AGENDA
REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD
THURSDAY, MAY 16, 2019, AT 1:30 PM
COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA

I. PRELIMINARY MATTERS
   Agenda Additions and/or Deletions

II. APPROVAL OF MINUTES
   Regular Meeting – April 18, 2019

III. PUBLIC COMMENT

IV. DISCUSSION OF REVISIONS TO THE SIGN CODE

V. PLANNING DEPARTMENT MATTERS

VI. BOARD MEMBERS’ MATTERS

VII. ADJOURNMENT

ANY PERSON AGGRIEVED BY A DECISION OF THE PLANNING AND ZONING BOARD RELATIVE TO SITE PLAN APPROVAL MAY WITHIN TEN DAYS AND IN ACCORDANCE WITH SECTION 64.08(j) FILE AN APPEAL WITH THE PLANNING DIRECTOR OF THE CITY OF VERO BEACH. ANYONE WHO MAY WISH TO APPEAL ANY DECISION THAT MAY BE MADE AT THIS HEARING WOULD NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL WILL BE BASED.

ANYONE IN NEED OF SPECIAL ACCOMMODATIONS FOR THIS MEETING MAY CONTACT THE CITY'S AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR AT 978-4920 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING.

PUBLIC INVITED TO ATTEND
PRESENT: Vice Chairman, John Carroll; Members: Honey Minuse, Steve Lauer, Jose Prieto, and Alternate Member #2, Ken Daige. Also Present: Planning and Development Director, Jason Jeffries; Principal Planner, Cheri Fitzgerald; Temporary Attorney, Karen Emerson (excused herself at 1:43 p.m.); Interim City Attorney, Kira Honse (arrived at 1:43 p.m.) and Deputy City Clerk, Sherri Philo

Excused Absence: Robin Pelensky
Unexcused Absence: Richard Cahoy

I. PRELIMINARY MATTERS
   A) Agenda Additions and/or Deletions
   None

II. ELECTION OF OFFICERS
   A. Chairman

   Mrs. Minuse nominated Mr. John Carroll for Chairman of the Planning and Zoning Board. There were no other nominations. Mr. John Carroll was unanimously appointed Chairman of the Planning and Zoning Board.

   B. Vice Chairman

   Mr. Daige nominated Mrs. Honey Minuse for Vice Chairman of the Planning and Zoning Board.

   Mr. Carroll nominated Mr. Steven Lauer for Vice Chairman of the Planning and Zoning Board.

   There were no other nominations.

   The nomination for Mrs. Honey Minuse for Vice Chairman of the Planning and Zoning Board failed 3-2 with Mr. Daige voting yes, Mr. Prieto no, Mrs. Minuse yes, Mr. Lauer no, and Mr. Carroll no.

   The nomination for Mr. Steven Lauer for Vice Chairman of the Planning and Zoning Board passed 3-2 with Mr. Daige voting no, Mr. Prieto yes, Mrs. Minuse no, Mr. Lauer yes, and Mr. Carroll yes.

III. APPROVAL OF MINUTES
   A. Regular Meeting – March 21, 2019

   Mr. Lauer made a motion to approve the minutes of the March 21, 2019 Planning and Zoning Board meeting. Mr. Daige seconded the motion and it passed unanimously.
IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

[Legislative]

A. An Ordinance of the City Council of the City of Vero Beach, Florida; Requested by RDP 12, LLC to Annex Property Located at 1550 US Highway #1 in Tropical Park Subdivision, Containing 0.47 Acres More or Less, Pursuant to the Voluntary Annexation Provisions of Section 171.044 Florida Statutes; Providing for an Effective Date.

The Chairman read the Ordinance by title only.

Mrs. Cheri Fitzgerald, Principal Planner, reported that the City received a voluntary annexation application request for the property located at 1550 US Highway #1. She said because items V-A) and V-B) are legislative, staff will make their presentation on both items together. Item V-C) is quasi-judicial so they will treat this item differently. She further explained that staff would need a separate Board action on each item.

[Legislative]

B. An Ordinance of the City Council of the City of Vero Beach, Florida Amending the Comprehensive Plan Future Land Use Map by Changing the Future Land Use Designation of Annexed Land From Indian River County Designation C/I, Commercial/Industrial to City of Vero Beach Designation C, Commercial for the Property Located at 1550 US Highway #1, Containing 0.47 Acres More or Less; Providing for an Effective Date.

*Please note that items V-A) and V-B) were discussed together.

Mrs. Fitzgerald briefly went over staff's report on items V-A) and V-B) with the Board members accompanied by a Power Point presentation (both attached to the original minutes). Staff recommends that the Planning and Zoning Board recommend approval of the Voluntary Annexation Report and recommend to the City Council to move forward to annex the property and approve the proposed Ordinance. Staff also recommends that based on the analysis and findings that the Board recommends approval for submission to the City Council of the Ordinance amending the Future Land Use Map designation for the subject property containing 0.47 acres from C/I, Commercial/Industrial to C, Commercial.

Mr. Tod Mowery, of Redtail Design Group, said they are excited about this project and appreciate staff's assistance. He is present today to answer any questions of the Board.

The Chairman opened and closed the public hearing on items V-A) and V-B) at 1:47 p.m., with no one wishing to be heard.

Item V-A):

Mrs. Minuse made a motion that the Board accepts staff's recommendation on the voluntary annexation in accordance with Section 171.044 Florida Statutes for 0.47
acres. Mr. Prieto seconded the motion and it passed 5-0 with Mr. Daige voting yes, Mr. Prieto yes, Mrs. Minuse yes, Mr. Lauer yes, and Mr. Carroll yes.

Item V-B)

Mrs. Minuse made a motion that the Board accepts staff’s recommendation to amend the Comprehensive Plan Future Land Use Map by changing the Future Land Use Designation of annexed land from Indian River County Designation C/I, Commercial/Industrial to City of Vero Beach Designation C, Commercial for the property located at 1550 US Highway #1. Mr. Daige seconded the motion and it passed unanimously.

[Quasi-judicial]

C. An Ordinance of the City Council of the City of Vero Beach, Florida Amending the Official Zoning Map by Changing the Zoning District Designation of Annexed Land from Indian River County Designation CG, General Commercial to City of Vero Beach Designation C-1, Highway Oriented Commercial, for the Property Located at 1550 US Highway #1, Containing 0.47 Acres More or Less; Providing for an Effective Date.

The Chairman read the Ordinance by title only.

There were no ex parte communications reported.

The Deputy City Clerk swore in staff and all witnesses present for today’s hearing en masse.

Mrs. Fitzgerald continued with the Power Point presentation and briefly went over staff’s report with the Board members (attached to the original minutes). Staff recommends that the Board recommends approval of the C-1 Zoning District of the parcel.

Mr. Tod Mowery said one (1) question that often comes up is about spot zoning, which because of the continuity and the contiguous property to the west this is property that is clearly not spot zoning. Also within the County’s zoning they have commercial properties surrounding this site. They are comfortable with staff’s recommendation and look forward to the Board’s recommendation to the City Council.

The Chairman opened and closed the public hearing at 1:57 p.m., with no one wishing to be heard.

Mrs. Minuse made a motion for the Ordinance of the City Council of the City of Vero Beach, Florida amending the Official Zoning Map by changing the Zoning District Designation of annexed land from Indian River County Designation CG, General Commercial to City of Vero beach Designation C-1, Highway Oriented Commercial, for the property located at 1550 US Highway #1, containing 0.47 acres more or less, providing for an Effective Date. Mr. Daige seconded the motion and it passed 5-0 with Mr. Daige voting yes, Mr. Prieto yes, Mrs. Minuse yes, Mr. Lauer yes, and Mr. Carroll yes.

[Legislative]

D. An Ordinance of the City of Vero Beach, Florida Amending Chapter 62, Article VII, Airport Master Plan Land Use Zones, Section 62.105 Security Fences Exempting the Airport Security Fences; Amending
The Chairman read the Ordinance by title only.

Mr. Jason Jeffries, Planning and Development Director, continued with the PowerPoint presentation and briefly went over staff’s report with the Commission members (attached to the original minutes). Staff recommends approval.

*Please note that questions and discussion took place throughout the presentation.

Mrs. Minuse referred to the slide, Airport Security Fence. She asked if there are different types of security fences.

Mr. Eric Menger, Airport Director, reported that there are regulations of the Federal Aviation Administration (FAA) and now that they have the airline there are also requirements of the Transportation Security Administration (TSA). He reported that the current regulation is an eight (8) foot fence with three (3) strands of barbed wire on top and two (2) feet of wildlife exclusion fence into the ground.

Mr. Daige asked do they (FAA or TSA) help with the funding.

Mr. Menger answered no. He reported that they do have a State grant to assist them in some of the improvements.

The Chairman opened and closed the public hearing at 2:26 p.m., with no one wishing to be heard.

Mrs. Minuse made motion that the Board accepts staff’s recommendation on the Ordinance of the City of Vero Beach amending Chapter 62, Airport Master Plan Land Use Zones, Section 62.105 Security Fences exempting the Airport security fences, amending Chapter 68, the Airport Zoning relating to construction and obstructions to flight navigation in the Airport Protection Overlay Zone, and amending Chapter 72, the Tree and Palm Protection, Section 72.41 where the permit is required, exemptions, exempting removal for Airport Security Fence Clear Zone, providing for Codification, providing for Conflict and Severability, and providing for an Effective Date. Mr. Lauer seconded the motion and it passed unanimously.

E. An Ordinance of the City of Vero Beach, Florida, Amending Section 64.12 of Chapter 64, Article I, Development Review Relating to Temporary Use Permit; Creating Chapter 64, Article III, Temporary Uses and Structures; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date.

The Chairman read the Ordinance by title only.

Mr. Jeffries reported that this is a follow-up from their discussion at their last meeting on this
Ordinance. Staff feels this is ready to proceed through the formal public hearing process and to make a recommendation to the City Council. He then continued with the Power Point presentation. Staff recommends approval of the proposed Ordinance.

*Please note that questions and discussion took place throughout the presentation.

Mr. Daige referred to the slide *Temporary Use Section*. He asked how many garage sales are currently permitted per year.

Mr. Jeffries answered three (3).

Mr. Daige asked what are the hours for a garage sale.

Ms. Honse said it states in the Code, *during normal daylight hours*.

Mr. Jeffries said it states in the Code *a sale cannot be conducted more than three (3) consecutive days*. The way he reads it is that either they can have three (3) consecutive days or they can have three (3) separate ones.

Mr. Daige asked is it clear in the Code with the three (3) separate garage sales.

Mr. Jeffries read from the Code Section 62-142, (a)(1) "The sale is conducted for no more than three consecutive days, and (a)(2), “The sale is the first, second, or third sale conducted from the residence during the calendar year."

Mr. Daige said the reason for his question is there are people in his neighborhood who have continuous garage sales seven (7) days a week and it has been difficult for Code Enforcement to enforce. He felt what Mr. Jeffries just read was a little fuzzy. He said the City of Sebastian was faced with this issue a few years ago and they made it where a permit would have to be pulled in order to have a garage sale, which helped the Code Officers keep track of what was going on. He said what the City of Vero Beach has in the Code is not working.

Ms. Honse noted that portion of the Code is not in the Land Development Code. She felt it would take two (2) Ordinances, one (1) for the regular Code and one (1) for land use.

Mrs. Minuse said an issue she is concerned about is special events. She referred to page six (6) of 12 in staff’s report (attached to the original minutes). She said at the bottom of the top chart has an asterisk that states, "only permitted on non-residential use property."

Mr. Jeffries explained that has to do with a church, for example, that is located within a residential zoning district.

Mr. Daige asked is it possible for staff to look at the garage sale situation.

Mr. Jeffries said the comments made today are on the record so they would need to see what direction the City Council would like to go in.

Mr. Daige asked Mr. Jeffries if he would have any recommendations. He explained that he was looking for his help as the Planning and Development Director in that he has been made aware of the situation and if there was anything that he could put on paper when this goes before the City Council to help them make a decision.
Mr. Lauer said he had brought up an issue at their last meeting regarding dumpsters. He asked if someone required to pull a building permit in order to put a dumpster on their property.

Mr. Jeffries answered yes. He said they would have to have an ongoing permit to have that facility.

Mr. Lauer said the Holiday Inn has had a dumpster on their property continuously, which takes up four (4) parking spaces. He said what they are doing is changing out furniture so he doesn’t think they pulled a building permit and yet they still have a dumpster on their property.

Mr. Jeffries said they would be violating this new section of the Code.

Mr. Lauer said then if this Ordinance passes in order for someone to put a dumpster on their property they would have to pull a building permit and they would have to remove the dumpster within 30 days of the time the building permit has closed.

Mr. Jeffries answered yes, once the Certificate of Occupancy is issued. He noted that in addition to obtaining a building permit they would also have to obtain a Temporary Use Permit from the Planning and Development Department of the City.

The Chairman opened and closed the public hearing at 2:50 p.m., with no one wishing to be heard

Mr. Daige asked when this Ordinance passes, will any of the comments he made as to making the section tighter regarding the garage sales be allowed or will the Ordinance move forward as it is now.

Ms. Honse felt that should be addressed in a separate Ordinance in that it doesn’t fall under the land use section of the Code or fall under the purview of this Board. She said staff will make sure the City Manager is aware that this is an issue and speak with him about getting direction from the City Council.

Mr. Daige said he was okay with that and he has had some discussions with the Acting City Manager so he is aware of some of the issues.

Mrs. Minuse made a motion that the Board accepts staff’s recommendation on the Ordinance of the City of Vero Beach amending Section 64.12 of Chapter 64, Article I, Development Review Relating to Temporary Use Permit, creating Chapter 64, Article III, Temporary Uses and Structures, providing for Codification, providing for Conflict and Severability, and providing for an Effective Date. Mr. Lauer seconded the motion and it passed unanimously.

VI. PLANNING DEPARTMENT MATTERS

Mr. Jeffries briefly went over the Planning Department’s portion of the Power Point presentation with the Board members.

Mr. Jeffries reported that their meeting of May 2, 2019 has been cancelled. Their next meeting will be held on Thursday, May 16, 2019, at 1:30 p.m.

VII. BOARD MEMBERS’ MATTERS

None
VIII. ADJOURNMENT

Today’s meeting adjourned at 3:05 p.m.

/sp
DEPARTMENTAL CORRESPONDENCE

TO: Chairman John Carroll, Jr and Planning and Zoning Board Members

FROM: Jason H. Jeffries, AICP
       Director of Planning and Development

DATE: May 10, 2019

SUBJECT: Proposed Revisions to Sign Regulations

Staff is requesting a discussion regarding recommended text amendments to Chapter 38, Article I [Signs] to ensure the City’s sign regulations conform to United States Supreme Court First Amendment decisions.

In July 2015, the United States Supreme Court decided Reed v. Town of Gilbert, a case challenging sign regulations in the Town of Gilbert, Arizona, on First Amendment grounds. The Court’s opinion provides some very clear direction in regard to permissible versus unconstitutional distinctions in sign regulations. In light of Reed, many local governments throughout the country amended their sign regulations to remove what are now understood to be “content-based” regulations. The City of Vero Beach Sign Code contains “content-based” regulations in Sections 38.09 [Types of signs not requiring a permit] and 38.11 [Temporary signs requiring permits].

