

TOWN OF MALABAR
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY JUNE 14, 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 – 05/31/2017
- 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 28, 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: June 14, 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 31, 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 31, 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
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:

D. CONSENT AGENDA:

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

**Motion: Abare/Ryan to Approve Minutes for May 10, 2017 as amended, All Vote
; Aye**

Corrections:

Ritter page 3/33 under "A" Chair should be Vice Chair Wayne Abare
Ritter page 4/33 5th parag. second sentence succeed should be exceed

Dial page 4/33 8th parag. complete parag. "...this could be acceptable but not 5 or 10 times the current Ordinance size. The Board explained that if other businesses come in after this they would be told the new Ordinance was written after Council already approved this particular sign."

E. PUBLIC:

F. ACTION:

G. DISCUSSION:

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

Dial explained that he looked at Indian Harbour Beach (IHB) signage regulations and suggested revising what we presently have in place for Malabar.

Abare suggested focusing on Commercial signage. Ritter and Board discussed the IHB codes. Abare/ Board suggested conditional/restricted use for animated signs.

Ryan suggested looking at other municipalities that allow animated signage.

The Board discussed the size of Route 1 Motor freestanding signage that was approved by Council is approx. 140 +/- on each side.

Ritter explained to the Board that you could not make anyone go according to someone else's restrictions it would need to be individually reviewed based frontage, size of building, and/or speed of roadway, etc.

Ryan explained that this signage (Route 1 Motorsports) was out of the ordinary. The Board discussed the current Malabar Code is 60 sq. ft. for a sign.

Ritter said we have to work into our town code this size signage, which corresponds with, size of the building, frontage of building, and location/roadway (speed), etc.

Ritter/Board was concerned with blinking and animation of signage for safety reasons. Sherear explained to the Board that the packet that was presented at the March 6, 2017 (also given to PZ Board @ PZ Meeting of 5/31/2017) Town Council Meeting is what was approved by Council.

Abare/Board discussed the digital and animated portion of the signage and said an Ordinance to regulate this is going to be challenging. Ryan said he has researched this on the internet "digital board signage safety" and got 33 pages of sites to review. Ryan's review is that it is not a good idea to allow these type signs for safety reasons especially right before a busy intersection.

Ryan said he might attend the next Council Meeting to discuss continuous motion of signage and suggest limiting digital delay to every 2 seconds for safety reasons presented on the internet and close proximity of Malabar Road intersection. Dial suggested using this signage (Route 1 Motorsports) as the "high water mark" in commercial areas to revise the sign Ordinance. Foster likes the idea of 100 sq. ft. for commercial buildings.

Abare said the information for the Route 1 Motorsports sign was presented before Town Council and approved. Ritter said that there is not anything wrong with the sign, just restrictions on one part of the sign and how it is used (the flashing & scrolling).

The Board discussed different commercial signs throughout the Town. Dial suggested during discussing the revisions of the sign ordinance to make limitation and conditions for safety issues.

The Board discussed current Ordinance and animated movement signage, the individual consensus of the Board:

- Rice- animation is fine , not sure about motion picture movement, can't really make a decision at this time
- Foster- this sign is animated and approved and it is a trend, limit animation frequency & refresh rate, I don't think it should be a motion picture
- Abare- growth in Malabar along thoroughfares, not blinking lights & some restriction on animation.
- Ritter- the sign is very nice (Route 1 Motorsports)a safety issue and how often it will refresh and can be considered, doesn't have to flash all the time.
- Ryan- against animation if it is constant and distracts drivers- if motion picture he is against it for safety reasons

- Dial it is shades of things to come, it is already there, and he believes some bounds can be put on this, open to put restrictions on signs
- Hofmeister – it is already passed concerned with safety issue, turmoil and a distraction near intersection.

Ritter said this is not a done deal and there are recalls made on decisions. The Board has the right to make opinions and voices heard. The Board likes the sign; just safety concerns in reference to Malabar Road intersection traffic light.

The consensus is that the refreshing rate of the digital sign is limited.

For next meeting:

- **Include a few signs located in the Town with sizes include in packages.**
- **Staffs opinion for sign approved for Route 1 Motorsports**

H. ADDITIONAL ITEMS FOR FUTURE MEETING

I. PUBLIC

J. OLD BUSINESS/NEW BUSINESS:

Old Business:

- Board asked about property on the NW corner of Corey Road & Malabar Road for development. The property owners are under brushing area and cleaning ditch. Sherear said no site plans have been submitted.
- Board asked about Kempfers Feed (2728 Malabar Road) remodel project, Sherear said it had been sold and a sign shop was moving in.
- Sherear updated Board on recent phone call from City of Palm Bay about The Shores ALF (Mr. Paladin) that was proposed on US Highway 1. The City of Palm Bay Utilities Depart. asked if the project had started yet, because last year in May The Shores developers had went to the City of Palm Bay in reference to water/sewer hook-up, they were waiting for a deposit.

New Business:

Reminder: Next Meeting – June 14, 2017

Dial will be late on the 7/14/2107 PZ Meeting.

K. ADJOURN

There being no further business to discuss, MOTION: Ryan/Abare to adjourn this meeting. Vote: All Ayes. The meeting adjourned 9:08 P.M.

BY:

Liz Ritter, Chair

Denine Sherear, Board Secretary

Date Approved: as presented/corrected

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 2
Meeting Date: June 14, 2017

Prepared By: Denine Sherear, Planning & Zoning Board Secretary

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

BACKGROUND/HISTORY:

Continue discussion on revising Table 1-19.18 “Zoning District Sign Regulations” as directed by Council. The PZ Board reviewed the codes that Indian Harbour Beach has in place and would like to include these suggestions in their revisions. Staff attached additional (portions) of local Municipalities sign codes as requested by this Board.

This Board asked what was presented to Council for approval of freestanding signage for Route 1 Motorsports at the RTCM of 3/6/2017, I have attached the complete package along with a portion of approve minutes from the 3/6/2017 Meeting.

Reminder for each PZ Board Member to bring working documents containing ideas for suggestion to meeting of 6/14/2017 and previous packets from the following meetings:

**Please bring your packets from the 4/12/2017, 4/26/2017,
5/10/2017, 5/31/201 PZ Meetings**

ATTACHMENTS:

- RTCM (Regular Town Council Meeting) packet of 3/6/2017
- Portion of City of Palm Bay Signage Codes
- Portion of West Melbourne Signage Codes
- Portion of City of Melbourne Signage Codes

ACTION OPTIONS: Discussion/Action

(Portion) RTCM Minutes 3/6/17

Minutes of the Regular Town Council Meeting of 3/06/2017

Page 4

CM Korn talked to Steve Olsen at FDOT. CM Ball postpone until they know the facts.

MOTION: CM Ball / CM Kohler to table to a future meeting or workshop. Get info before or ask them to attend so we get the correct information.

Vote: All Ayes (CM Rivet excused)

3. **Oppose HB 17 and SB 1158 That Would Strip Home Rule Authority from Municipalities Over Businesses, Professions and Occupations and Require a Special Law by the Legislature Regarding Any Business Regulation (pre-1968 State Constitutional Amendment) (Reso 04-2017)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL OPPOSITION TO HOUSE BILL 17 AND SENATE BILL 1158; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Recommendation: Request Approval

MOTION: CM Korn / CM Kohler to approve Reso 04-2017 opposing HB 17 and SB 1158.

Discussion: CM Korn said some - SCLC is holding a special meeting on this item.

ROLL CALL VOTE: CM Ball, Aye to oppose; CM Mahoney, Aye to oppose; CM Korn, Aye to oppose; CM Kohler, Aye to oppose; (CM Rivet, excused) Motion carried opposing this legislation.

MISCELLANEOUS: 4

4. **Cancellation of March SpringFest due to Lack of Response from MCA**

Exhibit: Agenda Report No. 4

Recommendation: Request Approval

Speaker Cards: Liz Ritter does not like the inference in the title.

MOTION: CM Korn / CM Kohler to cancel the SpringFest in 2017.

Discussion: CM Korn said there was an understanding that the MCA was not paid for by town. We weren't going to hire that committee to do the event. Because it is late let's not have a SpringFest. Have a fall fest. We are not in the business to pay non-profits. Do whatever they want to raise money. Or come to council to ask for a donation. CM Laura Mahoney, they did a lot of planning for this event. **Vote:** All Ayes

5. **Set 10/14/17 as Date for Malabar Sponsored Fall Fest in Conjunction with Fire Prevention Week 10/8/2017 thru 10/14/17**

Exhibit: Agenda Report No. 5

Recommendation: Request Approval

MOTION: CM Kohler / CM Ball to approve Town Sponsored Fall Fest Event on 10/14/17.

Vote: All Ayes.

6. **Approve Signage for Route 1 MotorSports**

Exhibit: Agenda Report No. 6

Recommendation: Request Approval

MOTION: CM Kohler / CM Ball to approve Route 1 Motor Sports Signage as depicted.

Vote: All Ayes.

7. **Approve 65-Feet of South Portion of Quarterman Lane**

Exhibit: Agenda Report No. 7

Recommendation: Request Approval

MOTION: CM Korn / CM Kohler to approve additional 65 Linear Feet of Quarterman Ln.

Vote: All Ayes. Mayor would have liked to see a map showing the existing terminus and

RTCM 3/6/17

Agenda Item 6.

Signage for Route 1
Motor Sports

TOWN OF MALABAR

MEMORANDUM

Date: February 21, 2017 2017-BO-012
To: Honorable Mayor and Town Council
From: Daryl Munroe, Building Official
Ref: Approval for Signs in CG Zoning – Route 1 Motor Sports
1300 Highway 1, Malabar

KellWill Inc. has received Site Plan approval and the Building Permit has been issued for construction of their 25,000 sf retail and service facility known as Route1 Motorsports.

The height of the building is 25 feet and is being constructed towards the back of the 2.97 acre lot with a finished floor elevation (FFE) of 28 feet. The applicant is now ready to contract with a sign company to begin the advertising portion of the development.

The size, color, material and type of signage was not provided as part of the site plan review. Because of this staff desires Council approval of the proposed construction of the signage so the building permit package is complete.

