly promote the sale of a product, service, commodity, entertainment or real or personal property.

Altering. Changing a sign to the extent that the structural components of the pole or copy area is replaced, repaired, or changed so that the shape, size, or appearance of the sign is different than previously. Painting a sign, rearranging letters or replacing the plastic copy area without any structural or frame changes shall not constitute altering.

Anchor store. The major tenant within a shopping center used to draw patrons to the shopping center and containing at least 25,000 square feet of gross leasable area.

Chief building official. The city official designated as the chief building official for the city. The chief building official shall have the responsibility and authority to enforce these sign regulations.

Copy area. Surface area encompassed within any regular geometric figure which forms the informational component of a sign, when such sign is viewed from one direction on the adjacent right-of-way. The frame which decorates or structurally supports the copy area shall be included when calculating area. The pole associated with a pole sign shall not be included when calculating copy area. The entire area of a ground sign shall be used in calculating the area of a ground sign.

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

Height of sign. The vertical distance measured from the lowest grade adjacent to the sign extending to the topmost portion of the sign structure, including any frame, embellishment or other type of upward extension from the sign. Any filling, berming, mounding, or excavation solely for the purpose of increasing the height of the sign is prohibited.

Location. Any lot, premises, building, structure, wall, or any place whatsoever upon which a sign is located.

Person. Any persons, firm, partnership, association, corporation, company, or organization, singular or plural, of any kind.

Premises. A parcel or lot of property, or any combination of parcels or lots, on which a business or residential use is located; except that in the case of a business having in excess of 250 feet of continuous road frontage each 250 feet of road frontage shall constitute one premise for the purpose of this LDR. For example: a new car dealership with 500 feet of road frontage would constitute two premises for the purpose of this LDR.

Public art. Any originally produced artistic medium which is outdoors and accessible to the general public and does not contain advertising or logos. Public art commonly takes the form of murals and sculptures that can withstand exposure to atmospheric elements.

Public body. Any government or governmental agency of the City of New Smyrna Beach, Volusia County, the State of Florida, or the United States.

Residential development. Any housing project that is approved by the planning and zoning board. Phasing of a project shall not constitute a separate residential development for the purpose of sign standards, unless the phase shall bear a separate name.

Roof line. The juncture of the roof and the perimeter wall of the structure.

Semipublic body. Any organization operating as a nonprofit activity and serving a public purpose or service including such organizations as noncommercial clubs, lodges, theater groups, recreational and neighborhood associations, cultural organizations, schools and churches.

Sign. Any surface, fabric, device or display, designed to advertise, inform, identify, or to attract the attention of persons not on the premises on which the [device] or display is located.

A sign shall be construed to be a single display surface or device containing elements organized, related, and composed to form a single unit. In cases where material is displayed in a random or unconnected manner, or where there is reasonable doubt as to the intended relationship of such components, without organized relationship of such components, each component or element shall be considered to be a single sign.

A projecting or ground sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed on a single sign.

For purposes of this LDR, the term "sign" shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. This definition shall not include bumper stickers on cars.

Within the sign definition are the following sign types:

(a) *Abandoned sign.* See "Discontinued sign."

(b) *Animated sign.* Any sign or part of a sign, including the advertising message, which changes physical position by any means of movement including, but not limited to, light projections, scrolling displays, and light emitting diode (LED) screens. Electronic message centers and automatic changeable message devices are considered animated signs for the purpose of this definition.

(c) *Awning sign.* A sign located on the vertical face of an awning~~.~~, painted onto or adhered to a marquee or awning type structure constructed of an open frame covered by fabric, vinyl, plastic, metal, or similar material. Awning sign shall include canopy sign.

(~~b~~d) *Banner signs.* ~~Any sign~~ A temporary sign made of weather-resistant cloth or other lightweight material, intended to be hung, either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind, including such signs stretched across or hung over any public right-of-way. Flags shall not be considered banners for the purpose of the article.

(~~c~~e) *Beacon light sign.* Any sign or device which includes any light with one or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically.

(~~d~~f) *Bench signs.* A sign located on any part of the surface of a bench or seat placed on a public right-of-way or other public area.

(~~e~~g) *Billboard:* An outdoor sign which advertises a firm, organization, goods, products, or services which are not located on the same premises as the sign, and that is sold, rented, owned, or leased for the display of advertising messages.

(~~f~~h) *Changeable copy sign:* A sign that is designed so that characters, letters, or illustrations can be changed or rearranged either manually or mechanically.

(j) *Discontinued sign.* Any sign located on a property or building that is vacated, no longer has a valid certificate of occupancy or business tax receipt, no longer has an active utility service account or displays a blank sign for a period of one hundred eighty days or longer shall be considered a discontinued sign.

(gi) *Electronic message center~~:~~.* A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

(k) *Exempt sign.* Signs as set forth within section 604.12 (c), which are exempt from certain requirements of this chapter.

(l) *Feather sign, teardrop sign or feather flag*. A form of temporary sign composed of durable lightweight fabric with a sturdy frame enclosing only a portion of the material's edge so that it can remain upright and still be flexible in the breeze, generally shaped to be tall and narrow when affixed into the ground or other bottom support, affixed to a pole which is located outdoors and contains language for advertisement, greeting or similar messaging purposes, which is activated by the wind and is used by businesses or organizations to promote events, products or services.

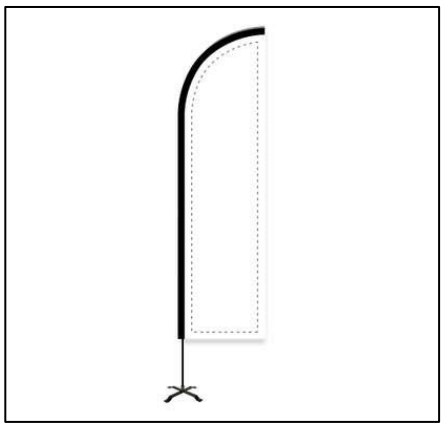


Figure 205.00.l

(~~h~~m) *Flag.* ~~A~~ Typically, a rectangular or square device made of cloth, plastic, or natural or synthetic fabric, with or without characters, letters, illustrations, or ornamentation applied to the surface, typically attached to a pole on one side and ~~which is~~ designed to move in the wind on the opposite side. For purposes of this article, flags are defined separately from moving signs, feather signs and banners.

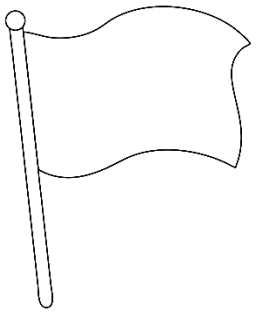


Figure 205.00.m

(~~i~~n) *Flashing sign.* Any sign with a lighting device or devices which go on and off alternately.

(~~j~~o) *Ground sign, ~~or~~ freestanding sign or monument sign:* A sign where the foundation and supporting structure are visually an integral part of the sign creating a continuous form from the ground to the top of the sign. A type of sign placed upon the ground independent of support from the face of a building that generally has greater width than height and typically constructed of a solid material such as wood, masonry or high-density urethane.

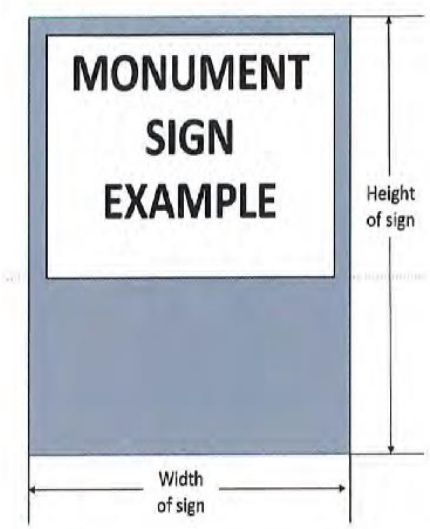


Figure 205.00.o

(~~k~~p) *Illuminated sign.* Any sign illuminated in any manner by an artificial light source.