The regulations regarding sign types not requiring permits and temporary signs in Sections 38.09 and 38.11 were a common practice to identify and regulate certain types of signs based on the function they perform. For instance, in Section 38.09 the sign code has specific rules applicable to "directory signs" listing names of building occupants, temporary election signs, real estate signs, free expression signs, etc. Reed makes it clear that regulations based on these kinds of distinctions are “content-based.” A content-based regulation violates the First Amendment right freedom of speech unless the regulation is necessary to support a "compelling" interest of the government and it is "narrowly tailored" to serve that compelling interest. This "strict scrutiny" test as applied by the courts is very tough to meet, and it is expected that many regulations found to be content-based in the aftermath of Reed will fail the test.

Attached is a draft ordinance amending the Sign Code and the current Chapter 38, Article I, Signs. Staff is requesting feedback on the initial draft. There could be further changes as the proposed ordinance is finalized.

JHJ
ORDINANCE NO. 2019 -

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA AMENDING CHAPTER 38, ARTICLE I, SIGNS, REVISING TEMPORARY SIGN STANDARDS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Reed v. Town of Gilbert, a case challenging sign regulations in a local municipality on First Amendment grounds, the United States Supreme Court Court’s opinion provides direction in regard to permissible versus unconstitutional distinctions in “content-based” sign regulations; and

WHEREAS, the current City of Vero Beach sign code contains “content-based” regulations for temporary signs; and

WHEREAS, it is in the interest of public health, public safety, general welfare, and aesthetics of the City of Vero Beach that temporary signs be regulated within the City; and

WHEREAS, the Planning and Zoning Board, serving as the local planning agency under Florida Statute 163.3174, finds that the Code amendments provided in this Ordinance are consistent with relevant goals, objectives and policies contained within the City’s Comprehensive Plan; and

WHEREAS, the City Council of the City of Vero Beach (“City Council”) finds that the Code amendments provided in this Ordinance serve a municipal purpose and promote and protect the public health, safety, and welfare,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA THAT:

Section 1 – Adoption of “Whereas” clauses.

The foregoing “Whereas” clauses are hereby adopted and incorporated herein as forming the legislative findings, purpose, and intent of this Ordinance.

Section 2 – Amendment of Chapter 38, Sign Code

Chapter 38 is hereby amended to read as follows:

CHAPTER 38. SIGNS AND SATELLITE DISH ATTENNAS

Article I. Signs

Sec. 38.01. - Purpose.
Sec. 38.02. - Definitions.

The following definitions shall apply to this chapter:

_Abandoned sign:_ A sign is abandoned if the land use or business advertised in that sign is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at the location of the sign or the location noted on the sign.

_Active subdivision development sign:_ A temporary sign related to the sale of land and/or structures within a platted subdivision project under development.

_Add-on sign:_ Any additional sign area added to a sign.

_Advertising structures:_ Any structure, with or without any advertisement display thereon, situated upon or attached to real property upon which any sign may be placed. Said term shall not include buildings, doors, or windows. Any time the word "sign" is used in this chapter, the same shall include "advertising structure."

_Animated sign:_ Any sign that has movement or optical illusion of movement including the movement of any illumination or the flashing, blinking or varying of light intensity, the automatic changing of all or any part of the sign copy more frequently than once per 30 seconds, and the reliance on the wind to display a commercial message or draw attention to a premises.

_Awn ing:_ A cloth, ornamental roof-like structure, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

_Awn ing Sign:_ Any sign painted on, or applied to, an awning.

_Banner sign:_ A temporary sign of lightweight fabric or similar material that is displayed on a pole, building or attached to a staff or line. For purposes of this definition a banner is not a flag.

_Building facade:_ That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation, including window areas, but excluding residential area.

_Canopy:_ A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

_Canopy sign:_ Any sign that is part of, or attached to a canopy installed on any ornamental roof like structure of cloth or otherwise that provides or suggests shelter and projects from a wall or is supported by columns, or any temporary or permanent cover providing shelter or decoration (as over a door or window), including an awning.

_Carried sign:_ A sign that is carried or displayed by a person or fastened to or part of the person's clothing. For purposes of this definition a carried sign is not a portable sign.

_Construction sign:_ A temporary sign identifying those engaged in or involved with construction on any building site, excluding signs at construction sites on portable toilets, or construction trailers.

CODING: Words striken are deletions; words underlined are additions.
Copy area of a sign: The actual area of the sign copy applied to any background as computed by straight lines drawn closest to copy extremities encompassing individual letters or words.

Directional sign: An on-premises sign having the message of which is limited to the direction of the public, including signs which direct traffic onto or within a premises, identify restrooms, parking areas or spaces, freight entrances, or other facilities for the convenience of the public.

Directory sign: A sign which lists only the names of individuals or businesses within a building, or contiguous buildings of one premises.

Double-faced sign: A sign with two faces of equal size and shape, back to back, and parallel, each side being a mirror image shape of the other side. This definition shall include V-shaped signs.

Election sign: A temporary sign related to an election or voter referendum.

Fence sign: Any sign installed parallel to and flush against a fence or non-building wall.

Flag: A sign made of fabric, bunting, or similar material, containing colors, patterns or symbols; used as a symbol of government, political subdivision, corporation, business or other entity or used for decorative purposes not displaying a commercial message. For purposes of this definition a flag is not a banner.

Flag pole: A pole, used to display a flag, that is anchored into the ground; or installed at the top of a building, or attached to a building.

Free expression sign: A sign related to any non-commercial message that is otherwise lawful.

Freestanding sign (ground sign): A sign which is supported by one or more columns, uprights, or braces anchored into the ground independent of support from any building, including ground signs and pole signs.

Frontage street facade: A building facade which fronts on a street. If same shall be over 30 feet, only the first 30 feet of commercial facade shall be considered the frontage street facade. Only one street facade may be designated as the frontage street facade.

Height: As applied in this article, the height of the sign or flag pole is measured from the crown of the nearest road to the highest point of the sign or flag pole.

Household sale sign: An on-premises temporary sign related to the sale of household articles of personal property and other personal effects, e.g. garage sale, yard sale, etc.; in accordance with sections 62-141 and 62-142 of this Code, in, at, or upon any premises with a residential use.

Identification sign: A sign which provides noncommercial information about the premises, e.g. street numbers, the name, address and numbers of the premises, or the name of the owner or occupant of the premises, etc.

Illuminated sign: A sign which gives forth artificial light or reflects such light from an artificial source.

Install (or place): To erect, hang, paint, display, apply, or otherwise put in place in any manner whatsoever.

CODING: Words striken are deletions; words underlined are additions.
Instruction sign: A sign the message of which is limited to orders or commands without a commercial message, e.g. prohibition against trespassing or soliciting, etc.

Marquee: A permanent canopy or covered structure which is an integral part of or securely attached to any building, when such canopy or covered structure extends beyond the building.

Marquee sign: Any sign installed on a marquee.

Memorial sign: A sign or tablet cut into a masonry surface of a building, inlaid so as to be part of the building indicating the name of the building and other related memorabilia, or tablet or plaque made of a noncombustible material that is attached to the building.

Message center sign: Any sign that can automatically display unlimited words, numerals, and/or characters in a programmed manner.

Nonconforming sign: Any sign which does not comply with the requirements of this article.

Off-premises household sales sign: A temporary sign related to a household sale (e.g. garage sale, yard sale, etc.) located off-premises on private property.

Off-premises open house sign: A temporary sign related to an open house event allowed by permit in public rights-of-way and/or on private property.

Off-premises sign (billboard): Any commercial sign utilized for advertising an establishment, an activity, an event, a service, or product that is sold, produced, manufactured, available or furnished at a place other than on the premises on which said sign is located.

On-premises sign: Any sign related to the commodities, accommodations, service, activities, or events on the premises on which said sign is located. "On premises sign" also means a sign that contains noncommercial messages including "free expression signs."

Off-premises special event temporary weekend sign: A temporary sign related to a reoccurring or single special public, community, civic, educational, cultural, religious, or commercial event or function allowed by permit in the public rights-of-way.

Open house sign: A temporary on-premises sign related to the viewing of real estate for sale, lease or rental.

Painted sign: Any sign painted on any surface, including the roof of any building.

Parapet: That portion of a facade that extends above the roof immediately adjacent thereto.

Pennant: A series of small flag-like or streamer-like pieces of cloth, plastic, paper or similar material attached in a row to any staff, cord or building.

Portable sign: Any sign designed to move or be moved by trailer or vehicle to advertise at different locations and any sign which is not firmly fastened to a building, fence, or the ground.

Premises: A distinct unit, lot or parcel of land including a combination of contiguous lots or parcels under a single approved site plan or other development order.

Projecting sign: A sign projecting from the outside wall or walls of any building.

CODING: Words striked are deletions; words underlined are additions.
Public right-of-way: For the purposes of regulation of temporary signs, the public right-of-way shall be deemed to be the edge of sidewalks, utility poles, traffic signal poles, or traffic signs furthest from the road. Where no such structure(s) is present, the right-of-way line shall be deemed to be 20 feet back from the near edge of roadway pavement on state highways and ten feet on local roads or, if unpaved, the near edge of unpaved roadbed surface.

Public sign: A sign placed or approved for placement on public property or public right of way by a duly authorized government official pursuant to and in discharge of a proprietary or governmental function or required by law, ordinance, or other governmental regulation.

Pylon sign: A sign extending in whole or in part over the highest elevation of a roof of any building, comprising a framework and display surface which are an integral part of the building upon which the sign is installed.

Real estate sign: A temporary on-premises sign related to the sale, lease or rental of real estate.

Religious emblem: A historically recognized visible symbol on a building for public worship or on the grounds of a building used for public worship that stands for or suggests a particular religion, such as the cross is an emblem of Christianity.

Reoccurring special event: A special event that occurs at least once a month consecutively for three months or more at the same location, e.g. "farmers market," etc., that has been approved by the city manager or city council to take place on public property or public right of way pursuant to this Code.

Roof line: Refers to the uppermost line of the roof, including mansard roofs, of a building or, in the case of an extended facade, the uppermost height of said facade. However, in the case of a slanted roof or A-frame-type roof, "roof line" refers to the lower-most edge of said roof.

Roof sign: Any sign where any portion of the sign extends over the roof line.

Shopping center: A group of commercial establishments sharing a common site location and which are planned, developed, or managed as a unit, and which provide a common and contiguous parking area or areas. A shopping center with a front property line in excess of 600 feet shall be termed a "large" shopping center.

Sign: A sign is any visual device or representation designed or used for the purpose of communicating a message or identifying or attracting attention to a premises, product, service, person, organization, business or event, with or without the use of words.

Sign area: That background area upon which the copy area is placed. Where the copy area is attached to the wall of a building, the wall shall not be construed to be the background area of the sign unless it is an integral part of the sign. Where the sign is a double-faced or "v" shaped sign, only one side of the sign shall count as sign area.

Special event: A limited or special public, community, civic, educational, cultural, religious or commercial event or function.

Special event sign: A temporary on-premises sign related to a special event.
Sponsorship banner: A banner identifying a sponsor of a school's sports team(s) or sport facilities that is affixed to a perimeter fence of a public or private school's athletic field and faces a public right-of-way.

Street and Address Signs: lettering and numerals, on mailboxes, structures, and buildings, necessary to identify streets and locations in order to guide the traveling public and enable emergency responders to find locations in a timely manner.

Swinging sign: Any sign installed by any means which allows the sign to swing back and forth by wind action.

Traffic Control Signs: Any sign necessary to properly and safely direct vehicular and pedestrian traffic on roadways, or within parking lots to the extent that visibility from the public street is necessary to effectively meet safety needs.

Temporary sign: Any non-illuminated sign intended to be displayed for a limited period of time only, usually for less than one year.

Trailer sign: Any sign installed on a frame or structure with wheels other than a motor vehicle.

V-shaped sign or Sandwich Board Sign: Any portable, folding, self-supporting "A" frame sign which has two faces that are not parallel and the interior sides do not join to form an angle greater than 45 degrees and typically displayed outside a business storefront.

Vehicle: A vehicle is any boat, camper, automobile, motorcycle, motorized van, recreation vehicle, bicycle, truck, trailer, construction equipment and other such mobile equipment whose major purpose is other than the display of advertising.

Vehicle sign: Any sign installed anywhere on any exterior surface of any vehicle required to be licensed by the State of Florida.

Wall signs: Any sign installed parallel to and flush against the face of the outside wall of a building, supported by the building and which has only one advertising surface.

Window sign: Any sign placed on the inside or outside of any window of any building or door and which is visible from any public right-of-way. This does not include merchandise on display.

Sec. 38.03. - Compliance required and exemptions.

(a) Compliance required. All signs in the City of Vero Beach shall comply with the requirements of this article. Any sign that may be classified in more than one category shall be classified within the most restrictive category. Unless expressly prohibited, multiple sign types authorized under this article may be located on a premises.

(b) Signs exempt from this article. The following signs are exempt from regulation under this article:

1) Street and Addresses Signs, including lettering and numerals, on mailboxes, structures, and buildings.

2) Graphics and works of art that in no way advertise or call attention to a product or business.

CODING: Words striken are deletions; words underlined are additions.
(3) Scoreboards in athletic stadiums or playing fields without any commercial message.

(4) Bumper stickers and non-commercial text or pictorial representations on the exterior surface of a licensed vehicle.

(5) Holiday decorations and lighting that are clearly incidental and customary and commonly associated with any national, local, or religious holiday.

(6) Advertising on public transit vehicles.

(7) Traffic Control Signs where there is found to be a compelling governmental interest in the erection and maintenance of these signs in order to protect the physical safety of the public and prevent property damage. Such signs shall not be larger than reasonably necessary to adequately guide and warn the public and emergency responders.

(8) Legal and regulatory notices required by law to be posted on a property.

(9) Federal, State, or Local Historic Markers

Sec. 38.04. – Permitting required.

[No Changes]

Sec. 38.05. – Application review, approval and appeal procedures for signs requiring a permit; permit fees.

[No Changes]

Sec. 38.06. – Changes to existing signs not requiring a permit.

[No Changes]

Sec. 38.07. – Inspections.

[No Changes]

Sec. 38.08. – Revocation of permit.

[No Changes]

Sec. 38.09. - Types of signs not requiring a permit.

The following types of signs are allowed without a permit, provided that they are in compliance with all other applicable requirements of this article subject to the following regulations:

(a) Identification signs. One on-premises identification sign, per tenant or occupant, having an area not exceeding two square feet in area.

(b) Public signs. Public signs located wholly on public property or public rights-of-way.

1 Note: change to Traffic Control Signs and moved to 38.03

CODING: Words striken are deletions; words underlined are additions.
(c) **Instruction signs.** On-premises instruction signs not to exceed one square foot in area in residential areas and four square feet in area in nonresidential areas.\(^2\)

(b) **Memorial signs.** One memorial sign per building not to exceed 16 square feet in area; provided, however, that memorial signs in place on November 29, 1977, are permitted.