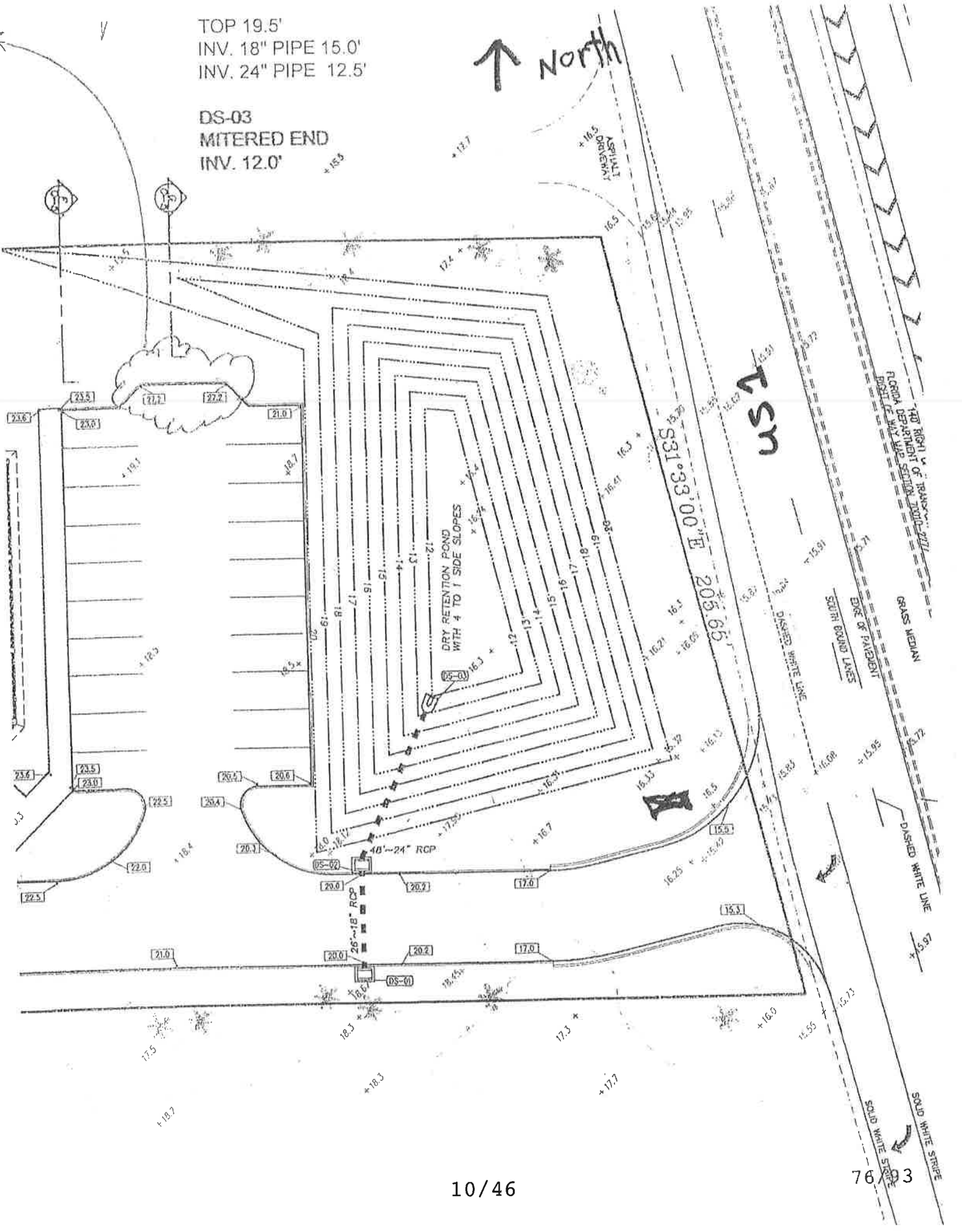
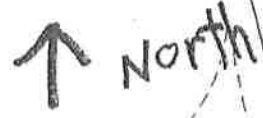
The applicant is requesting a 20-foot tall freestanding sign near the driveway entrance and then the manufacturers logos on the mansard roofline. Illustrations for these signs are attached.

The proposed signs comply with the Malabar Code for height and setbacks. There is language in the Code that restrict the sign "faces" from exceeding a maximum of 60 *cumulative* square feet.

Staff is requesting Council approval of the proposed signs, noting that this restriction in the Malabar Sign regulation dates to the original code and is not based on the size of the building or parcel. It would be staff's recommendation to delete this restriction from the Code. Such a restriction is not consistent with commercial development on a major arterial roadway like Highway 1.

TOP 19.5'
 INV. 18" PIPE 15.0'
 INV. 24" PIPE 12.5'

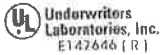
DS-03
 MITERED END
 INV. 12.0'



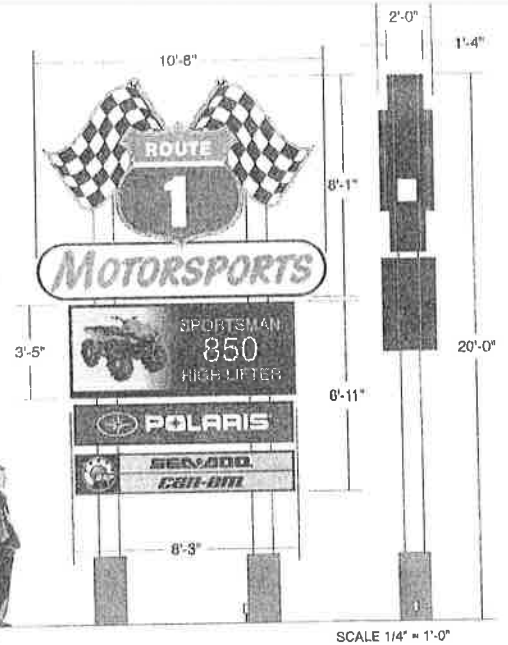
ROUTE 1 MOTORSPORTS
 US.HWY. 1 & MALABAR RD.
 MALABAR, FL

DOUBLE SIDED PYLON SIGN

ALL CABINETS FABRICATED ALUMINUM CONSTRUCTION WITH ALUMINUM RETAINER SYSTEMS
 3/16" THICK TRANSLUCENT WHITE ACRYLIC FACES WITH VINYL DECORATION
 BRP LOGO DIGITALLY PRINTED MULTICOLORED VINYL
 CABINETS TO HAVE INTERNAL WHITE "LED" ILLUMINATION
 SIGNS INSTALLED OVER (2) 8" SQUARE SUPPORT POLES
 SIGN TO HAVE DIRECT BURIAL CONCRETE FOUNDATIONS
 MESSAGE UNIT TO BE WATCHFIRE "TWINPAK" 16mm
 54 x 144 MATRIX, FULL COLOR RGB DISPLAYS MOUNTED
 BACK TO BACK TO VERTICAL SUPPORT PIPE WITH CUSTOM
 MOUNTING BACKET



PERSPECTIVE
 NTS



SCALE 1/4" = 1'-0"



ART-KRAFT SIGN COMPANY, INC.

CUSTOMER ROUTE 1 MOTORSPORTS	DESIGN NO 31633	REVISION	CUSTOMER APPROVAL	DATE	www.Art-Kraft.com
SALES REP DON	DESIGNER WAYNE	SCALE AS SHOWN	DATE 4 - 6 - 16		ArtKraftSigns

2678 Kirby Circle N.E. Palm Bay FL 32905 (321) 727-7524 FAX (321) 961-2466 This Design, in whole or in part, is the property of Art-Kraft Sign Company and may not be used without the expressed written permission of Art-Kraft Sign Company, Inc.



SIGNAGE

§ 1-19.18

<i>Sign Type</i>	<i>Future Improvement</i>	<i>General Outdoor Advertising</i>	<i>Real Estate</i>	<i>Subdivision</i>
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:

<i>Sign Type</i>	<i>Accessory</i>	<i>Accessory</i>	<i>Accessory</i>
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

<i>Sign Type</i>	<i>Construction</i>	<i>Directory</i>	<i>Directional</i>	<i>General Outdoor Advertising</i>
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:

<i>Sign Type</i>	<i>Future Improvement</i>	<i>Real Estate</i>	<i>Subdivision</i>
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.

Town of Malabar - Signs for Commercial Services

Item	Description	Length	Width	No. of Sides	Total Sq.Ft.
1	Scrub Jay Sign	5	4	1	20
2	Town "Events Sign"	7.5	5	2	75
3	Ace Hardware	8	8	2	128
4	Knights of Columbus	8	5	2	80
5	Mr. K Citgo Gas Station (Babcock Street)	5	8	2	80
		4	8	2	64
		4	40	1	160
		3	3	1	9
Total Mr. K Citgo					313
6	Calagy Tires	16	4	2	128
		11	2.5	6	165
Total Calagy Tires					293
7	Indoor RV/Boat Storage	9	5	2	90
8	Citgo Gas Station (US 1)	7	14	2	196
		4	40	1	160
		4	20	2	160
Total Citgo Gas Station US1					516

In 1979 at Calagy Tires on US 1 (Present Day Yellow Dog Warehouse 1 Sign was 192 Sq.Ft.

80/93

Agenda Item

#2

Portion of City of Palm Bay Signage Code

(Portion) City of Palm Bay Sign = PB

The purpose of this chapter is to:

- (A) Create regulations for the design, construction, and location of signs to protect the public safety and welfare;
- (B) Preserve the unique planned character and the natural and scenic environment of the community which affect growth and the economy of the city;
- (C) Provide ample opportunity for business advertisement while preventing excessive, dangerous, and unsightly signs; also to provide ample opportunity for noncommercial copy in lieu of commercial or other copy;
- (D) Prevent clutter among sign displays which would distract vehicle operators or place excessive demands on public attention and have a detrimental effect on the character and appearance of the residential, commercial, and industrial areas of the city;
- (E) To provide for adequate maintenance and inspection and reasonably assist potential customers in locating and identifying services, facilities, and products offered within the city.

('74 Code, § 3-2) (Ord. 82-21, passed 4-15-82; Am. Ord. 96-21, passed 5-16-96)

§ 178.03 SCOPE.

This chapter is intended to cover all requirements relative to the types, sizes, heights, verbal content, permissible locations, restrictions, permits and licenses, inspections, identification, materials of manufacture and/or construction, methods of erection, maintenance, procedure for requesting variances, and penalties for violation of the provisions prescribed herein for all signs placed, installed, repaired, altered, replaced and/or erected within the limits of the city which are exposed to the out-of-doors view of the public.

('74 Code, § 3-3) (Ord. 82-21, passed 4-15-82)

§ 178.04 ADMINISTRATOR.

The Building Official shall act as administrator of the provisions of this chapter, acting in lieu of the governing body. As used in this chapter, "administrator" shall include his authorized representative.

('74 Code, § 3-4) (Ord. 82-21, passed 4-15-82)



§ 178.05 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ERECT. Build, construct, attach, hang, place, suspend or affix, and shall include the painting of wall signs.

EXEMPT SIGNS. Those signs exempted from normal permit requirements.

GOVERNMENTAL BODY. The city, county, state or government of the United States, and any branch, agency, board or department thereof.

HEIGHT. The vertical distance between the uppermost portion of a sign and ground level.

INDUSTRIAL PARK. A tract of industrially owned land, five (5) acres or greater, that has been planned and developed as an integrated facility for five (5) or more individual industrial uses.

MINOR STREET. A street designed primarily to provide vehicular access to abutting property and not to serve through traffic.

MODEL. A finished, residential dwelling unit, including mobile home units and units in a multifamily structure located in a residentially zoned district, and utilized as an example of other units of similar design offered for sale.

