

**TOWN OF MALABAR
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY MAY 31, 2017
7:30 PM
MALABAR COUNCIL CHAMBER
2725 MALABAR ROAD
MALABAR, FLORIDA**

AGENDA

- A. CALL TO ORDER, PRAYER AND PLEDGE
- B. ROLL CALL
- C. ADDITIONS/DELETIONS/CHANGES
- D. CONSENT AGENDA :

- 1. **Approval of Minutes** Planning and Zoning Meeting – 05/10/2017
- Exhibit:** Agenda Report No.1
- Recommendation:** Request Approval

- E. PUBLIC HEARING: none
- F. ACTION: none
- G. DISCUSSION:

- 2. **Continue Discussion: Review & Revise Table 1-19.18 “Zoning District Sign Regulations”**
- Exhibit:** Agenda Report No. 2
- Recommendation:** Discussion

- H. **ADDITIONAL ITEMS FOR FUTURE MEETING:**

* Next Meeting- June 14, 2017

- I. PUBLIC:
- J. OLD BUSINESS/NEW BUSINESS:

OLD BUSINESS:

NEW BUSINESS:

- K. ADJOURN

NOTE: THERE MAY BE ONE OR MORE MALABAR ELECTED OFFICIALS ATTENDING THIS MEETING. If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to ensure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service in compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 1

Meeting Date: May 31, 2017

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: Approval of Minutes

BACKGROUND/HISTORY:

The minutes must reflect the actions taken by the Board:

- Who made the Motion
- What is the motion
- Who seconded the motion
- What was the vote

Malabar has historically included discussion to provide the reader the understanding of how the Board came to their vote. It is not verbatim and some editing is done to convey the thought. People do not speak the way they write.

ATTACHMENTS:

Draft minutes of P&Z Board Meeting of May 10, 2017

ACTION OPTIONS:

Secretary requests approval of the minutes.

"The following draft minutes are subject to changes and/or revisions by the Planning and Zoning Board and shall not be considered the official minutes until approved by the P&Z Board."

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
MAY 10, 2017 7:30 PM**

This meeting of the Malabar Planning and Zoning was held at Town Hall at 2725 Malabar Road.

A. CALL TO ORDER, PRAYER AND PLEDGE:

Meeting called to order at 7:30 P.M. Prayer and Pledge led Chair Liz Ritter.

B. ROLL CALL:

CHAIR: LIZ RITTER, EXCUSED
VICE-CHAIR: WAYNE ABARE
BOARD MEMBERS: BUD RYAN
DOUG DIAL
GEORGE FOSTER
ALTERNATE: ALLEN RICE
ALTERNATE: MARY HOFMEISTER
BOARD SECRETARY: DENINE SHEREAR

ADDITIONAL ATTENDEES:
COUNCIL MEMBER

C. ADDITIONS/DELETIONS/CHANGE:

Abare said that Allen Rice will be voting in place of Liz Ritter for this meeting.

Ryan wanted to state for the record that the last three absences he has had was related to health issues.

D. CONSENT AGENDA:

1. **Approval of Minutes** Planning and Zoning Meeting – 04/12/2017
Planning and Zoning Meeting – 04/26/2017
Exhibit: Agenda Report No. 1
Recommendation: Request Approval

**Motion: Ryan/Foster to Approve Minutes for April 12, 2017 as presented, All Vote
; Aye**

**Motion: Ryan/Foster to Approve Minutes for April 26, 2017 as presented, All Vote
; Aye**

Corrections:

Abare: page 6/9 under "C" is should be are

Page 7/9 second parag. Under "G" clarify last sentence adding for speed

Ryan: page 7/9 second parag. Under "G" 1st sentence end "after and measured."

E. PUBLIC:

F. ACTION:

G. DISCUSSION:

2. **Review & Revise Table 1-19.18 "Zoning District Sign Regulations"**
Exhibit: Agenda Report No. 2
Recommendation: Discussion

Abare discussed "Sunshine Law" just as a reminder to the Board to be mindful of these laws.

The Board discussed the Indian Harbour Beach Sign Codes. Abare asked Board to look at page 6 of Indian Harbour this is a good start to revising Town of Malabar Codes and we can go from there.

Dial said to looked at Art XIX Signage, our current signage code and revise what we have and use specific sections.

The Board discussed what had started this whole process of revising the signage codes, Abare explained to the Board it was due to the Commercial project, Route 1 Motor Sports that is presently being built at 1300 Highway 1. In our Town Code, there was no allowance for the signage requested for this project considering size of building and speed along Highway 1, therefore it needed to be revised in our Town Code and was sent to this Board by Council.

The Board discussed the Commercial Signage that is currently throughout the town and how the sizes exceed our current code regulations. The speed limits along Highway 1, Malabar Road, and Babcock Street and the size of the signs allowed needs to be revised and clarification made for Commercial signage.

Abare discussed about what is a sign? For example, the roof over gas pumps with a logo, or the side of a building, one sided and two sided signs with verbiage for a business

Ryan said that anything that relays information is a sign.

Abare and the Board discussed the signage for Route 1 Motor Sports. Abare explained that the Council has already approved this. Abare suggested that this would be "the high-water mark" as far as signs and Foster said if the brakes are put on at this point due to sign size and building size

Rice said that due to the speed along Highway 1, a large sign will identify the business and people will see the sign from a safe distance to turn in.

Abare said to look at Town of Malabar current Code and review the size. The Board discussed the codes for Indian Harbour vs Town of Malabar and made comparison's.

Abare asked a consensus of this Board, to look at this (Route 1 Motor Sports) sign as the "High-water mark" largest sign, and everything else would be much less size. (those that agreed=yes, those that opposed=no):

Allen- yes

Foster- yes, only a maximum size business would have this maximum size sign.

Ryan- no, (3 x' s over the size of the Ordinance), if he knows more he might say yes

Dial- yes, it is already out there and approved

Mary- yes

Abare- yes

The Board discussed the Table 1-19.18 "Zoning District Sign Regulations", Sherear explained that this was sent to PZ Board from Council to revise.

Abare asked to include the following for the next meeting for Signage XIX

- Summary's
- Non-residential
- Pros

- H. ADDITIONAL ITEMS FOR FUTURE MEETING
- I. PUBLIC
- J. OLD BUSINESS/NEW BUSINESS:

Old Business:

New Business:

Reminder: Next Meeting – May 31, 2017

- Doug will not be here May 24th, 2017.

K. ADJOURN

There being no further business to discuss, MOTION: Ryan/Allen to adjourn this meeting. Vote: All Ayes. The meeting adjourned 8:47P.M.

BY:

Wayne Abare, Vice-Chair

Denine Sherear, Board Secretary

Date Approved: as presented/corrected

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 2
Meeting Date: May 31, 2017

Prepared By: Denine Sherear, Planning & Zoning Board Secretary

SUBJECT: Review & Revise Table 1-19.18 “Zoning District Sign Regulations”

BACKGROUND/HISTORY:

At the last few PZ Meetings on 5/10/2017 the Board discussed the different sign structures located in the Town and reviewed pictures from a slide show presented by staff and PZ Member Wayne Abare. The PZ Board reviewed the codes that Indian Harbour Beach has in place and would like to include these suggestions in their revision. The Board is reviewing and discussing suggestions to revise Table 1-19.18 “Zoning District Sign Regulations”.

Reminder for each PZ Board Member to bring working documents containing ideas for suggestion to meeting of 5/31/2017 and previous packets from the following meetings:

Please bring your packets from the 4/12/2017, 4/26/2017 and, 5/10/2017 PZ Meetings

ATTACHMENTS:

- Town of Malabar Table 1-19.18 Zoning District Sign Regulations
- Indian Harbour Beach Sign Regulations
- Doug Dial- Indian Harbour Beach Sign Regulations (5/10/2017)

ACTION OPTIONS: Discussion/Action

TOWN OF MALABAR

Section 1-19.18. - District sign regulations.