(c) **Window signs.** Temporary window sign or signs having a total area not exceeding 20 percent of each window, calculated separately for each window provided such signs are located only within nonresidential zoning districts, except for election and free expression window signs that may be located within all zoning districts.

(d) **Real estate signs.** One on-premises sign per street frontage related to the sale, lease, or rental of real estate or a business opportunity in all zoning districts. Such sign shall be either a freestanding, fence or wall sign in nonresidential districts and a freestanding sign in residential zoning districts. Such sign shall be a maximum of three square feet in area in districts zoned residential or a maximum of six square feet in area in other districts. The maximum height of such sign shall be three feet in districts zoned residential and ten feet in other zoning districts. If freestanding, such sign shall be located at least two feet from public rights of way and shall be at least 15 feet from rear and side property lines.

(e) **Open house signs.** One on-premises freestanding sign per street frontage in all zoning districts. Such signs shall be a maximum of three square feet in area and a maximum of three feet in height in all zoning districts. Such signs shall be located at least two feet from public rights of way and shall be at least 15 feet from rear and side property lines. Open house signs shall be posted only for the period an owner or owner's agent is on the premises for the open house and only during daylight hours.

(f) **Specified directional signs.** On-premises directional signs not exceeding square feet in area in nonresidential zoning districts only.\(^3\)

(g) **Construction signs.** Construction signs relating to the construction or improvement of the property upon which such signs are located as follows:

1. If located within a residential zoning district, the signs shall be a maximum of three square feet in area and a maximum of three feet in height with no more than one sign per street frontage.

2. If located within a non-residential zoning district, the cumulative sign area of such signs shall be a maximum of 16 square feet in area and a maximum of ten feet in height with no more than one sign per street frontage.

3. Such signs shall be located at least two feet from public rights of way and shall be at least 15 feet from rear and side property lines.

4. Such signs shall be freestanding.

5. Such signs shall only be posted after the issuance of a building permit for construction and shall remain in place no more than 60 days. Such signs shall be removed after the issuance of the certificate of occupancy, final completion inspection, expiration of the building permit that authorized the work, or the 60-day duration period, whichever comes first.

(h) **Household sale signs.** Signs advertising a household, garage or yard sale as follows:

1. One on-premises freestanding household sale sign per street frontage.

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\(^2\) Note: change to Traffic Control Signs or Regulatory Signs and moved to 38.03

\(^3\) Note: change to Traffic Control Signs and moved to 38.03

CODING: Words stricken are deletions; words **underlined** are additions.
(2) Two freestanding off-premises household sales signs per household sale on private property
with the prior consent of the owner or a lawful occupant of the property. Only one such
sign is allowed per premises.

(3) On- and off-premises household sale signs shall be a maximum of three square feet in area
and shall be a maximum of three feet in height. Signs shall be located at least two feet from
public rights-of-way and shall be at least 15 feet from side property lines.

(4) On- and off-premises household sale signs shall be posted only for the period of the sale and
only during daylight hours. No sign shall be maintained for a period exceeding three
consecutive days or for more than a total of nine days during a calendar year.

(5) Household sales shall be in accordance with sections 62-141 and 62-142 of this Code.

(k) Election signs. Election signs as follows:

(1) Residential Zoning Districts. Such signs shall be either freestanding or window signs in
residential zoning districts. If displayed as a freestanding sign, such sign shall be a
maximum of three square feet in area, and a maximum of three feet in height. Each window
sign shall be a maximum of two square feet in area and the cumulative area of all window
signs shall be a maximum of 20 percent of the total area of each window.

(2) Nonresidential Zoning Districts. Such signs shall be freestanding, fence, wall or window
signs in nonresidential districts. If displayed as a freestanding, fence or wall sign, such sign
shall be a maximum of 16 square feet in area and shall be a maximum of ten feet in height.
Each window sign shall be a maximum of four square feet in area and the cumulative area
of all window signs shall be a maximum of 20 percent the total area of each window.

(3) General election sign regulations applicable to all zoning districts:

a. Election signs shall be located wholly on private property with the prior consent of the
property owner or lawful occupant of the property. Such signs shall be located at least
two feet from public rights-of-way and shall be at least 15 feet from rear and side
property lines.

b. The number of signs allowed per street frontage shall be one per candidate and one per
each side of an issue.

c. Election signs shall be posted no earlier than 90 days prior to the corresponding election
and must be removed no later than seven days after the corresponding election.

(i) Carried election or free expression signs. Such signs may be carried on public rights-of-way,
excluding streets, roads, alleys, or median strips.

(m) Free expression signs. One free expression sign per street frontage in all zoning districts as
follows:

(1) Residential Zoning Districts. Such signs shall either be freestanding or window signs in
residential zoning districts. If displayed as a freestanding sign, such sign shall be a
maximum of three square feet in area, and a maximum of three feet in height. Each window
sign shall be a maximum of two square feet in area and the cumulative area of all window
signs shall be a maximum of 20 percent of the total area of each window.

(2) Nonresidential Zoning Districts. Such signs shall be freestanding, fence, wall or window
signs in nonresidential districts. If displayed as a freestanding, fence or wall sign, such sign
shall be a maximum of 16 square feet in area and a maximum of ten feet in height. Each
window sign shall be a maximum of four square feet in area and the cumulative area of all
window signs shall be a maximum of 20 percent of the total area of each window.
(3) **Free expression sign regulations applicable to all zoning districts.** Free expression signs shall be located wholly on private property with the prior consent of the property owner or lawful occupant of the property. Such signs shall be located at least two feet from public rights of way and shall be at least 15 feet from rear and side property lines. Such signs shall not be illuminated.

**Flags.** Flags as follows:

1. **Single-family Zoning Districts.** In a single-family zoning district, two flags and one flag pole per premises. Each flag shall be a maximum of 15 square feet in area. The flag pole shall be a maximum of 25 feet in height or no higher than the highest point of the principal building's roof, whichever is lower. Flag poles shall meet the minimum yard setback requirements for a principal building.

2. **Multi-family or Nonresidential Zoning Districts.** In a multi-family or non-residential zoning district, one flag per 25 feet of frontage on a right-of-way up to a maximum of six flags and six flag poles per premises. Each flag shall be a maximum of 24 square feet in area. Flag poles shall be a maximum of 25 feet in height or the highest point of the nearest principal building's roof on the premises, whichever is higher. Flag poles shall meet the minimum yard setback requirements for a principal building or a minimum of ten feet whichever is more restrictive.

3. **Small flags at vehicle sales and service establishments.** One small flag of no more than one square foot in area may be attached to vehicles on display for sale or rent at vehicle sales and service establishments. Such flag shall be no higher than two feet above the height of the vehicle as if it were displayed at grade level.

**Banner Signs within ballparks and athletic fields.** Signs within ballparks and athletic fields as follows:

1. Such signs may be affixed to the fence or scoreboard, facing inward to the field of play.

2. Such signs shall be a maximum of 32 square feet in area.

**Signs not readily visible from public right-of-way.**

2. **Neighborhood or Business District Signs.** Neighborhood or business district ornamental, historic, identification or directional signs approved by the city manager within the public rights-of-way with a right-of-way permit.

4. **Vehicle signs except as prohibited in section 38.17.**

5. **Carried commercial signs.** Such signs may be carried on premises on private, nonresidential property or on public rights-of-way in nonresidential zoning districts, excluding streets, roads, alleys, or median strips, except in a manner as prohibited in section 38.17.

6. **Traditional barber pole signs.** Traditional "barber pole" signs of less than 3.5 feet in height that call attention to an on-premises barbershop, hairstyling salon, or similar establishment.

7. **Temporary on-premises signs incidental to a special event.** Temporary on-premises signs displayed during a special event approved on private property or on public property or public rights-of-way pursuant to this Code. Such incidental signs may only be displayed during the course of the event and may include banners, balloons, pennants, v-shaped, and animated signs and may be illuminated. All such signs shall be removed at the conclusion of the special event.

8. **Temporary on-premises signs.** One temporary sign per street frontage, except as provided below, in all zoning districts as follows:

**CODING:** Words striken are deletions; words underlined are additions.
(1) **Residential Zoning Districts.** Such signs shall either be freestanding or window signs in residential zoning districts. If displayed as a freestanding sign, such sign shall be a maximum of three square feet in area, and a maximum of three feet in height. Each window sign shall be a maximum of two square feet in area and the cumulative area of all window signs shall be a maximum of 20 percent of the total area of each window.

(2) **Nonresidential Zoning Districts.** Such signs shall be freestanding, fence, wall or window signs in nonresidential districts. If displayed as a freestanding, fence or wall sign, such sign shall be a maximum of 16 square feet in area and a maximum of ten feet in height. Each window sign shall be a maximum of four square feet in area and the cumulative area of all window signs shall be a maximum of 20 percent of the total area of each window.

(3) **Additional Temporary on-premises signs during election periods.** By resolution, City Council may authorize additional Temporary on-premises signs up to a 60-day period prior to a City, State or Federal general or primary election.

(vi) **Temporary on-premises commercial V-Shape or Sandwich Board signs.** One temporary on-premises V-shaped or sandwich board sign per establishment displaying a commercial message on property within zoned non-residential zoning district:

1. Such signs shall be a maximum of four six square feet in area on each side and a maximum of three feet in height.
2. Such signs may be a V-shaped sign.
3. Such signs shall be located under the covered porch, roof or entryway projection, awning, arcade, or covered walkway or entrance of the establishment or a maximum of three feet from the entrance to the establishment in absence of the aforementioned building elements.
4. Such signs shall not be located in public rights-of-way and shall not impede normal pedestrian traffic.
5. Such signs shall only be displayed the business hours of the establishment and must be removed and stored within an enclosed structure during non-business hours.

Sec. 38.10. – General Sign Regulations.

Sec. 38.11. - Temporary signs requiring permits.

A permit issued pursuant to section 38.05 is required for the following temporary signs, subject to all other applicable provisions of this article and the specific requirements of this section as follows:

(a) **On-premises special event signs.** Temporary on-premises special event signs are allowed on property in nonresidential zoning districts and on property with lawfully established nonresidential uses in residential zoning districts, as follows:

1. One sign per street frontage. Such sign shall be located at least two feet from public rights-of-way and shall be at least 15 feet from rear and side property lines.
2. Such sign shall be a freestanding sign, wall sign, window sign, or a banner sign. If displayed as a wall or freestanding sign, such sign shall be a maximum of 16 square feet in area and a maximum of ten feet in height. If displayed as a window sign, such sign shall be a maximum of four square feet in area and the cumulative area of all window signs shall be a maximum of 20 percent of the total area of each window. If displayed as a banner sign, such sign shall be a maximum of 16 square feet in area and shall not:

CODING: Words stricken are deletions; words underlined are additions.
a. Be affixed between posts on walkways;

b. Hung in or on trees;

c. Be placed on rooftops or in any way create a hazard or unsafe condition; or

d. Be placed higher than ten feet on a building.

(3) Such sign shall be posted no earlier than 14 days prior to the corresponding event or function and must be removed no later than 24 hours after the corresponding event or function.

(4) No more than a cumulative total of six on-premises special event sign permits may be issued in any calendar year per organization or business establishment.

(5) The duration of a special event sign shall be for no more than 14 days beginning with date of posting, unless the period is extended by a special event permit issued pursuant to section 64.12 of this Code.

(6) Off-premises special-event temporary weekend signs during weekends. In conjunction with a single special event or reoccurring special event, Temporary off-premises special event signs are allowed as follows:

(1) The placement of such signs is limited to a time period between Thursday and 6:00 p.m., Sunday Noon Monday (weekend period).

(2) A maximum of 20 such freestanding signs may be placed.

(3) Such signs shall be limited to the non-paved portion of any public right-of-way that is situated outside of any sidewalk, drainage ditch or swale, or traffic median, but no closer than two feet back from the edge of pavement or back of curb.

(4) Such signs shall be prohibited in the following locations:

a. Within ten feet of the edge of pavement of a driveway intersection pavement and within ten feet of the edge of pavement or back of curb of a roadway intersection pavement.

b. A public right-of-way location that abuts a single-family use along its front property line without prior consent of the property owner or lawful occupant of the property.

(5) The planning director may grant a waiver from the prohibitions in (4) above on the placement of special event temporary signs for a reoccurring special event if the planning director finds that all the following conditions are met:

a. Such placement doesn’t interfere with pedestrian or vehicular travel or safety;

b. Such placement is the minimum deviation from the standards of (4) above to allow placement of the sign; and

c. No other alternative site is located within 50 feet of the proposed sign location that both meets the requirements of (4) above and is visible to the public travelling along the same roadway.

(6) Such signs shall be placed at least 20 feet from any other off-premises temporary weekend special event sign on the same side of the road.

(7) Such signs shall be a maximum of three square feet in area and a maximum of three feet in height.

(8) No more than a cumulative total of six off-premises temporary weekend special event sign permit per applicant organization or business establishment may be issued in a calendar year for single special events.
(9) No more than a cumulative total of two off-premises special event sign permits per organization or business establishment may be issued in a calendar for reoccurring special events and no more than two such permits shall be active at the same time.

(840) Except for a reoccurring special event, each permit for an off-premises temporary weekend special event sign(s) shall be only for one-weekend period.

(944) An off-premises temporary weekend special event sign that is located on any qualifying public right-of-way outside the time period authorized by this subsection shall be subject to removal under section 38.18 and code enforcement mechanisms and sanctions as provided in this Code.

(3e) Active Temporary subdivision development signs. On-premises active temporary subdivision development signs as follows:

(5) Such signs may be placed only on-premises of the developing subdivision, on property consisting of land duly platted and comprised of three acres or more including streets and rights-of-way within the platted boundaries of said property. The approved preliminary plat shall be filed with the planning and development department prior to placement of any such signs.

(6) Such signs shall be a maximum of 32 square feet in area and a maximum of 12 feet in height. Such signs shall be at least five feet from all public rights-of-way and at least 15 feet from rear and side property lines. However, the maximum area of such signs may be increased to a maximum of 48 square feet in area by locating the sign farther back than the required five feet from the all public rights-of-way. Two square feet of added sign area are allowed for each additional one foot of setback. Only one such sign shall be permitted for each intersection providing a principal point of entry into the developing subdivision, provided only one such sign may be located on a common frontage street. Such signs must be located on the premises of the developing subdivision, at least five feet from all public rights-of-way, and at least 20 feet from adjacent property lines. Such signs shall be freestanding.

(7) Such sign shall be removed no later than seven days after the final certificate of occupancy is issued.

(3d) Off-premises open house signs during weekends. Temporary off-premises open house signs are allowed as follows:

(1) The real estate that is for sale, rent, or lease shall be located within the corporate limits of the City of Vero Beach.

(2) The placement of such signs is limited to a time period between Thursday and 6:00 p.m., Sunday (the weekend period).

(3) Such signs shall be limited to the non-paved portion of any public right-of-way that is situated outside of any sidewalk, drainage ditch or swale, or traffic median, but no closer than two feet back from the edge of pavement or back of curb.