NONCONFORMING SIGN. Any sign that was lawfully erected and maintained prior to such time as it came within the purview of this chapter and amendments thereto, and which fails to conform to applicable regulations and restrictions of this chapter.

OWNER. The person owning the fee simple title to the property upon which a sign is located for which a permit is required.

PERMITTEE. The person in possession or having the beneficial use of property upon which a sign is located for which a permit is required.

PERSON. Any individual, firm, partnership, association, corporation or other legal entity.

PLACEMENT. The location that a sign occupies on a lot or building.

PREMISES. A lot or parcel of land or combination of contiguous lots or parcels under single ownership.

PUBLIC or PRIVATE WAY. Any public or private thoroughfare utilized for vehicular or pedestrian traffic.

REGISTERED ENGINEER. An engineer registered in the state who is in good standing with the Florida State Board of Engineering Examiners.

REPLACE. Rebuild, enlarge or change in size, structure or lettering other than repainting, or repair to electrical apparatus.

SHOPPING CENTER. A group of five (5) or more commercial establishments planned, constructed and managed as a unified entity and having at least six hundred (600) linear feet of street frontage on a single street, other than a minor street.

SIGN.

(1) Any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminated surface, which shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that the same shall be used to advertise, draw the attention of the public to, or promote the interests of any person to a product, use, facility, service, activity or entertainment, person, event, institution or business, which is displayed in any manner whatsoever out-of-doors. **SIGN** includes the following defined classes of signs:

PB

(a) **ANIMATED SIGN.** Any sign with physical action or motion, or giving the appearance thereof, through the use of illumination wind or other mechanical means. Animated signs shall include flashing or oscillating signs and swinging signs, and shall exclude electronic message centers, electronics adjustable alteration displays, and time or temperature units.

(b) **BANNER SIGN.** Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind, and shall include flags, streamers, ribbons, balloons or other gas-filled figures, and pennants.

(c) **BEACON LIGHT.** Any light with one (1) or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically, or capable of having any part thereof revolve automatically, or a fixed flashing high intensity light.

(d) **DETACHED SIGN.** Any rigidly assembled, free-standing sign, display or device permanently affixed to the ground or permanently attached to a building by uprights, braces or other inherently permanent structure. Any sign attached to a flat surface, except a wall as defined herein, such as a fence or wall not a part of a principal building, shall be considered a detached sign.

(e) **FLASHING SIGN.** Any sign on which all or any portion of the electrical lighting device(s) on such signs go on and off at alternate intervals. Any revolving, illuminated sign shall be considered a flashing sign for purposes of this chapter.

(f) **INTERCHANGE DISTRICT SIGN.** A detached accessory sign located at developed commercial and industrial properties that are within one-half (½) mile from an interstate interchange.

(g) **MARQUEE.** Any sign of fire resistant cloth, plastic or metal attached to, or projecting from a building over any private thoroughfare or pedestrian way, irrespective of the capability of such sign to be raised or lowered to a position flat against a wall.

(h) **PORTABLE and/or MOBILE SIGN.** Any sign that may be hauled or towed from one (1) location to another, is self-supporting and, when placed, is not permanently attached to the ground or a building.

(i) **PROJECTING SIGN.** Any sign that is affixed to any building, wall or structure and extends more than twelve (12) inches beyond such building, wall or structure. For purpose of this chapter only, the term "projecting sign" shall include a marquee.

(j) **ROOF SIGN.** Any sign that extends above the highest point of the building on which the sign is located. For the purposes of determining the highest point of any building, spires, chimneys, aerials, cupolas, tanks, air conditioning and ventilation systems shall not be included.

(k) **SNIPE SIGN.** Any nonpermanent sign of any material that is attached in any way to a utility pole, tree, fence post or similar object or inserted in the ground.

(l) **WALL SIGN.** Any sign that is affixed to and is approximately parallel to the wall of any principal structure and does not extend more than twelve (12) inches beyond such structure.

(2) Miscellaneous provisions. The following provision shall relate to the sign classes set forth above and to the sign types listed in **SIGN TYPE** below.

PB

(a) **DIRECTLY ILLUMINATED SIGN.** Any sign that does not produce artificial light from within itself but which is opaque and backlighted or illuminated by spotlights or floodlights.

(b) **DOUBLE-FACED SIGN.** Any sign with two (2) parallel or nearly parallel faces located back to back and not more than twenty-four (24) inches apart.

(c) **INDIRECTLY ILLUMINATED SIGN.** Any sign that emits artificial light from within the sign by shining through a translucent surface.

(d) **SIGN STRUCTURE.** Any construction designed to support or to provide a surface for a sign, including any marquee, awning, canopy or clock.

(e) **SIGN UNIT.** Any display and/or display device containing elements organized, related and/or composed to form a single unit. Where the display of any elements is in a random manner without any organized relationship of elements, each element shall be considered a separate sign. A double-faced sign shall be considered a single sign.

SIGN AREA. The surface area in square feet within any regular geometric figure or combination of figures encompassing all parts of a sign, including the outer extremities of all letters, figures, characters, background, frame, trim, molding, but excluding structural supports whether they be columns, pylons, or a building or part thereof unless the sign is printed directly on the wall of such structure.

SIGN CONTENT. Any language, wording or expression not related to the economic interests of the speaker and its audience, such speech generally considered to be ideological, political or of a public interest nature.

SIGN ERECTOR or CONTRACTOR. Any person engaged in the construction, reconstruction or erection of any sign requiring structural framework and support, using electrical power or requiring a scaffold for erection or application.

SIGN TYPE.

(1) Any one (1) of various signs differentiated by their purpose, and for purposes of this chapter are limited to the following:

(a) **ACCESSORY SIGN.** Any sign relating only to the use of the premises on which the sign is located or products sold or services offered on the premises on which the sign is located, or indicating the name and address of a building or the occupants or management of a building on the premises where the sign is located.

(b) **CONSTRUCTION SIGN.** Any temporary sign erected between the time of issuance of a building permit and the issuance of a certificate of occupancy and located on the premises where construction is taking place, indicating the description of the project, the names and telephone numbers of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors and similar persons having a role or interest in the structure or project.

(c) **DIRECTIONAL SIGN.** Any sign used for direction of vehicular or pedestrian traffic. Such sign shall contain no advertising or commercial identification of any product or service.

PB

(d) **DIRECTORY SIGN.** Any sign that states the name and/or occupation of the occupants of a structure or gives the use of the structure, including office building directories, church directories and apartment house directories.

(e) **FUTURE IMPROVEMENT SIGN.** Any temporary sign which describes proposed development to take place on site.

(f) **INDUSTRIAL PARK SIGN.** Any sign located at an industrial park which identifies the name, address and/or management of the industrial park.

(g) **OFF-PREMISES SIGN.** Any sign utilized for advertising or to otherwise draw attention to a product, use, facility, service, activity or entertainment, event, person, institution or business not available or furnished on the premises on which a sign is located.

(h) **REAL ESTATE SIGN.** Any sign used solely for the purpose of offering the sale or lease of the premises and/or building on which the sign is located.

(i) **SHOPPING CENTER SIGN.** Any sign located at a shopping center which identifies the name, address and/or management of the shopping center.

(j) **SUBDIVISION SIGN.** Any sign designed as a permanent structure to identify a subdivision or neighborhood, mobile home park, townhouse, or other planned residential development as defined by the zoning regulations, set forth in Chapter 185 of this code of ordinances, where such signs are not used for development or promotional purposes.

TENANT. Any person who has the temporary use and occupancy of real property owned by another, with the duration and term of such tenancy fixed by written instrument or law. The term "tenant" shall not include a family residing in the same structure; "family" shall include a husband and wife and all relatives of both the husband and wife of the first degree.

WALL. The surface of the exterior of a principal building exposed to the public view within a single plane.

ZONING DISTRICT. The various zoning districts as established and described in the zoning regulations set forth in Chapter 185 of this code of ordinances.

('74 Code, § 3-5) (Ord. 82-21, passed 4-15-82; Am. Ord. 85-6, passed 3-7-85; Am. Ord. 96-21, passed 5-16-96; Am. Ord. 96-23, passed 6-20-96; Am. Ord. 2001-38, passed 6-21-01; Am. Ord. 2002-56, passed 9-19-02)

↔
END
OF
Def.

§ 178.06 PERMITS AND INSPECTIONS.

(A) *Permits required.* Except as otherwise provided in the provisions of this chapter, it shall be unlawful for any person to erect, construct, enlarge, move or make structural alterations or repairs to any sign within the city or cause the same to be done without first obtaining a sign permit for each such 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 repainting, cleaning, and other normal maintenance. No new permit is required for signs which have permits and which conform to the requirements of this chapter on the date of its adoption. A new permit shall be required for any sign when the structural configuration or electrical components are altered or added or when the sign is relocated.

PB

approval by the City Manager and shall be limited by the aforesaid time and placement restrictions. Any temporary signs shall be allowed for a period of not to exceed twenty (20) days (maximum time of fifteen (15) days prior to event and maximum of five (5) days following event). Signs allowed under this section may only be utilized two (2) times within any twelve (12) month period for any person, group, business, corporation or other entity. Temporary signs are not permitted to be located on public property or right-of-way. Any temporary signs placed on public property or right-of-way shall be removed by the city and disposed of without notice. Applicants for temporary signs over 16 square feet shall obtain approval from the City Manager. The City Manager is authorized to utilize such forms and to require such information as is necessary to administer this section.

(L) *Warning signs.* Signs warning the public of the existence of danger, containing no advertising material, of a size as may be necessary, and to be removed upon subsidence of danger.

(M) *Residential garage or yard sales sign.* One (1) on-site residential garage or yard sale sign for each street frontage for a period of three (3) days and provided that the signs do not exceed five (5) square feet and are posted at least ten (10) feet from the front lot line and twenty-five (25) feet from all other lot lines.

(N) *Miscellaneous signs.*

(1) Notwithstanding § 178.10(E), signs not designed to be visible from any public or private way.

(2) Integral decorative or architectural features of structures, except letter, trademarks, moving parts, or moving lights.

(3) Memorial signs, tablets or plaques, or names of buildings and date of erection; when the same are six (6) square feet or less in size and are cut into any masonry surface or when constructed on bronze or other incombustible material.

(4) Signs on motor vehicles while in use in the normal course of business. This section shall not be construed or interpreted to permit parking of a vehicle to which signs are attached in a manner or location where such signs are not permitted so as to avoid the requirements of this chapter.

(5) . Flags and insignia of any government.

(O) Signs placed upon shelters provided for passenger comfort and convenience of the general public and situated at locations approved by the city along designated transit routes of the Space Coast Transit system.

(74 Code, § 3-9) (Ord. 82-21, passed 4-15-82; Am. Ord. 93-12, passed 6-3-93; Am. Ord. 96-21, passed 5-16-96; Am. Ord. 98-17, passed 7-16-98; Am. Ord. 2001-38, passed 6-21-01; Am. Ord. 2002-56, passed 9-19-02)

➔ § 178.10 PROHIBITED SIGNS.

