

**ORDINANCE NO. 9791-24**

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE BY AMENDING ARTICLE 8. DEFINITIONS AND RULES OF CONSTRUCTION, SECTION 8-102 DEFINITIONS; BY AMENDING APPENDIX C, DOWNTOWN DISTRICT AND DEVELOPMENT STANDARDS, DIVISION 7. SIGN STANDARDS; CERTIFYING CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clearwater (the "City") adopted the Community Development Code on January 21, 1999, which took effect on March 8, 1999; and

WHEREAS, the City has made numerous amendments to the Community Development Code to account for changing conditions within the City; and

WHEREAS, the City would like to allow the same percentage of window signage throughout the city; and

WHEREAS, murals bring vibrancy to the city and can have a very positive impact on commercial areas and the community at large; and

WHEREAS, clearer guidance on what constitutes a commercial message within artwork is needed to ensure the protection of First Amendment rights; and

WHEREAS, the City has determined that these amendments to the Community Development Code promote and support the public health, safety, morals, and welfare, of the City's residents; and

WHEREAS, the City desires for the Community Development Code to function effectively and equitably throughout the City; and

WHEREAS, at a duly noticed public meeting the Clearwater Community Development Board, pursuant to its responsibilities as the Local Planning Agency, has reviewed this amendment, conducted a public hearing, considered all public testimony and has determined that this amendment is consistent with the City of Clearwater's Comprehensive Plan and recommended that the City Council adopt this amendment; and

WHEREAS, the City Council has fully considered the recommendation of the Community Development Board and testimony and evidence submitted at its public hearing; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. That Article 8. Definitions and Rules of Construction, Section 8-102. Definitions, Community Development Code, be amended to read as follows:

**Section 8-102. - Definitions.**

For the purposes of this Development Code, the following words and terms have the meanings specified herein:

\* \* \* \* \*

*Artwork* means a two- or three-dimensional representation of a creative idea that is expressed in a form and manner so as to provide aesthetic beauty, appeal or enjoyment rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed; however, artwork shall not include any object, drawing, picture, symbol, painting (including the painting of patterns or designs), or sculpture, which promotes a speaker's economic interests, provides a commercial message or otherwise identifies a product, service or business sold or available on the property where the same is displayed. Company names, logos, and text relating to products sold by a company or person that are a part of artwork shall be considered signage.

\* \* \* \* \*

Mural means artwork applied to the wall of a building which covers all or substantially all of the wall and depicts a scene or event of natural, social, cultural or historic significance.

\* \* \* \* \*

Section 2. That Appendix C, Downtown District and Development Standards, Division 2, Regulating Plan, Community Development Code, be amended to read as follows:

\* \* \* \* \*

**Section C-705. - Allowable sign area, number and types of signs.**

- A. Sign Area and Number of Signs. The total maximum sign area and number of allowable signs shall be as determined in Table 6 below. For each cell in the table, there is a maximum allowed sign area that may be utilized with any combination and any number of signs associated with that cell, unless otherwise noted. The measurements for linear feet shall be at grade. Specific requirements for the allowable sign types are set forth in Section C-705.C and D.
- B. Calculating Allowable Sign Area. The following figures illustrate how to determine street frontage for the purposes of calculating sign area and how to calculate and apply allowable signage.