The provisions of Table 1-19.18 "Zoning District Sign Regulations" shall apply to each lot or parcel of land, and/or each business establishment as may be applicable in each case. In the following zoning classifications, the specified sign types and construction classes shall be permitted subject to the restrictions and limitations contained herein.

TABLE 1-19.18. ZONING DISTRICT SIGN REGULATIONS

(1) Sign Regulations Within Residential Zoning Districts:

Sign Type	Accessory	Construction	Directory	Directional
Construction Class	Wall or Detached	Wall or Detached	Wall or Detached	Wall or Detached
Maximum Number	1	1	1	1
Maximum Area	4 sq. ft.	32 sq. ft.	10 sq. ft.	3 sq. ft.
Maximum Height	10 sq. ft.	Detached: 10 ft. Wall: Roof line of building	10 ft.	Detached: 3 ft. Wall: 12 ft.
Placement	Must observe all yard regulations	Front setback: 10 ft. Side and Rear: 25 ft.	Must observe all yard regulations	Non-Restricted
Illumination	None	None	Indirect	None
Special Regulations	Permitted only in conjunction with a permitted home occupation. See Footnote 1.	Must be removed immediately upon completion of construction	None	None

Sign Type	Future Improvement	General Outdoor Advertising	Real Estate	Subdivision
Construction Class	Detached	Wall or Detached	Detached	Wall or Detached

Maximum Number	1	1	1	1 per public entrance
Maximum Area	10 sq. ft.	32 sq. ft.	5 sq. ft.	32 sq. ft.
Maximum Height	10 ft.	10 ft.	4 ft.	10 ft.
Placement	Front setback: 10 ft. Side and Rear: 25 ft.	No signs to impede vision at any intersection	Front setback: 10 ft. Side and Rear: 25 ft.	No signs to impede vision at any intersection
Illumination	None	None	None	Indirect
Special Regulations	None	See Footnotes 1 and 2	None	None

(2) Sign Regulations Within Non-Residential Zoning Districts:

Sign Type	Accessory	Accessory	Accessory
Construction Class	Wall	Detached, Marquee, and Projecting	Snipe
Maximum Number	3	2 total from this group	4
Maximum Area	10% of the wall area, and no more than 60 sq. ft. of cumulative area	60 sq. ft. total cumulative area	1½ sq. ft. each
Maximum Height	Roof line of building	Detached: 25 ft. Others: Roof line of building	Roof line of building
Placement	Non-Restricted	Must observe yard regulations and Front setback: 10 ft.	Must observe yard regulations

Illumination	Direct, Indirect	Direct, Indirect	None
Special Regulations	See Footnotes 1, 3, and 4	See Footnotes 4 and 5	None

Sign Type	Construction	Directory	Directional	General Outdoor Advertising
Construction Class	Wall or Detached	Wall or Detached	Wall or Detached	Wall or Detached
Maximum Number	1	2	2	1
Maximum Area	32 sq. ft.	Sum of 30 sq. ft.	3 sq. ft. each	Detached: 3 sq. ft. Wall: 10 sq. ft.
Maximum Height	Detached: 10 ft. Wall: Roof line of building	10 ft.	Detached: 3 ft. Wall: 10 ft.	10 ft.
Placement	Front Setback: 10 ft. Rear and Side: 25 ft.	Must observe all yard regulations	Non-Restricted	Front setback: 10 ft. Rear and Side: 25 ft.
Illumination	Indirect	Indirect	Indirect	Indirect
Special Regulations	Must be immediately removed upon completion of construction	None	None	See Footnotes 1 and 2

(3) Sign Regulations Within Non-Residential Zoning Districts:

Sign Type	Future Improvement	Real Estate	Subdivision
Construction Class	Detached	Wall or Detached	Wall or Detached
Maximum Number	1	3	1 per public entrance
Maximum Area	32 sq. ft.	9 sq. ft. each	12 sq. ft.
Maximum Height	10 ft.	Detached: 4 ft. Wall: 8 ft.	10 ft.
Placement	Front setback: 10 ft. Side and Rear: 25 ft.	Front setback: 10 ft. Side and Rear: 25 ft.	No sign shall impede vision at any intersection
Illumination	Indirect	None	Indirect
Special Regulations	None	Buildings of over 10,000 sq. ft. may erect a wall sign of 12 sq. ft. See Footnotes 1 and 6.	See Footnote 3

Footnotes to charts:

- (1) All inside signs within five (5) feet of a window shall be counted as wall signs and in addition shall not exceed twenty (20) inches of the glassed area of the window in which the sign is located.
- (2) Only permitted are those signs which identify, advertise, and/or direct to a licensed business within two hundred (200) feet of the sign. However, if the sign is three (3) square feet or less in area, the business may be within one (1) mile of the sign.
- (3) Apartment complexes and dwellings of up to ten (10) units are permitted thirty-two (32) square feet. For excess of ten (10) units, one (1) square foot may be added for each unit, up to a maximum of forty-eight (48) square feet in cumulative area.
- (4) If illumination is permitted, sign may not be animated and/or flashing.
- (5) One additional sign of this construction class up to thirty (30) square feet in area shall be permitted for each two hundred (200) feet of street frontage.
- (6) For a group of more than four (4) sites and in lieu of the nine (9) square foot individual lot sign, one thirty-two (32) square feet shall be permitted.

INDIAN HARBOUR BEACH

CHAPTER 105. - SIGNS

Footnotes:

--- (2) ---

Editor's note--- Ord. No. 2016-3, § 2, adopted March 22, 2016, amended chapter 105 in its entirety to read as herein set out. Former chapter 105, §§ 105-1—105-28, pertained to similar subject matter, and derived from the land development regulations adopted in 2011.

Sec. 105-1. - Title; purpose.

This chapter shall be known as the sign ordinance of the City of Indian Harbour Beach, Florida. The purpose of this chapter is to control the number, type, height, size, location and area of signs which are permitted in the city; and for the purpose of protecting and promoting the health, safety, morals and general welfare of the people, business and property of the city, and to enhance the beauty of the city.

(Ord. No. 2016-3, § 2, 3-22-16.)

Sec. 105-2. - Building official to enforce.

The building official is hereby designated and authorized to enforce this chapter.

(Ord. No. 2016-3, § 2, 3-22-16)

Sec. 105-3. - Variances authorized.

A variance from the terms of this chapter as to height, area, location, duration or number of signs may be granted by the city council, when not contrary to public interest and where owing to conditions peculiar to the property or structure where the sign will be located or the activity associated with the proposed sign and not the result of the actions of the applicant, prior to filing of the variance application, a literal enforcement of the ordinance would result in unnecessary and undue hardship. Additionally, a variance from the terms of this chapter as to height, area, location, duration or number of signs may be granted by the city council if it is determined that the currently applicable regulation violates the First Amendment to the United States Constitution.

(Ord. No. 2016-3, § 2, 3-22-16.)

Sec. 105-4. - Conditions to variances authorized.

In granting any variance, the city council may prescribe appropriate conditions as will serve the intent of this chapter. Violation of such conditions, when made part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(Ord. No. 2016-3, § 2, 3-22-16)

Sec. 105-5. - Nonconforming signs to be corrected or removed.