(~~l~~q) *Integral sign.* Signs or tablets cut into any masonry surface or constructed of bronze or other non-combustible materials in the form of a plaque mounted on the side or face of a building, bench, or other permanent structure.

(~~m~~r) *Marquee sign.* Any projecting sign attached to and made a part of a marquee. A marquee is defined as a permanent roof-like or awning type structure projecting beyond and supported by a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

(~~n~~s) *Moving sign:* A fluttering sign or a balloon type sign that is filled with air or a lighter than air gas, including wind operated devices. All balloons (including plastic or reusable balloons and balloon clusters, and all inflatables), dirigibles, airships, and kites located on, or tethered to, commercial property, or for the purpose of advertising a business or profession, are moving signs within the meaning of the land development regulations. The items enumerated in the preceding sentence are moving signs even if no advertising appears on the item. Dirigibles and airships at airports shall not be moving signs within the meaning of the land development regulations.

(~~o~~t) *Nonconforming sign.* Any sign which does not conform to the regulations of this Ordinance.

(~~p~~u) *Off-site sign:* Any sign located on property other than the premises to which the sign relates.

(~~q~~v) *Pennants* shall include the terms "ribbons" and "streamers" and shall mean pieces of cloth, flexible plastic, or other flexible material, intended to attract attention because of their bright colors and/or flapping caused by action of the wind, commonly strung in series along a line. This term includes a single pennant, ribbon, or streamer, or a series of such pennants, ribbons, or streamers, but shall not include flags as defined herein.

(~~r~~w) *Pole sign.* Any freestanding sign that does not meet the definition of ground or portable sign. These signs are composed of the sign cabinet or base and the sign pole or pylon by which it connects to the ground.

(~~s~~x) *Portable sign.* A sign that is mounted on a trailer or trailer-like chassis which is capable of being moved on wheels, legs, or skids as an entire unit, but is placed temporarily in one location as outlined in

section 604.12. Signs pulled behind a vehicle for the purpose of mobile advertising are not considered portable signs (see trailer signs).

(~~t~~y) *Projecting sign.* Any sign other than a wall sign affixed to any building or wall, any edge of which, extends more than 12 inches beyond such building or wall.

(~~u~~z) *Roof sign.* Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

(~~v~~aa) *Shingle sign.* A projecting or wall sign not over one and one-half square feet in area.

(~~w~~bb)*Snipe sign.* Any sign of any material whatsoever ~~that is attached in any way to a utility pole, tree, or any object located or situated on public or private property, or any temporary sign placed in the right-of-way.~~ that is temporary, tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects. They are commonly placed in the ground with metal or plastic stakes. Snipe signs are also commonly seen in the public right-of-way or placed on private property near the public right-of-way.

(~~x~~cc) Temporary sign. A sign intended to be displayed for a transitory or temporary period and not intended for use in a permanent nature. Any sign not permanently embedded in the ground or not affixed to a building or sign structure that is permanently embedded in the ground shall be considered a temporary sign, unless otherwise specified in this chapter. Temporary signs shall include but not be limited to all banners, yard signs, and feather signs regardless of how they may be affixed to a building or structure or embedded in the ground for the purposes of these article. ~~*Temporary sign.* Any sign or advertising display intended for temporary use and designed and constructed in accordance with this intention.~~

(~~y~~dd) *Trailer/mobile sign.* Any sign placed on a vehicle or on a trailer attached to a vehicle that projects more than one inch and that is displayed on public rights-of-way as a mobile sign, not intended to be permanent and not in compliance with the definition of portable sign or temporary sign.

(~~z~~ee) *Traveling lights sign.* Any sign which includes a series of lights, or lighting device, which appears to move or travel in automatic sequence on the display surface of the sign.

(aaff)*Vintage sign.* Any sign 30 years old or older that is designated as such by the Historic New Smyrna Beach Preservation Commission.

(~~bb~~gg) *Wall sign.* Any sign containing one advertising surface other than a projecting sign that is attached to and erected parallel with the face of any building wall, any edge of which extends beyond such building wall.

(~~cc~~hh) *Window sign.* Any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

(ii) *Yard sign*. A portable, lightweight, temporary sign also known as lawn signs, bandit signs, placards, and road signs, among other names, used for local advertising. They are temporary in nature, typically inserted into the ground with a metal frame and easily moved from one location to another.



Figure 205.00.ii

(Ord. No. 17-01, § 1, 4-10-2001; Ord. No. 45-08, § 1, 10-28-2008; Ord. No. 108-11, § 1, 11-29-2011; Ord. No. 73-12, § 1, 9-11-2012; Ord. No. 33-18, § 1(Exh. A), 6-12-2018; Ord. No. 74-19, § 1, 12-10-2019)

604.00. Required improvements.

604.12. *Signs.*

A. *Purposes, intent, and scope.* The purpose of these sign regulations is to protect, preserve, and improve the character and appearance of the City of New Smyrna Beach; to provide ample opportunity to advertise in commercial and industrial areas while preventing excessive advertising which would have a detrimental effect on the character and appearance of those areas; to limit signs in non-commercial and non-industrial areas to protect the residential character and appearance of those areas; and to preserve the First Amendment rights of all persons subject to these regulations.

It is intended that signs placed on land or on a building for the purpose of identification, or for advertising a use conducted on that land or in that building, or to exercise the first amendment rights of the owner or occupant of that land or building, shall be deemed to be accessory and incidental to the land, building, or use.

With respect to commercial signs, it is specifically intended, among other things, to avoid excessive competition and clutter among sign display in the demand for public attention. Therefore, the display of signs should be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertising.

Signs commonly referred to as billboards, outdoor advertising, or poster panels, which advertise products or businesses not connected with the site on which they are located, are prohibited in accordance with the predominantly residential atmosphere of the community, such signs being most appropriate on open highways and roads where they do not detract from community character.

B. *Prohibited signs.* The following signs are prohibited in the City of New Smyrna Beach:

Beacon light signs.

Billboards.

Flashing signs.

Moving signs.

Off-site signs except exempt bench signs.

Pole signs. except signs under 604.12.G.(11)

Roof signs.

Snipe signs.

Trailer/mobile signs.

Traveling light signs.

Signs which in any way simulate or appear to simulate emergency vehicles, traffic control signs, or devices, or directional, informational, or warning signs erected or maintained by any public body, or any railroad, public utility, or similar body.

Private signs, whether temporary or permanent, placed on public property, except as expressly permitted by the appropriate public body.

~~Signs containing any statements, words, or pictures of an obscene nature, that is, which are utterly without redeeming social value as determined by the community standard prevailing in New Smyrna Beach and the immediate surrounding area.~~

Signs exceeding three square feet attached to passenger vehicles.

Signs which in any way obstruct, cover, or block, any fire escape, window, or door, or which are attached to any fire escape or ventilation device.

Signs which include pennants, ribbons, streamers, spinners, or wind-operated devices, except as provided herein.

Signs designed to be visible from any part of the Atlantic Ocean beach area, or from any waterway within the City limits, with the following exceptions: 1) approved wall signs in MU, B-2, B-3, B-4, PUD, or CM zoning districts; and 2) signs complying with the exemption provision of this LDR.

Commercial signs that are carried, waved, or otherwise displayed by persons ("sign walkers", "sign spinners", or "commercial mascots") either on public rights-of-way or in a manner visible from public rights-of-way.