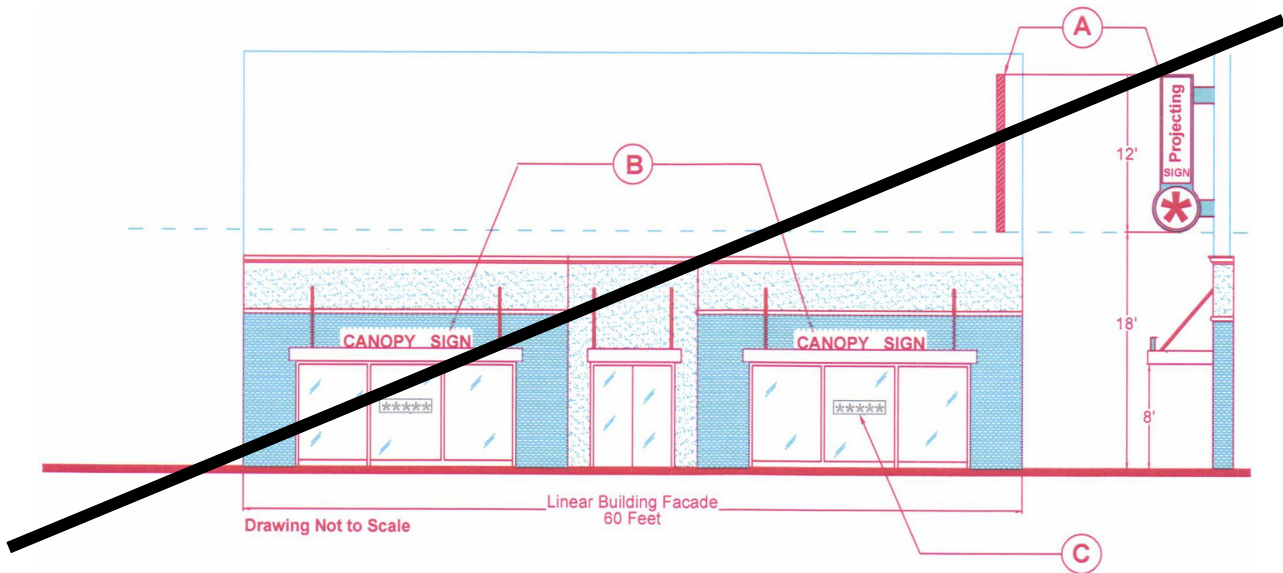
<b>Table 6. Allowable Signage</b>		
<b>SIGN TYPE</b>	<b>MAXIMUM NUMBER OF SIGNS (Per Building or Establishment with Exterior Entrance or Parcel, whichever is applicable)</b>	<b>TOTAL ALLOWABLE SIGN AREA (Per Building or Establishment with Exterior Entrance or Parcel, whichever is applicable)</b>
<b>Building Signs</b>		
Wall Signs Awning Signs Canopy Signs Projecting Signs Shingle Signs	No more than 3 per facade along a street frontage.	1 square foot of sign area per 1 linear foot of building facade facing a street frontage or 24 square feet, whichever is greater. The total square footage of any combination of buildings signs shall not exceed 100 square feet.
Under Canopy Signs	1 per facade along a street frontage	3 square feet

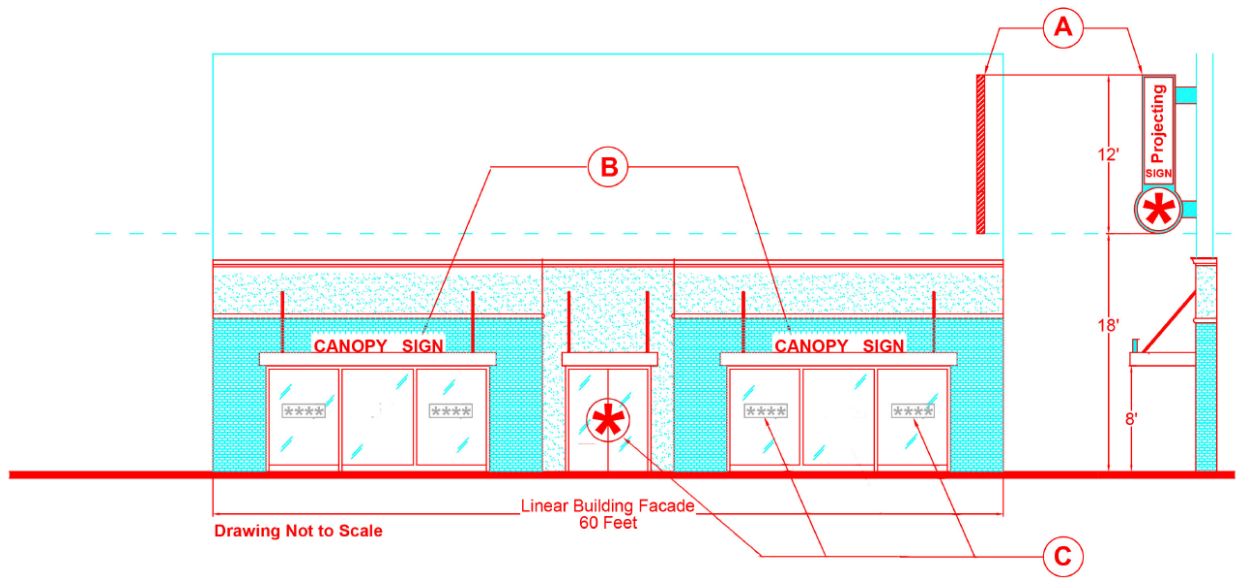
Rear Entry Building Sign	1 per establishment with public rear entrance facing parking lot or Clearwater Harbor	16 square feet
Window Signs	N/A	<del>25</del> 40% of each first floor window or window grouping, and each glass door opening. <del>The total area of all window signs along a street frontage shall not exceed 50 square feet.</del>
Skyline Signs	1 per building facade along a street frontage	1 square foot per 1 foot of building height
Freestanding Signs	1 sign per parcel fronting a street frontage with a building setback of at least 20 feet	1 square foot per 1 linear foot of building frontage or 24 square feet, whichever is greater, but no more than 64 square feet.
Sidewalk Signs	1 sign per retail/restaurant use	Consistent with Table 3-1806.1.a Criteria and Limitations for Sidewalk Signs