The following types, classes and locations of signs are expressly prohibited in all districts of the city, except as otherwise provided by this chapter:

PB

- (A) *A-frame signs.* A-frame or sandwich board, sidewalk or curb signs are prohibited.
- (B) *Animated signs.* Animated signs, except for time and temperature displays, are prohibited.
- (C) *Banner signs.* Banner signs are prohibited except as temporary signs subject to the requirements of § 178.09(K).
- (D) *Beacon lights.* Beacon lights are prohibited.
- (E) *Off-premises signs.* Off-premises signs are prohibited unless otherwise stipulated in this code of ordinances.
- (F) *Parking of advertising vehicles.* No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public or private way, which vehicle or trailer has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertising of products or directing people to a business or activity located on the same or nearby property or any other premises. This division (F) is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle as required by law.
- (G) *Public areas.* Except for governmental signs, no sign shall be permitted that is placed on any public easement, right-of-way, curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property or over or across any public or private thoroughfare, unless expressly authorized by the City Council for temporary signs under § 178.09(K). Any signs violating the provisions of this division (G) shall be summarily removed by the city and destroyed unless the city can determine from the face of the sign to whom such sign belonged. If the owner is readily ascertainable from the face of the sign, then the sign shall be held and disposed of pursuant to § 178.09(F).
- (H) *Roof signs.* Roof signs are prohibited.
- (I) *Snipe signs.* Snipe signs are prohibited.
- (J) *Swinging signs.* No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action.
- (K) *Waterfront signs.* No sign shall be erected that is intended to be seen or draw attention of users of any waterway, canal, lake or other water body excluding any warning sign, navigational sign or permitted sign located at an operating public marina, dock or pier.
- (L) *Unclassified signs.* The following signs are also prohibited:
- (1) Signs that bear or contain statements, words or pictures of an obscene, pornographic character or which contain advertising matter which is untruthful.
 - (2) Signs painted on or attached to any fence or any wall that is not structurally a part of a principal building, except to identify a residence or residence structure by means of posting the name of the occupant and the street address.
 - (3) Signs that operate or employ any stereoptic or motion picture projection or media in conjunction with any advertisements, or have visible moving parts or any portion of which moves or gives the illusion of motion except as otherwise permitted by this chapter.

PB

(4) Signs that emit audible sound, odor or visible matter.

(5) Signs that purport to be, or are in imitation of, or resemble an official traffic sign or signal, or which bear the words "Stop," "Go Slow," "Caution," "Danger," "Warning" or similar words.

(6) Signs that by reason 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 or signal and device or any sign which would obstruct the view at or around a corner, intersection or curve.

(M) *Abandoned signs.* Abandoned signs are prohibited.

(N) *Hazardous signs.* Hazardous signs are prohibited.

(O) *Nuisance signs.* Nuisance signs are prohibited.

(74 Code, § 3-10) (Ord. 82-21, passed 4-15-82; Am. Ord. 85-6, passed 3-7-85; Am. Ord. 2000-67, passed 12-21-00; Am. Ord. 2001-38, passed 6-21-01; Am. Ord. 2002-56, passed 9-19-02)

§ 178.11 SUPPLEMENTARY REGULATIONS OF AND LIMITATIONS ON PERMITTED SIGNS.

The following general regulations and limitations shall apply to all signs permitted within the city unless otherwise expressly exempted in other sections of this chapter.

(A) *Design and construction.* The design, construction and erection of all signs permitted within the city shall conform to the requirements of the Standard Building Code, adopted in Chapter 170 of this code of ordinances. Signs containing components to be connected to an electrical energy source shall also conform to the requirements of the National Electrical Code, adopted in Chapter 170 of this code of ordinances. Where the requirements of this chapter are in conflict with the requirements of the above codes, the provisions of this chapter shall govern.

(B) *Illuminated signs.* Light sources for illuminated signs shall be provided with glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. All light sources shall be maintained in good working condition.

(C) *Sign setbacks.* Sign setbacks shall be determined to be the leading edge of the sign or supporting structure.

(D) *Premises surrounding signs.* All signs and the premises surrounding the signs shall be maintained by the permittee or owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, debris and weeds.

(E) *Wall sign calculations.* The requirements of § 178.12 regarding wall signs shall apply individually to each principal building wall or each part of a wall of a principal building used by a separate business or tenant. In computing the area of a wall sign, all doors and windows shall be counted as part of the area of the wall; wall sign area shall not exceed ten percent (10%) of the total wall area on which it is located up to a maximum area of two hundred (200) square feet.

PB

(F) *Overhead electrical conductors.* No sign or advertising structure shall be erected closer to any overhead electrical conductor than seven (7) feet where the difference in potential between any two (2) conductors or between any one (1) conductor and ground shall exceed seven hundred and fifty (750) volts.

(G) *Signs abutting residential property.* No sign shall be placed on the side or at the rear of a business property so as to face abutting residential property.

(H) *Detached accessory signs.* Street frontage on minor streets shall not be included as frontage when determining the number or area of permitted detached accessory signs. Signs must be placed on the side of the premises that is used in determining the allowable sign area.

(I) *Restriction of vision.* No sign or advertising structure shall be erected or maintained in any location that will obstruct the view of or prevent the driver of a motor vehicle from having a safe line of sight at the intersection of two (2) streets, a street and a railroad, or a street and a driveway.

(J) *Future improvement signs.* Future improvement signs shall be erected for a period not to exceed six (6) months. A permit for such signs shall be renewable for six (6) month terms but shall automatically terminate upon the issuance of a building permit.

(K) *Semipublic uses in residential district.* Signs identifying schools, churches, parks, or other semipublic uses located in residential districts shall comply with the permitting requirements and standards identified for commercial and industrial signs in § 178.12.

(L) *Portable or mobile signs.*

(1) A permit for a portable or mobile sign may be issued for any one (1) person and location twice during a twelve (12) month period. This permit shall not exceed a period of twenty (20) days. If such sign is not removed after expiration of a permit, the city shall remove the sign. Similarly, if any such sign is utilized or operated without a valid permit, such sign shall be immediately removed by the city. Such removed sign shall be held for a period of not less than sixty (60) days; at such time any such sign will be sold to pay the costs incurred for removal and storage of such sign. The owner of such sign may recover such sign at any time after removal if such person pays the costs prior to the sale. Permit fees for portable signs shall be as required for permanent signs.

(2) The permittee shall keep the permit for a portable or mobile sign on the permittee's premises.

(3) No portable or mobile signs may be utilized to advertise, or otherwise draw attention to a product, use, facility, service or activity, event, person, institution or business which is not available for sale or performance on the premises where the sign is located.

(4) Portable signs shall not exceed forty (40) square feet in area and shall be placed at least ten (10) feet from all lot lines. The allowable area of a portable sign shall not be considered as part of the maximum allowable area for accessory signs.

(5) Portable signs shall be limited to commercial and industrial zoning districts only.

(6) No portable sign shall be placed in a parking space which is required to meet the minimum parking requirements.

PB

(7) Minimum spacing between any two (2) signs on the same side of the road shall be four hundred (400) feet.

(8) Illumination may be direct or indirect.

('74 Code, § 3-15) (Ord. 82-21, passed 4-15-82; Am. Ord. 2001-38, passed 6-21-01; Am. Ord. 2002-56, passed 9-19-02)

§ 178.12 SCHEDULE OF PERMITTED SIGNS IN ZONING DISTRICTS.

The following shall apply to each premise and shall be used to determine the class, type, location, number and allowable sign illumination for permitted signs and shall apply individually to all such signs according to type and class unless otherwise specifically provided for in this chapter.

To view a printer-friendly, PDF version of this table, click [here](#)

Residential Zoning Districts

<i>Sign Type</i>	<i>Construction Class</i>	<i>Maximum Number</i>	<i>Maximum Area</i>	<i>Maximum Height</i>	
Construction	Detached or wall	1 per street frontage	Multi-family, 16 sq. ft.	10 ft.	At least 10 ft. 25 ft. from an
Directory	Detached or wall	1	16 sq. ft.	10 ft.	Must observe
Directional	Detached and/or wall	2 per public entrance	3 sq. ft. each	Detached, 3 ft; wall, 10 ft.	Nonrestricted signs shall im safety
Future improvement	Detached	1 per street frontage	Single-family, 6 sq. ft. Multi-family, 16 sq. ft.	10 ft.	At least 10 ft. 25 ft. from an
Real estate	Detached or wall	1 per street frontage	16 sq. ft. for multi-family; and for unim proved parcels greater than 10 acres in single-family districts	Detached, 6 ft.; wall, 10 ft.	At least 10 ft. 25 ft. from an
Subdivision	Detached and/or wall	2 per public entrance	32 sq. ft. each	10 ft.	Nonrestricted sigh shall imp safety

Commercial and Industrial Zoning Districts

<i>Sign Type</i>	<i>Construction Class</i>	<i>Maximum Number</i>	<i>Maximum Area</i>	<i>Maximum Height</i>	
Accessory	Wall, marquee or projecting	Unrestricted	10% of area of wall upon which sign is located,	Roof line of building	Nonrestricted

Residential Zoning Districts

Sign Type	Construction Class	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination
Construction	Detached or wall	1 per street frontage	Multi-family, 16 sq. ft.	10 ft.	At least 10 ft. from front lot line and 25 ft. from any other lot line	None
Directory	Detached or wall	1	16 sq. ft.	10 ft.	Must observe all yard regulations	None
Directional	Detached and/or wall	2 per public entrance	3 sq. ft. each	Detached, 3 ft; wall, 10 ft.	Nonrestricted except that no such signs shall impede vision for traffic safety	Indirect or direct
Future improvement	Detached	1 per street frontage	Single-family, 6 sq. ft.	10 ft.	At least 10 ft. from front lot line and 25 ft. from any other lot line	None
			Multi-family, 16 sq. ft.			
Real estate	Detached or wall	1 per street frontage	16 sq. ft. for multi-family; and for unimproved parcels greater than 10 acres in single-family districts	Detached, 6 ft.; wall, 10 ft.	At least 10 ft. from front lot line and 25 ft. from any other lot line	None
Subdivision	Detached and/or wall	2 per public entrance	32 sq. ft. each	10 ft.	Nonrestricted except that no such sign shall impede vision for traffic safety	Direct

