

ORDINANCE NO. 481

AN ORDINANCE AMENDING OR ADDING TO ORDINANCE NOS. 242, 255, 352, 393, 408 AND 433, AND AS MAY HAVE BEEN PREVIOUSLY AMENDED, RELATING TO THE REGULATION OF SIGNS UNDER ARTICLE V OF THE LAND DEVELOPMENT CODE AND SPECIFICALLY ADDRESSING THE PLACEMENT, REMOVAL, AND SIZE OF CERTAIN SIGNS AND REAL ESTATE SIGNS; REPEALING ALL PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mexico Beach, Florida has determined that it is in the best interest of the City that this ordinance be enacted to better regulate certain sign placements and sizes of signs;

WHEREAS, the City of Mexico Beach, Florida seeks to address the problem of sign pollution and to better protect the health, safety, and welfare of the public during serious storm events, therefore:

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MEXICO BEACH, FLORIDA:

Section 1: Sections 5.03.06 and 5.03.05 A., dealing with permissible temporary signs, and all other provisions in conflict with this amendment, is hereby amended to read as follows:

“A. To indicate that an owner, either personally or through an agent, is actively attempting to sell, rent or lease the property on which the sign is located; provided that if the property is for lease or rent such sign shall be attached or affixed to the building or structure and shall not be staked or placed into the ground. Temporary real estate signs advertising the lease or rental of property shall not exceed two signs per unit and each individual rental sign shall not exceed a total of four (4) square feet.”

Section 2: Section 5.03.06, dealing with the maximum height and size of real estate signs advertising the sale of real estate is hereby amended to read as follows:

“A. One-Family and Two-Family Residences/Businesses

A parcel on which is located a single one-family or two-family residence or business may display not more than two temporary signs indicating the sale of such property with an aggregate sign area of not more than eight (8) square feet per unit.

No individual sign for the sale of property shall exceed six (6) square feet nor exceed six (6) feet in height.

B. Three-Family and Four-Family Residences/Businesses

A parcel on which is located a single three-family or four-family residence or business may display not more than two (2) temporary signs per individual unit indicating the sale of such property with an aggregate sign area of eight (8) square feet per unit.

No individual sign for the sale of such property shall exceed six (6) square feet nor exceed six (6) feet in height.”

C. All Other Parcels

(1) All other parcels may display one square foot of temporary signage for the sale of such property per ten (10) feet of frontage up to a maximum of forty-eight (48) square feet of total signage. No individual sign shall exceed twelve (12) square feet nor exceed eight (8) feet in height. Signs must be spaced at least one hundred (100) feet apart. All parcels shall be permitted a minimum of six (6) square feet of temporary signage indicating it is for sale.

(2) “Display Signs” shall be defined as signage for the sale of five (5) or more residential or commercial units while under construction or thereafter, including single-family and multi-family residential and commercial units, and shall be limited to no more than two (2) signs per property or project with an aggregate sign area of sixty-four (64) square feet. No such individual sign for the sale of such property shall exceed thirty-two (32) square feet nor exceed eight (8) feet in height. These display signs shall be erected in place of and not in addition to the signs described above in section C. (1). Should four (4) or fewer units of a larger multi-unit project be placed on the market for sale, see the above sections A and B as applicable.

(3) All signs erected under this section shall conform to the Florida Building Code and certification of compliance by a state licensed engineer or architect may be required by the City or its designated building agent or City Administrator.

D. All other signage requirements for dwellings or parcels that are for sale which are not directly covered by these above sections shall be determined in the sole discretion of the City Administrator applying these above sections in a fair and equitable manner.

Section 3: Removal of Real Estate Sales Signs.

Temporary signs erected for the sale of real property as set forth in sections 5.03.05 and 5.03.06 shall be removed by the property owner or the real estate

agent/broker whose name is on such real estate sign within 15 days from the closing of the sale of such property. The closing and sale date for such properties shall be defined as the date on which the seller signs the deed or other transfer documents to actually convey such property. The earliest executed document(s) shall control.

Upon a violation of this ordinance by the owner of the new property or the real estate broker or agent of the recently sold property, the City shall send a written notice of the violation to the property owner as recorded on the property tax records on the first day of the violation and to the real estate broker or agent whose name(s) appear on the offending real estate sign. If the violation is not removed within 7 days from the mailing of such notices, then the new owner and the real estate broker or agent whose name(s) appear on the offending sign will be fined a minimum of \$100 and up to \$10 per day for every day that the offending sign is in violation. The City, at its discretion, shall be permitted to remove any such offending sign and retain such sign until any and all fines are paid in full. The City, at its discretion, may suspend or withhold the business license of any broker or agent whose name appears on such signs if more than two violations of this ordinance occur in any 12 month period.

Section 4: City is Exempt.

In order to fulfill its need to meet the requirements of serving the health, welfare, and public safety, the City of Mexico Beach shall be exempt from the requirements of this ordinance and all other sign ordinances previously adopted or that may be adopted in the future.

Section 4: Penalties.

In addition to the penalties set forth above, violation of this ordinance shall be a civil penalty and each violation shall be considered a separate offense. The City shall send a notice of violation of this ordinance to the real estate broker or agent whose name(s) appear on the offending sign and give such person(s) seven (7) days to correct the violation(s). Should the sign violation remain, each violation shall be subject to a minimum fine of \$100 and a maximum fine of \$500 per violation and the real estate broker or agent whose name appears on any offending sign or signs shall be subject to business license suspension or removal for violation of this ordinance two or more times in any 12 month period. The City shall always retain the right to remove any sign it deems to be in violation of this ordinance or any sign ordinance or law of this City or State without the City incurring any penalty or liability whatsoever to the owner of any sign(s).

Section 5: All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance are hereby repealed. The portion or portions of ordinances that are not in conflict herewith are not repealed by this ordinance. Should any portion or portions of this ordinance be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions shall be valid and enforceable.

Section 6: This ordinance shall take effect on May 1, 2005.

INTRODUCED at a Regular Meeting of the City Council on November 9, 2004,
and adopted at a Regular Meeting of the City Council on December 14, 2004.

SIGNED this 14th day of December, 2004.

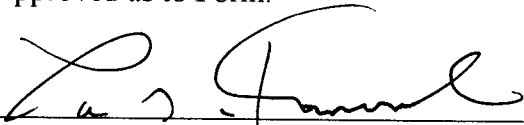
CITY OF MEXICO BEACH, FLORIDA


Kathy Kingstand, Mayor

ATTEST:


Henry Flack, Clerk

Approved as to Form:


Paul Komarek, City Attorney