~~\* Does not include temporary signs pursuant to Section 3-1806.~~

**Figure 38. Calculations**

**DELETE CURRENT FIGURE 38 AND REPLACE WITH A NEW FIGURE 38.**





Sign Calculation Illustration:

Total Allowable Building Sign Area: One (1) square foot of sign area per one (1) linear foot of building facade facing the street frontage, or 24 square feet, whichever is greater.

Maximum Buildings Signs Allowed: 3

Linear Feet of Building Facade: 60 feet.

Total Building Signage Area Allowed: 60 square feet.

A. Projecting Sign: One 32 Sf. (8'×2.5'=20 Sf. Rectangular Ssection) + (12 Sf. Circular Section Radius=2').

B. Canopy Sign: Two 28 Sf. (Two signs - 14'×1.0 '= 14 Sf. Each).

Total Building Sign Area: 60 Sf.

Number of Building Signs: 3

Additional Allowable Signage:

C. Proposed Window Signs: 4824 Sf. (Two Four rectangular signs - 912 Sf. Each + One round sign - 12 Sf.).  
2040% of Window area.

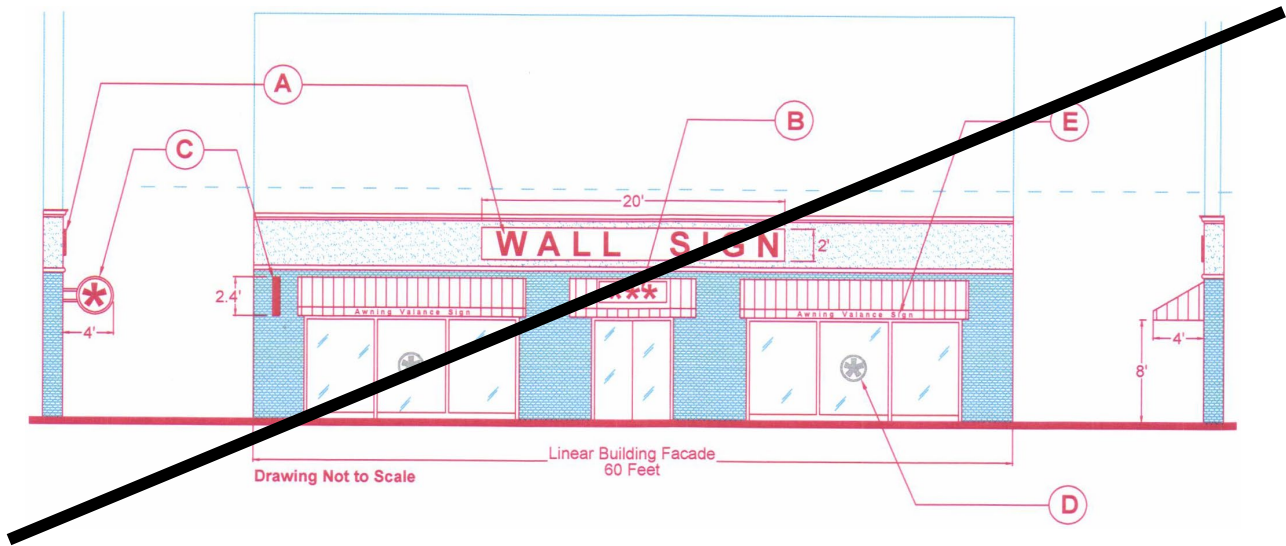
Total Additional Signage: 4824 Sf.