PB

Commercial and Industrial Zoning Districts

Sign Type	Construction Class	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination
Accessory	Wall, marquee or projecting	Unrestricted	10% of area of wall upon which sign is located, maximum of 200 sq. ft. total	Roof line of building	Nonrestricted	Direct and indirect
	Detached in the NC, CC, HC, LI and HI District	1 per street frontage for parcels exceeding 150 linear ft. on a single street	64 sq. ft. or 20% of street frontage whichever is greater up to a maximum of 144 ft.	25 ft.	Must observe all yard regulations, except that signs may be located not less than 10 ft. from the front lot line	Direct and indirect
		1 per street frontage for parcels less than 150 linear ft. on a single street	64 sq. ft.	10 ft.		
Construction	Detached in the OP, RC, and BMU District	1 per street frontage	32 sq. ft.	10 ft.	At least 10 ft. from front lot line and 25 ft. from any other lot line	None
Directory	Detached and/or wall	1 per principal building	16 sq. ft.	10 ft.	Must observe all yard regulations	Indirect
Directional	Detached and/or wall	2 per public entrance	3 sq. ft.	Detached, 3 ft.; wall, 10 ft.	Nonrestricted except that no such sign shall impede vision for traffic safety	Indirect or direct
Future improvement	Detached	1 per street frontage	16 sq. ft.	10 ft.	At least 10 ft. from front lot line and 25 ft. from any other lot line	None
Real estate	Detached or wall	1 per street frontage	16 sq. ft.	10 ft.	At least 10 ft. from front lot line and 25 ft. from any other lot line	None
Shopping center	Detached	1 per street frontage	32 sq. ft.	10 ft.	At least 10 ft. from front lot line and 25 ft. from any other lot line	Indirect
Industrial park	Detached	2 per public entrance	32 sq. ft.	10 ft.	At least 10 ft. from front lot line and 25 ft. from any other lot line	Indirect
Interchange District	Detached	1 per developed parcel	200 sq. ft.	60 ft.	Must meet parking setbacks	Direct or indirect

(74 Code, § 3-16) (Ord. 82-21, passed 4-15-82; Am. Ord. 96-23, passed 6-20-96; Am. Ord. 2003-44, passed 11-20-03)

Agenda Item

#2

Portion of West Melbourne Signage Code

(Portion) - WEST Melbourne Sign = (WM)

Sec. 72-14. - Permanent on-site signs.

(a) *Detached signs.* Detached signs (pole or ground-mounted) may be permitted for sites within the C-1A, C-1, C-2, C-P, M-1, M-2 and P-1, subject to the following:

(1) *Number of signs.* One detached sign for each site fronting on a public street. For shopping centers, as defined in chapter 63, located on more than one street frontage, two detached signs shall be permitted, with a minimum of 300 feet along street frontages between the signs and with the choice of street frontages used to be at the discretion of the applicant. In no case shall two detached signs be permitted on any one street frontage. For all other businesses on more than one street, two detached signs shall be permitted, one on each frontage but not blocking the line of sight of driveways.

(2) *Sign size and height.* The size the surface area of detached signs shall be based on the square footage of the front wall area. Except for scenic corridor signs, the maximum sign surface area permitted shall be ten percent of the front wall area, provided that no sign surface area shall exceed 100 square feet. For shopping centers, the name of the shopping center must be listed on the sign but is not part of the maximum surface area size limit. See the scenic corridor sign subsection for information on additional shopping center size.

The maximum height of detached signs shall be 12 feet above ground level. For shopping centers as defined in chapter 63, the maximum height of a shopping center sign advertising multiple tenants shall be 20 feet above ground level.

(3) *Sign construction.* All detached signs shall be constructed of rigid construction materials in accordance with the building code and shall be able to withstand the maximum wind velocity as set forth in the building code. Wherever anchors or supports consist of wood embedded in soil, the wood shall be pressure treated with an approved preservative.

(4) *Sign location and placement.* Ground signs shall be prohibited in areas normally used by vehicles and may be erected in an area so as to not inhibit visual clearance of vehicles. All detached signs shall be a minimum of ten feet from any public or private right-of-way and 7½ feet from any other property line. All detached signs for shopping centers with ten acres or more shall be at least ten feet from a property line.

(5) *Sign lighting and landscaping.* Lighting reflectors may project beyond the face of the sign.

a. All detached signs shall be landscaped at the base with a minimum of one square foot of landscape material for every foot of facial area.

b. Detached signs shall be prohibited in areas that will interfere with the mature growth of trees, both existing and planted, at or near the time of installment of the sign.

(6) *Scenic corridor signs.* For purposes of this subsection, the city establishes U.S. 192, Wickham Road, Minton Road, Dairy Road and Palm Bay Road as scenic corridors in order to improve the aesthetics of the city along major commercial corridors. Except as may be otherwise authorized by this chapter, any detached sign proposed along any scenic corridor right-of-way frontage shall be subject to the following additional criteria:

a. The maximum sign surface area for scenic corridor signs shall be 72 square feet. For shopping centers, the maximum sign surface area shall be 150 square feet. The shopping center name shall be listed on the sign but is not part of the maximum surface area size limit.

b. All other requirements set forth in this chapter shall apply, including design, structural requirements and maintenance.

(b) *Directory signs.* In addition to the allowable detached sign, sites that contain two or more buildings with multiple business or institutional organizations as tenants may be permitted a directory sign subject to the following:

(1) The maximum height for directory signs shall not exceed ten feet above ground level.

MM

- (2) The maximum sign surface area for directory signs shall be 24 square feet.
 - (3) The maximum height of letters used on directory signs shall be two inches.
 - (4) Directory signs shall only contain business names and addresses for on-site businesses, including building numbers, suite numbers and the like.
 - (5) There shall only be one directory sign at the entrance of the multiple tenant buildings and a second one is allowed if the property is at an intersection, on the other road.
 - (5) Directory signs shall be located no closer than 20 feet from the right-of-way and 7½ feet from any other property line.
 - (6) Directory signs shall be located only in areas that will not cause visual hazards to the motorist or cause on-site traffic hazards due to the use of the signs.
- (c) *Driveway entrance and exit signs.* In addition to the allowable detached sign, driveway signs with the indications by words, or symbols for entrance and exits, may be permitted in any zoning district where there is a common area or business needing driveway identification, subject to the following:
- (1) Driveway entrance and exit signs displaying a single business name and/or logo may be permitted on each side of entrance and exit driveways. The business name and/or logo shall be for a business located entirely on the subject site.
 - (2) The maximum sign surface area for driveway entrance and exit signs shall be two square feet.
 - (3) The maximum height shall be four feet.
- (d) *Gas and fuel station signs.*
- (1) Any businesses where gasoline or any fuel is sold at retail shall, in addition to the signs permitted under previous sections of this chapter, be permitted signs subject to the following:
 - a. *Number of signs.* A sign shall be permitted which is visible from the abutting right-of-way reflecting the current retail price of the various grades of gasoline, provided such sign is attached to a permitted detached sign.
 - b. *Sign size.* Such sign shall be not less than four square feet or more than eight square feet in area for each grade of fuel. All lettering of the signs displaying the current retail price of the various grades of fuel shall be a minimum of 16 inches in height. Additionally, each grade of fuel must be noted by letters a minimum of three inches in height.
 - (2) Additional canopy sign. Signs reflecting a single name and single logo of the fuel company shall be permitted to be attached or affixed to two elevations of the fuel island canopy. Canopy signs shall be limited to one per street frontage for a total of two such signs, and with the choice of street frontages at the discretion of the applicant. Such signs shall not be installed above or below the fascia of the canopy, and shall not be backlit with neon lights or scintillating lighting, or painted in neon colors.
 - (3) The additional canopy signage for businesses selling fuel shall be subject to all permitting and fee requirements.
- (e) *Interchange signage.* Interchange signs may be permitted in the zoning districts in the interchange commercial overlay district, underlying zoning districts - CP, C-2, C-1, subject to the following:
- (1) For purposes of this section, the term "interchange commercial overlay" area is defined by section 98-950, as an area within one mile of the I-95 interchanges. Interchange signage allows the display of business information to motorists along the highway.
 - (2) Sites adjacent to an interchange. The interchange commercial overlay districts allows one interstate sign, 60 feet in height. Signs shall be placed in close proximity to the interstate and shall be kept away from adjacent properties and other rights-of-way. This sign shall be permitted for each parcel that meets the following criteria:
 - a. *Site requirements:*

WM

1. Lot size: At least one acre.
 2. Road frontage: Contains 200 feet of Interstate 95 road frontage.
 - b. *Setbacks*: The setbacks shall be measured from the base of the sign structure or from the nearest edge of the sign, whichever is closest to the property line. Dimensional requirements are as follows:
 1. Maximum of 50 feet and minimum of 7½ feet from Interstate 95 right-of-way line.
 2. Minimum of 50 feet from any other public or private right-of-way line.
 3. Minimum of ten feet from any other property line.
 4. Billboard and sign separation: At least 500 feet of separation distance from the proposed sign to an existing billboard to prevent billboard viewshed issues described by the Florida Department of Transportation (shown on a plat or boundary survey, or other reasonable satisfactory evidence).
 - c. *Sign height and size*:
 1. Height: 60-foot tall interstate sign.
 2. Size: 400 square feet of sign face on each side shall be permitted.
- (3) Sites within one-half mile of an interchange. The interchange commercial overlay district allows one sign, 45 feet in height, that meets the following criteria:
- a. *Site requirements*:
 1. Lot size: At least one acre.
 2. Property location: Within one-half mile (2,640 feet) of an interstate interchange.
 3. Road frontage: Frontage of 100 feet along a local road or higher classification of road.
 - b. *Setbacks*: The setbacks shall be measured from the base of the sign structure or from the nearest edge of the sign, whichever is closest to the property line. Dimensional requirements are as follows:
 1. A minimum of 20 feet from any public or private right-of-way lines.
 2. A minimum of ten feet from any other property line.
 3. A minimum of 110 feet from a sign on an adjacent property.
 4. Billboard and sign separation: At least 500 feet of separation distance from the proposed sign to an existing billboard to prevent billboard viewshed issues described by the Florida Department of Transportation (shown on a plat or boundary survey, or other reasonable satisfactory evidence).
 - c. *Sign height and size*:
 1. Height: 45-foot tall sign.
 2. Size: 250 square feet of sign face on each side for properties that are not eligible for the sign height and area described in subsection (2) above.
- (4) An applicant that has a corner property on a highway and the roadway shall choose one type of sign as allowed under this section for interchange signs.

For all properties, if one interchange commercial overlay district sign is selected, the applicant shall also be allowed one additional detached sign in accordance with the sign code, subsection (e) of this section "detached signs" or subsection (i) of this section "scenic corridor" sign criteria.