Signs located in the visibility triangle of any corner lot, except as provided herein. The visibility triangle shall be drawn using the street right-of-way lines and a line connecting them at points 25 feet from the intersection formed by such right-of-way lines, or signs which otherwise obstruct the view in any direction at a street intersection.

Commercial signs attached to or painted on vehicles or trailers which are not regularly used as part of the advertised business and are obviously parked for the primary purpose of advertising to passing motorists or pedestrians.

C. *Exemptions.* The following signs shall be exempt from the permitting requirements of this LDR:

Automobile vehicle wraps on currently registered vehicles.

Banners, for the promotion of a new business opening in a nonresidential zoning district for a time period not to exceed 45 consecutive days after receiving a Business Tax Receipt subject to the following conditions:

1. Maximum copy area: 32 square feet.
2. The banner sign may be hung on a wall or any other suitable location. The location of the sign shall not interfere in any way with the traffic or public safety of the citizens of the city, and the sign shall not violate any other applicable provisions of this LDR.
3. The banner signs shall not be considered in the computation of the number of signs allowed or the maximum allowable display area for a premises.

Bench signs approved by the city commission on benches placed on public property for the use and convenience of the general public.

Flags which do not bear any commercial advertising, mounted on a single flag pole or separate flag poles installed either on the building or adjacent to the building (within 15 feet). Maximum two flags per premises; maximum area 40 square feet each.

Integral signs, provided the individual letters or numerals of such sign do not exceed two inches in height, and provided the sign itself does not exceed three square feet of display area.

Neon light or other type of light sign hung inside the window of an establishment and intended to be seen from the outside provided: (1) no more than five are exempt; and (2) the energy source is by plug into an existing wall outlet.

In commercial districts, one non-electric noncommercial signs not exceeding six square feet in area for each street or waterway frontage of a commercial premise.

In residential districts, one non-electric sign not exceeding three square feet in area, and temporary signs allowed in accordance with subsection G.(6).

Sandwich boards provided that:

1. The business and sign are located within the MU (mixed use) zoning districts only.
2. One sandwich board sign may be located in front of each non-residential property or tenant space.
3. Sandwich board signs may be placed on a public sidewalk no closer than one foot inside the curb, and must maintain a minimum of 36 inches of clear sidewalk space.
4. Maximum sign size: 42 inches in height and 36 inches in width.
5. The sign shall only be placed on the sidewalk during business hours.
6. The sign shall be located in front of the specific business advertised on the sign, and not at another location. If the business is a corner property, the sign may only be placed in one location.
7. Additional sandwich board sign. A business located within the MU (mixed use) zoning district may display one additional sandwich board sign, provided that such additional sandwich board sign:
    a. Meets all of the sandwich board sign requirements of this section; and
    b. Is located within 500 feet of the business for which the sign is advertising; and
    c. Is located in the same MU zoning district or an adjacent non-residential zoning district; and
    d. If located on a public sidewalk, does not impair accessibility of the sidewalk; and
    e. Written consent to the placement of the sandwich board sign is obtained from the property owner if located on private property, or if located on a public sidewalk, from the property owner immediately abutting the section of public sidewalk on which the sign will be located. The written consent shall be submitted to the city and kept on file.

Signs attached to passenger vehicles that do not exceed three square feet in copy area.

Signs located on soda, candy, or food dispensing machines.

Signs which are necessary to protect the physical safety of the public, prevent property damage, meet constitutional due process and other requirements of law, or otherwise serve compelling governmental interests, including:

1. No trespassing, warning, traffic control, or similar signs of not more than two square feet where such signs are reasonably necessary to notify the public of the matters contained in the signs in the interests of public health and safety.
2. Legal notices posted on real property in accordance with requirements of federal, state, or local law, provided the notice shall be displayed only for the time period required by law.
3. One sign not exceeding three square feet in area per premises, bearing only property numbers, post office numbers, and names of occupants of such premises, for identification purposes only to allow emergency responders, law enforcement personnel, delivery personnel, and the general public to find the premises.
4. Signs required by any professional licensing body of the State of Florida provided that such signs do not exceed the state minimum requirements imposed by such body in any respect.

Window signs, provided that the total area of all signs does not exceed 35 percent of the total glass area of the window containing the display.

Window wraps which do not advertise a business or product.

D. *Permits.* No person shall erect, alter, repair, or relocate any non-exempt sign without first obtaining a permit for such work from the Building Official of the City of New Smyrna Beach. No permit shall be issued until the planning manager and chief building official, or designees, have determined that such work is in accordance with this LDR and all other LDRs and ordinances of the City of New Smyrna Beach and a certificate of zoning has been issued.

(1) Application for a sign permit shall be on forms provided for that purpose by the chief building official and shall contain the following information:

a. The name, address, and telephone number of the applicant, the owner of the sign, and the owner of the property on which the sign is to be located;

b. The address, if any, and legal description of the premises on which the sign is to be located;

c. A drawing to scale, in duplicate, showing the size, height, structural details, and dimensions of the sign and sign structure;

d. A drawing to scale, in duplicate, showing the position of the sign, and any other existing advertising structures, in relation to the buildings or structures on the premises and to the boundaries of the property;

e. The signatures of the applicant and the owner of the property; or in the event the owner is not available, written evidence of the owner's permission for the erection of the sign;

f. Any electrical and/or plumbing permit required for the sign;

g. For any sign which the chief building official determines may reasonably be subject to dead load, wind, or other physical threat, engineering drawings showing display area, support structure above and below ground, wind pressure specifications, and method of installation, signed and sealed by a registered engineer or architect licensed by the State of Florida in that profession;

h. Signs in the visibility triangle shall have a maximum height of 3.0 feet to allow for proper visibility.

E. *Schedule of fees.* The schedule of fees for sign permits shall be established, and periodically adjusted by city commission resolution.

F. *General provisions.* The following provisions shall apply to every sign erected in the City of New Smyrna Beach, including exempt signs:

(1) The name and address of the company or person installing any permanent sign and the name and address of the company or persons maintaining any permanent sign, the date of erection and voltage of any electrical apparatus shall be painted or printed conspicuously on every sign erected.

(2) Any light from any illuminated sign shall be shaded, shielded or directed so that the light intensity or brightness shall not affect adversely the vision for operation of vehicles in any public or private road, highway, driveway, or parking area. Such light shall not shine directly on or into any residential structure or directly onto approaching traffic. Such light shall not be visible from the public beach during sea turtle nesting season (May 1 - November 1 annually) per Volusia County Code of Ordinances, Chapter 72, Division 12, Sea Turtle Protection.

(3) All permanent signs shall be designed and constructed to withstand a wind pressure as required by the Florida Building Code.

(4) The area around the base of any ground sign shall be kept free of any rubbish or other material that might constitute a fire or health hazard. Appropriate landscaping, monument architectural detailing, and/or pole skirts around the base of the signs are required.

(5) Square footage of copy area determined by lineal feet of frontage shall be determined by measuring along the entrance side of individual stores; in the case of corner stores, additional signage may be allowed only when the same or similar façade treatment is used on both front and side; sign area is not transferable between facades.

(6) Copy area of a sign shall be based upon the surface area encompassed within any regular geometric figure which forms the information component of a sign when such sign is viewed from one direction on the adjacent right-of-way. The frame which decorates or structurally supports the copy area shall be included when calculating area. The pole associated with a pole sign shall not be included when calculating area. The entire area of a ground sign shall be used in calculating the area of a ground sign.

(7) A projecting or ground sign with sign surface on both sides shall be construed as a single sign, and the total area of such sign shall be the area computed on a single sign. The faces of ground signs may be separated, and will be construed as a single sign provided that the angle of separation does not exceed 45 degrees.