(4) Such signs shall be prohibited in the following locations:

a. Within ten feet of the edge of pavement of a driveway intersection pavement and within ten feet of the edge of pavement or back of curb of a roadway intersection pavement.

b. A public right-of-way location that abuts a single family use along its front property line without the prior consent of the property owner or lawful occupant of the property.

(5) Such signs shall be placed at least 20 feet from any other off-premises open house sign on the same side of the road and shall be located no farther than one mile from the real estate that is for sale, rent, or lease as measured from subject estate's property line to the sign.

CODING: Words striken are deletions; words underlined are additions.
(6) Such signs shall be a maximum of three square feet in area and a maximum of three feet in height.

(7) Said signs shall be freestanding or v-shaped.

(8) An off-premises open house sign that is located on any qualifying public right-of-way outside the time period authorized by this subsection shall be subject to removal under section 38.18 and code enforcement mechanisms and sanctions as provided in this Code.

(e) Off-premises open house signs on private property. Temporary off-premises open house signs on private property are allowed as follows:

(1) The subject real estate that is for sale, rent, or lease shall be located within the corporate limits of the City of Vero Beach;

(2) One off-premises freestanding sign on private property per premises is allowed with the prior consent of the property owner or lawful occupant of the property;

(3) Such signs shall be a maximum of three square feet in area and shall be a maximum of three feet in height in all zoning districts. The sign shall be located at least two feet from public rights-of-way and shall be at least 15 feet from side property lines;

(4) Off-premises open house signs on private property shall be posted only for the period an owner or owner's agent is on the premises for the open house and only during the daylight hours; and

(5) Such signs shall be placed at least 20 feet from any other off-premises open house sign on private property on the same side of the road and shall be located no farther than one mile from the subject real estate that is for sale, rent, or lease, as measured from the subject real estate's property line to the sign.

(6) Such signs shall be freestanding or v-shaped.

(cf) Sponsorship Temporary banners. Banners sponsoring a public or private school's athletic team(s) or sports facilities that face the public right-of-way may be allowed subject to the following criteria:

(1) Such banners shall only be affixed to the athletic field's permanent perimeter fencing.

(2) Such banners shall be a maximum of 32 square feet in area and a maximum of five feet in height. Each banner shall be separated by a minimum distance of four feet.

(3) Such banners shall be in place only during the regular school calendar year.

(4) Such banners shall be uniform in general design (size, color, and lettering) and shall be maintained in terms of appearance and condition.

(5) Such banners shall not be lighted other than by a light source for the athletic field when the athletic field is in use.

(6) No more than 45 such banners shall be placed on premises at any one time.

Sec. 38.12. - Reserved Sign Type Standards.

(a) Freestanding (ground) signs shall meet the following standards

(8) The property frontage contains an access point to a road right-of-way.

(9) All freestanding signs must be at least two feet back from any public sidewalk or at least five feet from any right-of-way, whichever is the lesser distance.

(10) The lot or parcel of land shall have at least 50 feet of frontage on a public right-of-way.

(b) Projecting signs shall meet the following standards:

CODING: Words striken are deletions; words underlined are additions.
(1) No part of a projecting sign or advertising structure shall project more than 36 inches from the wall of a building.
(2) Shall not project over a public sidewalk or street.
(3) No sign or part of a sign or its supporting structure shall cover any window or part of a window.
(4) No projecting sign or supporting structure shall be located in such a manner as to obstruct window light and vision.
(5) No projecting sign shall extend above the top of the wall or parapet wall, (whichever is greater in height).

(c) Small freestanding (ground) signs. limited to four square feet, shall meet the following standards:
(1) The property has frontage on right-of-way of at least 15 feet
(2) Each sign must be at least six feet from any other freestanding sign.
(3) These signs are not permitted in shopping centers or on premises which have a freestanding (ground) sign exceeding four sq. ft.
(4) Signs must be placed at least two feet within rear and side yard property lines.

Sec. 38.13. – Signage in Residential districts.

(a) Location. Signs permitted in this section shall be located not less than two feet from any public sidewalk or street, and two feet from side and rear property lines. Window signs are not permitted in residential districts except for nonresidential use in the R-2 or R-3 districts.
(b) Identification signs for single-family residences or duplexes. Signs indicating only the name and/or address of the occupant or premises for each dwelling unit may be installed without a permit provided each sign has a maximum area not exceeding two square feet, excluding mailboxes, and shall not be higher than five feet above the crown of the nearest road unless the sign is mounted flush against the wall of a building.
(b-e) Identification signs (ten units or less on premises). A premises containing ten or less dwelling or rooming units may install a single sign per street frontage indicating the name and/or address of the premises, provided the sign has a maximum area not exceeding ten square feet, and shall not be higher than six feet above the crown of the nearest road unless the sign is mounted flush against the wall of a building.
(b-e) Identification signs (more than ten units on premises). A premises containing more than ten dwelling or rooming units may install a single sign per street frontage, indicating only the name and/or address of the premises. The sign shall have a maximum area not exceeding 20 square feet and shall not be higher than ten feet above the crown of the nearest road unless the sign is mounted flush against the wall of the building.
(b-e) Identification signs for approved nonresidential uses in residential districts. For approved uses other than residential uses, one permanent identification sign per street frontage shall be permitted on a premises. Such sign has a maximum area not exceeding 20 square feet. These signs shall not be higher than ten feet above the crown of the nearest road in multiple-family districts, or six feet above the crown of the nearest road in single-family residential districts unless the sign is mounted flush against the wall of the building. Wall identification signs are also subject to the requirements for building facade signs in nonresidential districts. All identification signs in residential districts shall be either freestanding signs or wall signs.
(g) Subdivision entrance signs. An on-premises sign not exceeding 32 square feet [may be placed] at each principal entrance way to a residential subdivision. However, only one such sign shall be
permitted for each common street serving a subdivision. Such sign must be located wholly within
the property line of the subdivision which the sign identifies.

(g) Directional signs. In multiple-family districts or park districts only on-premises directional signs
having an area not exceeding four square feet are permitted, provided such signs, if freestanding,
shall be located a minimum of two feet within all property lines and shall not exceed five feet in
height. In single-family residential districts such on-premises directional signs may be placed only
on premises developed for nonresidential uses approved by the planning and zoning board.

(h) Mail boxes. Mail boxes are allowed without sign permits.

Sec. 38.14. - Park districts Reserved.

(a) Freestanding signs. One freestanding sign shall be permitted per street frontage or per each 300 feet
of street frontage, whichever is greater. The maximum area of any single freestanding sign shall not
exceed 48 square feet; however, when a freestanding sign faces single-family residentially-zoned
property, directly abutting the property on which the sign is located, the maximum sign area shall
not exceed 20 square feet. Freestanding signs shall be placed not less than five feet from all rights-
of-way and 15 feet from all other property lines and shall not be higher than ten feet above the
crown of the nearest road.

(b) Facade signs.

(1) When a building facade is a front street facade, the allowable amount of cumulative sign area
for facade signs shall not exceed ten percent of the building facade area or 300 square feet,
whichever is less.

(2) When a building facade is other than a front street facade, the allowable amount of cumulative
sign area shall not exceed five percent of the building facade area or 150 square feet whichever
is less.

(e) Scoreboards. Scoreboards inside ballparks or recreational ball fields are exempt from the provisions
of this section. Signs not exceeding 32 square feet in area comprising the fence of a ballpark or
affixed flat against the fence of ballpark and which signs face in toward the playing field are exempt
from the provisions of subsection (a) and do not require permits.

(d) Riverside Park. Banners used to draw attention to current or upcoming cultural events are allowed
by permit in Riverside Park at the Riverside Theatre, the Center for the Arts, and the Children's
Theatre. Banners shall comply with the requirements of section 38.11 as to applicable time, place,
and manner with the condition that such banners shall be located wholly within the perimeter of the
property leased by the organization displaying the banner.

Sec. 38.15. - Signage in Nonresidential zoning districts.

(a) Sign regulations in P-1, P-2, POI, H, GU and RCIO zoning districts. In addition to signage
permitted by other provisions of this section, the following types, numbers, and sizes of signs shall
be permitted in the P-1, P-2, POI, H, GU, and RCIO zoning districts.

<table>
<thead>
<tr>
<th>Park, Institutional, and Office Zoning Districts</th>
<th>Maximum Number</th>
<th>Maximum Area (Total)</th>
<th>Maximum Area (Individual)</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Façade (Wall and Awning)</td>
<td>1 per tenant per street frontage</td>
<td>10% of building façade area or 300 sq ft, whichever is less.</td>
<td>Wall: 10% of front street façade</td>
<td>The roofline</td>
</tr>
</tbody>
</table>

CODING: Words strieken are deletions; words underlined are additions.
Awning: N/A

<table>
<thead>
<tr>
<th>Marquee</th>
<th>1 per building</th>
<th>Awning: N/A</th>
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</thead>
<tbody>
<tr>
<td>Window</td>
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<td>20% total window area</td>
</tr>
<tr>
<td>Small Freestanding</td>
<td>1 per tenant</td>
<td>4 sq. ft.</td>
</tr>
<tr>
<td>Freestanding (Ground Sign)</td>
<td>1 per 300 ft. of street frontage</td>
<td>1 sq. ft. per linear ft. of property frontage; up to max 100 sq. ft. per street frontage</td>
</tr>
</tbody>
</table>

Notes:
1. Freestanding signs shall be placed five feet from all rights-of-way and 15 feet from all other property lines.
2. When a freestanding sign faces single family residentially zoned property, the maximum sign area shall not exceed 20 square feet.

(1) **Scoreboards with Commercial Signs.** Scoreboards inside ballparks or recreational ball fields are exempt from the provisions of this section. Signs not exceeding 32 square feet in area comprising the fence of a ballpark or affixed flat against the fence of ballpark and which signs face in toward the playing field are exempt from the provisions of section 38.12 (a) and do not require permits.

(2) **Community Parks.** Banners are allowed by permit in community parks at civic and cultural uses. Banners shall comply with the requirements of section 38.11 as to applicable time, place, and manner with the condition that such banners shall be located wholly within the perimeter of the property.

(b) **Sign regulations in R-3A, B-1, C-1A, and C-1M, and shopping centers in any Ocean Drive / Cardinal Overlay zoning districts.** In addition to signage permitted by other provisions of this section, the following types, numbers, and sizes of signs shall be permitted in the C-1A, B-1, C-1M, and Ocean Drive / Cardinal Overlay zoning districts.

<table>
<thead>
<tr>
<th>Limited Commercial Zoning Districts</th>
<th>Maximum Number</th>
<th>Maximum Area (Total)</th>
<th>Maximum Area (Individual)</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Façade (Wall and Awning)</td>
<td>1 per tenant per street frontage</td>
<td>1.5 Sq. ft. per linear ft. of building frontage facing a public street or parking lot</td>
<td>Wall: 32 sq. ft. Awning: N/A</td>
<td>The rooftopline</td>
</tr>
<tr>
<td>Marquee</td>
<td>1 per tenant per street frontage</td>
<td>N/A</td>
<td>20% total window area</td>
<td>N/A</td>
</tr>
<tr>
<td>Window</td>
<td>N/A</td>
<td>N/A</td>
<td>20% total window area</td>
<td>N/A</td>
</tr>
<tr>
<td>Canopy</td>
<td>1 per side of structure</td>
<td>40% of the face of the canopy</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Small Freestanding</td>
<td>1 per tenant</td>
<td>N/A</td>
<td>4 sq. ft.</td>
<td>6 feet</td>
</tr>
<tr>
<td>Freestanding (Ground Sign)</td>
<td>1 per driveway</td>
<td>1 sq. ft. per linear ft. of property frontage; up to max 100 sq. ft. per street frontage</td>
<td>48 sq. ft.</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

CODING: Words struck are deletions; words underlined are additions.
Notes:

1. The maximum total sign area for freestanding signs along public right-of-way adjacent to residentially zoned property is calculated one square feet of sign area for three linear feet of property along such public right-of-way.

2. The maximum sign area may be increased to 100 square feet by locating the sign further back than the minimum required setback. The additional sign area allowed shall be two square feet of sign area for each additional one foot of setback; except, however, in those cases where a sign is installed perpendicular to the road right-of-way, the additional sign area allowed shall be four square feet of sign area for each additional one foot of setback. A sign shall be deemed to be perpendicular to the road right-of-way when all of its copy is perpendicular to a road right-of-way.

3. For every three feet the sign placement exceeds the minimum setback, the height of the sign may be increased one additional foot to a maximum height of 25 feet.

(1) On-premises freestanding signs: On-premises freestanding signs are permitted in the above districts provided the property frontage contains an access point to a road right-of-way. All freestanding signs must be at least two feet back from any public sidewalk or at least five feet from any right-of-way, whichever is the lesser distance. Except for small identification signs (not exceeding four square feet in area), no freestanding signs shall be permitted on a lot or parcel of land which does not have at least 50 feet of frontage on a public right-of-way.

On-premises signs shall be limited to message center signs, time and temperature signs, or signs limited to the name of the business, services performed, facilities available, and commodities sold, provided, or obtained on the premises where such sign is located.

b. Small identification signs: Individuals who occupy property with frontages on right-of-way of at least 15 feet may have one on-premises freestanding identification sign per business, provided such signs do not exceed four square feet in area and do not exceed six feet in height. Said signs must be at least six feet from any other freestanding sign. These signs are not permitted in shopping centers or on premises which have a directory sign. These signs must be placed at least two feet within rear and side yard property lines.

c. Directory signs: Directory signs not exceeding eight feet in height or a maximum sign area of 48 feet regardless of setback are permitted in lieu of the small identification noted in subsection (a) above, provided the premises has at least 50 feet of frontage on a public right-of-way. No premises shall be allowed both a freestanding directory sign and a small freestanding identification sign. Directory signs shall be set back at least ten feet from side and rear yard property lines.

d. On-premises directional signs: On-premises directional signs are allowed in accordance with the requirements for directional signs in residential districts but without requiring permits in the above zoning districts.

e. Other freestanding signs: Other on-premises freestanding signs are permitted in the above districts provided the property frontage contains an access point to the public right-of-way and the property frontage is 50 feet or more. No sign shall exceed 48 square feet if placed at the minimum frontage setback allowable. Subject to the linear foot restrictions stated below, the maximum area of such signage may be increased in excess of 48 square feet to a maximum area of 100 square feet by locating the sign further back than the minimum required setback. The additional sign area allowed shall be two square feet of sign area for each additional one foot of setback, except, however, in those cases where a sign is installed.
perpendicular to the road right-of-way, the additional sign area allowed shall be four square feet of sign area for each additional one foot of setback. A sign shall be deemed to be perpendicular to the road right-of-way when all of its copy is perpendicular to a road right-of-way.

1. **Height of freestanding signs.** The height of freestanding signs shall not exceed 20 feet if placed with the minimum setback. For every three feet the sign placement exceeds the minimum setback, the height of the sign may be increased one additional foot to a maximum height of 25 feet, except in large shopping centers. This setback shall not be cumulative with square foot setback.