WM

- (5) Landscaping requirements for interchange commercial overlay district signs within one-half mile of the interchange, excluding interchange signs adjacent to the highway, shall be as set forth in this section for detached signs.
 - (6) All other requirements set forth in this chapter shall apply, including design, structural requirements and maintenance.
 - (7) If an applicant in the half-mile radius of the interchange desires a 60-foot tall sign, all the other requirements listed in subsection (3) apply, however, the sign size can be 400 square feet. The applicant shall submit a sign site plan and line of sight drawing depicting the evidence of obstacles by existing trees, buildings and the built environment to request a sign beyond 45 feet in height. Review of the request shall be approved by the planning director. No 60-foot tall sign shall have more than two faces for its message to be visible to motorists on the highway.
- (f) *Neighborhood identification signs.* In any zoning district, a sign, masonry wall, landscaping, and other materials or features may be combined to form a display for neighborhood or community identification, provided that, the legend of such sign or display shall consist only of the neighborhood or community name. The term "neighborhood identification sign" is defined in chapter 62.
- (1) *Number of signs allowed:* The number of such signs shall be limited to two, one at each entrance.
 - (2) *Sign size:* Any symbol and lettering or combination shall cover no more than 15 percent of the area of the sign, and such sign shall contain no more than 150 square feet in area.
 - (3) *Sign location:* If such neighborhood identification sign is to be placed within an area of a public right-of-way not normally or customarily used by vehicles, the person desiring to construct such sign shall comply with the leasing and insurance provisions of subsection 72-14(h)(5).
- (g) *Projecting signs.* Projecting signs may be permitted upon buildings or structures in the C-1A, C-1, C-2, M-1, M-2 and P-1 zoning districts subject to the following:
- (1) Sign location, attachment and quantity. The location, size and number of projecting signs shall be in accordance with that set forth in subsection 72-14(i), Wall signs, and the following:
 - a. *Total area of wall and projecting signs:* The total combined size of wall signs, marquee signs, or projecting signs shall not exceed the requirements of subsection 72-14(i), Wall signs.
 - b. *Sign location and placement:* A projecting sign shall not be erected on the wall of any building so as to project above the roof or cornice wall or above the roof level where there is no cornice wall. However, a sign erected at a right angle to the building, the horizontal width of which sign perpendicular to such wall does not exceed four feet, may be erected to a height not exceeding six inches above the cornice wall or lower roof level. A sign attached to a corner of a building and parallel to the vertical line of such corner shall be deemed to be erected at a right angle to the building wall. Clearance above ground level shall be no less than eight feet.
 - c. *Attachment of projecting signs:* All projecting signs shall be securely attached to a building or structure by metal supports such as bolts, anchors, chains, guys or steel rods per the Florida Building Code.
 - (2) Projecting signs shall not be used in combination with wall signs in meeting the requirements of this section.
- (h) *Subdivision signs.* Subdivision signs shall be subject to the following:
- (1) *Number of signs allowed:* The number of such signs shall be limited to two per entrance, one on each side of the entrance.
 - (2) *Sign size and height:* A subdivision sign, together with its support structure, shall not exceed 250 square feet in total area and shall not exceed a height of 12 feet to the highest point of the support structure. "Support structure" shall mean the wall, fence, or other structure for which a

WM

subdivision or development sign is attached or affixed. The height of the copy area of the sign shall not exceed the height of the support structure. Height shall be measured in accordance with the building code.

- (3) *Sign location:* No subdivision or development sign shall be located closer than ten feet from any public or private right-of-way, except as expressly allowed by this section.
- (4) *Copy area:* The copy area of any subdivision or development sign shall not exceed 64 square feet and shall be limited to the name of the subdivision or development.
- (5) *Signs in the right-of-way:* At the sole discretion of the city, signs may be permitted in those areas of public or private rights-of-way not normally or customarily used by vehicles, provided signs proposed in the public right-of-way comply with the following:
 - a. The area of the public right-of-way on which such sign is located shall be leased from the city in accordance with and by means of an acceptable lease agreement between the developer, the owner, or the owners' association as lessee and the city as lessor.
 - b. The lessee shall provide to the building department prior to the issuance of any permit for any work associated with such sign an insurance certificate made out to the city as evidence that the lessee has in force a public liability insurance policy insuring the lessee's liability for damage or injury to persons or property upon the leased public property. Such insurance policy shall be approved by the city and shall be issued by an insurance company licensed to do business in the state. Each such insurance policy shall have minimum liability insurance coverage of \$300,000.00 for death or personal injury, and the premium therefor shall be prepaid by the lessee. Any lapse of the minimum insurance coverage shall be cause for immediate removal of the sign by the city.

(i) *Wall signs.* Wall signs may be permitted upon buildings or structures in the C-1A, C-1, C-2, C-P, M-1, M-2 and P-1 zoning districts subject to the following:

- (1) *Sign location:* Walls signs may be placed on the building elevation or on a detached wall or fence located on the premises which surrounds all or a portion of the premises.
- (2) *Sign size:* The maximum size shall be calculated based on the location of the sign as follows:
 - a. *Front elevation or detached wall/fence:* Wall signs installed or affixed onto the front elevation of a business or on the detached wall or fence shall not exceed a maximum of 15 percent of the front wall area, provided that the maximum size of any sign shall not exceed 275 square feet.
 - b. *Other elevations:* The size of a wall sign installed or affixed onto any elevation other than the front shall be a maximum of ten percent of the wall area, provided that the maximum size of any sign shall not exceed 200 square feet.

Relationship of wall signs to roofline. Wall signs shall not extend a vertical distance of more than six inches above the visual roofline at the top of the wall, including the top of a canopy, mansard, parapet or marquee.

- (3) *Placement of wall signs:* Each separate business may install or affix a wall sign onto multiple elevations of the actual business premises occupied by such establishment meeting the overall sign size restrictions. The elevations of the business chosen for the placement of the signs shall be at the discretion of the applicant.
- (4) *Sign height:* Wall signs shall not extend more than six inches above the visual roofline including the top of a canopy, mansard, parapet, or marquee.
- (5) *Multiple tenants:* A multiple-tenant shopping center of three or more separate establishments in the C-1, C-2 or C-P zoning district may, in addition to the wall signs for the business establishments, install or affix two wall signs containing only the name of the shopping center. The location and size requirements shall be as provided for in subsections (c)(2) and (3) of this section 72-14.

WJH

- (6) Wall signs shall not be used in combination with projecting signs in meeting the requirements of this section.

(Ord. No. 2012-27, § 2(exh. A), 12-18-2012; Ord. No. 2013-30, § 1, 12-3-2013; Ord. No. 2014-22, § 1, 9-3-2014)

Sec. 72-15. - Off-site digital billboard signs.

Digital billboard signs, as defined as an off-site sign, may be permitted in the interchange commercial overlay district, as described in section 98-951, with the underlying zoning districts, C-1, C-2 and CP, the M-2 industrial district, the R-2 and R-3 multiple-family zoning districts, subject to the following:

- (1) For purposes of this section, the term "interchange commercial overlay" area is defined by zoning code section 98-950, as an area within one mile of the I-95 interchanges.
- (2) Adjacent to an interchange. Within one mile of the I-95 interchanges, lots in the interchange commercial overlay, or in the M-2, R-2 and R-3 districts, shall be permitted to erect digital billboard signs. The intent of this sign is to display business information to motorists along Interstate 95. This sign shall be permitted for each lot that meets the following criteria:
 - a. *Lot size.* At least one acre.
 - b. *Road frontage.* Contains 200 feet of Interstate 95 road frontage.
 - c. *Size and quantity.* Only one digital billboard sign, two-sided, with no more than 900 square feet of sign face on each side. The height of the digital billboard shall not exceed 65 feet above the crown at closest point of the adjacent limited access road, defined in the Florida Statutes as "main-traveled way".
 - d. *Setbacks.* The setbacks shall be measured from the base of the sign structure or from the nearest edge of the sign, whichever is closest to the property line. Dimensional requirements are as follows:
 - 1. Minimum of 15 feet from Interstate 95 right-of-way line.
 - 2. Minimum of 50 feet from any other public or private right-of-way line.
 - 3. Minimum of ten feet from any other property line.
 - 4. Minimum of 150 feet from single-family zoning districts.
 - 5. Minimum of 1,000 feet from the leading edge of billboards on abutting properties and 350 feet from the leading edge of billboards on the opposite side of the Interstate 95 right-of-way line.
 - e. *Prohibited displays.* To avoid unnecessary distraction to motorists, the following requirements apply:
 - 1. *Sign distraction.* Digital billboards shall not contain scrolling, moving messages, and there shall be no movement or the appearance or optical illusion of movement of any part of the sign structure, or panels attached to the sign face. Digital billboards shall not contain messages with varying degrees of illumination or light intensity, or flashing or scintillating messages.
 - 2. *Road signs.* Digital billboards shall not display words like "stop" or "danger" in such a manner as to appear to like official road signs or to imply the presence of danger.
 - f. *Lighting limitations.* The technology being used for digital billboards is LED (light emitting diode), but there may be alternate, preferred and superior technology available in the future. Each display shall have a light sensing device with dimming ability that will adjust the brightness of the billboard as ambient lighting conditions change. Light intensity shall be adjusted so as not to exceed 0.3 footcandles above ambient lighting, as shown with the

WH

submittal of engineer prepared chart(s) and/or aerial or other site image depicting light measurement calculation points depicting the footcandles at a pre-set distance. The pre-set distance to measure the footcandle impacts vary with the expected viewing distances and the face size of each sign noted in the following table: (the engineer prepared chart(s) and/or aerial or other site image shall include the projected footcandles perpendicular from the sign face and at distances stated for each face size:

Face Size	Distance
12' x 25'	150'
10.5' x 36'	200'
14' x 48'	250'

- g. *Minimum display time.* Each message on the sign must be displayed for a minimum of eight seconds with a maximum transition period of one second between messages.
 - h. *Emergency information announcements.* Owners of digital billboards shall coordinate with the local authorities to display, without charge, on an as-needed basis, regional emergency information important to the traveling public including amber alerts, evacuation information, hurricane warnings or pertinent emergency management information. Digital billboard owners are encouraged to display the emergency information for a time period as needed by the government agencies. Said owners shall be required to submit contact information to the city as part of their permit application, which will be relayed to the county emergency operation center, law enforcement agencies and the Florida Department of Transportation.
- (3) All other requirements set forth in this chapter shall apply, including design, structural requirements and maintenance, and submittal of documents to demonstrate compliance with these codes.

(Ord. No. 2012-27, § 2(exh. A), 12-18-2012; Ord. No. 2014-21, § 1, 9-3-2014; Ord. No. 2015-18, § 1, 9-22-2015)

Agenda Item

#2

Portion of City of Melbourne Signage Code

(Portion) City of Melbourne = COM

CHAPTER 11. - SIGNS AND ADVERTISING¹⁴¹

Footnotes:

--- (14) ---

State Law reference— Authority to regulate signs, F.S. § 166.0425; billboards, outdoor advertising, F.S. § 759.01 et seq.

Sec. 11.01. - Title.

This chapter shall be known and may be cited as the "Sign Ordinance" of the city.

(Ord. No. 2009-34, § 2, 11-24-2009)

Sec. 11.02. - Statement of purpose.

The purpose of this sign ordinance is to provide the minimum control of signs necessary to promote the health, safety, and general welfare of the citizens of Melbourne, Florida, by lessening hazards to pedestrians and vehicular traffic, by preserving property values, by preventing unsightly and detrimental signs that would detract from the aesthetic appeal of the city and lead to economic decline and blight, by preventing signs from reaching such excessive size or numbers that they obscure one another to the detriment of the city, by ensuring good and attractive design that will strengthen the city's appearance and economic base, and by preserving the right of free speech and expression in the display of signs.