- (1) All signs erected, placed, or designed in a manner contrary to the provisions of this chapter, including signs permitted under a special exception or variance, prior to the enactment of the provision of this chapter which rendered them nonconforming, shall be deemed nonconforming signs and such nonconforming signs shall be removed, or altered so as to comply with this chapter, including the utilization of all procedural steps, within one (1) year of the effective date of the ordinance or amendment which rendered such sign nonconforming.
- (2) Any nonconforming sign that requires repair, replacement or re-erection for any reason, and such cost exceeds fifty (50) percent of the original value, shall be re-erected or replaced in a conforming manner or not at all. No such nonconforming signs may be modified to advertise different businesses or services from those which they advertised on the effective date of the ordinance or amendment which rendered them nonconforming.

(Ord. No. 2016-3, § 2, 3-22-16)

Sec. 105-6. - Obsolete signs to be removed.

Any sign advertising a nonexistent or defunct business or activity or a business or activity for which a required occupational license has not been procured shall be removed by the owner of the property on which the sign stands within thirty (30) days of notice to do so by the city building official.

(Ord. No. 2016-3, § 2, 3-22-16)

Sec. 105-7. - Definitions.

Sign. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business and where sign area means the space enclosed within the extreme edges of the sign for each face, not including the supporting structure or where attached directly to a building wall or surface, the outline enclosing all the characters of the word. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign. Each display surface of a sign or sign face shall be considered to be a sign.

Electric. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

Flashing. Any illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving illuminated sign, except digital billboards, shall be considered a flashing sign.

Freestanding. A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.

Government sign. A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

Ground mounted. A sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.

Highway sign. A Freestanding sign, integral sign or flat mounted sign that is erected and maintained within the view of motorists who are driving on a highway.

Integral. A sign that is embedded, extruded or carved into the material of a building facade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

Marquee. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

Off site-sign. A sign which has no relation to the property it is located on.

Portable sign. Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

Projecting. A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

Roof sign. A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia.

Spectacular or animated and intensely lighted signs. Any sign is animated by means of flashing, scintillating, blinking or traveling lights or any other means not providing constant illumination, with the exception of LED signs or other electronic message centers using liquid crystal displays, fiber optics, plasma display or other signs using similar technology or public information message centers showing time and temperature or where the message board of the sign: changes, spins, blinks, travels, flashes, scintillates or moves no more than once every two (2) seconds. Provided that no spectacular or animated and intensely lighted signs shall simulate any emergency vehicle lights or traffic control device lighting. For example, and not by way of limitation any lights which flash red, blue, green, yellow, or any combination thereof would be prohibited.

Temporary. A banner, pennant, poster, portable sign or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended to be displayed for a limited period of time.

Flat wall (façade-mounted). A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

(Ord. No. 2016-3, § 2, 3-22-16)

Sec. 105-8. - Determination of area.

For the purpose of determining the area of a sign, the total area is that within the smallest parallelogram, triangle, circle, or semi-circle which will completely enclose the outside perimeter of the overall sign, including the border, if any, but excluding supports. Three-dimensional signs shall be measured at the largest vertical cross section.

(Ord. No. 2016-3, § 2, 3-22-16)

Sec. 105-9. - Determination of number.

For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, or composed to form a unit. Where matter is displayed on more than one (1) set of supports, or the face of the sign is on more than one (1) plane, or there is a reasonable doubt as to the relationship of elements, each element shall be considered a single sign. Signs consisting of a group of detached letters or two (2) or more panels on the same plane and on the same supports presented as a single advertisement shall be considered as one (1) sign and the area shall be as above defined. A double-faced sign in which the faces are parallel shall be considered a single sign and the area computed using one (1) face. Exempt signs shall not be counted in the allowed number of signs.

(Ord. No. 2016-3, § 2, 3-22-16)

Sec. 105-10. - Authorized signs.

The following signs are authorized under section 105-10 in every district:

- (1) Government signs in every zoning district when erected and maintained according to law and include the signs described and regulated in (2), (3), (4) and (5).
- (2) Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.
- (3) Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Where required under this code or other law the identification must be on the curb and may be on the principal building on the property. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, the identifier shall be located on the mailbox or other suitable device such that it is visible from the street.
- (4) Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property.
- (5) A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use.

(Ord. No. 2016-3, § 2, 3-22-16)

Sec. 105-11. - Temporary signs.

- (1) Temporary signs allowed at any time:
 - (a) A property owner may place one (1) sign with a sign face no larger than four (4) square feet on the property at any time.
 - (b) A property owner may place a sign no larger than eight and one-half (8.5) inches by eleven (11) inches in one (1) window on the property at any time.
- (2) One (1) temporary sign for up to each one-quarter (0.25) acre of land may be located on the owner's property for a period of sixty (60) days prior to an any election involving candidates for a federal, state or local office that represents the district in which the property is located and any secondary primary or runoff election as to any such candidate who is subject to such election. Such signs shall be removed within five (5) days following the election. Any person erecting any sign during this time period shall be required to post with the clerk of the city a twenty-five dollar (\$25.00) deposit before posting any such signs, which said sum shall be used to cover the cost of removal of said signs by city employees in the event they are not removed within the time frame set out above.
- (3) One (1) temporary sign may be located on the owner's property when:
 - (a) That property is being offered for sale through a licensed real estate agent;
 - (b) If not offered for sale through a real estate agent, when that property is offered for sale through advertising in a local newspaper of general circulation or the internet; and
 - (c) For a period of fifteen (15) days following the date on which a contract of sale has been executed by a person purchasing the property.
- (4) During the period commencing November 1 to January 10, a property owner may place two (2) temporary signs on the property.

- (5) A property owner may place and maintain one (1) temporary sign on the property during the period of July 1 through July 4.
- (6) A person exercising the right to place temporary signs on a property as described in this section must limit the number of signs on the property for up to each one-quarter (0.25) acre at any one (1) time to no more than two (2) signs, plus a sign allowed in 105-11(a)(2).
- (7) The sign face of any temporary sign, unless otherwise limited in this section must not be larger than four (4) square feet.
- (8) For purposes of this section the lessee of a property is considered the property owner as to the property the lessee holds a right to use exclusive of others (or the sole right to occupy). If there are multiple lessors of a property, then each lessor shall have the same rights and duties as the property owner as to the property the lessor leases and has the sole right to occupy and the size of the property shall be deemed to be the property that the lessor has the sole right to occupy under the lease.

(Ord. No. 2016-3, § 2, 3-22-16)

Sec. 105-12. - Regulations applicable to all districts.

(1) Residential districts.

(a) Size:

1. When a sign is authorized on a property, the sign must not exceed four (4) square feet in area. Where attached dwellings exist on a property the total square footage of signs must not exceed two (2) square feet per dwelling unit and must not exceed a total of twelve (12) square feet in area per structure.
2. For platted Residential Developments the maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development shall be controlled according to the following:
 - a. Platted residential developments four (4) acres or less in area may have a sign or signs with a total area of no more than thirty-two (32) square feet located at the entrances to such developments. Such signs must have either been installed by the developer of the subdivision or later installed by the community association which governs the association.
 - b. Platted residential developments over four (4) acres but less than forty (40) acres in area may have a sign or signs which have a total area of no more than forty-eight (48) square feet located at the entrances to such developments. Such signs must have either been installed by the developer of the subdivision or later installed by the community association which governs the association.
 - c. Platted residential developments of forty (40) acres or more in area may have a sign or signs with a total area of no more than one hundred two (102) square feet located at the entrances to such developments. Such signs must have either been installed by the developer of the subdivision or later installed by the community association which governs the association.

(b) Location:

1. Permitted signs in (a) above may be anywhere on the premises, except in a required side yard or within ten (10) feet of a street right-of-way.

(c) Height: The following maximum heights shall apply to signs permitted in (a) above:

1. If ground-mounted, the top shall not be over four (4) feet above the ground; and
2. If building mounted, shall be flush mounted and shall not project above the roof line.

