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**DIVISION 3. - HISTORIC DISTRICTS** (127)

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**Sec. 114-101. - Definitions.**

The definitions set forth in section 114-1 shall be applicable to this division. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animated sign* means any sign that uses motion of any part by any means, or that displays flashing, oscillating, sequential or intermittent lights other than time or temperature. An electronic message board shall be deemed an animated sign.

*Awning sign* means any sign placed on an awning that is supported entirely from the exterior wall of a building and composed of a nonrigid material; the awning itself when it contains words or images of advertisement or information.

*Bus bench sign* means any sign painted on or attached to a bench or to a shelter for persons awaiting public transportation.

*Flat and facade signs.* Flat and facade signs shall not be restricted as to area, except that in the historic zoning districts they shall be restricted to ten percent of front building facade area, but they shall in no case project more than four inches from the face of the building or wall, nor shall they extend above the top of the adjoining parapet wall on a building with a flat roof or above the adjoining eave line on a building with a pitched roof. No portion of any such sign which extends over city property shall be less than eight feet above the sidewalk grade of any street or avenue or 15 feet above the crown grade where such sign is located parallel to and abutting on any alley.

*Fluorescent light* means an electric-discharge lamp, usually tubular in shape, containing a metallic vapor which becomes luminous on the passing of the current and energizes a layer of fluorescent material coating the tube.

*Interior illuminated sign* means any sign having translucent characters, letters, designs, logos or outlines illuminated by electric lights located within the sign or having luminous tubes designed for that purpose.

*Marquee* means a covered structure projecting from, and supported by, a building when such covered structure extends beyond the building line.

*Miniature light* means a light or light-emitting device employing a bulb two inches or less in length and normally found strung together in multiples.

*Neon light* means a lamp, usually tubular in shape, employing the element neon (Ne) or other luminous gases.

*Neon sign* means an arrangement of luminous or gaseous tubes to form letters or numbers or an abstract or representational element or both, specifically including advertising logos, punctuation marks, emblems, and registered trademarks.

*Portable sign* means any sign not permanently attached to the ground or other permanent structure or any sign designed to be transported. Portable signs shall include but not be limited to signs designed to be transported by wheels; skid-mounted signs; chalkboard signs converted to A- or T-frames; menu and sandwich signs; and signs attached to or painted on vehicles parked for the purpose of providing advertising, close to or on the public right-of-way, unless such vehicle is used in the ordinary day-to-day operations of the business.

*Snipe sign* means a sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, walls, trash receptacles or fences or to other objects. Legal notices required by law are exempted.

*Storefront* means the portion of a single business premises owned or rented by a single licensed business and fronting a street, normally characterized by display windows and a recessed entrance.

*Storeside* means the portion of a single business premises owned or rented by a single licensed business and perpendicular to a storefront.

(Ord. No. 97-10, § 1(3-16.3(A)), 7-3-1997)

*Cross reference*— *Definitions generally*, § 1-2.

## **Sec. 114-102. - Restrictions.**

The following shall apply in the historic zoning districts only (HRO, HRCC-1, HRCC-2, HRCC-3, HRCC, HMDR, HNC-1, HNC-2, HNC-3, HCT, HPS, and HHDR as designated on the future land use map and zoning map):

- (1) *Fluorescent lights.* All fluorescent lights located within five feet of the plane of the exterior wall of a storefront or storeside must be baffled or otherwise shielded so that the direct source of light is not visible from the exterior or from a street, sidewalk, right-of-way, beach, or waterway owned by a public body. Furthermore, all such baffling or other shielding shall direct the light emitted by the fluorescent light toward the interior of the structure and away from the storefront or storeside where the fluorescent light is located.
- (2) *Neon lights.* Except as provided in subsection (4) of this section, no neon lights shall be placed, attached, hung, or affixed within five feet of the plane of the exterior wall of a storefront or storeside, except that one or more, but not to exceed two, neon signs with a total maximum area of ten square feet per storefront shall be allowed. Neon

lights shall not be used to illuminate or outline building facades or window or door openings.