(Ord. No. 2009-34, § 2, 11-24-2009)

Sec. 11.03. - Commercial and noncommercial speech may be expressed.

Anything in this sign ordinance to the contrary notwithstanding, any sign permitted by this ordinance may display a noncommercial message and all signs bearing a noncommercial message are deemed to be on-premises signs.

(Ord. No. 2009-34, § 2, 11-24-2009)

Sec. 11.04. - Definitions.

Unless otherwise clearly required by the context, the terms used in this chapter shall have the following meanings:

Administrator: The building official or the building official's authorized designee, who shall act as administrator of the provisions of this ordinance.

Aggregate sign area: The total available sign area of all sides or portions of a sign.

Animated sign: A sign which includes action or motion or the optical illusion of action or motion, or color changes of all or any part of the sign, or which flashes or alternates. An "animated" sign includes a "changeable copy" sign.

Balloon: A flexible, nonporous bag inflated with air or a gas.

COM

Banner: A sign intended to be hung by being tethered, made of paper, plastic, or fabric of any kind.

Bench sign: A sign indelibly drawn, painted or printed upon a bench.

Building sign: A permanent sign displayed upon or attached to any part of the exterior of a building including, but not limited to, walls and windows.

Changeable copy sign: A sign with a fixed or changing display composed of a series of lights that may be changed through electrical or electronic means not more than once every eight seconds.

Community shopping center: A commercial development that has a total gross floor area of 200,000 square feet for all structures, a minimum of 15 individual units, and at least 1,500 linear feet of frontage on at least two arterial rights-of-way.

Construction sign: A sign erected on-premises under construction.

Copy: The letters, text or other graphics which compose the message displayed upon the sign surface area.

Directional sign: A ground or building sign located at the exit or entrance of a premises.

Exempt sign: A sign for which a permit is not required but which must, nonetheless, conform to the other terms and conditions of these regulations and the Florida Building Code requirements.

Flag: A sign made of a fabric type of material secured on one side from a flagpole such that the sign material hangs limply or drooping when not set in motion by the movement of air or a sign made of a fabric type of material secured from a flexible rod or pole.

Flagpole: A freestanding, ground-mounted, structure or a structure mounted to a building, or to the roof of a building and used for the sole purpose of displaying a flag.

Flashing: A pattern of changing light illumination where the sign illumination alternates suddenly between illuminated and non-illuminated.

Ground sign: A sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building.

Height of sign: The distance from the top of the sign structure to the ground elevation of the public right-of-way closest to the base of the sign.

Inflatable sign: An object or device that can be filled with air or gas and constructed so as to resemble a figure or object when inflated.

Institutional use: One or more contiguous acres under unified ownership which are developed as part of a unified plan and used predominately for religious, cultural, charitable, educational, hospital or governmental purposes.

Lightpole sign: A ground sign displayed on a lightpole in the public right-of-way which is supported at the top and bottom of the sign by brackets or other rigid supports.

Mural: A sign that is a painting or an artistic work composed of photographs or arrangements of color and that displays a commercial or noncommercial message, and relies solely on the side of the building for rigid structural support.

Nonconforming sign: A sign lawfully in existence within Melbourne on the date of adoption of this ordinance, which does not conform to the requirements of this code.

Off-premises sign: A sign relating in its subject matter to other than the premises on which it is located or to products, accommodations or activities available on premises other than the premises on which the sign is located. A sign bearing a noncommercial message shall be deemed to describe activities on the premises where the sign is located.

COM

On-premises sign: A sign relating in its subject matter to the premises on which it is located or to products, accommodations or activities available on the premises where the sign is located. A sign bearing a noncommercial message is an on-premises sign.

Pennant: A triangular shaped sign or series of signs made of paper, plastic or fabric of any kind intended to be hung by being tethered along its base.

Portable sign: Any sign which is not permanently affixed to a building, structure or the ground in accordance with requirements of the Florida Building Code and which may be moved readily from place to place; except that this definition shall not apply to signs painted directly on vehicles or signs displayed through, but not on, windows.

Premises: The lot or lots, plots, portions or parcels of land considered as a single development or activity, including, but not limited to, shopping centers, industrial parks, office parks and multi-use buildings.

Real estate sign: A ground or building sign erected on premises for sale, lease or exchange.

Rendition or render: A letter or order of determination by the administrator or the city board of adjustment is rendered when it is executed by or on behalf of the administrator or the board of adjustment, filed with the zoning administrator, and the recording secretary has recorded on the letter or order the date and time of its filing; provided, however, if the date and time of the recording secretary's filing of the letter or order is not recorded thereon the date of the execution of the letter or order shall be presumed to be the date it was actually filed in the records of zoning administrator.

Roof sign: A sign erected, constructed or maintained on the roof of any building.

Sign: Any writing, graphic or pictorial presentation, number, illustration, or decoration, flag, banner or pennant, figure or other device, including the sign structure and sign face area, which is used to announce, direct attention to, or otherwise make anything known, and which is visible from any public or private street, right-of-way, alley, or other public property. The term shall not be construed to include "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information, nor any grave marker, stained glass window, or manufacturer's mark or logo permanently affixed to a product or equipment.

Sign area: The entire area within the periphery of a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed, but not including a sign structure that does not bear copy. The surface area of the sign shall be measured from the outside edges of the sign or the sign frame, whichever is greater.

Sign structure: Structure which is designed specifically for the purpose of supporting a sign, or which has supported, or is capable of supporting, a sign. This definition shall include any decorative coves, braces, wires, support or components attached to or placed around the sign structure.

Snipe sign: Any sign which is attached in any way to a utility pole, tree, fence post, or any other similar object located on public or private property.

Subdivision sign: A ground or building sign erected at the entrance of a platted subdivision.

Temporary sign: A sign intended to be displayed before, during or after an event to which the sign relates, and which is scheduled to take place at a specific time and place.

Temporary noncommercial sign: A sign bearing a noncommercial message which is displayed before, during or after an event, to which the sign relates, and which is scheduled to take place at a specific time and place.

Unit: That part of a multi-occupancy complex housing one or more occupants or tenants.

Vehicle sign: Any sign displayed upon a vehicle where the principal purpose of the vehicle is not general transportation, but the display of the sign itself.

Window sign/service bay opening sign: A temporary sign which is painted on, attached to or visible through a window or a service bay opening. The display of merchandise is not a window sign or a service bay opening sign.

← END OF Def

COM

No sign shall be erected, constructed or maintained so as to obstruct any fire escape or any window or door or opening used as a means of egress or so as to prevent free passage from one part of a roof to any other part thereof. A sign shall not be attached in any form, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for legal ventilation.

(Ord. No. 2009-34, § 2, 11-24-2009)

Sec. 11.14. - Signs projecting over public property.

Signs projecting from a building or extending over public property shall maintain a clear height of ten feet above grade and they shall maintain a minimum of 24 inches of clearance from the edge of pavement.

(Ord. No. 2009-34, § 2, 11-24-2009)

Sec. 11.15. - Reserved.

Sec. 11.16. - Construction.

The construction of all signs erected in the city shall be in accordance with the Florida Building Code.

(Ord. No. 2009-34, § 2, 11-24-2009)

Sec. 11.17. - Reserved.

Sec. 11.18. - Exempt signs.

The following signs are exempt from the permit requirements of section 11.09, provided, however, that such signs must comply with all other requirements of this sign ordinance and the requirements of the Florida Building Code.

- A. Signs required by law or ordinance to be erected within the public right-of-way.
- B. Flags.
- C. Signs of six square feet or less.
- D. Signs erected on public property by governmental agencies having jurisdiction.
- E. One sign or tablet per building, of four square feet or less, when cut into any masonry surface, or when constructed of bronze or other incombustible material, and attached to the surface of a building or erected on a post or pedestal with a total height not to exceed four feet in height.
- F. Signs incorporated into machinery, equipment or other products by the manufacturer of same.
- G. Signs carried by a person.
- H. Temporary noncommercial signs.
- I. Construction signs.
- J. Real estate signs.
- K. Temporary window signs.

(Ord. No. 2009-34, § 2, 11-24-2009)



Sec. 11.19. - Prohibited signs.

Any sign not expressly permitted by this sign ordinance is prohibited, including without limitation, the following signs:

- A. Animated and flashing signs other than changeable copy signs.
- B. Snipe signs.
- C. Signs that rotate.
- D. Signs on public property except signs erected by a governmental agency having jurisdiction.
- E. Banners, banner signs, pennants, searchlights, twirling signs, "A" frame, sandwich board signs, sidewalk or curb signs and inflatable signs, except as may be expressly permitted pursuant to the special activity permitting procedures, outdoor display or seating area procedures, or when utilized as temporary window signs/service bay opening signs.
- F. Roof signs.
- G. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- H. Abandoned signs.
- I. Signs in violation of the Florida Building Code.
- J. Signs which face contiguous residential property.
- K. Signs with optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion.
- L. Signs or sign structures that interfere in any way with the free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that the light or ventilation is reduced to a point below that required by any provision of this code or other ordinances of the city.
- M. Off-premises signs.
- N. Any sign which is located, constructed, or maintained in such a way that such sign may be confused or interfere with official traffic signs, signals or devices placed by any governmental agency having jurisdiction of the right-of-way, or which may obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
- O. Portable signs except as expressly permitted under section 11.09(G) of this code.
- P. Vehicle signs.
- Q. Balloons.

(Ord. No. 2009-34, § 2, 11-24-2009; Ord. No. 2012-36, § 2, 9-18-2012; Ord. No. 2016-37, § 2, 6-14-2016)



Sec. 11.20. - Signs permitted in zoning districts.

- A. Permitted signs. Subject to the provisions of subsection B. hereof, the following on-premises signs are permitted provided they meet all of the requirements of this sign ordinance:
 - 1. Ground signs.
 - 2. Building signs.
 - 3. Flags.
 - 4. Reference appendix B, article V, Sec. 3, (2), (h) for specific codes regarding signs in the Eau Gallie Art Overlay Zone.

COM

B. On-premises signs in nonresidential zoning districts (R-P, C-1A, C-1, C-2, C-3, C-P, M-1, M-2, I-1) excluding residential uses in R-P, C-1A, C-1, C-3, and C-P are permitted subject to the following limitations:

1. Ground signs.

a. Number of ground signs.