(8) Unless specifically provided otherwise, no more than a total of three non-exempt signs shall be erected or maintained per premises. The signs may be apportioned between any allowable types of sign in the district so long as the total copy area does not exceed the maximum permissible area provided herein.

(9) All signs shall be erected, altered, operated, maintained in good repair and working order, and kept free of any foreign matter, and in addition, shall be designed and installed in compliance with the requirements of the building and electrical codes of the City of New Smyrna Beach.

(10) Vintage signs that do not comply with sign regulations as outlined in this section may be removed and replaced, provided approval is obtained from the Historic New Smyrna Beach Preservation Commission.

(11) All signs shall be set back a minimum of five feet from the front property line unless specifically noted otherwise below.

(12) Ground signs.

(a) The width of the copy area of ground signs may not exceed the width of the supporting structure by more than ten percent of the width of the base. [Figure 604.12.F.12.(a)]

(b) The material used to construct a ground sign shall match or complement the construction material of the associated building.

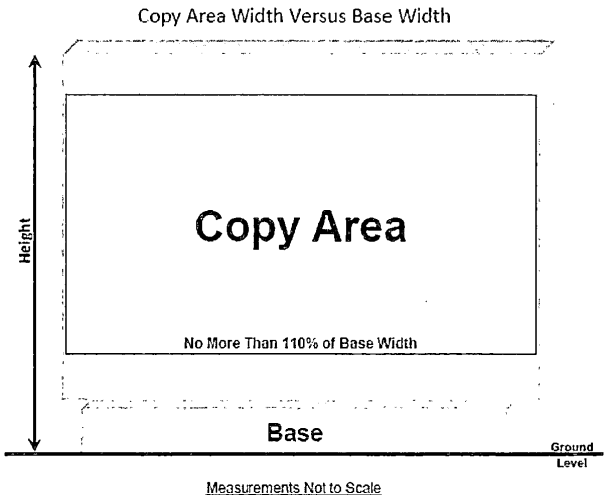


Figure 604.12.F.12.a.

G. *Sign standards.* The following sign standards shall apply in the respective zoning districts as indicated below unless more stringent regulations are included within the LDR:

(1) Signs erected upon property zoned for commercial or industrial use and designated as MU, B-2, B-3, B-4, B-6, B-6A, CM, I-1, I-2, I-3, (except for the airport industrial park), and I-4, and corridor overlay zone (COZ) zoning districts shall conform to the following:

a. *Ground signs.* Figure 604.12G.1.a.1.

1. Maximum copy area: Four square feet for each lineal foot of building structure frontage, not to exceed 48 square feet.

2. If the building has frontage on more than one right-of-way, an additional sign may be located on the second frontage. Maximum copy area: two square feet of copy area shall be allowed for each lineal foot of building structure frontage on the second right-of-way. Maximum copy area not to exceed 24 square feet. Signage copy area may not be transferred between the sign addressing the primary frontage and the sign addressing the secondary frontage.

3. No ground sign shall be erected within 50 feet of any other ground sign on the same premises. No such sign shall extend more than ten feet above ground level. Existing pole signs are considered non-conforming and are to be amortized in accordance with subsection H. below.

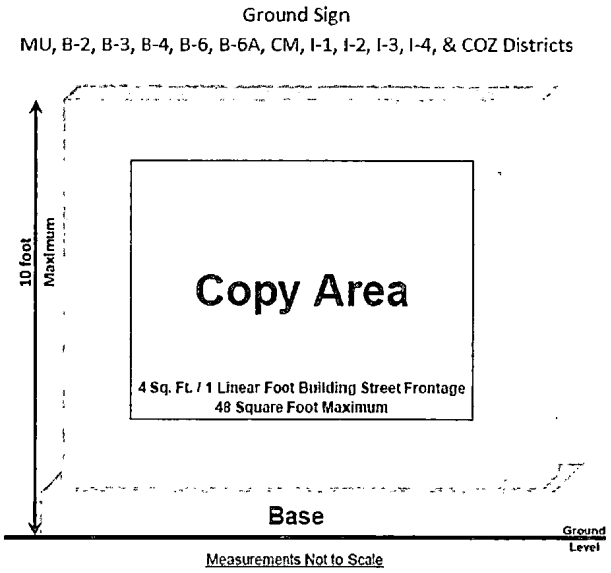


Figure 604.12.G.1.a.1.

b. *Wall signs.*

1. Maximum copy area: 100 square feet per premises.

2. Wall signs shall not project more than one foot from any wall of a building, and no such sign shall project above the roof line or parapet, whichever is higher.

3. Wall signs shall not cover, block, or obstruct any part of a window, including any part of a window within the sign perimeter, or obstruct window light or vision.

c. *Marquee signs.*

1. Shall not project more than one foot below the bottom or above the top of the vertical face of the marquee.

2. At least eight feet of clearance from the walkway grade to the bottom of the sign must be maintained.

3. May be attached underneath a marquee at a business entrance, provided the sign:

(a) Does not extend beyond the perimeter of the marquee;

(b) Does not exceed three square feet total copy area; and

(c) Does not extend below an eight foot clearance measured from the sidewalk grade to the bottom edge of the sign.

4. If the marquee sign extends over public property, it shall have a minimum clearance of nine feet from the walkway grade to the bottom edge of the sign and shall require approval from the jurisdictional authority that has the maintenance responsibility for the affected public property.

d. *Projecting signs.*

1. Maximum copy area: 32 square feet.

2. No part of any such sign shall project more than 36 inches from the wall of a building.

3. No such sign shall physically cover, block or obstruct any window or part of a window, nor obstruct window light and vision.

4. No projecting sign shall extend above the top of a parapet wall.

5. In no event shall a sign projecting over a public right-of-way project to within less than two feet of the curb line.

6. Signs shall have a clearance above the sidewalk grade of at least nine feet, or at least fourteen feet above the grade of the road, driveway or alley.

7. The owner of any sign extending over the public right-of-way shall enter into a license agreement with the city, and shall hold the city harmless from any liabilities resulting from damage to or lack of maintenance of the sign.

e. *Portable signs.* One portable sign shall be permitted one time for a business or for a shopping center whose allowable freestanding sign has not yet been erected. Such sign shall be permitted for a period of not more than 30 days or until installation of the allowable freestanding sign, whichever shall occur first. The portable signs shall conform to all city codes and criteria, including but not limited to:

1. Maximum copy area: 32 square feet.

2. No more than one such sign shall be permitted for each premises.

3. Copy on signs shall be maintained in a legible condition.

4. No flashing lights of any kind permitted. External illumination confined to sign face area.

5. Portable signs shall be used on-site only.

6. A new permit must be obtained for each period of use of a portable sign. Application for a permit for a portable sign shall include:

(a) A diagram indicating the manner in which the sign will be anchored to meet the specifications outlined above;

(b) Plot plan showing that the proposed location is:

i. In accordance with intersection visibility standards outlined in this Code;

ii. Illuminated signs shall be connected to a ground fault interrupter circuit receptacle. The use of extension cords for the power supply to the sign shall be prohibited; and

iii. Not in a required parking space.

f. *Construction site signs.*

1. One sign shall be allowed for each commercial or industrial construction project where a building permit has been obtained for the project.

2. Such signs shall be removed within 15 days after substantial construction operations have ceased, and in no event, later than the date of issuance of a certificate of occupancy.

3. Maximum copy area: 32 square feet.

g. *Development project signs.*

1. One sign for each street frontage, provided such development has been approved and is undergoing active construction and/or sale.