(d) Illumination:

1. Illumination if used shall not be blinking, fluctuating or moving. Light rays shall shine only upon the sign and upon the property within the premises.

(2) Commercial, professional and institutional districts.

- (a) Each business establishment shall be permitted to use any of the following described signs with the limitations stated herein:

1. A ground or projecting sign on each street frontage. The size of said sign shall be as follows: Thirty-two (32) square feet for the first twenty-five (25) linear feet of street frontage, increased one (1) square foot per one (1) foot of linear street frontage to a maximum of one hundred (100) square feet; maximum height of twenty-five (25) feet; maximum width of twenty-five (25) feet. Where two (2) ground or projecting signs are used on a corner lot the area of both signs shall not exceed the total area allowed for the total frontage.
2. A wall sign on each end of the building perpendicular to the road or street, thirty-two (32) square feet per fifty (50) linear feet of building perpendicular to the road or street increased one (1) square foot per one (1) foot of linear street frontage to ninety-six (96) square feet.
3. A wall sign parallel to the road or street, thirty-two (32) square feet per fifty (50) feet of frontage increased one (1) square foot per one (1) foot of linear street frontage to of ninety-six (96) square feet.
4. A marquee sign parallel to the road or street, not exceeding thirty-two (32) square feet per fifty (50) feet of frontage increased one square foot per one foot of linear street frontage to a maximum of ninety-six (96) square feet.
5. A free standing sign perpendicular to the road or street not exceeding thirty-two (32) square feet per fifty (50) feet of frontage, a maximum of ninety-six (96) square feet.
6. Businesses located on dead end streets may erect one (1) directional sign no larger than sixteen (16) square feet at the closest street intersection with specific approval of the city council.
7. In addition to the other types of signs permitted in this section a business establishment may erect one (1) additional non-permanent ground sign, not exceeding four (4) square feet. Such sign may be double sided and shall have the sign face made of wood, metal or plastic. The post material for the sign shall be made of either steel or pressure treated wood. The top of the sign when installed into the ground shall not exceed four (4) feet above the ground upon which it is placed. An application form, provided by the city along with a permit fee established by resolution of the city council and consent of the owner of the property shall be submitted to the building department for review. If the owner does not give their consent no such sign shall be permitted. Any similar signs, including any banner signs, which have been installed or placed on property without a permit shall be removed by the owner of said sign or the proprietor of the business for which such sign relates to within ten (10) days of written notification of the city and such notice shall inform the owner of such sign of the provisions of this subsection.

(Ord. No. 2016-3, § 2, 3-22-16.)

Sec. 105-13. - Reserved.

Sec. 105-14. - Signs exempted from permitting procedures.

The following signs of a permanent nature and listed operations pertaining to signs shall not require the issuance of permits, provided the signs and operation conform with all other city building, structural and electrical standards and regulations.

- (1) *Changing copy.* Changing the advertising copy or message on an existing, approved, painted or printed sign, changeable copy sign or a similar approved sign when electrical, illuminated or non-illuminated painted message which is specifically designed for the use of replaceable copy.
- (2) *Signs erected by governmental entities, for the purpose of promoting the city or other government purpose.* Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, public utilities which indicate danger or an aid to safety. All signs shall be erected by or on the order of a city official in the performance of his or her public duty.
- (3) Any sign provided for under [sections] 105-10 and 105-11.

(Ord. No. 2016-3, § 2, 3-22-16)

Sec. 105-15. - Maintenance.

- (1) Signs shall be maintained in a safe manner free of plainly discolored, uneven or peeling paint. All letters on any message on the sign shall be clearly legible.
- (2) All signs for which a permit is required, together with this supports, braces, guys and anchors, shall be kept in repair and, unless of galvanized or non-corroding metal, shall be thoroughly painted at least once every two (2) years.
- (3) When an inspection reveals repair or maintenance is needed, the owner shall be notified in writing. The owner shall have ten (10) days to make the repairs or remove the sign. If this order is not complied with, the building official may remove the sign and a lien may be filed against the property for any expense incurred in the removal of the sign.
- (4) Permits shall not be required for maintenance of existing signs, including painting, repainting, cleaning or other normal maintenance and repair not involving structural changes.

Sec. 105-16. - Prohibited signs and exceptions.

The following signs and message devices shall be expressly prohibited in all zoning districts, except as otherwise authorized by this chapter:

- (1) Signs are prohibited in all districts unless:
 - (a) Constructed pursuant to a valid building permit when required under this Code; and
 - (b) Authorized under this Code.
- (2) The following signs are strictly prohibited:
 - (a) *Spectacular or animated and intensely lighted signs.*
 - (b) *Streamers, balloons and twirling signs.* Streamers, balloons or twirling signs shall not be permitted, except as may be otherwise authorized by in this chapter.
 - (c) *Rotating signs.* No rotating signs and message devices having rotating or spinning parts and no signs with moving copy shall be permitted.
 - (d) *Signs in public areas.* No sign shall be placed or permitted to be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or any other surface located on public property or right-of-way or over or across any street or public thoroughfare, except as may otherwise be authorized by this chapter. Signs shall be considered litter and removed by the city without notice.
 - (e) *Swinging signs.* No sign shall be suspended by chains or other devices that will allow the sign to swing.
 - (f) *Marquee signs.* Marquee signs shall be prohibited in the city.

- (g) *Unclassified signs.* The following signs having no distinct classification shall be prohibited:
1. Signs which bear or containing statements, words or pictures of an obscene or pornographic character;
 2. Signs painted or attached to any fence or wall which is not a part of a building, except as may otherwise be authorized by this chapter;
 3. Signs which operate or employ any motion picture projection or media in conjunction with any advertisements or have visible moving parts or any portion which moves or which give the illusion of motion, except as may be otherwise authorized by this chapter;
 4. Signs which emit audible sound, odor or visible matter; and/or
 5. Signs which purport to be or are an imitation or resemble official traffic signs or signals or which bear the term "stop," "go slow," "caution," "danger," "warning" or similar term or which because of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as traffic control signs, signals or devices or the light of an emergency or road equipment vehicle or which hide from view any traffic or street sign, signal or device.
- (h) *Roof signs.* No roof signs shall be permitted.
- (i) *Off-site signs.* Except as may be otherwise authorized by this chapter, off-site signs are prohibited.
- (j) *Billboards.* Except as may be otherwise authorized by this chapter, billboards are prohibited.
- (k) *Pennants, banners and the like.* Pennants, banners and the like shall be limited to no more than two (2) permanent displays per property frontage and must be separated by a minimum of fifty (50) feet. Additional commercial pennants, banners and the like can be permitted on a temporary basis as long as all displays are separated by a minimum of fifty (50) feet. The total area of permanent signs shall not exceed eighteen (18) square feet. The total square feet of each temporary display shall not exceed eighteen (18) square feet. The cumulative total of the display areas shall not exceed one hundred (100) square feet per property. Pennants, banners and the like shall not be attached to any building. Fourteen (14) days per permit, maximum six (6) permits per year. Flags are not considered pennants or banners.
- (l) *Flags.* Flags, as provided for in subsection 105-10(5) on private property are allowed, subject to the following:
1. A maximum of three (3) flagpoles shall be permitted per each parcel of land on a public street displaying no more than one (1) government approved flag each.
 2. Flag size shall be in relation to the height of the flagpole. The maximum height of any flag or combination of flags shall be twenty-five (25) percent of the total height of the flagpole.
 3. The maximum height of a flagpole shall be thirty-five (35) feet.
 4. Flagpoles shall maintain a 15-foot setback from all property lines and a 25-foot setback from any intersection.