2. **Lineal foot restrictions.** Subject to the 100 square foot limitation on the total cumulative sign area per street frontage, the following provisions apply:

   i. **Front of premises.** The maximum number of freestanding signs allowed on a property street frontage shall not exceed one sign per point of motor vehicle access on each property street frontage. Where more than one sign is placed on the same property street frontage, the cumulative area of such signs shall not exceed the maximum aggregate sign area permitted herein. The maximum size of freestanding signs permitted on the front of the premises is one square foot of sign area for each foot of lineal frontage adjacent to a public right-of-way.

   ii. **Sides and rear of premises.** There shall be a maximum allowable amount of aggregate sign area for freestanding signs along public right-of-way calculated on the basis of two-thirds square foot of sign area for each lineal foot of property along such public right-of-way.

   iii. **Freestanding signs adjacent to residential property.** There shall be a maximum allowable amount of aggregate sign area for freestanding signs along public right-of-way adjacent to residentially zoned property calculated on the basis of one-third square foot of sign area for each lineal foot of property along such public right-of-way.

3. **Side and rear yard restrictions.** Freestanding signs shall be set back at least ten feet from side and rear yard property lines.

4. **Shopping centers.** Freestanding signs in shopping centers with property line fronting a street which property line is less than the above provisions. Freestanding signs in shopping centers with 600 lineal feet of property fronting on a public street are also controlled by said provisions with the following exceptions:

   i. The height of such freestanding signs shall not exceed 32 feet.

   ii. The sign area of such freestanding signs shall not exceed 240 square feet.

(2) **Building facade signs.** Signs attached to building facades shall include, but not necessarily be limited to, wall signs, painted signs, marquee signs, canopy signs, awning signs, parapet signs, overhanging signs, projecting signs, and pylon signs. In calculating the area of a building facade, no additional credit shall be given for the surface of any canopy or awning. The calculation of the allowable facade credit shall always be calculated on a flat, two-dimensional plane and shall not include that part of any parapet, marquee, pylon, or window sign, or other surface which extends above the roof line. A mansard roof shall be classified as a parapet wall. If the lower edge of a slanted roof other than a mansard roof extends below the top of the supporting wall, the allowable facade shall be the area of the wall minus the area covered by the roof.

CODING: Words striken are deletions; words underlined are additions.
a. There shall be an allowable amount of cumulative sign area for signs attached to the
frontage street facade of a building including permanent window signs not in excess of that
percentage shown on the Street Facade Sign Area Graph and the Street Facade Sign Area
Table, both of which are incorporated by reference.

b. There shall be an allowable amount of cumulative sign area for signs on facades other than
the frontage street facade not in excess of 50 percent of that percentage on the street facade
sign area graph and table. However, when said facade faces residentially zoned property or
is in a residential district, the allowable amount of cumulative sign area shall not exceed 25
percent of the area allowed as shown on said street facade sign area graph or table.

c. Wall signs shall comply with section 2303.3 of the Southern Standard Building Code.
d. No wall sign except wall signs painted on the wall shall cover wholly or partially any
required wall opening. No wall sign shall project above the top of the wall to which it is
attached.
e. All bracing shall be hidden or covered so that it shall not be visible from the public right-
of-way. The covered portion of the ends of such signs shall not be used for advertising
purposes.
f. Signs may be placed in whole or in part upon a parapet, or wholly on the vertical faces of a
marquee but not part of any such sign shall project above the upper edge of the parapet or
marquee, nor shall any part of a sign project below the bottom of the vertical face of the
marquee. One identification sign may be attached to the bottom of a marquee at a business
entrance in which case the sign shall not exceed 6½ square feet in area, shall maintain an
eight-foot minimum clearance above the sidewalk grade, and shall not extend beyond the
marquee's perimeter or over public property or public right-of-way.

(c) Sign regulations in the C-1 B, C-1, C-2A, ALI, and M zoning districts and shopping centers. Signs
allowed within the C-1 B, C-1, C-2A, ALI, and M districts are permitted in the above districts
according to the provisions of paragraph (a) above, with the additional provisions within this
paragraph. In addition to signage permitted by other provisions of this section, the following types,
numbers, and sizes of signs shall be permitted in the C-1 B, C-1, M, and ALI zoning districts.

<table>
<thead>
<tr>
<th>General Commercial, Aviation and Industrial Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Façade (Wall and Awning)</td>
</tr>
<tr>
<td>Maximum Number</td>
</tr>
<tr>
<td>Maximum Area (Total)</td>
</tr>
<tr>
<td>Maximum Area (Individual)</td>
</tr>
<tr>
<td>Maximum Height</td>
</tr>
<tr>
<td>Projecting</td>
</tr>
<tr>
<td>Marquee</td>
</tr>
<tr>
<td>Window</td>
</tr>
<tr>
<td>Canopy</td>
</tr>
<tr>
<td>Small Freestanding</td>
</tr>
<tr>
<td>Freestanding (Ground Sign)</td>
</tr>
</tbody>
</table>
Notes:

1. Projecting sign is permitted only on a structure having no freestanding sign.

2. The maximum total sign area for freestanding signs along public right-of-way adjacent to residentially zoned property is calculated one square feet of sign area for three lineal foot of property along such public right-of-way.

3. The maximum sign area may increased to 100 square feet by locating the sign further back than the minimum required setback. The additional sign area allowed shall be two square feet of sign area for each additional one foot of setback; except, however, in those cases where a sign is installed perpendicular to the road right-of-way, the additional sign area allowed shall be four square feet of sign area for each additional one foot of setback. A sign shall be deemed to be perpendicular to the road right-of-way when all of its copy is perpendicular to a road right-of-way.

4. For every three feet the sign placement exceeds the minimum setback, the height of the sign may be increased one additional foot to a maximum height of 25 feet.

5. Freestanding signs in shopping centers with 600 lineal feet of property fronting on a public street:
   a. The height of such freestanding signs shall not exceed 32 feet.
   b. The sign area of such freestanding signs shall not exceed 240 square feet.

(d) Sign regulations in DTW and MX zoning districts. In addition to signage permitted by other provisions of this section, the following types, numbers, and sizes of signs shall be permitted in the DTW and MX zoning districts.

<table>
<thead>
<tr>
<th>Downtown and Mixed Use Zoning Districts</th>
<th>Maximum Number</th>
<th>Maximum Area (Total)</th>
<th>Maximum Area (Individual)</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Façade (Wall and Awning)</td>
<td>1 per tenant per street frontage</td>
<td>1.5 sq. ft. per linear ft. of building frontage facing a public street or parking lot</td>
<td>Wall: 32 sq. ft.</td>
<td>The roofline</td>
</tr>
<tr>
<td>Marquee</td>
<td>1 per building</td>
<td></td>
<td>Awning: N/A</td>
<td>200 sq. ft.</td>
</tr>
<tr>
<td>Window</td>
<td>N/A</td>
<td>N/A</td>
<td>20% total window area</td>
<td>N/A</td>
</tr>
<tr>
<td>Small Freestanding</td>
<td>1 per tenant</td>
<td>N/A</td>
<td>4 sq. ft.</td>
<td>6 feet</td>
</tr>
</tbody>
</table>

Notes:

1. The building shall be set back at least 10 feet from the property line.

(1) The following temporary signs may be placed in the public rights-of-way with a permit issued from the Planning Department in this district. The following uses may be approved, provided the proposed...
activity does not impede access to any building or adversely impact pedestrian circulation by creating walkways of less than five feet:

a. Sandwich signs up to three feet in width by five feet in height. Sandwich may not block normal pedestrian flow or access to any building.

b. Flags

c. Sign regulations in planned development zoning districts. In addition to signage permitted by other provisions of this section, the following types, numbers, and sizes of signs shall be permitted in the PD zoning district as provided in the development agreement, in accordance with the nature of the uses and similarity of the uses to those permitted in other districts.

Section 3 – Codification.

The provisions of this Ordinance shall be codified in the Code of Ordinances of the City of Vero Beach, Florida.

Section 4 – Conflict and Severability.

In the event any provision of this Ordinance conflicts with any other provision of the Code or any other ordinance or resolution of the City of Vero Beach on the subject matter of this Ordinance, the more strict provision shall apply and supersede. If any provision of this Ordinance is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance, which shall be deemed separate, distinct, and independent provisions enforceable to the fullest extent possible.

Section 5– Effective Date.

This Ordinance shall become effective upon final adoption by the City Council.

This Ordinance was read by title for the first time on the ___ day of ____________ 2019, and was advertised on the ___ day of ____________ 2019, for a public hearing to be held on the ___ day of ____________ 2019, at the conclusion of which hearing it was moved for adoption by Councilmember ____________, seconded by Councilmember ____________, and adopted by the following vote of the City Council:

Mayor Val Zudans
Vice Mayor Anthony W. Young
Councilmember Laura Moss
Councilmember Harry Howle III
Councilmember Robert Bracket
ATTEST:
CITY OF VERO BEACH, FLORIDA

__________________________
Tammy K. Bursick
City Clerk

__________________________
Val Zudans
Mayor

ADMINISTRATIVE REVIEW
(For Internal Use Only—Sec. 2-77 COVB Code)

Approved as to form and
legal sufficiency:

__________________________
Kira C. Honse
Interim City Attorney

Approved as conforming to
municipal policy:

__________________________
Monte K. Falls
Interim City Manager

Approved as to technical requirements:

__________________________
Jason H. Jeffries, AICP
Planning and Development Director

Approved as to technical requirements:
ARTICLE I. - SIGNS

Sec. 38.01. - Purpose.

It is the purpose of this chapter to promote and protect the public health, safety, general welfare, and aesthetics of the City of Vero Beach, Florida, by regulating and limiting the existing and proposed posting, display, erection, use, and maintenance of signs and advertising structures within the city.

(Ord. No. 86-34, § 1, 10-21-1986)

Sec. 38.02. - Definitions.

The following definitions shall apply to this chapter:

*Abandoned sign:* A sign is abandoned if the land use or business advertised in that sign is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at the location of the sign or the location noted on the sign.

*Active subdivision development sign:* A temporary sign related to the sale of land and/or structures within a platted subdivision project under development.

*Add-on sign:* Any additional sign area added to a sign.

*Advertising structures:* Any structure, with or without any advertisement display thereon, situated upon or attached to real property upon which any sign may be placed. Said term shall not include buildings, doors, or windows. Any time the word "sign" is used in this chapter, the same shall include "advertising structure."

*Animated sign:* Any sign that has movement or optical illusion of movement including the movement of any illumination or the flashing, blinking or varying of light intensity, the automatic changing of all or any part of the sign copy more frequently than once per 30 seconds, and the reliance on the wind to display a commercial message or draw attention to a premises.

*Banner sign:* A temporary sign of lightweight fabric or similar material that is displayed on a pole, building or attached to a staff or line. For purposes of this definition a banner is not a flag.
Building facade: That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation, including window areas, but excluding residential area.

Canopy sign: Any sign installed on any ornamental roof-like structure of cloth or otherwise that provides or suggests shelter and projects from a wall or is supported by columns; or any temporary or permanent cover providing shelter or decoration (as over a door or window), including an awning.

Carried sign: A sign that is carried or displayed by a person or fastened to or part of the person's clothing. For purposes of this definition a carried sign is not a portable sign.

Construction sign: A temporary sign identifying those engaged in or involved with construction on any building site, excluding signs at construction sites on portable toilets, or construction trailers.

Copy area of a sign: The actual area of the sign copy applied to any background as computed by straight lines drawn closest to copy extremities encompassing individual letters or words.

Directional sign: An on-premises sign the message of which is limited to the direction of the public, including signs which direct traffic onto or within a premises, identify restrooms, parking areas or spaces, freight entrances, or other facilities for the convenience of the public.

Directory sign: A sign which lists only the names of individuals or businesses within a building, or contiguous buildings of one premises.

Double-faced sign: A sign with two faces of equal size and shape, back to back, and parallel, each side being a mirror image shape of the other side. This definition shall include V-shaped signs.

Election sign: A temporary sign related to an election or voter referendum.

Fence sign: Any sign installed parallel to and flush against a fence or non-building wall.

Flag: A sign made of fabric, bunting, or similar material, containing colors, patterns or symbols, used as a symbol of government, political subdivision, corporation, business or other entity or used for decorative purposes not displaying a commercial message. For purposes of this definition a flag is not a banner.

Flag pole: A pole, used to display a flag, that is anchored into the ground, installed at the top
of a building, or attached to a building.

Free expression sign: A sign related to any non-commercial message that is otherwise lawful.

Freestanding sign (ground sign): A sign which is supported by one or more columns, uprights, or braces anchored into the ground independent of support from any building, including ground signs and pole signs.

Frontage street facade: A building facade which fronts on a street. If same shall be over 30 feet, only the first 30 feet of commercial facade shall be considered the frontage street facade. Only one street facade may be designated as the frontage street facade.

Height: As applied in this article, the height of the sign or flag pole is measured from the crown of the nearest road to the highest point of the sign or flag pole.

Household sale sign: An on-premises temporary sign related to the sale of household articles of personal property and other personal effects, e.g. garage sale, yard sale, etc., in accordance with sections 62-141 and 62-142 of this Code, in, at, or upon any premises with a residential use.

Identification sign: A sign which provides noncommercial information about the premises, e.g. street numbers, the name, address and numbers of the premises, or the name of the owner or occupant of the premises, etc.

Illuminated sign: A sign which gives forth artificial light or reflects such light from an artificial source.

Install (or place): To erect, hang, paint, display, apply, or otherwise put in place in any manner whatsoever.

Instruction sign: A sign the message of which is limited to orders or commands without a commercial message, e.g. prohibition against trespassing or soliciting, etc.

Marquee: A permanent canopy or covered structure which is an integral part of or securely attached to any building, when such canopy or covered structure extends beyond the building.

Marquee sign: Any sign installed on a marquee.

Memorial sign: A sign or tablet indicating the name of the building and other related memorabilia.

Message center sign: Any sign that can automatically display unlimited words, numerals,
and/or characters in a programmed manner.

*Nonconforming sign:* Any sign which does not comply with the requirements of this article.

*Off-premises household sales sign:* A temporary sign related to a household sale (e.g. garage sale, yard sale, etc.) located off-premises on private property.

*Off-premises open house sign:* A temporary sign related to an open house event allowed by permit in public rights-of-way and/or on private property.

*Off-premises sign (billboard):* Any commercial sign utilized for advertising an establishment, an activity, an event, a service, or product that is sold, produced, manufactured, available or furnished at a place other than on the premises on which said sign is located.

*On-premises sign:* Any sign related to the commodities, accommodations, service, activities, or events on the premises on which said sign is located. "On premises sign" also means a sign that contains noncommercial messages including "free expression signs."

*Off-premises special event sign:* A temporary sign related to a reoccurring or single special public, community, civic, educational, cultural, religious, or commercial event or function allowed by permit in the public rights-of-way.

*Open house sign:* A temporary on-premises sign related to the viewing of real estate for sale, lease or rental.

*Painted sign:* Any sign painted on any surface, including the roof of any building.

*Parapet:* That portion of a facade that extends above the roof immediately adjacent thereto.