2. Maximum copy area: 32 square feet.

3. Maximum height: 10 feet above grade.

4. All signs shall be removed when all units are sold.

h. *Non-residential subdivision signs.*

1. One sign per vehicular entrance.

2. Maximum copy area: 40 square feet.

3. Maximum height; 4 feet above grade.

i. *Awning sign.*

1. One awning sign shall be allowed for each business.

2. Maximum copy area: One square foot per lineal foot of business unit frontage, not to exceed 50 square feet.

(2) Signs located in the B-5, planned shopping center district, or for building(s) containing two or more units in any commercial district shall conform to the following:

a. Freestanding ground signs.

1. Maximum height: 15 feet in the B-5 zoning district. Per the maximum sign height limits in other zoning district.

2. Maximum copy area:

(a) Shopping centers under 75,000 square feet: 62 square feet.

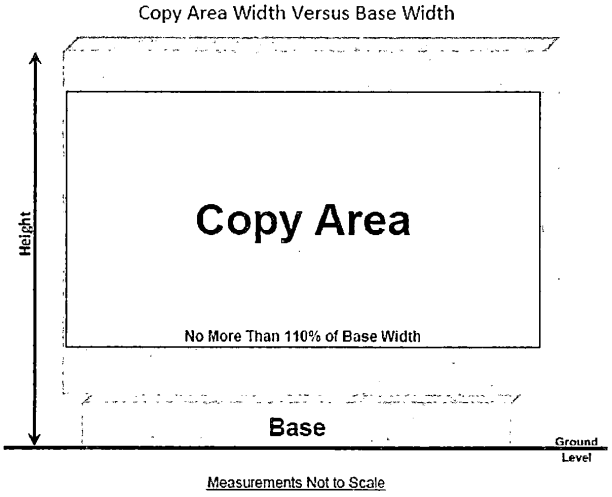


Figure 604.12.G.2.a.

(b) Shopping centers of 75,000 square feet to 250,000 square feet: 141 square feet.

(c) Shopping centers over 250,000 square feet: 157 square feet.

3. Shall be placed only adjacent to the arterial right-of-way frontage line.

4. Minimum setbacks:

(a) Five feet from the arterial right-of-way line.

(b) Fifty feet from side lot lines.

b. Individual anchor stores shall be allowed additional signs as follows:

1. Wall signs.

(a) Maximum number: 2.

(b) Maximum copy area: Two square feet of copy area per one lineal foot of store unit frontage, not to exceed 200 square feet.

2. Two signs hanging below the marquee, not to exceed three square feet of copy area and having a clearance of eight feet if hanging below the marquee. These signs shall not be calculated as any of the allowable number of wall signs.

c. Individual tenants in a shopping center or multi-tenant building, excluding anchor stores and businesses located on an outparcel shall be allowed additional signs as follows:

1. One wall sign not to exceed four square feet of sign area per one lineal foot of store frontage, not to exceed 100 square feet.

2. One sign hanging below the marquee not to exceed three square feet of copy area and having a clearance of eight feet.

d. Individual businesses located on an outparcel shall be allowed any combination of signs as indicated in section 604.12 G.(1) above.

(3) Signs located in office or industrial parks shall conform to the following:

Office and/or industrial parks shall be allowed one freestanding sign as detailed below:

a. Office or industrial parks having less than 50 acres: (Figure 604.12.G.3.a.)

1. Maximum copy area: 40 square feet.

2. Maximum height: 8 feet.

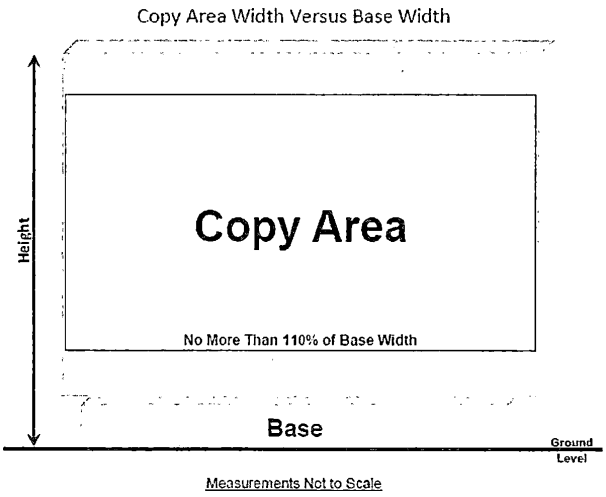


Figure 604.12.G.3.a.

b. Office or industrial parks having 50 to 100 acres:

1. Maximum copy area: 40 square feet.

2. Maximum height: 10 feet.

c. Office or industrial parks having more than 100 acres:

1. Maximum copy area: 80 square feet.

2. Maximum height: 10 feet.

d Individual businesses within an office or industrial park shall comply with the sign regulations as indicated in section 604.12 G.(1) above.

e. Signs in the airport industrial park. In the event there exists a conflict between the sign regulations and I-3, industrial park sign requirements, then I-3, industrial park sign requirements shall control. No sign shall be erected or maintained within the airport industrial park except in conformity with the following:

1. Signs visible from the exterior of any building may be lighted, but no signs or any other contrivance shall be devised or constructed so as to rotate, gyrate, blink or move in any animated fashion. Because of location near airport property, the upward reflection of ground level floodlight fixtures to illuminate facings of signs would be hazardous to aircraft traffic, and therefore ground level floodlighting is not permitted.

2. All signs attached to the building shall not project more than one foot from any wall of a building, nor project above the roof line or parapet, whichever is higher.

3. Only one single-faced or doubled-faced sign shall be permitted per street frontage. No sign or combination of signs shall exceed one square foot in area for each 600 square feet of total site area. However, no sign shall exceed 200 square feet in area per face. An additional 20 square feet shall be allowed for each business conducted on the site.

4. A sign advertising the sale or lease of the site shall be permitted in addition to the other signs listed in this section where a site is actively listed for sale or lease. Said sign shall not exceed a maximum area of 32 square feet.

5. No ground signs, except those at entranceways to the park, shall exceed four feet above grade in vertical height. Also, ground signs in excess of 100 square feet in area (single face) shall not be erected in the first 20 feet, as measured from the property line of any street side setback area.

6. The following definitions shall apply for interpretation of paragraph e. and all subparagraphs thereunder. Single-face sign shall mean a sign with lettering or symbols on one side. Double-face sign shall mean a sign with lettering or symbols on two sides. Fixture sign shall mean a sign including letters and/or symbols, constructed of suitable materials and permanently affixed to the exterior wall of a building.

7. Wall signs shall be fixture signs; signs painted directly on the surface of a wall shall not be permitted.

8. A wall sign with the individual letters applied directly shall be measured by a rectangle around the outside of the lettering and/or the pictorial symbol and calculating the area enclosed by such line.

9. One sign during construction shall be permitted upon the commencement of construction not exceeding 32 square feet, but must be removed immediately upon completion of construction.

(4) Signs located on residentially zoned property shall conform to the following:

a. Subdivisions.

1. One sign per main vehicular access to the subdivision:

2. Maximum copy area: 60 square feet.

3. Maximum height: Four feet above the nearest adjacent road grade.

b. Multi-family residential developments:

1. Ground signs:

(a) One ground sign for each street frontage.

(b) Maximum copy area: 30 square feet.

(c) Maximum height: 8 feet above the nearest adjacent road grade.

2. Wall signs.

(a) One wall sign shall be permitted on one of the buildings located within a multi-family development.

(b) Maximum copy area: one square foot per each foot of building height, or one square foot per each unit, whichever is less. Maximum sign area not to exceed 100 square feet.

(c) Maximum height of the channel letters is two feet.

3. All residential developments are allowed one sign not to exceed 32 square feet during construction, which must be removed upon completion of the project.

4. All residential developments are allowed one additional sign not to exceed 32 square feet in area as long as residential units are available for sale or lease within the development.