- (3) *Motion lights.* Restrictions on motion lights are as follows:
  - a. No blinking or flashing lights, chaser or moving lights, revolving or rotating lights, or lights which are otherwise in motion located within five feet of the plane of the exterior wall of a storefront or storeside shall be allowed except as provided in subsection (3)c. of this section.
  - b. No lights typically associated with holiday use shall be allowed except as provided in subsection (3)c. of this section.
  - c. During the period from Thursday preceding Thanksgiving through January 10 of each year, residences and the storefronts and storesides of businesses may display lights typically associated with holiday use, whether or not blinking.
- (4) *Miniature lights.* Miniature lights shall not be used to illuminate or outline commercial building facades, storefronts or storesides, or a window or door opening or as an element in a window display, but may be used as a landscaping element. Miniature lights shall not be used to illuminate residential building facades, or the front or side of a residence, or a window or door opening, or as an element in a window display, but may be used as a landscaping element.
- (5) *Marquee signs.* Marquee signs which are historically significant, as evidenced by continuous presence at one business location for ten years or more, and existing on September 1, 1991, shall be exempt from subsection (2) of this section.
- (6) *Enforcement.* Any light, sign, or display prohibited by subsection (1), (3) or (4) of this section which was lawful when placed, attached, hung or affixed shall be removed or made lawful within 180 days after the effective date of the ordinance from which this section derives. Any light, sign, or display prohibited by subsection (2) of this section which was lawful when placed, attached, hung, or affixed shall be removed or made lawful within three years after the effective date of the ordinance from which this section derives, requiring compliance by September 3, 1994.
- (7) *Projecting signs in historic commercial zoning districts.* In the HRCC-1, HRCC-2, HRCC-3, HNC-1, HNC-2, HNC-3, and HCT districts, only one projecting sign not exceeding five square feet in area shall be allowed per identifiable business property. No such projecting sign shall have internal illumination.

(Ord. No. 97-10, § 1(3-16.3(B)), 7-3-1997; Ord. No. 06-22, § 1, 11-8-2006)

### **Sec. 114-103. - Prohibited signs.**

- (a) The following signs are prohibited in the historic zoning districts (HRO, HRCC-1, HRCC-2, HRCC-3, HRCC-4, HMDR, HNC-1, HNC-2, HNC-3, HCT, HCL, HPS, HPS-1, HPRD and HHDR as designated on the future land use map and zoning map):
  - (1) Animated signs.
  - (2) Banners, including fringed and pennant string banners, except with the permission of the city commission.
  - (3) Bus bench signs.
  - (4) Interior illuminated signs.
  - (5) Plastic signs.
  - (6) Portable signs.
  - (7) Roof signs.

- (8) Signs painted directly on the exterior wall of a building, unless deemed historically appropriate by the historic architectural review commission.
- (9) Snipe signs.
- (10) Temporary store window signs, including going out of business signs, when their number cause a violation of section 114-104; provided, however, that menus and public notice signs are not included in this prohibition. A public notice sign means a sign advertising an arts event, a political event or candidate, a community event, or such other event open to the public.
- (11) Posterboard signs.
- (b) If a flag advertises or promotes the availability of a business or a product sold by that business, then it shall be deemed a sign and is subject to the limit on signs in the historic district pursuant to section 114-104.
- (c) This regulation, as set forth in Ordinance No. 05-03, shall be reviewed by the city commission six months after its effective date for a determination of whether a limit on flag display in the historic district should be restored. At no time shall a right to legal nonconformity accrue to a property owner for a number of flags.

*(Ord. No. 97-10, § 1(3-16.3(C)), 7-3-1997; Ord. No. 02-20, § 2, 8-6-2002; Ord. No. 05-03, § 1, 1-4-2005)*

#### **Sec. 114-104. - Restriction on number of signs permitted.**

No business shall display more than two permitted signs at its location; provided, however, that a business located on a street corner may display up to three permitted signs upon approval of the historic architectural review commission. A business shall be determined by its business tax receipt. Each side of an awning on which words or images of advertising or information are displayed shall constitute one awning sign. Any sign displayed in a store window shall count toward the maximum number of allowed signs under this section. Where the rear or side of any sign permitted under division 2 of article II of chapter 106 and this chapter is visible from any street or private property, the rear or side of the sign shall present a finished appearance.

*(Ord. No. 97-10, § 1(3-16.3(D)), 7-3-1997; Ord. No. 02-20, § 3, 8-6-2002; Res. No. 06-292, § 1, 9-6-2006)*

#### **Sec. 114-105. - Authority to adopt additional provisions.**

The historic architectural review commission shall have the authority to adopt in its design guidelines additional provisions related to permitted signs in the historic districts, so long as they do not conflict with division 2 of article II of chapter 106 and this chapter.

*(Ord. No. 97-10, § 1(3-16.3(E)), 7-3-1997)*

#### **Sec. 114-106. - Amortization of legal nonconforming signs.**

Except as provided in this division, any sign prohibited by section 114-103 but which lawfully existed in the historic district as of September 3, 1991, may be continued. Nonconforming banner signs, portable signs, and snipe signs shall be removed within 30 days of the effective date of the ordinance from which this section derives. Abandonment of a legal nonconforming sign shall immediately terminate its nonconforming status.

*(Ord. No. 97-10, § 1(3-16.3(F)), 7-3-1997)*

#### **Secs. 114-107—114-135. - Reserved.**

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FOOTNOTE(S):

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<sup>(127)</sup> *Cross reference— Historic preservation, ch. 102. [\(Back\)](#)*