*Pennant:* A series of small flag-like or streamer-like pieces of cloth, plastic, paper or similar material attached in a row to any staff, cord or building.

*Portable sign:* Any sign designed to move or be moved by trailer or vehicle to advertise at different locations and any sign which is not firmly fastened to a building, fence, or the ground.

*Premises:* A distinct unit, lot or parcel of land including a combination of contiguous lots or parcels under a single approved site plan or other development order.

*Projecting sign:* A sign projecting from the outside wall or walls of any building.
Public right-of-way: For the purposes of regulation of temporary signs, the public right-of-way shall be deemed to be the edge of sidewalks, utility poles, traffic signal poles, or traffic signs furthest from the road. Where no such structure(s) is present, the right-of-way line shall be deemed to be 20 feet back from the near edge of roadway pavement on state highways and ten feet on local roads or, if unpaved, the near edge of unpaved roadbed surface.

Public sign: A sign placed or approved for placement on public property or public right-of-way by a duly authorized government official pursuant to and in discharge of a proprietary or governmental function or required by law, ordinance, or other governmental regulation.

Pylon sign: A sign extending in whole or in part over the highest elevation of a roof of any building, comprising a framework and display surface which are an integral part of the building upon which the sign is installed.

Real estate sign: A temporary on-premises sign related to the sale, lease or rental of real estate.

Religious emblem: A historically recognized visible symbol on a building for public worship or on the grounds of a building used for public worship that stands for or suggests a particular religion, such as the cross is an emblem of Christianity.

Reoccurring special event: A special event that occurs at least once a month consecutively for three months or more at the same location, e.g. "farmers market," etc., that has been approved by the city manager or city council to take place on public property or public rights-of-way pursuant to this Code.

Roof line: Refers to the uppermost line of the roof, including mansard roofs, of a building or, in the case of an extended facade, the uppermost height of said facade. However, in the case of a slanted roof or A-frame-type roof, "roof line" refers to the lower-most edge of said roof.

Roof sign: Any sign where any portion of the sign extends over the roof line.

Shopping center: A group of commercial establishments sharing a common site location and which are planned, developed, or managed as a unit, and which provide a common and contiguous parking area or areas. A shopping center with a front property line in excess of 600 feet shall be termed a "large" shopping center.
*Sign:* A sign is any visual device or representation designed or used for the purpose of communicating a message or identifying or attracting attention to a premises, product, service, person, organization, business or event, with or without the use of words.

*Sign area:* That background area upon which the copy area is placed. Where the copy area is attached to the wall of a building, the wall shall not be construed to be the background area of the sign unless it is an integral part of the sign. Where the sign is a double-faced or "v" shaped sign, only one side of the sign shall count as sign area.

*Special event:* A limited or special public, community, civic, educational, cultural, religious or commercial event or function.

*Special event sign:* A temporary on-premises sign related to a special event.

*Sponsorship banner:* A banner identifying a sponsor of a school's sports team(s) or sport facilities that is affixed to a perimeter fence of a public or private school's athletic field and faces a public right-of-way.

*Swinging sign:* Any sign installed by any means which allows the sign to swing back and forth by wind action.

*Temporary sign:* Any sign intended to be displayed for a limited period of time only, usually for less than one year.

*Trailer sign:* Any sign installed on a frame or structure with wheels other than a motor vehicle.

*V-shaped sign:* Any portable, folding, self-supporting sign which has two faces that are not parallel and the interior sides do not join to form an angle greater than 45 degrees.

*Vehicle:* A vehicle is any boat, camper, automobile, motorcycle, motorized van, recreation vehicle, bicycle, truck, trailer, construction equipment and other such mobile equipment whose major purpose is other than the display of advertising.

*Vehicle sign:* Any sign installed anywhere on any exterior surface of any vehicle required to be licensed by the State of Florida.

*Wall signs:* Any sign installed parallel to and flush against the face of the outside wall of a building, supported by the building and which has only one advertising surface.

*Window sign:* Any sign placed on the inside or outside of any window of any building or door.
and which is visible from any public right-of-way. This does not include merchandise on display.

(Ord. No. 86-34, § 1, 10-21-1986; Ord. No. 2012-04, § 2, 3-6-2012; Ord. No. 2012-22, § 2, 10-16-2012)

Sec. 38.03. - Compliance required and exemptions.

(a) **Compliance required.** All signs in the City of Vero Beach shall comply with the requirements of this article. Any sign that may be classified in more than one category shall be classified within the most restrictive category.

Unless expressly prohibited, multiple sign types authorized under this article may be located on a premises.

(b) **Signs exempt from this article.** The following signs are exempt from regulation under this article:

1. Addresses, including lettering and numerals, on mailboxes, structures, and buildings.
2. Graphics and works of art that in no way advertise or call attention to a product or business.
3. Scoreboards in athletic stadiums or playing fields without any commercial message.
4. Bumper stickers and non-commercial text or pictorial representations on the exterior surface of a licensed vehicle.
5. Holiday decorations and lighting that are clearly incidental and customary and commonly associated with any national, local, or religious holiday.

(Ord. No. 86-34, § 1, 10-21-1986; Ord. No. 2012-04, § 3, 3-6-2012)

Sec. 38.04. - Permitting required.

Except as specifically exempted in this chapter, no sign shall be erected, replaced, reconstructed, structurally altered, expanded, relocated, used, or maintained without securing a permit from the planning and development department.

(Ord. No. 86-34, § 1, 10-21-1986)
Sec. 38.05. - Application review, approval and appeal procedures for signs requiring a permit; permit fees.

(a) Application and fees. Prior to the placement of any sign requiring a permit pursuant to this chapter, a completed sign permit or temporary sign permit application with a nonrefundable permit fee shall be submitted to the planning and development department in accordance with section 64.03 of this Code. Permit fees shall be as established by resolution of the city council. [Sign application forms and fee schedule may be found on the city's website at www.covb.org.] A double permit fee shall be assessed for a sign erected, placed, replaced, reconstructed, structurally altered, expanded, or relocated without the required permit.

(b) Application review and approval. The completed sign application shall be reviewed and approved pursuant to the procedures and standards of section 64.05 of this Code, except as follows:

(1) The application completeness review for signs shall be completed within one working day from the date of the receipt of the complete application.

(2) Action by the planning director on any sign permit application shall be within one working day for temporary signs and three working days for permanent signs from the date of the receipt of a complete application.

(3) If a temporary sign permit is approved, an approval sticker must be affixed by the applicant to any such approved sign. The sticker shall include permit number, duration period of the permit, and initials of the approving city official.

(4) The duration limits of temporary sign permits shall be as follows:
   a. Off-premises open house signs shall be for one year.
   b. Active subdivision signs shall be subject to the duration limits specified in section 38.11.
   c. On-premises special event signs and off-premises special event signs for a single event shall be subject to the duration limits specified in section 38.11.
   d. Off-premises special event signs for reoccurring special events shall be for a period of one year.
   e.
Sponsorship banners shall be affixed on the premises only during the school calendar year, as such calendar year may be adjusted from time to time.

(5) Multiple signs approved for a single special event or reoccurring special event shall require only one permit.

(6) Each off-premises open house sign shall require a separate permit. Each such permit authorizes the relocation of the permitted sign during the duration of the permit in accordance with the applicable time, place and manner requirements of this article.

(7) Sponsorship banners approved for a premises shall require only one permit. Such permit shall identify the maximum number of sponsorship banners that may be placed on the premises subject to the permit.

(c) **Appeal.** The decision of the planning director may be appealed to the planning and zoning board pursuant to section 64.04 of this Code.

(Ord. No. 86-34, § 1, 10-21-1986; Ord. No. 2012-04, § 4, 3-6-2012)

Sec. 38.06. - Changes to existing signs not requiring a permit.

A sign permit is not required for changes to an existing permitted sign where:

(a) A change is made to the sign copy, as long as the copy area of the sign is not increased and no other changes are made to the sign requiring a building permit; or

(b) Routine maintenance or minor repairs are made to the sign that do not require a building permit.

(Ord. No. 86-34, § 1, 10-21-1986; Ord. No. 2012-04, § 5, 3-6-2012)

Sec. 38.07. - Inspections.

The permittee shall notify the sign inspector when the sign is permanently stabilized so that the sign may be inspected. If the sign has been erected in conformity with this chapter, then the permit, a pressure-sensitive label bearing the permit number, shall be issued by the sign inspector. This label shall, if possible, be attached to the front of the sign so that it shall be visible from ground level. If the label cannot be attached, it shall be kept readily available by the sign permittee for inspection.
(Ord. No. 86-34, § 1, 10-21-1986)

Sec. 38.08. - Revocation of permit.

(a) The city manager may revoke a permit issued pursuant to this chapter if the city manager determines that there has been a false statement, concealment, or misrepresentation concerning any material fact submitted in the application on which the permit approval was based.

(b) Any change to this chapter may contain a provision that all outstanding permits that permit signs not conforming to the new changes shall expire unless the signs are completed in accordance with the outstanding permit within 30 days of the effective date of the new provision.

(Ord. No. 86-34, § 1, 10-21-1986)

Sec. 38.09. - Types of signs not requiring a permit.

The following types of signs are allowed without a permit, provided that they are in compliance with all other applicable requirements of this article subject to the following regulations:

(a) **Identification signs.** One on-premises identification sign, per tenant or occupant, having an area not exceeding two square feet in area.

(b) **Public signs.** Public signs located wholly on public property or public rights-of-way.

(c) **Instruction signs.** On-premises instruction signs not to exceed one square foot in area in residential areas and four square feet in area in nonresidential areas.

(d) **Memorial signs.** One memorial sign per building not to exceed 16 square feet in area; provided, however, that memorial signs in place on November 29, 1977, are permitted.

(e) **Window signs.** Temporary window sign or signs having a total area not exceeding 20 percent of each window, calculated separately for each window provided such signs are located only within nonresidential zoning districts, except for election and free expression window signs that may be located within all zoning districts.
(f) **Real estate signs.** One on-premises sign per street frontage related to the sale, lease, or rental of real estate or a business opportunity in all zoning districts. Such sign shall be either a freestanding, fence or wall sign in nonresidential districts and a freestanding sign in residential zoning districts. Such sign shall be a maximum of three square feet in area in districts zoned residential or a maximum of six square feet in area in other districts. The maximum height of such sign shall be three feet in districts zoned residential and ten feet in other zoning districts. If freestanding, such sign shall be located at least two feet from public rights-of-way and shall be at least 15 feet from rear and side property lines.

(g) **Open house signs.** One on-premises freestanding sign per street frontage in all zoning districts. Such signs shall be a maximum of three square feet in area and a maximum of three feet in height in all zoning districts. Such signs shall be located at least two feet from public rights-of-way and shall be at least 15 feet from rear and side property lines. Open house signs shall be posted only for the period an owner or owner's agent is on the premises for the open house and only during daylight hours.

(h) **Specified directional signs.** On-premises directional signs not exceeding square feet in area in nonresidential zoning districts only.

(i) **Construction signs.** Construction signs relating to the construction or improvement of the property upon which such signs are located as follows:

1. If located within a residential zoning district, the signs shall be a maximum of three square feet in area and a maximum of three feet in height with no more than one sign per street frontage.

2. If located within a non-residential zoning district, the cumulative sign area of such signs shall be a maximum of 16 square feet in area and a maximum of ten feet in height with no more than one sign per street frontage.

3. Such signs shall be located at least two feet from public rights-of-way and shall be at least 15 feet from rear and side property lines.

4. Such signs shall be freestanding.

5. Such signs shall only be posted after the issuance of a building permit for construction and shall remain in place no more than 60 days. Such signs shall be removed after the issuance of the certificate of occupancy,
final completion inspection, expiration of the building permit that authorized the work, or the 60-day duration period, whichever comes first.

(j) **Household sale signs.** Signs advertising a household, garage or yard sale as follows:

1. One on-premises freestanding household sale sign per street frontage.
2. Two freestanding off-premises household sales signs per household sale on private property with the prior consent of the owner or a lawful occupant of the property. Only one such sign is allowed per premises.
3. On- and off-premises household sale signs shall be a maximum of three square feet in area and shall be a maximum of three feet in height. Signs shall be located at least two feet from public rights-of-way and shall be at least 15 feet from side property lines.
4. On- and off-premises household sale signs shall be posted only for the period of the sale and only during daylight hours. No sign shall be maintained for a period exceeding three consecutive days or for more than a total of nine days during a calendar year.
5. Household sales shall be in accordance with sections 62-141 and 62-142 of this Code.

(k) **Election signs.** Election signs as follows:

1. **Residential Zoning Districts.** Such signs shall be either freestanding or window signs in residential zoning districts. If displayed as a freestanding sign, such sign shall be a maximum of three square feet in area, and a maximum of three feet in height. Each window sign shall be a maximum of two square feet in area and the cumulative area of all window signs shall be a maximum of 20 percent of the total area of each window.
2. **Nonresidential Zoning Districts.** Such signs shall be freestanding, fence, wall or window signs in non-residential districts. If displayed as a freestanding, fence or wall sign, such sign shall be a maximum of 16 square feet in area and shall be a maximum of ten feet in height. Each
(3) General election sign regulations applicable to all zoning districts.
   a. Election signs shall be located wholly on private property with the prior consent of the property owner or lawful occupant of the property. Such signs shall be located at least two feet from public rights-of-way and shall be at least 15 feet from rear and side property lines.
   b. The number of signs allowed per street frontage shall be one per candidate and one per each side of an issue.
   c. Election signs shall be posted no earlier than 90 days prior to the corresponding election and must be removed no later than seven days after the corresponding election.

(l) Carried election or free expression signs. Such signs may be carried on public rights-of-way, excluding streets, roads, alleys, or median strips.

(m) Free expression signs. One free expression sign per street frontage in all zoning districts as follows:
   
   (1) Residential Zoning Districts. Such signs shall either be freestanding or window signs in residential zoning districts. If displayed as a freestanding sign, such sign shall be a maximum of three square feet in area, and a maximum of three feet in height. Each window sign shall be a maximum of two square feet in area and the cumulative area of all window signs shall be a maximum of 20 percent of the total area of each window.

   (2) Nonresidential Zoning Districts. Such signs shall be freestanding, fence, wall or window signs in nonresidential districts. If displayed as a freestanding, fence or wall sign, such sign shall be a maximum of 16 square feet in area and a maximum of ten feet in height. Each window sign shall be a maximum of four square feet in area and the cumulative area of all window signs shall be a maximum of 20 percent of the total area of each window.

(3)
General free expression sign regulations applicable to all zoning districts. Free expression signs shall be located wholly on private property with the prior consent of the property owner or lawful occupant of the property. Such signs shall be located at least two feet from public rights-of-way and shall be at least 15 feet from rear and side property lines. Such signs shall not be illuminated.

(n) **Flags.** Flags as follows:

(1) **Single-family Zoning Districts.** In a single-family zoning district, two flags and one flag pole per premises. Each flag shall be a maximum of 15 square feet in area. The flag pole shall be a maximum of 25 feet in height or no higher than the highest point of the principal building's roof, whichever is lower. Flag poles shall meet the minimum yard setback requirements for a principal building.