- i. Properties with street frontage of less than 50 linear feet are not allowed a ground sign.
- ii. Properties with street frontage of 50 to 99 linear feet are allowed one ground sign for a total area not exceeding 50 square feet of sign face area.
- iii. Properties with street frontage greater than 100 linear feet are allowed one ground sign not exceeding 72 square feet.
- iv. Properties with street frontage greater than 600 linear feet are allowed two ground signs which in the aggregate will not exceed a total of 144 square feet with at least 150 feet of separation between ground signs. The separation distance between ground signs shall be measured as a straight line between the closest portion of each sign in relation to the other sign.
- v. Properties with street frontage greater than 1,000 linear feet are allowed three ground signs which in the aggregate will not exceed a total area of 250 square feet and at least 150 feet of separation between ground signs with no single sign exceeding 160 square feet. The separation distance between ground signs shall be measured as a straight line between the closest portion of each sign in relation to the other sign.
- vi. Properties developed as a "community shopping center" with a street frontage greater than 1,500 linear feet are allowed four ground signs which in the aggregate will not exceed a total sign area of 800 square feet and at least 150 feet of separation between ground signs with no single sign exceeding 200 square feet. The separation distance between ground signs shall be measured as a straight line between the closest portion of each sign in relation to the other sign.
- vii. The sign face area of any nonconforming ground sign located on the premises shall be included for purposes of determining the maximum allowable ground sign face area.
- viii. Any premises with multiple street frontages may allocate its total allowable ground sign face area among its permitted ground signs on any frontage. However, no more than one ground sign is permitted on any single street frontage with less than 600 linear feet.

b. Setbacks for ground signs.

- i. Setback shall be a minimum of ten feet from any property line abutting a public right-of-way.
- ii. Setback shall be a minimum of five feet from any other property line.

c. Height of signs. The maximum height for all ground signs is as follows:

Number of Signs Allowed	Maximum Height Allowed
0—2	up to 12 feet

COM

3	1 sign may be up to 20 feet and 2 signs may be up to 12 feet
4	2 signs may be up to 20 feet and 2 signs may be up to 30 feet

- d. Changeable copy ground signs are permitted only along property frontages that are adjacent to arterial roadways and institutional uses with property frontages that are adjacent to collector roadways, as the terms are defined in the City of Melbourne Comprehensive Plan, and subject to the following restrictions:
 - i. Operational limitations. Such displays shall contain static messages only and shall not have movement, or the appearance of optical illusion of movement of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or the varying of light intensity.
 - ii. Minimum display time. Each message on the sign must be displayed for a minimum of eight seconds. Transitions on such signs shall be instantaneous without the appearance of animation or flashing.
 - iii. Reserved.
 - iv. All electronic message center signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
 - v. The technology currently being deployed for electronic message center signs is LED (light emitting diode), but there may be alternate, preferred and superior technology available in the future. Any other technology that operates lawfully shall not require an ordinance change for approval.
 - vi. Prohibited display hours for institutional uses on collector roadways. Changeable copy ground signs may not be illuminated between the hours of 11:00 p.m. and 7:00 a.m.
2. Building signs.
- a. *Building sign area.*
 - i. Each single occupancy premises shall be entitled to building signs, not exceeding ten signs, with a total sign face area which, in the aggregate, shall not exceed the lesser of ten percent of the building exterior area upon which the building signs are to be located or 300 square feet.
 - ii. Each occupant of a multiple-occupancy complex may display building signs, not exceeding ten signs, on any unit exterior of the complex that is part of the occupant's unit (not including common or jointly owned area). The total allowable sign area, in the aggregate, shall not exceed the lesser of ten percent of the unit exterior building area upon which the building signs are to be located or 300 square feet.
 - b. *Building sign standards.*
 - i. Changeable copy building signs are permitted only on buildings with property frontages that are adjacent to arterial roadways as the term is defined in the City of Melbourne Comprehensive Plan, subject to the performance restrictions in section 11.20B.1.d. of this section.
 - ii. Temporary window signs/service bay opening signs. Each premises shall be permitted to have temporary window signs/service bay opening signs in one window

COM

or service bay; temporary window signs/service bay opening signs shall not exceed ten percent of the glass surface area of the window or service bay opening in which they are located.

- iii. No building sign shall be permitted above the roofline, cornice line, parapet, or the highest point of a facade of any structure, whichever is higher.
3. Directional signs. One directional sign shall be permitted at each point of vehicular ingress and egress to a premises and shall not be counted as part of maximum allowable signage provided the sign area of each such sign does not exceed four square feet and the sign height of each such sign does not exceed four feet.
4. Subdivision signs.
 - a. *Generally.* A sign may be displayed at the entrance to nonresidential subdivisions along an arterial or collector road.
 - b. *Nonresidential subdivision sign options.* Nonresidential platted subdivisions may choose one of the following options for subdivision signs:
 - i. One sign of up to 72 square feet in area and 12 feet in height located at the entrance to the platted subdivision on a tract of land jointly owned and maintained by all platted lots within the subdivision. No additional ground sign shall be permitted or constructed within the subdivision on any platted lot within the subdivision; or
 - ii. One sign at each entrance into the subdivision from each abutting street on a tract of land jointly owned and maintained by all platted lots within the subdivision. The sign may be a single sign with two faces of equal size or may be two single-faced structures of equal size located on each side of the entrance. The aggregate sign area of all faces shall not exceed 40 square feet in size, and may be illuminated in a steady light only. No such sign shall exceed eight feet in height.
5. Utility signs. Signs placed by public utilities on or in close proximity to the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances shall be permitted not to exceed three feet in height, and four square feet in area.
6. Murals. One mural per building is permitted citywide in non-residential zoning districts only. Single-family and two-family structures are not permitted a mural. Text, lettering or logo on a mural shall not exceed ten percent of the sign area of the mural, or 200 square feet, whichever is less. Murals shall not exceed 100 percent of the size of one wall. In areas outside of a community redevelopment area, murals shall not face contiguous single- or two-family structures.
7. Real estate sign. One real estate sign per premises is permitted except that any premises fronting on more than one road shall be permitted one real estate sign for each road frontage. No real estate sign shall exceed eight square feet in sign area or eight feet in height, and shall not be placed closer than ten feet from any lot line. Real estate signs shall be removed within five calendar days following the sale or leasing of the premises to which the sign relates.
8. Construction sign. One construction sign not exceeding 72 square feet in sign area or 12 feet in height per premises is permitted. No construction sign shall be erected more than five days prior to the issuance of a building permit for the improvement and such sign shall be removed within five days after the issuance of the certificate of occupancy for the improvement. No construction sign shall be erected closer than ten feet to any lot line.
9. Flags. Four flags are permitted provided they are flown from a flag pole or from a flexible rod or pole.
10. Temporary noncommercial signs. Temporary noncommercial signs are permitted for each premises. No temporary noncommercial sign shall exceed 72 square feet in sign area nor shall it exceed eight feet in height. The aggregate sign area for all temporary noncommercial signs

COM

shall not exceed 72 square feet. No temporary noncommercial sign shall be placed closer than ten) feet from any lot line. Temporary noncommercial signs shall be removed within five calendar days following the event to which the sign relates.

11. Signs of governmental agencies having jurisdiction displayed in the public right-of-way.

C. On-premises signs in residential zoning districts and districts in which residential uses are permitted, as designated in the Melbourne Land Development Code, are permitted subject to the following limitations:

1. Single-family residential signs. In single-family residential land use districts as designated in the Melbourne Land Development Code, only one ground or one building sign per premises not exceeding six square feet in sign face area or three feet in height is permitted. Home occupation signs are not permitted. Nothing contained in this section shall be construed to permit the display of signs when otherwise prohibited or restricted by private restrictions related to the residential dwelling unit.
2. Multifamily residential signs. In multifamily residential use districts as designated in the Melbourne Land Development Code, each multifamily residential dwelling unit may display only one ground sign or one building sign of not more than six square feet, or exceeding three feet in height. Home occupation signs are not permitted. Nothing contained in this section shall be construed to permit the display of signs when otherwise prohibited or restricted by private restrictions related to the residential dwelling unit.
3. Multifamily property signs or subdivision signs. Signs at the entrance to residential subdivisions or multifamily properties are permitted. One sign is permitted at each entrance into the subdivision from each abutting arterial or collector street. The sign may be a single sign with two faces of equal size or may be two single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed 40 square feet in size, and may be illuminated in a steady light only. No such sign shall exceed eight feet in height.
4. Signs for conditional uses in residential zoning districts are permitted with a maximum sign area of 72 square feet, a maximum height of 12 feet, and a required setback of ten feet from any property line. Changeable copy signs are prohibited.
5. Real estate sign. One real estate sign per premises is permitted except that any premises fronting on more than one road shall be permitted one real estate sign for each road frontage. No real estate sign shall exceed six square feet in sign area or three feet in height, and shall not be placed closer than ten feet from any lot line.
6. Construction sign. One construction sign not exceeding six square feet in sign area or three feet in height per premises is permitted. No construction sign shall be erected more than five days prior to the issuance of a building permit for the improvement and said sign shall be removed within five days after the issuance of the certificate of occupancy for the improvement. No construction sign shall be erected closer than ten feet from any lot line.
7. Flags. Flags are permitted provided they are flown from a flag pole or from a flexible rod or pole.
8. Temporary noncommercial signs. Temporary noncommercial signs are permitted for each premises. No temporary noncommercial sign shall exceed six square feet in sign area nor shall it exceed three feet in height. The aggregate sign area of all temporary noncommercial signs shall not exceed 30 square feet. No temporary noncommercial sign shall be placed closer than ten feet from any lot line.
9. Signs displayed in the public right-of-way by governmental agencies having jurisdiction of said right-of-way.
10. Murals. Multifamily structures in non-residential zoning districts within a community redevelopment area are allowed a mural in accordance with section 11.20(B)(6) of this chapter.

D. On-premises signs for institutional uses are permitted subject to the following limitations:

1. Such signs as are permitted in section 11.20(B) above.

COM

2. Directional signage for internal circulation can have a maximum sign area of 16 square feet and a maximum height of four feet.
 3. Lightpole signs may be displayed on the premises; provided any such signs may not exceed six square feet in sign area and provided that such lightpoles and lightpole signs are maintained by the institutional use.
 4. Temporary signs provided such signs are removed within five days after the event to which it relates has concluded.
- E. On-premises signs in community redevelopment areas are permitted subject to the following limitations:
1. Such signs as are permitted in section 11.20(B) above.
 2. Lightpole signs provided no such sign shall exceed six square feet of sign area.
 3. Temporary signs provided such signs are removed within five days after the event to which it relates has concluded.

(Ord. No. 2009-34, § 2, 11-24-2009; Ord. No. 2011-05, § 2, 2-8-2011; Ord. No. 2012-36, § 3, 9-18-2012; Ord. No. 2014-18, § 3(11.20), 4-22-2014; Ord. No. 2016-10, § 2, 2-23-2016; Ord. No. 2016-61, § 3, 9-15-2016; Ord. No. 2016-71, § 1, 11-22-2016)

Sec. 11.21. - Reserved.

Sec. 11.22. - Multi-face signs.

For any sign consisting of more than two faces, each face shall be considered as part of the total square footage of sign allowable.

(Ord. No. 2009-34, § 2, 11-24-2009)

Sec. 11.23. - Reserved.