(5) House of worship shall conform to the following: Any house of worship or related property is allowed the following signage:

a. One freestanding sign.

1. Maximum copy area: 32 square feet.

2. Maximum height: 6 feet above grade.

b. One wall sign.

1. Maximum copy area: 32 square feet.

(6) Temporary signs districts shall conform to the following: Temporary signs, including banners, yard signs, feather signs and other signs of nonpermanent construction may be erected for temporary periods as follows:

a. Temporary signs, whether one or the maximum number allowed, may be displayed on any premises for a maximum of 100 days during any 12-month period. Where a use has two or more contiguous "premises" as defined in this LDR due to street frontage in excess of 250 feet, the combined premises shall be treated as one for this purpose.

b. In residential districts, a maximum of ten temporary signs may be displayed on each premises. No temporary sign shall exceed three square feet.

c. In nonresidential districts, temporary signs with a total sign area not exceeding 32 square feet for each 100 feet of street frontage or part thereof may be displayed on each premises. Temporary signs exceeding six square feet in area shall be set back five feet from the front property line and 25 feet from the side property line, and have a maximum height of ten feet. No temporary sign shall exceed 32 square feet.

d. Commercial buildings over 35 feet in height located in a B-6 Medical-Professional zoning district west of the Intracoastal Waterway may display temporary wall banners with a total wall banner area not exceeding 100 square feet for each 100 feet of street frontage. Temporary wall banners shall be allowed only on building facades that are set back at least 50 feet from the property line. No single temporary wall banner sign shall exceed 250 square feet in area. Temporary wall banners may be displayed on the premises for a maximum of 60 days during any 12-month period. A permit is required for these temporary wall banners and only one permit will be allowed in any 12-month period. The temporary wall banners provided for in this section 604.12G(6)d. are expressly prohibited for single or multi-family residential dwellings, hotels, motels, assisted living facilities, and condos.

e. In nonresidential districts, a maximum of two feather signs can be displayed on each premises for a total of 15 days during any 12-month period. Each feather sign shall be setback five feet from the front property line and 25 feet from side property lines.

(7) Signs located at bed and breakfast homes, adult living facilities, nursing homes, public and private schools, and private and semi-public clubs located within residentially-zoned areas and non-residential uses within the RA zoning district shall conform to the following:

a. Ground signs.

1. Maximum copy area: 32 square feet.

2. Maximum height: 8 feet.

3. Materials and illumination. Must utilize indirect lighting to illuminate only the sign face.

(8) Electronic message centers. Electronic message centers shall only be allowed in the B-3 and B-5 zoning districts. Electronic message center signs shall be prohibited east of U.S. 1, except for properties with direct frontage on the east side of U.S. 1, regardless of zoning. Additionally, electronic message centers shall conform to the following requirements:

a. Minimum separation between electronic message center signs is 600 linear feet on the same side of the street unless approved by the planning manager based on visibility needs.

b. Electronic message center signs must not face property zoned for single-family residential uses.

c. Electronic message center signs shall be prohibited within local designated historic districts or national registered historic districts or facing a local designated historic district or a national registered historic district if the electronic message center sign will be within 200 feet of the historic district.

d. The maximum light emanation from an electronic message center sign shall be no greater than .3 foot-candles, measured 200 feet from the sign.

e. Every electronic message center shall be equipped with an automatic dimmer device.

f. All electronic message centers shall comply with the appropriate city sign and other regulations.

g. Any malfunctioning electronic message centers must be turned off or display a blank screen until repaired.

h. All electrical equipment shall be UL listed.

i. All power to an electronic message center shall be supplied via underground carrier, inside approved conduit, and shall be installed according to the city electrical requirements.

j. All electronic message centers shall be kept in good operating condition and maintained with good external appearance.

k. Electronic ~~c~~copy areas cannot change more than once every eight seconds.

l. Electronic copy areas cannot flash, scroll or display any type of motion or animation.

m. Electronic copy areas cannot exceed eight square feet regardless of the size overall size of the sign.

n. Electronic message centers and their copy areas are only permitted on ground or monument signs.

(9) Additional signage on properties subject to active listing for sale or lease. Additional signs may be erected on properties subject to active listing for sale or lease in accordance with the following criteria:

a. Exempt signs: The following additional signs may be erected without a permit:

1. One sign not exceeding six square feet in area may be erected for each street or water frontage adjoining the parcel of property offered for sale, lease, or rent.

2. A maximum of three "add-on" or "rider" signs may be attached to each exempt additional sign, provided the total area of all "add-on" or "rider" signs does not exceed five square feet and provided that no "add-on" or "rider" sign exceeds the width of the exempt additional sign.

3. Minimum setbacks: Ten feet from side property lines and two feet from public right-of-way lines.

b. Non-exempt additional signs may be erected on property zoned C, RC, FR, R, A-1, A-2, MU, B-2, B-3, B-4, B-6, B-6A, CM, I-1, I-2, I-3, I-4, PUD, and COZ provided a permit is obtained and the additional signs conform to the following:

1. Maximum size: 32 square feet.

2. Maximum number of signs: One per each street or water frontage for each premises.

3. Minimum setbacks: five feet from any adjacent right-of-way, except where the applicant demonstrates that existing vegetation or other obstructions would preclude compliance with the five-foot setback.

c. Non-exempt additional signs may be erected on property zoned RA, RE, R-1, R-2, R2-A, R-3, R3-A, R3-B, R-4, R-5, R-6, MH-1, and MH-2, provided a permit is obtained and the additional signs conform to the following:

1. Maximum size: 16 square feet.

2. Maximum number of signs: one per each street and/or water frontage for each premises.

3. Minimum setbacks: Five feet from all property lines.

d. Visibility requirements: All additional signs allowed pursuant to this paragraph (9) shall be located outside the required visibility areas at the intersections of rights-of-way and outside the required visibility areas on waterfront parcels with the exception that when the visibility areas on a waterfront parcel overlap due to the width of the parcel, either one exempt sign or one non-exempt sign may be placed at the approximate mid-point of the water frontage.

(10) Flags in addition to exempt flags shall conform to the following:

a. Maximum number: Two flags per premises.

b. Flags shall be mounted on a single flag pole or separate flag poles installed either on the building or adjacent to (within 15 feet) the building.

c. No single flag shall exceed 40 square feet in area, and the aggregate size of all flags shall not exceed 72 square feet.

d. For the purpose of determining the size of a flag, only one side of the flag shall be counted as display surface.

e. Flags do not count in determining the maximum number of signs permitted.

(11) Signs in the New Smyrna Beach National Register of Historic Places Historic District and the Coronado National Register of Historic Places Historic District. Signs in the New Smyrna Beach National Register of Historic Places Historic District and the Coronado National Register of Historic Places Historic District that meet all other signage regulations may additionally be of the following types:

a. Dual Pole Sign up to six (6) feet in height and a maximum copy area of 24 square feet consisting of two structural poles supporting the copy area between the poles. (Figure 604.12.G.(12)a.)

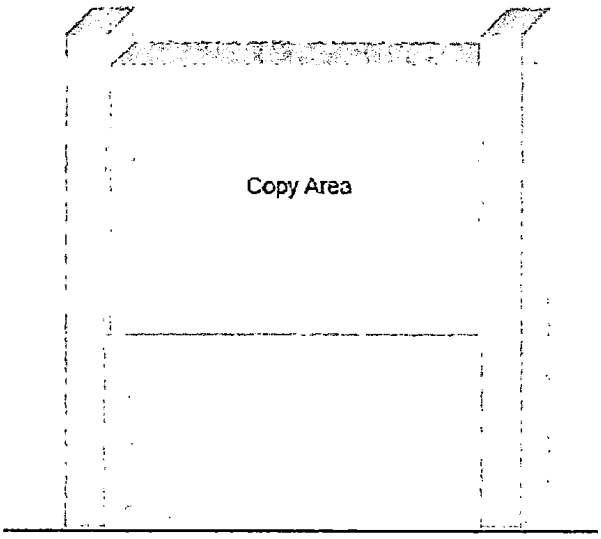


Figure 604.12.G.11.a.

b. Offset monopole sign up to six (6) feet in height, and a maximum copy area of 24 square feet consisting of one structural pole with the copy area offset entirely to one side of the pole, either attached to the pole or a single horizontal cross-bar. (Figure 604.12.G.(12)b.)