Number of Additional Signs: 52

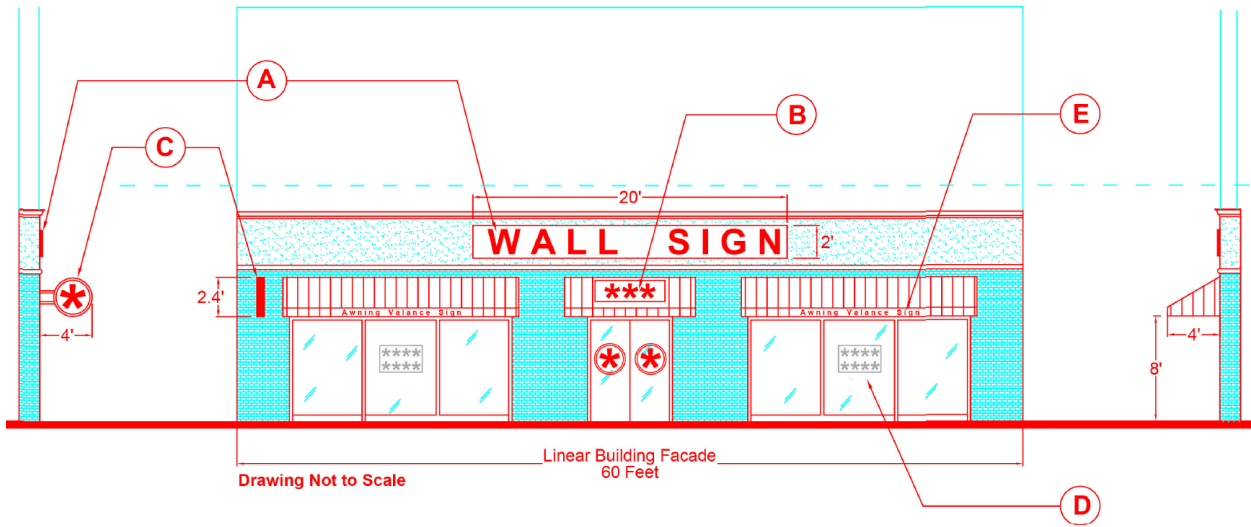
TOTAL SIGN AREA: 10884 Sf.

TOTAL NUMBER OF SIGNS: 85

**Figure 39. Calculations**



**DELETE CURRENT FIGURE 39 AND REPLACE WITH A NEW FIGURE 39.**



**Sign Calculation Illustration:**

**Total Allowable Building Sign Area:** One (1) square foot of sign area per one (1) linear foot of building facade facing the street frontage, or 24 square feet, whichever is greater.

**Maximum Buildings Signs Allowed:** 3

**Linear Feet of Building Facade:** 60 feet

**Total Building Signage Area Allowed:** 60 Square Feet.

A. Wall Sign:	40 Sf. (2'x20')
B. Awning Sign:	9 Sf. (3'x3')
C. Shingle Sign:	6 Sf. (2.4'x2.4')
Total Building Sign Area:	55 Sf.
Number of Building Signs:	3
Additional Allowable Signage:	
D. Proposed Window Signs:	<u>5024</u> Sf. (Two signs on doors - <u>1042</u> Sf. Each + Two rectangular signs – 20 Sf. Each – 5' x 4' = 20 Sf.). <u>1740</u> % of Total Window area.
E. Proposed Awning Valance Sign:	10 Sf. (Two signs - 5 Sf. Each - 160"x0.75=120"x6"= 5 Sf.). Up to 75% of Valance Width.
Total Additional Sign Area:	<u>6034</u> Sf.
Number of Additional Signs:	<u>64</u>
TOTAL SIGN AREA:	<u>11589</u> Sf.
TOTAL NUMBER OF SIGNS:	<u>97</u>

\* \* \* \* \*

D. Sign Types. The following sign types are permitted in the Downtown District subject to the requirements below.

\* \* \* \* \*

7. Window Signs.

- a. Description: A sign that is affixed or attached to the inside of a window facing the street.
- b. Number of Signs: N/A.
- c. Dimensional Requirements.
  - 1. Window signs shall not exceed 2540 percent of any window or glass door opening.
  - 2. Where multiple windows present as one large window, the window grouping will be treated as one window for the purpose of calculating allowed signage.
  - 3. The total area of window signs erected along a street frontage shall not exceed 50 square feet.
- d. Standards.
  - 1. Window signs shall be limited to windows and doors on the ground floor.
  - 2. Window signs should be applied directly to the interior face of the glazing or hung inside the window, thereby concealing all mounting hardware and equipment.
  - 3. Window signs shall not obscure views into a business.
  - 4. Window signs should complement the merchandise display without obscuring it.
  - 5. Window signs should be scaled to the pedestrian instead of vehicular traffic.

\* \* \* \* \*

Section 3. Amendments to the Community Development Code of the City of Clearwater (as originally adopted by Ordinance No. 6348-99 and subsequently amended) are hereby adopted to read as set forth in this Ordinance.

Section 4. The City of Clearwater does hereby certify that the amendments contained herein, as well as the provisions of this Ordinance, are consistent with and in conformance with the City's Comprehensive Plan.

Section 5. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 6. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 7. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

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PASSED ON SECOND AND FINAL  
READING AND ADOPTED

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Bruce Rector  
Mayor

Approved as to form:

Attest:

\_\_\_\_\_  
Matthew J. Mytych, Esq.  
Senior Assistant City Attorney

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Rosemarie Call, MPA, MMC  
City Clerk