(Ord. No. 2016-3, § 2, 3-22-16)

Sec. 105-17. - Inspections.

- (1) Signs for which permits have been issued shall be inspected during and at completion of construction by the building official after installation and at times as deemed necessary by the building official. It shall be the responsibility of the permittee or his or her representative to notify the building official at

all stages of construction that require inspection and approval. The requirements for the inspections shall be as follows:

- (a) A footing inspection for all detached signs shall be required;
 - (b) A final structural inspection shall be required at completion of the work on all types of signs; and
 - (c) A final electrical inspection shall be required for all signs containing electrical components and wiring to be connected to an electrical energy source.
- (2) The building official is empowered to enter or inspect any building, structure or premises in the city upon which or in connection with which a sign is located for the purpose of inspection of the sign, its structural details and electrical connections and to ensure compliance with this chapter.
- (3) Each sign that requires a permit for installation may be inspected annually by the building official to ascertain whether the sign is being maintained in a safe condition and whether it is in need of maintenance or removal.

(Ord. No. 2016-3, § 2, 3-22-16)

Sec. 105-18. - Permits.

- (1) Generally. Any person proposing to paint, erect, construct, enlarge, move or make structural alterations to any sign within the city shall first obtain a sign permit for each sign from the building official as required by this chapter. These directives shall not be construed to require any permit for a change of copy on a sign nor for the repainting, cleaning and other normal maintenance or repair of a sign or structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way. No new permit shall be required for signs which have permits and which conform with the requirements of this chapter on the effective date of the ordinance from which this chapter derives. A new permit shall be required for any sign when the structural configuration or electrical components are altered or when the sign is relocated. The building official shall issue sign permits in accordance with the following procedures:
- (a) A separate application and a separate permit shall be required for each separate sign;
 - (b) Each application for a sign permit shall be accompanied by two (2) copies of a scaled drawing showing the proposed sign, including all dimensions of the proposed sign and total sign surface area. In addition, the following shall be provided:
 1. For detached signs, the elevation of the principal building or structure and the location of the sign in relation to the property lines shall be indicated; and
 2. For wall signs, the applicant shall submit the elevation of the principal building or structure upon which the sign is to be placed with the proposed sign and lettering of the sign superimposed thereon in correct ratio to the scale of the drawing and with a notation thereon showing the type and size of lettering to be used and the colors of the proposed sign.
 - (c) All plans for detached signs and projecting signs shall be prepared and signed by a professional engineer registered and licensed in the state. All signs shall be constructed in accordance with the requirements set for in the building code;
 - (d) A drawing shall be submitted showing the location of the proposed sign and all trees having a diameter of four (4) inches or more at a height of four and one-half (4½) feet above ground level in the general area of the proposed sign location. For proposals associated with an approved site plan, the sign shall not interfere with trees required to be planted as shown on the approved site plan. For existing sites for which a sign application has been submitted, the sign shall be located so that it does not interfere with existing trees on the site. If, upon review by the building official, it is determined that no alternative location can be achieved, the applicant may apply for a tree removal permit provided, however, that trees cannot be removed in violation of an approved site plan;

- (e) The name and address of the owner or other person in control or possession of the real property upon which the sign is to be located shall be submitted. Written consent of the owner, his or her lessee or his or her agent granting permission for the construction, operation, maintenance or display of the sign shall be submitted;
 - (f) The name of the sign contractor shall be submitted;
 - (g) A separate electrical permit shall be required for any sign containing electrical components to be connected to an electrical energy source; and
 - (h) A survey prepared by a land surveyor registered and licensed in the state shall be submitted when any determinations relative to an applicant cannot be made without the use of the survey.
- (2) Issuance. When an application for a sign permit complies with this chapter and all other applicable city ordinances and regulations and when all required fees have been remitted, the building official shall issue the requested permit.
- (3) Revocation. The building official is authorized and empowered to revoke any permit issued by him or her for failure of the permittee to comply with any of the sections of this chapter or for failure of the applicant to construct, erect or maintain the permitted sign in strict conformance with the plans and drawings submitted with the application. The building official may also revoke a permit or approval, issued under this chapter, if there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based. Any revocation shall be in writing and shall show cause for the revocation notice.
- (4) Electrical permit fee. For any sign containing electrical components to be connected to an electrical energy source, the electrical permit fee shall be provided for in this code.
- (5) Unless otherwise exempted herein, any person proposing to paint, erect, construct, or install any sign within the city shall first obtain a sign permit for each sign from the building official as required by this chapter. The permit fee for such signs shall be based on the number of signs, the duration and the style of sign and shall be established by resolution of the city council.

(Ord. No. 2016-3, § 2, 3-22-16)

Sec. 105-19. - Reserved.

Sec. 105-20. - Off-site signs.

- (1) Prohibited unless directional. No off-site signs shall be allowed within the confines of the city except directional signs.
- (2) Regulation of directional and public signs. Off-site directional signs and public signs shall be erected only by the city and will conform to the following:
 - (a) Off-site directional signs and public information signs shall only be erected on city rights-of-way or city easements.
 - (b) Public necessity and convenience will be the standard used to determine what directional signs and public information signs will be erected. Such determination will be made by the city manager.
- (3) Real estate signs not considered off-site. A real estate sign, placed or erected on property which the sign owner has a valid contract to sell, rent or lease, shall not be considered an off-site sign.

(Ord. No. 2016-3, § 2, 3-22-16)

Sec. 105-21. - Substitution of non-commercial speech for commercial speech.

Notwithstanding anything contained in this chapter or Code to the contrary, any sign erected pursuant to the provisions of this chapter or Code or otherwise lawfully existing with a commercial message may, at the option of the owner, contain a non-commercial message in lieu of a commercial message. The non-commercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to non-commercial messages, or from one (1) non-commercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or seeking to strike down sign ordinances in their entirety so as to argue that the developers' applications to erect billboards or other signs must be granted.

(Ord. No. 2016-3, § 2, 3-22-16)

Sec. 105-22. - Severability.

- (a) Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article.
- (b) Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth above in subsection (a) above or elsewhere in this chapter, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or work of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise sign-type and provided that the size, height, setback and other dimensional criteria contained in this Chapter and Code have been satisfied.

(Ord. No. 2016-3, § 2, 3-22-16)

Reply all | Delete | Junk | ...



Re: Word Documents for Indian Harbour Sign Regulations & Town of Malabar Table 1-19.18 Zoning District Sign Regulations

DD

Douglas Dial <dougdi@icloud.com>

Today, 1:47 PM

Denine Sherear; Mary Hoffmiester <coachmary01@yahoo.com>; Allen.rice5@gma

Reply all |

Inbox



Dial Edits to CHAPTER_1... 38 KB	▼
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1 attachments (38 KB) Download Save to OneDrive - Town of Malabar, FL

Action Items

Denine and fellow P&Zers,

Attached is a draft edit of the Indian Harbour Beach Signage document with edits to use for Town of Malabar. It is by no means complete yet. But...I wanted to get it to you prior to the meeting for review and consideration of whether we even want to pursue this approach that we agreed to in our last meeting.

I've updated primarily to "shoehorn" it into our Town of Malabar Code Book approach so I've done "mass edits" for things such as:

- town instead of city
- article instead of chapter
- used code book numbering approach
- removed some of their previous tracking stuff.

You should be able to see my "redline" edits. What I haven't done at this point is done a detailed edit to ensure Malabar-specific applicability (use of term "district" for instance).

Please review and either edit or at least think about whether this is still a viable approach (adopting and adapting IHB's signage stuff). Alternatively we could look to simply update our current Article XIX (19) in the current Code Book where needed...including the Table 1-19.18.

See you tonight.

