AGENDA
REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD
THURSDAY, JUNE 20, 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 – May 16, 2019

III. PUBLIC COMMENT

IV. PUBLIC HEARING
   [Quasi-judicial]
   Site Plan Application Submitted by Knight, McGuire & Associates, Inc., for the
   Construction of Three, Three-story Multi-family Residential Buildings with 59 Dwelling
   Units Located at 3780 Indian River Boulevard (#SP18-000011).

V. DISCUSSION OF REVISIONS TO THE SIGN CODE

VI. PLANNING DEPARTMENT MATTERS

VII. BOARD MEMBERS’ MATTERS

VIII. 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(i) 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: Chairman, John Carroll; Vice Chairman, Steve Lauer; Members: Honey Minuse, Robin Pelensky, Jose Prieto, Alternate Member #1, Richard Cahoy and Alternate Member #2, Ken Daige  Also Present: Planning and Development Director, Jason Jeffries; Interim City Attorney, Kira Honse and Deputy City Clerk, Sherri Philo

I. PRELIMINARY MATTERS

A) Agenda Additions and/or Deletions

None

II. APPROVAL OF MINUTES

A) Regular Meeting – April 18, 2019

Mr. Cahoy referred to page one (1) of the April 18, 2019 Planning and Zoning Board minutes. He said that he is listed as having an unexcused absence and it should be an excused absence. He reported that he notified the Planning and Development Department by email that he would not be able to attend the meeting as he would be out of town.

Mrs. Minuse made a motion to approve the minutes of the April 18, 2019 Planning and Zoning Board meeting as amended. Mr. Prieto seconded the motion and it passed unanimously.

III. PUBLIC COMMENT

None

IV. DISCUSSION OF REVISIONS TO THE SIGN CODE

Mr. Jason Jeffries, Planning and Development Director, reported that this is a discussion item requested by staff. He explained that this might take several months in that staff would like to have time to test the proposed changes internally before they bring it back for final approval. He briefly went over staff’s report and the proposed Ordinance with the Board members accompanied by a Power Point presentation (both attached to the original minutes).

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

Mr. Carroll asked when the Ordinance becomes finalized, how will it affect the existing signage throughout the community.

Mr. Jeffries explained that existing signage would be grandfathered in. He said that he will make sure they specify this in the Code.

Mr. Prieto asked if an existing sign had to be repaired would that trigger this.

Mr. Jeffries said they usually use the 50% rule in that if there is damage under 50% they would not have to comply with the new Code, but if there is damage over 50% they would have to comply with
the new Code. He said if it is not specified in the Code he would add it as part of the amendment.

Mr. Lauer referred to page seven (7), line six (6) of the draft Ordinance. He asked why there is no restriction on advertising on public transit vehicles. He said the Go-Line buses look like Mardi Gras vehicles with all the signage on them. He questioned why they weren’t being regulated.

Mr. Jeffries said it might be because they are regulated by the County. He said that he would check into it.

Mr. Daige said there is a Section in the draft Ordinance that talked about how much light could be on signs.

Mr. Jeffries thought that was in the existing Code and he was not proposing any changes.

Mr. Daige said the Code states what type of sign is permitted, how big the sign can be, the lighting on the sign, etc., but it doesn’t have anything about flashing signs. He questioned what if someone wanted 100 flashing lights on their sign.

Mr. Jeffries said that would be an animated sign and animated signs are prohibited, which is in the current Code.

Mrs. Minutes read in part the definition listed, “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.”

Ms. Kira Honse, Interim City Attorney, said that definition has not changed.

Mr. Daige asked how many signs are allowed on a construction site.

Mr. Jeffries said one (1) temporary sign is permitted per street frontage.

Mr. Jeffries reported that the off-premises special event signs have been changed to off-premises temporary weekend signs and open house signs would fall under this. He referred to page 12, line 39, which states: “No more than a cumulative total of six off-premises temporary weekend sign permit per applicant may be issued in a calendar year.” He noted that they would only be allowed six (6) permits per year, which could cause some unintended consequences. He explained that it could affect open houses, which they might be able to do this per address rather than by realtor. There also could be an issue for the Farmer’s Market and MainStreet where they have more than six (6) events.

Mrs. Minuse said that she would like it loosened up somehow.

Mr. Carroll suggested that they change it to one (1) per month.

Mr. Daige felt that there would be a big pushback. He said it might behoove the Board to relax it a little.

Mrs. Minuse said they have a lot of special things occurring here, such as the Farmers Market, that should be made aware to the public.

Ms. Honse noted that they cannot allow some signs and not others because they would be making the
decision based on the content, which is exactly how the Town of Gilbert got in trouble because they were picking and choosing what events they wanted to promote more.

Mr. Jeffries reported that he would be making some additional revisions to this because the Florida Department of Transportation (FDOT) has been doing stricter enforcement on their right-of-ways so they have to make sure the City’s Code is consistent.

Mr. Daige asked if a company wanted to advertise their business, could they have their signs in an RM 10-12 neighborhood.

Ms. Honse felt that because they would be limited to 20 signs they would put the signs where the most people would see them.