(2) **Multi-family or Nonresidential Zoning Districts.** In a multi-family or nonresidential zoning district, one flag per 25 feet of frontage on a right-of-way up to a maximum of six flags and six flag poles per premises. Each flag shall be a maximum of 24 square feet in area. Flag poles shall be a maximum of 25 feet in height or the highest point of the nearest principal building's roof on the premises, whichever is higher. Flag poles shall meet the minimum yard setback requirements for a principal building or a minimum of ten feet whichever is more restrictive.

(3) **Small flags at vehicle sales and service establishments.** One small flag of no more than one square foot in area may be attached to vehicles on display for sale or rent at vehicle sales and service establishments. Such flag shall be no higher than two feet above the height of the vehicle as if it were displayed at grade level.

(o) **Signs within ballparks and athletic fields.** Signs within ballparks and athletic fields as follows:

(1) Such signs may be affixed to the fence or scoreboard, facing inward to the field of play.

(2) Such signs shall be a maximum of 32 square feet in area.

(p) **Signs not readily visible from public right-of-way.**

(q)
Neighborhood or Business District Signs. Neighborhood or business district ornamental, historic, identification or directional signs approved by the city manager within the public rights-of-way.

(r) Vehicle signs except as prohibited in section 38.17.

(s) Carried commercial signs. Such signs may be carried on premises on private, nonresidential property or on public rights-of-way in nonresidential zoning districts, excluding streets, roads, alleys, or median strips, except in a manner as prohibited in section 38.17.

(t) Traditional barber pole signs. Traditional "barber pole" signs of less than 3.5 feet in height that call attention to an on-premises barbershop, hairstyling salon, or similar establishment.

(u) Temporary on-premises signs incidental to a special event. Temporary on-premises signs displayed during a special event approved on private property or on public property or public rights-of-way pursuant to this Code. Such incidental signs may only be displayed during the course of the event and may include banners, balloons, pennants, v-shaped, and animated signs and may be illuminated. All such signs shall be removed at the conclusion of the special event.

(v) Temporary on-premises commercial signs. One temporary on-premises sign per establishment displaying a commercial message on property zoned non-residential:

(1) Such signs shall be a maximum of four square feet in area and a maximum of three feet in height.

(2) Such signs may be a v-shaped sign.

(3) Such signs shall be located under the covered porch, roof or entryway projection, awning, arcade, or covered walkway or entrance of the establishment or a maximum of three feet from the entrance to the establishment in absence of the aforementioned building elements.

(4) Such signs shall not be located in public rights-of-way and shall not impede normal pedestrian traffic.

(5) Such signs shall only be displayed the business hours of the establishment and must be removed and stored within an enclosed structure during non-business hours.
Sec. 38.10. - General sign regulations.

(a) Construction standards. All signs shall comply with all applicable technical codes adopted by the City of Vero Beach.

(b) Maintenance. All signs within the city limits including all supports, braces, guys, and anchors shall be kept in good repair.

(c) Signs not to constitute a traffic hazard. No sign shall be placed at any location in the city where it may interfere with or obstruct the view of any motorist, or be confused with any authorized traffic sign, signal, or device. A sign which, at the time of construction, was not considered a traffic hazard shall be removed at the owner's expense if at a later time it is determined by the city manager that the sign has become a traffic hazard due to changed circumstances.

(d) Signs not to encroach electric utility clear zone. No sign shall be placed closer than eight feet from the nearest part of any utility pole which supports electrical transmission lines. No sign shall be placed closer than eight feet from the nearest part of any electric transmission line. If the National Electrical Code is made more restrictive than the provisions of this subsection, its more restrictive provisions shall supersede the provisions herein and all signs shall be removed from the clear zone at the owner's expense.

(e) Illuminated signs:

(1) The light from any illuminated sign, or from any light source, shall be shaded, shielded, or directed so that the light intensity or brightness shall neither adversely affect the surrounding premises nor impede safe vision of operators of vehicles moving on streets or parking areas.

(2) No signs except message center signs and time and temperature signs shall have exposed fluorescent lighting.

(3)
No sign shall have fluorescent paint or be photophorescent. No sign shall have exposed neon of any intensity. All unexposed neon shall be approved by any testing laboratory acceptable to the city. No sign shall have a light source which exceeds the following criteria for light intensity:

**BRIGHTNESS AND INTENSITY CRITERIA**

<table>
<thead>
<tr>
<th>Light Source</th>
<th>Residential Park and Residential Portion of MPZ Districts</th>
<th>R-3A, B-1, C-1A, C-1M, H, and Commercial Portion of MPZ Districts</th>
<th>C-1B, C-1, C-2A, C-2M, A, M-1 and M-2 Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exposed bulbs</td>
<td>10 Watts</td>
<td>15 Watts</td>
<td>15 Watts</td>
</tr>
<tr>
<td>Luminous background</td>
<td>90 ft. lamberts</td>
<td>150 ft. lamberts</td>
<td>200 ft. lamberts</td>
</tr>
<tr>
<td>Illuminated</td>
<td>50 footcandles</td>
<td>50 footcandles</td>
<td>75 footcandles</td>
</tr>
</tbody>
</table>

(4) No flashing sign shall be permitted except time and temperature signs, message center signs, and public signs.

(f) **Height of signs.** No part of any sign affixed to a building shall exceed the height of the building as measured exclusive of elevator shafts, air conditioning units, or cooling towers. The height of freestanding signs is established for the several zoning districts as set forth herein.

(g) **Distance separation.** Distance requirements set forth herein shall be measured from the nearest part of any sign (or its structure) to the nearest point of the closet applicable setback line, property line, roof line, or other applicable restricting line of point of separation (including distance between signs) or height limitation.

(h)
Signs on public property and rights-of-way. Except as expressly permitted in this article, no sign shall be erected, placed, replaced, installed or maintained in or on any city property or public right-of-way.

(i) Substitution of message. Notwithstanding anything contained in this article to the contrary, any on-premise sign erected pursuant to the provisions of this article may, at the option of the owner or lawful occupant of the property, contain a noncommercial message in lieu of a commercial message, and the non-commercial copy may be substituted at any time in place of the commercial copy. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another noncommercial message, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or sign-type and provided that the size, height, setback and other dimensional criteria contained in this article have been satisfied.

(j) Illumination of temporary signs prohibited. No temporary sign shall be illuminated, except as expressly permitted in this article.

(Ord. No. 86-34, § 1, 10-21-1986; Ord. No. 2012-04, § 7, 3-6-2012)

Sec. 38.11. - Temporary signs requiring permits.

A permit issued pursuant to section 38.05 is required for the following temporary signs, subject to all other applicable provisions of this article and the specific requirements of this section as follows:

(a) On-premises special event signs. Temporary on-premises special event signs are allowed on property in nonresidential zoning districts and on property with lawfully established nonresidential uses in residential zoning districts, as follows:

(1) One sign per street frontage. Such sign shall be located at least two feet from public rights-of-way and shall be at least 15 feet from rear and side property lines.

(2) Such sign shall be a freestanding sign, wall sign, window sign, or a banner sign. If displayed as a wall or freestanding sign, such sign shall be a maximum of 16 square feet in area and a maximum of ten feet in height. If displayed as a window sign, such sign shall be a maximum of
four square feet in area and the cumulative area of all window signs shall be a maximum of 20 percent of the total area of each window. If displayed as a banner sign, such sign shall be a maximum of 16 square feet in area and shall not:

a. Be affixed between posts on walkways;

b. Hung in or on trees;

c. Be placed on rooftops or in any way create a hazard or unsafe condition; or

d. Be placed higher than ten feet on a building.

(3) Such sign shall be posted no earlier than 14 days prior to the corresponding event or function and must be removed no later than 24 hours after the corresponding event or function.

(4) No more than a cumulative total of six on-premises special event sign permits may be issued in any calendar year per organization or business establishment.

(5) The duration of a special event sign shall be for no more than 14 days beginning with date of posting, unless the period is extended by a special event permit issued pursuant to section 64.12 of this Code.

(b) *Off-premises special event signs during weekends.* In conjunction with a single special event or reoccurring special event, temporary off-premises special event signs are allowed as follows:

(1) The placement of such signs is limited to a time period between Thursday and 6:00 p.m., Sunday (weekend period).

(2) A maximum of 20 such freestanding signs may be placed.

(3) Such signs shall be limited to the non-paved portion of any public right-of-way that is situated outside of any sidewalk, drainage ditch or swale, or traffic median, but no closer than two feet back from the edge of pavement or back of curb.

(4) Such signs shall be prohibited in the following locations:

a. Within ten feet of the edge of pavement of a driveway intersection pavement and within ten feet of the edge of pavement or back of curb of a roadway intersection pavement.

b.
A public right-of-way location that abuts a single-family use along its front property line without prior consent of the property owner or lawful occupant of the property.

(5) The planning director may grant a waiver from the prohibitions in (4) above on the placement of special event signs for a reoccurring special event if the planning director finds that all the following conditions are met:
   a. Such placement doesn't interfere with pedestrian or vehicular travel or safety;
   b. Such placement is the minimum deviation from the standards of (4) above to allow placement of the sign; and
   c. No other alternative site is located within 50 feet of the proposed sign location that both meets the requirements of (4) above and is visible to the public travelling along the same roadway.

(6) Such signs shall be placed at least 20 feet from any other off-premises special event sign on the same side of the road.

(7) Such signs shall be a maximum of three square feet in area and a maximum of three feet in height.

(8) No more than a cumulative total of six off-premises special event sign permits per organization or business establishment may be issued in a calendar year for single special events.

(9) No more than a cumulative total of two off-premises special event sign permits per organization or business establishment may be issued in a calendar for reoccurring special events and no more than two such permits shall be active at the same time.

(10) Except for a reoccurring special event, each permit for an off-premises special event sign(s) shall be only for one-weekend period.

(11) An off-premises special event sign that is located on any qualifying public right-of-way outside the time period authorized by this subsection shall be subject to removal under section 38.18 and code enforcement mechanisms and sanctions as provided in this Code.

(c) *Active subdivision development signs.* On-premises active subdivision development signs as follows:
(1) Such signs may be placed only on-premises of the developing subdivision, on property consisting of land duly platted and comprised of three acres or more including streets and rights-of-way within the platted boundaries of said property. The approved preliminary plat shall be filed with the planning and development department prior to placement of any such signs.

(2) Such signs shall be a maximum of 32 square feet in area and a maximum of 12 feet in height. Such signs shall be at least five feet from all public rights-of-way and at least 15 feet from rear and side property lines. However, the maximum area of such signs may be increased to a maximum of 48 square feet in area by locating the sign farther back than the required five feet from the all public rights-of-way. Two square feet of added sign area are allowed for each additional one foot of setback. Only one such sign shall be permitted for each intersection providing a principal point of entry into the developing subdivision, provided only one such sign may be located on a common frontage street. Such signs must be located on the premises of the developing subdivision, at least five feet from all public rights-of-way, and at least 20 feet from adjacent property lines. Such signs shall be freestanding.

(3) Such sign shall be removed no later than seven days after the final certificate of occupancy is issued.

(d) Off-premises open house signs during weekends. Temporary off-premises open house signs are allowed as follows:

(1) The real estate that is for sale, rent, or lease shall be located within the corporate limits of the City of Vero Beach.

(2) The placement of such signs is limited to a time period between Thursday and 6:00 p.m., Sunday (the weekend period).

(3) Such signs shall be limited to the non-paved portion of any public right-of-way that is situated outside of any sidewalk, drainage ditch or swale, or traffic median, but no closer than two feet back from the edge of pavement or back of curb.

(4) Such signs shall be prohibited in the following locations:

a. 
Within ten feet of the edge of pavement of a driveway intersection pavement and within ten feet of the edge of pavement or back of curb of a roadway intersection pavement.

b. A public right-of-way location that abuts a single family use along its front property line without the prior consent of the property owner or lawful occupant of the property.

(5) Such signs shall be placed at least 20 feet from any other off-premises open house sign on the same side of the road and shall be located no farther than one mile from the real estate that is for sale, rent, or lease as measured from subject estate's property line to the sign.

(6) Such signs shall be a maximum of three square feet in area and a maximum of three feet in height.

(7) Said signs shall be freestanding or v-shaped.

(8) An off-premises open house sign that is located on any qualifying public right-of-way outside the time period authorized by this subsection shall be subject to removal under section 38.18 and code enforcement mechanisms and sanctions as provided in this Code.

(e) Off-premises open house signs on private property. Temporary off-premises open house signs on private property are allowed as follows:

(1) The subject real estate that is for sale, rent, or lease shall be located within the corporate limits of the City of Vero Beach;

(2) One off-premises freestanding sign on private property per premises is allowed with the prior consent of the property owner or lawful occupant of the property;

(3) Such signs shall be a maximum of three square feet in area and shall be a maximum of three feet in height in all zoning districts. The sign shall be located at least two feet from public rights-of-way and shall be at least 15 feet from side property lines;

(4) Off-premises open house signs on private property shall be posted only for the period an owner or owner's agent is on the premises for the open house and only during the daylight hours; and

(5)
Such signs shall be placed at least 20 feet from any other off-premises open house sign on private property on the same side of the road and shall be located no farther than one mile from the subject real estate that is for sale, rent, or lease, as measured from the subject real estate's property line to the sign.

(6) Such signs shall be freestanding or v-shaped.

(f) **Sponsorship banners.** Banners sponsoring a public or private school's athletic team(s) or sports facilities that face the public right-of-way may be allowed subject to the following criteria:

(1) Such banners shall only be affixed to the athletic field's permanent perimeter fencing.

(2) Such banners shall be a maximum of 32 square feet in area and a maximum of five feet in height. Each banner shall be separated by a minimum distance of four feet.

(3) Such banners shall be in place only during the regular school calendar year.

(4) Such banners shall be uniform in general design (size, color, and lettering) and shall be maintained in terms of appearance and condition.

(5) Such banners shall not be lighted other than by a light source for the athletic field when the athletic field is in use.

(6) No more than 45 such banners shall be placed on-premises at any one time.


Sec. 38.12. - Reserved.


Sec. 38.13. - Residential districts.
Location. Signs permitted in this section shall be located not less than two feet from any public sidewalk or street, and two feet from side and rear property lines. Window signs are not permitted in residential districts except for nonresidential use in the R-2 or R-3 districts.

(b) Identification signs for single-family residences or duplexes. Signs indicating only the name and/or address of the occupant or premises for each dwelling unit may be installed without a permit provided each sign has a maximum area not exceeding two square feet, excluding mailboxes, and shall not be higher than five feet above the crown of the nearest road unless the sign is mounted flush against the wall of a building.

(c) Identification signs (ten units or less on premises). A premises containing ten or less dwelling or rooming units may install a single sign per street frontage indicating the name and/or address of the premises, provided the sign has a maximum area not exceeding ten square feet, and shall not be higher than six feet above the crown of the nearest road unless the sign is mounted flush against the wall of a building.