Doug

Reply all |   Delete Junk |  ...



dougdiel@icloud.com

On May 3, 2017, at 2:30 PM, Denine Sherear <dsherear@townofmalabar.org> wrote:

Dear PZ Board Members,
Please see attached the "Word" Documents requested to review and suggest changes for Tale 1-19.18 Zoning District Sign Regulations .

Than k you,
Denine

Denine M. Sherear
Admin Assist. to Building Official
Building Department- Permitting
2725 Malabar Road
Malabar , FL 32950
321-727-7764 x 14
321-727-9997 fax
Hours: 8:30AM- 4:30PM

Please Note: Florida has a broad public records law. As a result, any written communication created or received by Town of Malabar officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing <CHAPTER_105.___SIGNS INDIAN HARBOUR BEACH.docx>
<Section_1_19.18.___District_sign_regulations..docx>

Article XIX

SIGNAGE^[2]



Footnotes:

--- (2) ---

Editor's note— Amended Article XIX in its entirety to read as herein set out.

Section 1-19.1. - Title; purpose.

This article shall be known as the sign ordinance of the Town of Malabar, Florida. The purpose of this article is to control the number, type, height, size, location and area of signs which are permitted in the town; and for the purpose of protecting and promoting the health, safety, morals and general welfare of the people, business and property of the town, and to enhance the beauty of the town.

Section 1-19.2. - Building official to enforce.

The building official is hereby designated and authorized to enforce this article.

Section 1-19.3. - Variances authorized.

A variance from the terms of this article as to height, area, location, duration or number of signs may be granted by the town council, when not contrary to public interest and where owing to conditions peculiar to the property or structure where the sign will be located or the activity associated with the proposed sign and not the result of the actions of the applicant, prior to filing of the variance application, a literal enforcement of the ordinance would result in unnecessary and undue hardship. Additionally, a variance from the terms of this article as to height, area, location, duration or number of signs may be granted by the town council if it is determined that the currently applicable regulation violates the First Amendment to the United States Constitution.

Section 1-19.4. - Conditions to variances authorized.

In granting any variance, the town council may prescribe appropriate conditions as will serve the intent of this article. Violation of such conditions, when made part of the terms under which the variance is granted, shall be deemed a violation of this article.

Section 1-19.5. - Nonconforming signs to be corrected or removed.

- (1) All signs erected, placed, or designed in a manner contrary to the provisions of this article, including signs permitted under a special exception or variance, prior to the enactment of the provision of this article which rendered them nonconforming, shall be deemed nonconforming signs and such nonconforming signs shall be removed, or altered so as to comply with this article, including the utilization of all procedural steps, within one (1) year of the effective date of the ordinance or amendment which rendered such sign nonconforming.
- (2) Any nonconforming sign that requires repair, replacement or re-erection for any reason, and such cost exceeds fifty (50) percent of the original value, shall be re-erected or replaced in a conforming manner or not at all. No such nonconforming signs may be modified to advertise different businesses or services from those which they advertised on the effective date of the ordinance or amendment which rendered them nonconforming.

Section 1-19.6. - Obsolete signs to be removed.

Any sign advertising a nonexistent or defunct business or activity or a business or activity for which a required occupational license has not been procured shall be removed by the owner of the property on which the sign stands within thirty (30) days of notice to do so by the town building official.

Section 1-19.7. - Definitions.

Sign. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business and where sign area means the space enclosed within the extreme edges of the sign for each face, not including the supporting structure or where attached directly to a building wall or surface, the outline enclosing all the characters of the word. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign. Each display surface of a sign or sign face shall be considered to be a sign.

Electric. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

Flashing. Any illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving illuminated sign, except digital billboards, shall be considered a flashing sign.

Freestanding. A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.

Government sign. A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

Ground mounted. A sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.

Highway sign. A Freestanding sign, integral sign or flat mounted sign that is erected and maintained within the view of motorists who are driving on a highway.

Integral. A sign that is embedded, extruded or carved into the material of a building facade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

Marquee. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

Off site-sign. A sign which has no relation to the property it is located on.

Portable sign. Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

Projecting. A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

Roof sign. A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia.

Spectacular or animated and intensely lighted signs. Any sign is animated by means of flashing, scintillating, blinking or traveling lights or any other means not providing constant illuminated, with the exception of LED signs or other electronic message centers using liquid crystal displays, fiber optics, plasma display or other signs using similar technology or public information message centers showing time and temperature or where the message board of the sign: changes, spins, blinks, travels, flashes, scintillates or moves no more than once every two (2) seconds. Provided that no spectacular or animated and intensely lighted signs shall simulate any emergency vehicle lights or traffic control device lighting. For

example, and not by way of limitation any lights which flash red, blue, green, yellow, or any combination thereof would be prohibited.

Temporary. A banner, pennant, poster, portable sign or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended to be displayed for a limited period of time.

Flat wall (façade-mounted). A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

Section 1-19.8. - Determination of area.

For the purpose of determining the area of a sign, the total area is that within the smallest parallelogram, triangle, circle, or semi-circle which will completely enclose the outside perimeter of the overall sign, including the border, if any, but excluding supports. Three-dimensional signs shall be measured at the largest vertical cross section.

Section 1-19.9. - Determination of number.

For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, or composed to form a unit. Where matter is displayed on more than one (1) set of supports, or the face of the sign is on more than one (1) plane, or there is a reasonable doubt as to the relationship of elements, each element shall be considered a single sign. Signs consisting of a group of detached letters or two (2) or more panels on the same plane and on the same supports presented as a single advertisement shall be considered as one (1) sign and the area shall be as above defined. A double-faced sign in which the faces are parallel shall be considered a single sign and the area computed using one (1) face. Exempt signs shall not be counted in the allowed number of signs.

Section 1-19.10. - Authorized signs.

The following signs are authorized under section 1-19.10 in every district:

- (1) Government signs in every zoning district when erected and maintained according to law and include the signs described and regulated in (2), (3), (4) and (5).
- (2) Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.
- (3) Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Where required under this code or other law the identification must be on the curb and may be on the principal building on the property. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, the identifier shall be located on the mailbox or other suitable device such that it is visible from the street.
- (4) Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property.
- (5) A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use.

Section 1-19.11. - Temporary signs.

- (1) Temporary signs allowed at any time:
 - (a) A property owner may place one (1) sign with a sign face no larger than four (4) square feet on the property at any time.
 - (b) A property owner may place a sign no larger than eight and one-half (8.5) inches by eleven (11) inches in one (1) window on the property at any time.
- (2) One (1) temporary sign for up to each one-quarter (0.25) acre of land may be located on the owner's property for a period of sixty (60) days prior to an any election involving candidates for a federal, state or local office that represents the district in which the property is located and any secondary primary or runoff election as to any such candidate who is subject to such election. Such signs shall be removed within five (5) days following the election. Any person erecting any sign during this time period shall be required to post with the clerk of the town a twenty-five dollar (\$25.00) deposit before posting any such signs, which said sum shall be used to cover the cost of removal of said signs by town employees in the event they are not removed within the time frame set out above.
- (3) One (1) temporary sign may be located on the owner's property when:
 - (a) That property is being offered for sale through a licensed real estate agent;
 - (b) If not offered for sale through a real estate agent, when that property is offered for sale through advertising in a local newspaper of general circulation or the internet; and
 - (c) For a period of fifteen (15) days following the date on which a contract of sale has been executed by a person purchasing the property.
- (4) During the period commencing November 1 to January 10, a property owner may place two (2) temporary signs on the property.
- (5) A property owner may place and maintain one (1) temporary sign on the property during the period of July 1 through July 4.
- (6) A person exercising the right to place temporary signs on a property as described in this section must limit the number of signs on the property for up to each one-quarter (0.25) acre at any one (1) time to no more than two (2) signs, plus a sign allowed in 1-19.11(a)(2).
- (7) The sign face of any temporary sign, unless otherwise limited in this section must not be larger than four (4) square feet.
- (8) For purposes of this section the lessee of a property is considered the property owner as to the property the lessee holds a right to use exclusive of others (or the sole right to occupy). If there are multiple lessors of a property, then each lessor shall have the same rights and duties as the property owner as to the property the lessor leases and has the sole right to occupy and the size of the property shall be deemed to be the property that the lessor has the sole right to occupy under the lease.