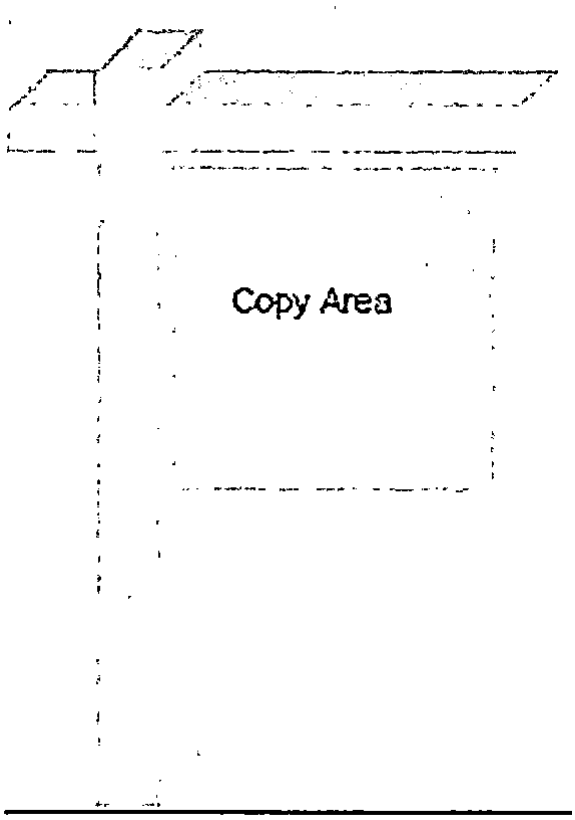


Figure 604.12.G.11.b.

H. *Non-conforming signs.*

(1) *Amortization of non-conforming signs.* Any existing sign which is in violation of this LDR, after the effective date of this LDR shall be deemed a non-conforming sign. Such signs may be continued subject to the following requirements:

a. No non-conforming sign shall be altered, moved, or changed in any way except in full compliance with the terms of this LDR. This provision shall not apply to the changing of temporary copy on changeable copy signs or the painting or altering of copy area to restore the original sign appearance.

b. The non-conforming sign provision shall apply to repairs necessary to maintain a sign, in good working order. The cost of such repairs may not exceed 25 percent of the cost of materials which would be necessary to construct, in all other respects, an identical conforming sign on the same site. Such costs shall be determined by the chief building official.

c. All existing, non-vintage designated pole signs are subject to the ~~shall be removed by November 29, 2025. The~~ following conditions ~~apply~~:

1. No face changes are permitted on existing non-vintage designated pole signs after November 29,2023.

2. Existing non-vintage designated pole signs shall be removed after November 29, 2024 for a change of use, activation of a terminated use, change of tenant, or change of ownership.

Face change-outs for pole signs shall be permitted prior to November 29, 2023, provided the replacement complies with subsection "d" below ~~and provided the pole sign is replaced with a conforming sign by November 29, 2025.~~ :

d. Notwithstanding the time periods for amortization of non-conforming signs set out above, no non-conforming sign of any kind or type shall be allowed to remain if:

1. The sign is determined to be structurally unsound.

2. Cosmetic changes to the sign are valued in excess of 25 percent of the cost of materials that would be necessary to construct a sign identical to the nonconforming sign.

3. Repairs required to keep the sign in good working order exceed 25 percent of the cost of materials that would be necessary to construct a sign identical to the nonconforming sign.

e. Notwithstanding any other provision in this LDR, if any nonconforming sign, other than a pole sign, is destroyed by more than 50 percent of its replacement value, through an accident, act of God, or intentional act not caused by the person responsible for said sign, then the sign may be reconstructed and rebuilt and utilized for the balance of the amortization period then left.

(2) Non-conforming signs shall be removed or made to conform with this LDR within the time periods set out below or upon deterioration to the point specified below:

a. The following types of signs shall be removed or made to conform within 60 days after the effective date of this LDR:

1. Beacon light signs.

2. Flashing signs.

3. Moving signs.

4. Snipe signs.

5. Trailer/mobile signs.

6. Traveling light signs.

7. Signs which in any way simulate or appear to simulate emergency vehicles, traffic control signs, or devises or directional information or warning signs erected or maintained by any public body or any railroad, public utility or similar body.

8. Private signs placed on public property, except as expressly permitted by the appropriate public body.

9. Signs containing any statements, words, or pictures of an obscene nature, that is, which are utterly without redeeming social value as determined by the community standard prevailing in New Smyrna Beach and the immediately surrounding area.

10. Signs attached to passenger vehicles exceeding three square feet.

11. Signs which in any way obstruct or block any fire escape, window or door, or which are attached to any fire escape or ventilation device.

12. Signs designed to be visible from any part of the Atlantic Ocean beach area, or from any waterway within the city limits, with the following exceptions: 1) approved wall signs in MU, B-2, B-3, B-4, or CM zoning districts; 2) signs complying with the exemption provision of this LDR; and 3) signs expressly permitted by the provisions of this LDR.

b. The following types of signs prohibited by this LDR shall be removed within one year after the effective date of this LDR [Ord. No. 108-11 effective November 29, 2011]:

1. Billboards.

2. Off-site signs, unless said sign is an off-site directional sign as defined herein.

c. The following types of signs prohibited by this LDR shall be removed within one year after the effective date of this LDR [Ord. No. 33-18 effective June 12, 2018]:

1. Off-site directional signs.

(3) Removal of signs. The chief building official shall have the responsibility to enforce the provisions of this LDR.

a. If any property owner fails to comply with this LDR by failing to remove an unlawful sign, a sign for which the amortization period applicable to the sign has lapsed or a sign which has deteriorated beyond the point set forth in subsection (1)d. above, the code enforcement officer shall send a notice of violation by certified mail, return receipt requested, to the owner of the property at the address shown on the latest consolidated county tax rolls. If the notice is returned unclaimed or otherwise undelivered, a true copy of such notice shall be posted on the subject property for ten consecutive days. The notice shall contain the name and address of the owner as shown on the tax rolls, the legal description of the property, the time in which the owner shall abate the nuisance, not less than 30 days, and have attached a photocopy of the relevant provisions of this LDR.

b. Any owner aggrieved by any action taken by the city under this LDR may appeal such action to the city commission.

c. If no action has been taken regarding a notice of violation by the owner of the property involved within 60 days after service of the notice, or the last day of posting on the property, and no appeal has been taken, the code enforcement officer shall request approval of the code enforcement board to remove the sign and after obtaining such approval, shall cause the sign to be removed. The reasonable cost of such removal is hereby assessed against the property involved and declared to be a lien on such land in accordance with state law. Such liens may be foreclosed by the city as provided by law.

(4) Signs visible from interstate or Federal Aid Primary Highway System; harmony of regulations.

a. The removal provisions of this LDR shall not apply in the case of outdoor advertisements or advertising structures visible from roads or highway systems to the extent that such removal is preempted by the state. This shall not affect the duty of sign owners to remove the signs under this LDR nor shall it affect the authority and responsibility of the city to enforce this LDR through other appropriate means, including referral for criminal prosecution.

b. This LDR shall be construed to be in harmony with Florida Statutes. In cases where local authority is preempted by the state, or where a question arises regarding such preemption, it shall be the responsibility of the chief building official to coordinate with the state to insure that state regulation and enforcement is pursued to the fullest extent.