(d) Identification signs (more than ten units on premises). A premises containing more than ten dwelling or rooming units may install a single sign per street frontage, indicating only the name and/or address of the premises. The sign shall have a maximum area not exceeding 20 square feet and shall not be higher than ten feet above the crown of the nearest road unless the sign is mounted flush against the wall of the building.

(e) Identification signs for approved nonresidential uses in residential districts: For approved uses other than residential uses, one permanent identification sign per street frontage shall be permitted on a premises. Such sign has a maximum area not exceeding 20 square feet. These signs shall not be higher than ten feet above the crown of the nearest road in multiple-family districts, or six feet above the crown of the nearest road in single-family residential districts unless the sign is mounted flush against the wall of the building. Wall identification signs are also subject to the requirements for building facade signs in nonresidential districts. All identification signs in residential districts shall be either freestanding signs or wall signs.

(f)
Subdivision entrance signs. An on-premises sign not exceeding 32 square feet [may be placed] at each principal entrance way to a residential subdivision. However, only one such sign shall be permitted for each common street serving a subdivision. Such sign must be located wholly within the property line of the subdivision which the sign identifies.

(g) Directional signs. In multiple-family districts or park districts only on-premises directional signs having an area not exceeding four square feet are permitted, provided such signs, if freestanding, shall be located a minimum of two feet within all property lines and shall not exceed five feet in height. In single-family residential districts such on-premises directional signs may be placed only on premises developed for nonresidential uses approved by the planning and zoning board.

(h) Mail boxes. Mail boxes are allowed without sign permits.

(Ord. No. 86-34, § 1, 10-21-1986)

Sec. 38.14. - Park districts.

(a) Freestanding signs. One freestanding sign shall be permitted per street frontage or per each 300 feet of street frontage, whichever is greater. The maximum area of any single freestanding sign shall not exceed 48 square feet; however, when a freestanding sign faces single family residentially zoned property, directly abutting the property on which the sign is located, the maximum sign area shall not exceed 20 square feet. Freestanding signs shall be placed not less than five feet from all rights-of-way and 15 feet from all other property lines and shall not be higher than ten feet above the crown of the nearest road.

(b) Facade signs.

(1) When a building facade is a front street facade, the allowable amount of cumulative sign area for facade signs shall not exceed ten percent of the building facade area or 300 square feet, whichever is less.

(2) When a building facade is other than a front street facade, the allowable amount of cumulative sign area shall not exceed five percent of the building facade area or 150 square feet whichever is less.
Scoreboards. Scoreboards inside ballparks or recreational ball fields are exempt from the provisions of this section. Signs not exceeding 32 square feet in area comprising the fence of a ballpark or affixed flat against the fence of ballpark and which signs face in toward the playing field are exempt from the provisions of subsection (a) and do not require permits.

(d) Riverside Park. Banners used to draw attention to current or upcoming cultural events are allowed by permit in Riverside Park at the Riverside Theatre, the Center for the Arts, and the Children's Theatre. Banners shall comply with the requirements of section 38.11 as to applicable time, place, and manner with the condition that such banners shall be located wholly within the perimeter of the property leased by the organization displaying the banner.

(Ord. No. 86-34, § 1, 10-21-1986; Ord. No. 91-24, § 1, 8-20-1991; Ord. No. 2007-07, § 1, 4-3-2007; Ord. No. 2012-04, § 10, 3-6-2012)

Sec. 38.15. - Nonresidential zoning district.

(a) Sign regulations in R-3A, B-1, C-1A, hand C-1M, and shopping centers in any district:

(1) On-premises freestanding signs. On-premises freestanding signs are permitted in the above districts provided the property frontage contains an access point to a road right-of-way. All freestanding signs must be at least two feet back from any public sidewalk or at least five feet from any right-of-way, whichever is the lesser distance. Except for small identification signs (not exceeding four square feet in area), no freestanding signs shall be permitted on a lot or parcel of land which does not have at least 50 feet of frontage on a public right-of-way.

On-premises signs shall be limited to message center signs, time and temperature signs, or signs limited to the name of the business, services performed, facilities available, and commodities sold, provided, or obtained on the premises where such sign is located.

a. Small identification signs: Individuals who occupy property with frontages on right-of-way of at least 15 feet may have one on-premises freestanding identification sign per business, provided such signs do not exceed four square feet in area and do not exceed six feet in height. Said signs must be at least six feet from any other freestanding sign.
These signs are not permitted in shopping centers or on premises which have a directory sign. These signs must be placed at least two feet within rear and side yard property lines.

b. Directory signs: Directory signs not exceeding eight feet in height or a maximum sign area of 48 feet regardless of setback are permitted in lieu of the small identification noted in subsection (a) above, provided the premises has at least 50 feet of frontage on a public right-of-way. Frontage on a sidewalk is not required for directory signs. No premises shall be allowed both a freestanding directory sign and a small freestanding identification sign. Directory signs shall be set back at least ten feet from side and rear yard property lines.

c. On-premises directional signs: On-premises directional signs are allowed in accordance with the requirements for directional signs in residential districts but without requiring permits in the above zoning districts.

d. Other freestanding signs: Other on-premises freestanding signs are permitted in the above districts provided the property frontage contains an access point to the public right-of-way and the property frontage is 50 feet or more. No sign shall exceed 48 square feet if placed at the minimum frontage setback allowable. Subject to the lineal foot restrictions stated below, the maximum area of such signage may be increased in excess of 48 square feet to a maximum area of 100 square feet by locating the sign further back than the minimum required setback. The additional sign area allowed shall be two square feet of sign area for each additional one foot of setback; except, however, in those cases where a sign is installed perpendicular to the road right-of-way, the additional sign area allowed shall be four square feet of sign area for each additional one foot of setback. A sign shall be deemed to be perpendicular to the road right-of-way when all of its copy is perpendicular to a road right-of-way.

1. Height of freestanding signs. The height of freestanding signs shall not exceed 20 feet if placed with the minimum setback. For every three feet the sign placement exceeds the minimum setback, the
height of the sign may be increased one additional foot to a maximum height of 25 feet, except in large shopping centers. This setback shall not be cumulative with square foot setback.

2. **Lineal foot restrictions.** Subject to the 100 square foot limitation on the total cumulative sign area per street frontage, the following provisions apply:
   
   i. **Front of premises.** The maximum number of freestanding signs allowed on a property street frontage shall not exceed one sign per point of motor vehicle access on each property street frontage. Where more than one sign is placed on the same property street frontage, the cumulative area of such signs shall not exceed the maximum aggregate sign area permitted herein. The maximum size of freestanding signs permitted on the front of the premises is one square foot of sign area for each foot of lineal frontage adjacent to a public right-of-way.

   ii. **Sides and rear of premises.** There shall be a maximum allowable amount of aggregate sign area for freestanding signs along public right-of-way calculated on the basis of two-thirds square foot of sign area for each lineal foot of property along such public rights-of-way.

   iii. **Freestanding signs adjacent to residential property.** There shall be a maximum allowable amount of aggregate sign area for freestanding signs along public right-of-way adjacent to residentially zoned property calculated on the basis of one-third square foot of sign area for each lineal foot of property along such public right-of-way.

3. **Side and rear yard restrictions.** Freestanding signs shall be set back at least ten feet from side and rear yard property lines.

4. **Shopping centers.** Freestanding signs in shopping centers with property line fronting a street which property line is less than the above provisions. Freestanding signs in shopping centers with 600 lineal feet of property fronting on a public street are also controlled by said provisions with the following exceptions:
i. The height of such freestanding signs shall not exceed 32 feet.

ii. The sign area of such freestanding signs shall not exceed 240 square feet.

(2) **Building facade signs.** Signs attached to building facades shall include, but not necessarily be limited to, wall signs, painted signs, marquee signs, canopy signs, awning signs, parapet signs, overhanging signs, projecting signs, and pylon signs. In calculating the area of a building facade, no additional credit shall be given for the surface of any canopy or awning. The calculation of the allowable facade credit shall always be calculated on a flat, two-dimensional plane and shall not include that part of any parapet, marquee, pylon, or window sign, or other surface which extends above the roof line. A mansard roof shall be classified as a parapet wall. If the lower edge of a slanted roof other than a mansard roof extends below the top of the supporting wall, the allowable facade shall be the area of the wall minus the area covered by the roof.

a. There shall be an allowable amount of cumulative sign area for signs attached to the frontage street facade of a building including permanent window signs not in excess of that percentage shown on the Street Facade Sign Area Graph and the Street Facade Sign Area Table, both of which are incorporated by reference.

b. There shall be an allowable amount of cumulative sign area for signs on facades other than the frontage street facade not in excess of 50 percent of that percentage on the street facade sign area graph and table. However, when said facade faces residentially zoned property or is in a residential district, the allowable amount of cumulative sign area shall not exceed 25 percent of the area allowed as shown on said street facade sign area graph or table.

c. Wall signs shall comply with section 2303.3 of the Southern Standard Building Code.

d. No wall sign except wall signs painted on the wall shall cover wholly or partially any required wall opening. No wall sign shall project above the top of the wall to which it is attached.
All bracing shall be hidden or covered so that it shall not be visible from the public right-of-way. The covered portion of the ends of such signs shall not be used for advertising purposes.

f. Signs may be placed in whole or in part upon a parapet, or wholly on the vertical faces of a marquee but no part of any such sign shall project above the upper edge of the parapet or marquee, nor shall any part of a sign project below the bottom of the vertical face of the marquee. One identification sign may be attached to the bottom of a marquee at a business entrance in which case the sign shall not exceed 6½ square feet in area, shall maintain an eight-foot minimum clearance above the sidewalk grade, and shall not extend beyond the marquee's perimeter or over public property or public right-of-way.

(b) Sign regulations in the C-1B, C-1, C-2A, ALI, and M districts. Signs allowed within the C-1B, C-1, C-2A, ALI, and M districts are permitted in the above districts according to the provisions of paragraph (a) above, with the additional provisions within this paragraph:

(1) Overhanging or projecting signs. One projecting sign per structure is permitted only in the C-1B, C-1, C-2A, ALI, and M districts and only on a structure having no freestanding sign. No part of a projecting sign or advertising structure shall project more than 36 inches from the wall of a building and shall not project over a public sidewalk or street. No sign or part of a sign or its supporting structure shall cover any window or part of a window. No projecting sign or supporting structure shall be located in such a manner as to obstruct window light and vision. No projecting sign shall extend above the top of the wall or parapet wall, (whichever is greater in height).

(Ord. No. 86-34, § 1, 10-21-1986)

Sec. 38.16. - Nonconforming signs.

Notwithstanding any other section to the contrary, existing projecting signs shall not be required to be removed until any of the following happen, at which time they shall be removed:

(a) The sign is structurally altered or moved without being brought into conformity with the sign ordinance;
(b) The sign is abandoned;
(c) The sign is found to violate some other provisions of the sign ordinance or technical codes;
(d) The sign is destroyed, damaged, or deteriorates beyond 50 percent of the original cost of the sign from any cause whatsoever; or
(e) The sign becomes a hazard or danger.

(Ord. No. 86-34, § 1, 10-21-1986)

Sec. 38.17. - Prohibited signs.

Except as allowed in another section of this article, it shall be unlawful, and is therefore prohibited, to erect, place, maintain, or cause to be erected, placed or maintained any of the following signs or types of signs:

(a) A sign requiring a permit that is placed without a permit or any temporary sign requiring a permit that is placed without a current official approval sticker.

(b) Any sign not specifically authorized by the sign ordinance.

(c) Any sign that:
(1) Is structurally unsafe or a hazard to public safety or to life or limb, including fire hazard;
(2) Obstructs any fire escape, any window, door or other opening used as a means of ingress or egress so as to prevent free passage of persons;
(3) Interferes with openings requiring for ventilation;
(4) Falsely simulates emergency vehicles, traffic control devices, or public signs;
(5) Obstructs any motorist’s clear and open view of an intersecting road or driveway, or conflicts with the clear and open view of traffic control devices; or
(6) Is located in a manner that interferes with pedestrian or vehicular travel.

(d) "V-shaped" signs or other portable signs, and add-on signs.

(e) Any freestanding sign that exceeds 100 square feet in area.

(f) Any abandoned sign.
(g) A series of two or more signs which must be read together to obtain a single message.

(h) Any sign that emits sound, vapor, smoke, odor, particles or gaseous matter.

(i) Animated signs.

(j) Trailer signs except permitted on-site construction trailer signs.

(k) Pennants, balloons, banners, streamers, discs, festooning, tinsel, strings of ribbons, whirligigs, inflatable objects, cut out figures, beacons, and fixed aerial signage or similar attention-getting devices when erected, placed, or maintained for commercial advertising purposes.

(l) Vehicle sign(s) with a commercial message that covers more than ten square feet of total sign area on any vehicle parked where the signage is visible from the public right-of-way for more than four consecutive hours in a 24-hour period in a location more than 100 feet from the entrance to the building occupied by the corresponding business advertised or named on the vehicle sign, except in situations where the vehicle is being used to conduct normal business.

(m) Roof signs.

(n) Signs which overhang public streets or sidewalks.

(o) Flags, used to attract attention to commercial or professional establishments, that are not affixed to a permanently installed flagpole are prohibited.

(p) Any sign that is in disrepair or in a deteriorated state.

(q) Off-premises (billboards) signs.

(r) Signs of obscene nature: Any sign displaying any statement, word, character or illustration of an obscene nature. The word "obscene" shall be construed consistent with the mandate of Miller v. California, 413 U.S. 15 (1973).

(s) Any sign nailed, fastened, affixed to, or painted on any tree (living or dead), or other vegetation.

(t) Any sign on public property or public rights-of-way.

(u) Any sign advertising a home occupation.
Any commercial sign carried or displayed by a person on the public rights-of-way or visible from the public rights-of-way that is waved, twirled, rotated, moved up and down, placed in motion, or moved in a manner intended to draw the attention of passing motorists to a commercial message.


Sec. 38.18. - Removal of prohibited signs from public property or public rights-of-way.

Any prohibited sign on public property or public rights-of-way may be immediately removed by a code enforcement officer or other authorized city official. Any sign so removed may be disposed of without notice or compensation. In addition to other remedies, the city shall have the right to recover from the owner or person placing such sign the cost of removal and/or disposal.

(Ord. No. 86-34, § 1, 10-21-1986; Ord. No. 2012-04, § 12, 3-6-2012)

Sec. 38.19. - Enforcement.

This chapter shall be enforced through code enforcement board procedures and action or such court procedures as the city deems appropriate.

(Ord. No. 86-34, § 1, 10-21-1986)

Sec. 38.20. - Variances.

(a) Any request for a variance to a provision of the sign ordinance shall be acted on by the planning and zoning board pursuant to section 66.01 of this Code.

(b) No variance shall be granted to the provisions of section 38.17, prohibited signs.


Sec. 38.21. - Severability.

(a)
General. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article.

(b) Prohibited signs. Without diminishing or limiting in any way the severability set forth above in paragraph (a) or elsewhere in this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under section 38.17 of this article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of section 38.17 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of section 38.17.

(Ord. No. 2009-02, § 1, 1-6-2009)