Section 1-19.12. - Regulations applicable to all districts.

(1) Residential districts.

(a) Size:

1. When a sign is authorized on a property, the sign must not exceed four (4) square feet in area. Where attached dwellings exist on a property the total square footage of signs must not exceed two (2) square feet per dwelling unit and must not exceed a total of twelve (12) square feet in area per structure.
2. For platted Residential Developments the maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development shall be controlled according to the following:
 - a. Platted residential developments four (4) acres or less in area may have a sign or signs with a total area of no more than thirty-two (32) square feet located at the entrances to

such developments. Such signs must have either been installed by the developer of the subdivision or later installed by the community association which governs the association.

- b. Platted residential developments over four (4) acres but less than forty (40) acres in area may have a sign or signs which have a total area of no more than forty-eight (48) square feet located at the entrances to such developments. Such signs must have either been installed by the developer of the subdivision or later installed by the community association which governs the association.
- c. Platted residential developments of forty (40) acres or more in area may have a sign or signs with a total area of no more than one hundred two (102) square feet located at the entrances to such developments. Such signs must have either been installed by the developer of the subdivision or later installed by the community association which governs the association.

(b) Location:

1. Permitted signs in (a) above may be anywhere on the premises, except in a required side yard or within ten (10) feet of a street right-of-way.

(c) Height: The following maximum heights shall apply to signs permitted in (a) above:

1. If ground-mounted, the top shall not be over four (4) feet above the ground; and
2. If building mounted, shall be flush mounted and shall not project above the roof line.

(d) Illumination:

1. Illumination if used shall not be blinking, fluctuating or moving. Light rays shall shine only upon the sign and upon the property within the premises.

(2) Commercial, professional and institutional districts.

(a) Each business establishment shall be permitted to use any of the following described signs with the limitations stated herein:

1. A ground or projecting sign on each street frontage. The size of said sign shall be as follows: Thirty-two (32) square feet for the first twenty-five (25) linear feet of street frontage, increased one (1) square foot per one (1) foot of linear street frontage to a maximum of one hundred (100) square feet; maximum height of twenty-five (25) feet; maximum width of twenty-five (25) feet. Where two (2) ground or projecting signs are used on a corner lot the area of both signs shall not exceed the total area allowed for the total frontage.
2. A wall sign on each end of the building perpendicular to the road or street, thirty-two (32) square feet per fifty (50) linear feet of building perpendicular to the road or street increased one (1) square foot per one (1) foot of linear street frontage to ninety-six (96) square feet.
3. A wall sign parallel to the road or street, thirty-two (32) square feet per fifty (50) feet of frontage increased one (1) square foot per one (1) foot of linear street frontage to of ninety-six (96) square feet.
4. A marquee sign parallel to the road or street, not exceeding thirty-two (32) square feet per fifty (50) feet of frontage increased one square foot per one foot of linear street frontage to a maximum of ninety-six (96) square feet.
5. A free standing sign perpendicular to the road or street not exceeding thirty-two (32) square feet per fifty (50) feet of frontage, a maximum of ninety-six (96) square feet.
6. Businesses located on dead end streets may erect one (1) directional sign no larger than sixteen (16) square feet at the closest street intersection with specific approval of the town council.



7. In addition to the other types of signs permitted in this section a business establishment may erect one (1) additional non-permanent ground sign, not exceeding four (4) square feet. Such sign may be double sided and shall have the sign face made of wood, metal or plastic. The post material for the sign shall be made of either steel or pressure treated wood. The top of the sign when installed into the ground shall not exceed four (4) feet above the ground upon which it is placed. An application form, provided by the town along with a permit fee established by resolution of the town council and consent of the owner of the property shall be submitted to the building department for review. If the owner does not give their consent no such sign shall be permitted. Any similar signs, including any banner signs, which have been installed or placed on property without a permit shall be removed by the owner of said sign or the proprietor of the business for which such sign relates to within ten (10) days of written notification of the town and such notice shall inform the owner of such sign of the provisions of this subsection.

Section 1-19.13. - Reserved.

Section 1-19.14. - Signs exempted from permitting procedures.

The following signs of a permanent nature and listed operations pertaining to signs shall not require the issuance of permits, provided the signs and operation conform with all other town building, structural and electrical standards and regulations.

- (1) *Changing copy.* Changing the advertising copy or message on an existing, approved, painted or printed sign, changeable copy sign or a similar approved sign when electrical, illuminated or non-illuminated painted message which is specifically designed for the use of replaceable copy.
- (2) *Signs erected by governmental entities, for the purpose of promoting the town or other government purpose.* Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, public utilities which indicate danger or an aid to safety. All signs shall be erected by or on the order of a town official in the performance of his or her public duty.
- (3) Any sign provided for under [sections] 1-19.10 and 1-19.11.

Section 1-19.15. - Maintenance.

- (1) Signs shall be maintained in a safe manner free of plainly discolored, uneven or peeling paint. All letters on any message on the sign shall be clearly legible.
- (2) All signs for which a permit is required, together with this supports, braces, guys and anchors, shall be kept in repair and, unless of galvanized or non-corroding metal, shall be thoroughly painted at least once every two (2) years.
- (3) When an inspection reveals repair or maintenance is needed, the owner shall be notified in writing. The owner shall have ten (10) days to make the repairs or remove the sign. If this order is not complied with, the building official may remove the sign and a lien may be filed against the property for any expense incurred in the removal of the sign.
- (4) Permits shall not be required for maintenance of existing signs, including painting, repainting, cleaning or other normal maintenance and repair not involving structural changes.

Section 1-19.16. - Prohibited signs and exceptions.

The following signs and message devices shall be expressly prohibited in all zoning districts, except as otherwise authorized by this article:

- (1) Signs are prohibited in all districts unless:
 - (a) Constructed pursuant to a valid building permit when required under this Code; and