(5) Vintage sign designation.

a. Applications for the designation of vintage signs shall be reviewed and approved by the Historic New Smyrna Beach Preservation Commission at a public hearing in accordance with the following criteria:

1. The sign must be a least 30 years old at the time of application; and

2. The sign is in good structural and working condition; and

3. The sign meets two or more of the following criteria:

(a) The sign is one that demonstrates a past style of architecture; an example of technology, craftsmanship or design of the period when it was constructed, (e.g. satellite signs, roto-spheres, donut signs, clock signs, paint can signs, opal glass signs, retro pole signs, neon signs, character signs, etc.).

(b) The sign uses historic sign materials or means of illumination (e.g. exposed integral incandescent lighting, or exposed neon lighting).

(c) The sign has retained the majority of its character-defining features (i.e. materials, technologies, structure, colors, shapes, symbols, text, typography, and/or artwork) that have historical significance, are integral to the overall sign design, or convey historical or regional context.

(d) The sign exemplifies the cultural, economic, and historic heritage of the city.

(e) The sign exhibits aesthetic quality, creativity or innovation.

(f) The sign is unique, was originally associated with a local business or local or regional chain, there is academic research, including, but not limited to, sign industry journals, articles or books to support its significance, or it is a surviving example of a once common sign type that is no longer common.

b. If character-defining features have been altered or removed, the majority of these features shall be restored to their historic function and appearance upon approval of the sign as vintage.

c. An applicant may appeal the decision of the Historic New Smyrma Beach Preservation Commission to the city commission by filing a notice of appeal with the city clerk within 30 days of written rendition of the decision.

I. *Variances.* Variances to the requirements of this LDR may be granted by the planning and zoning board only where a literal enforcement of the provisions of this LDR would result in substantial practical difficulty or unnecessary hardship or difficulty which might be suffered by the owners of that property. Variances shall be granted only in accordance with the procedures and criteria set out in the city land development regulations.

J. *Penalties.* Violations occurring on public property shall be issued a trespassing citation, fines for which are set by the city code of ordinances. Violations occurring on private property may be issued a code citation per F.S. ch. 162, and may be cited to appear before the code enforcement board; additionally, violations must come into compliance as determined by the code enforcement officer.

604.13. *Outdoor lighting.*

A. *General requirements.*

(1) All developments shall provide outdoor lighting in the parking area and yard areas. No such lighting is required for single-family residential lots.

(2) The locations of the lighting shall be indicated on a site plan and shall be approved by the city planner and city police chief.

(3) All lights shall have shielded nonglare fixtures. Notwithstanding this provision, lights within the boundary of the Community Redevelopment District (said boundary as defined in Ordinance No. 22-85) that are nonshielded and are not nonglare shall be allowed provided:

a. The installation or operation of said lights does not violate either the city's or county's sea turtle protection ordinances; and

b. Lights located within 20 feet of residentially used or zoned property shall have:

1. A pole height (excluding globe) no greater than 12 feet above grade;

2. Shielding to the extent necessary to prevent illumination of surrounding residentially used or zoned property; and

3. Shall be nonglare;

4. Shall have an internal optical refractor system to limit illumination of adjacent residentially used properties.

B. *Outdoor lighting in beach areas.*

Editor's note(s)— This subsection (B) on sea turtle lighting protection has been repealed by Ord. No. 52-99 adopted on Sept. 28, 1999, which ordinance authorizes Volusia County to administer the county's sea turtle lighting protection program within the city limits.

Editor's note(s)—Ord. No. 35-11, § 5, adopted June 28, 2011, renumbered former subsection 604.15 as subsection 604.13, as set out herein.

604.14. *Street paving waivers.* Street paving waivers may be approved by the city commission on a case-by-case basis, based upon the merits of the project, the character of the surrounding neighborhood, and the estimated city maintenance costs over ten years. applications shall be made using the form prepared by the planning department and shall be accompanied by a $250.00 filing fee.

(Ord. No. 14-01, § 1, 2-28-2001; Ord. No. 03-01, § 1, 1-23-2001; Ord. No. 52-01, § 1, 9-18-2001; Ord. No. 58-01, § 1, 3, 4, 10-9-2001; Ord. No. 10-02, § 1, 2-26-2002; Ord. No. 38-02, § 1, 8-27-2002; Ord. No. 44-02, § 1, 8-24-2002; Ord. No. 27-04, § 1, 5-25-2004; Ord. No. 09-05, § 1, 1-5-2005; Ord. No. 42-05, § 1, 5-10-2005; Ord. No. 101-05, § 1, 9-25-2005; Ord. No. 65-06, § 1, 8-8-2006; Ord. No. 01-07, § 1, 1-23-2007; Ord. No. 35-07, § 1, 3-13-2007; Ord. No. 37-07, § 1, 4-10-2007; Ord. No. 99-07, § 1, 1-8-2008; Ord. No. 26-08, § 1, 4-8-2008; Ord. No. 37-08, § 2, 8-26-2008; Ord. No. 45-08, § 2, 10-28-2008; Ord. No. 72-08, § 4, 12-9-2008; Ord. No. 18-09, § 1, 4-14-2009; Ord. No. 06-10, § 1, 2-23-2010; Ord. No. 29-10, § 1, 6-8-2010; Ord. No. 35-10, § 1, 9-14-2010; Ord. No. 59-10, § 1, 12-14-2010; Ord. No. 63-10, § 1, 12-14-2010; Ord. No. 01-11, § 1, 2-8-2011; Ord. No. 12-11, § 1, 4-12-2011; Ord. No. 35-11, §§ 1, 5, 6-28-2011; Ord. No. 38-11, § 4, 6-28-2011; Ord. No. 76-11, § 1, 9-13-2011; Ord. No. 103-11, § 1, 10-25-2011; Ord. No. 108-11, §§ 2, 3, 11-29-2011; Ord. No. 23-12, § 1, 2-28-2012; Ord. No. 73-12, § 1, 9-11-2012; Ord. No. 37-13, § 1, 6-11-2013; Ord. No. 193-13, § 1, 10-8-2013; Ord. No. 28-15, § 1, 3-24-2015; Ord. No. 96-15, § 1(Exh. A), 11-17-2015; Ord. No. 56-16, § 1, 9-27-2016; Ord. No. 57-17, § 1, 8-22-2017; Ord. No. 33-18, § 1(Exh. A), 6-12-2018; Ord. No. 50-18, §§ 1(Exh. A), 2(Exh. B), 9-25-2018; Ord. No. 09-19, §§ 2, 3, 4-2-2019; Ord. No. 26-19, § 1, 6-11-2019; Ord. No. 46-19, § 2, 8-27-2019; Ord. No. 74-19, § 2, 12-10-2019; Ord. No. 73-20, § 1, 8-11-2020; Ord. No. 04-21, § 1(Exh. A), 1-26-2021; Ord. No. 11-21, § 1, 4-13-2021; Ord. No. 31-21, § 1, 8-24-2021; Ord. No. 54-21, § 1, 12-14-2021; Ord. No. 53-22, § 1, 9-13-2022)

THE CITY OF NEW SMYRNA BEACH - DEVELOPMENTAL SERVICES

DEVELOPMENT ACTIVITY

July 7, 2025

Background:

Please go to the City of New Smyrna Beach website (cityofnsb.com) to view the current Development Activity. Please click on “Maps” and “Development Activity”.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Stephanie Ferrara - Development Services Coordinator