- (b) Authorized under this Code.
- (2) The following signs are strictly prohibited:
 - (a) *Spectacular or animated and intensely lighted signs.*
 - (b) *Streamers, balloons and twirling signs.* Streamers, balloons or twirling signs shall not be permitted, except as may be otherwise authorized by in this article.
 - (c) *Rotating signs.* No rotating signs and message devices having rotating or spinning parts and no signs with moving copy shall be permitted.
 - (d) *Signs in public areas.* No sign shall be placed or permitted to be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or any other surface located on public property or right-of-way or over or across any street or public thoroughfare, except as may otherwise be authorized by this article. Signs shall be considered litter and removed by the town without notice.
 - (e) *Swinging signs.* No sign shall be suspended by chains or other devices that will allow the sign to swing.
 - (f) *Marquee signs.* Marquee signs shall be prohibited in the town.
 - (g) *Unclassified signs.* The following signs having no distinct classification shall be prohibited:
 1. Signs which bear or containing statements, words or pictures of an obscene or pornographic character;
 2. Signs painted or attached to any fence or wall which is not a part of a building, except as may otherwise be authorized by this article;
 3. Signs which operate or employ any motion picture projection or media in conjunction with any advertisements or have visible moving parts or any portion which moves or which give the illusion of motion, except as may be otherwise authorized by this article;
 4. Signs which emit audible sound, odor or visible matter; and/or
 5. Signs which purport to be or are an imitation or resemble official traffic signs or signals or which bear the term "stop," "go slow," "caution," "danger," "warning" or similar term or which because of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as traffic control signs, signals or devices or the light of an emergency or road equipment vehicle or which hide from view any traffic or street sign, signal or device.
 - (h) *Roof signs.* No roof signs shall be permitted.
 - (i) *Off-site signs.* Except as may be otherwise authorized by this article, off-site signs are prohibited.
 - (j) *Billboards.* Except as may be otherwise authorized by this article, billboards are prohibited.
 - (k) *Pennants, banners and the like.* Pennants, banners and the like shall be limited to no more than two (2) permanent displays per property frontage and must be separated by a minimum of fifty (50) feet. Additional commercial pennants, banners and the like can be permitted on a temporary basis as long as all displays are separated by a minimum of fifty (50) feet. The total area of permanent signs shall not exceed eighteen (18) square feet. The total square feet of each temporary display shall not exceed eighteen (18) square feet. The cumulative total of the display areas shall not exceed one hundred (100) square feet per property. Pennants, banners and the like shall not be attached to any building. Fourteen (14) days per permit, maximum six (6) permits per year. Flags are not considered pennants or banners.
 - (l) *Flags.* Flags, as provided for in subsection 1-19.10(5) on private property are allowed, subject to the following:

1. A maximum of three (3) flagpoles shall be permitted per each parcel of land on a public street displaying no more than one (1) government approved flag each.
2. Flag size shall be in relation to the height of the flagpole. The maximum height of any flag or combination of flags shall be twenty-five (25) percent of the total height of the flagpole.
3. The maximum height of a flagpole shall be thirty-five (35) feet.
4. Flagpoles shall maintain a 15-foot setback from all property lines and a 25-foot setback from any intersection.

Section 1-19.17. - Inspections.

- (1) Signs for which permits have been issued shall be inspected during and at completion of construction by the building official after installation and at times as deemed necessary by the building official. It shall be the responsibility of the permittee or his or her representative to notify the building official at all stages of construction that require inspection and approval. The requirements for the inspections shall be as follows:
 - (a) A footing inspection for all detached signs shall be required;
 - (b) A final structural inspection shall be required at completion of the work on all types of signs; and
 - (c) A final electrical inspection shall be required for all signs containing electrical components and wiring to be connected to an electrical energy source.
- (2) The building official is empowered to enter or inspect any building, structure or premises in the town upon which or in connection with which a sign is located for the purpose of inspection of the sign, its structural details and electrical connections and to ensure compliance with this article.
- (3) Each sign that requires a permit for installation may be inspected annually by the building official to ascertain whether the sign is being maintained in a safe condition and whether it is in need of maintenance or removal.)

Section 1-19.18. - Permits.

- (1) Generally. Any person proposing to paint, erect, construct, enlarge, move or make structural alterations to any sign within the town shall first obtain a sign permit for each sign from the building official as required by this article. These directives shall not be construed to require any permit for a change of copy on a sign nor for the repainting, cleaning and other normal maintenance or repair of a sign or structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way. No new permit shall be required for signs which have permits and which conform with the requirements of this article on the effective date of the ordinance from which this article derives. A new permit shall be required for any sign when the structural configuration or electrical components are altered or when the sign is relocated. The building official shall issue sign permits in accordance with the following procedures:
 - (a) A separate application and a separate permit shall be required for each separate sign;
 - (b) Each application for a sign permit shall be accompanied by two (2) copies of a scaled drawing showing the proposed sign, including all dimensions of the proposed sign and total sign surface area. In addition, the following shall be provided:
 1. For detached signs, the elevation of the principal building or structure and the location of the sign in relation to the property lines shall be indicated; and
 2. For wall signs, the applicant shall submit the elevation of the principal building or structure upon which the sign is to be placed with the proposed sign and lettering of the sign superimposed thereon in correct ratio to the scale of the drawing and with a notation thereon showing the type and size of lettering to be used and the colors of the proposed sign.

- (c) All plans for detached signs and projecting signs shall be prepared and signed by a professional engineer registered and licensed in the state. All signs shall be constructed in accordance with the requirements set for in the building code;
 - (d) A drawing shall be submitted showing the location of the proposed sign and all trees having a diameter of four (4) inches or more at a height of four and one-half (4½) feet above ground level in the general area of the proposed sign location. For proposals associated with an approved site plan, the sign shall not interfere with trees required to be planted as shown on the approved site plan. For existing sites for which a sign application has been submitted, the sign shall be located so that it does not interfere with existing trees on the site. If, upon review by the building official, it is determined that no alternative location can be achieved, the applicant may apply for a tree removal permit provided, however, that trees cannot be removed in violation of an approved site plan;
 - (e) The name and address of the owner or other person in control or possession of the real property upon which the sign is to be located shall be submitted. Written consent of the owner, his or her lessee or his or her agent granting permission for the construction, operation, maintenance or display of the sign shall be submitted;
 - (f) The name of the sign contractor shall be submitted;
 - (g) A separate electrical permit shall be required for any sign containing electrical components to be connected to an electrical energy source; and
 - (h) A survey prepared by a land surveyor registered and licensed in the state shall be submitted when any determinations relative to an applicant cannot be made without the use of the survey.
- (2) Issuance. When an application for a sign permit complies with this article and all other applicable town ordinances and regulations and when all required fees have been remitted, the building official shall issue the requested permit.
- (3) Revocation. The building official is authorized and empowered to revoke any permit issued by him or her for failure of the permittee to comply with any of the sections of this article or for failure of the applicant to construct, erect or maintain the permitted sign in strict conformance with the plans and drawings submitted with the application. The building official may also revoke a permit or approval, issued under this article, if there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based. Any revocation shall be in writing and shall show cause for the revocation notice.
- (4) Electrical permit fee. For any sign containing electrical components to be connected to an electrical energy source, the electrical permit fee shall be provided for in this code.
- (5) Unless otherwise exempted herein, any person proposing to paint, erect, construct, or install any sign within the town shall first obtain a sign permit for each sign from the building official as required by this article. The permit fee for such signs shall be based on the number of signs, the duration and the style of sign and shall be established by resolution of the town council.

Section 1-19.19. - Reserved.

Section 1-19.20. - Off-site signs.

- (1) Prohibited unless directional. No off-site signs shall be allowed within the confines of the town except directional signs.
- (2) Regulation of directional and public signs. Off-site directional signs and public signs shall be erected only by the town and will conform to the following:
 - (a) Off-site directional signs and public information signs shall only be erected on town rights-of-way or town easements.

- (b) Public necessity and convenience will be the standard used to determine what directional signs and public information signs will be erected. Such determination will be made by the town manager.
- (3) Real estate signs not considered off-site. A real estate sign, placed or erected on property which the sign owner has a valid contract to sell, rent or lease, shall not be considered an off-site sign.

Section 1-19.21. - Substitution of non-commercial speech for commercial speech.

Notwithstanding anything contained in this article or Code to the contrary, any sign erected pursuant to the provisions of this article or Code or otherwise lawfully existing with a commercial message may, at the option of the owner, contain a non-commercial message in lieu of a commercial message. The non-commercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to non-commercial messages, or from one (1) non-commercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or seeking to strike down sign ordinances in their entirety so as to argue that the developers' applications to erect billboards or other signs must be granted.

Section 1-19.22. - Severability.

- (a) Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article.
- (b) Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth above in subsection (a) above or elsewhere in this article, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or work of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise sign-type and provided that the size, height, setback and other dimensional criteria contained in this Article and Code have been satisfied.