Mr. Jeffries felt it was unlikely they would put the signs in a residential zoning district.

Mr. Daige said the Code doesn’t prohibit it.

Mr. Jeffries said that is correct. He said they could restrict it more to be only in non-residential.

Mr. Daige agreed with the idea of restricting it to non-residential.

Mr. Jeffries said that he would look into that.

Mr. Lauer said that he has a problem with this whole thing. He said 120 signs per year per business in Vero Beach is going to be a nightmare. He said that he has a problem with the political signs as well. He felt they were opening Pandora’s Box by allowing so many signs. He said with this Ordinance they could be inundated with signs. He said 120 per business doesn’t make any sense.

Ms. Honse said that is what they have to decide because they can’t pick and choose what types of things are allowed on signs. This meeting is to discuss what is the Pandora’s Box and maybe getting it to where the public is aware of this so that they will provide their input.

Mr. Daige said another concern is the service clubs and realtors are pretty good about taking their event signs down. He said there are a lot of businesses coming here and they are not going to go and pick up their signs if there is an event, such as a hurricane.

Mr. Lauer felt they should go with Ms. Honse’s suggestion and have public input on this. He said personally, he is against any signs. He said if they have no signs or 120 signs per business, he would say no signs. He feels this is something where they need more public input.

Mr. Jeffries said this might take a couple months in that he wants staff to test the Code to make sure there are no unintended consequences. He said that he would look into how they can make sure the information is getting out to the public so they can get the public’s input.

Ms. Honse said this could be one of those items where they make a recommendation to the City Council allowing for the fact that it will come back before the Board. She explained that normally when something gets to the City Council that is when the public starts to pay attention.

Mr. Daige said that he is concerned with safety and having temporary signs during hurricane season. He said they could put as a reason why they are limiting the number of temporary signs in the Code; that it is for safety during a storm event.
Mr. Jeffries noted that they do need to get more input on this.

Mr. Daige asked in the POI District where residential backs up to them, can the signs on the sides of the buildings be lit.

Mr. Jeffries answered yes.

Mr. Daige asked what protects the neighborhoods from over-brightness of these signs.

Mr. Jeffries said at the end of each chart there are instructions and they could add something about the brightness of these signs.

Mr. Daige questioned what if someone wanted to have blinking colored lights on their signs.

Mr. Jeffries said that would be animation.

Ms. Honse noted that animated signs are prohibited in the Code.

Mr. Daige said that he doesn’t want to pick on a particular building or area, but he has seen a lot of movement and blinking lights. He said so what they are saying is those signs are prohibited.

Mr. Jeffries said that is correct. He explained if signs are flashing then they are animated signs. This does not apply to changeable copy signs, such as the CVS Pharmacy signs, for example.

Ms. Honse said if there are blinking/flashing signs then they should be referred to Code Enforcement.

Mr. Jeffries noted that there is a difference between animated signs and changeable copy signs.

Ms. Pelensky said they do not have that defined.

Mr. Jeffries read in part the definition of animated signs: "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."

Mr. Cahoy questioned the changeable monument sign on 6th Avenue that is owned by the Church and is across the street from a residential area.

Mrs. Pelensky said if it meets the 30-second rule then it should be okay.

Mr. Jeffries felt it was reasonable to look at stricter rules when they are located adjacent to residential.

The Board members agreed.

Mr. Jeffries said that he would add the definition of changeable copy signs.

Ms. Honse and Mrs. Pelensky excused themselves from today’s meeting at 2:58 p.m.
V. 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 June 6, 2019 has been cancelled.

Mrs. Minuse asked Mr. Jeffries for a list of items that would be coming before the Board that are quasi-judicial.

Mr. Jeffries said that he would work on a standard memorandum listing items that would be quasi-judicial.

VI. BOARD MEMBERS’ MATTERS

None

VII. ADJOURNMENT

Today’s meeting adjourned at 3:12 p.m.

/sp
DEPARTMENTAL CORRESPONDENCE

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

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

FROM: Cheri B. Fitzgerald, AICP  
Principal Planner

DATE: June 7, 2019

SUBJECT: Site Plan Application #SP18-000011; Construction of a 59-Unit Multi-Family Residential Development

Overview

The project includes construction of a 59-unit multi-family residential development, with detached garages, outdoor parking, and a swimming pool. The project’s construction will be in two (2) phases and includes three (3) buildings with three (3) stories each.

Background

The project parcel is located on the east side of Indian River Boulevard between 37th and 41st Streets. The address of the property is 3780 Indian River Boulevard.

The subject property was annexed into the city in 2016. The city land use and zoning designations became effective in March of 2019. The project site is designated RM, Residential Medium, on the Future Land Use Map, and the Zoning classification is RM-8, Multiple-Family Residential. The site is currently vacant and undeveloped and includes wetland areas.

The parcel is contiguous to the current City of Vero Beach city limit boundary line to the north. Adjacent parcels to the north and east are conservation lands that are owned by the Indian River Land Trust and are zoned PDTND (Planned Development Traditional Neighborhood Design District (east- county) and P-1, Park District (north- city). Across Indian River Boulevard to the west are properties developed as medical and assisted living facilities and are zoned MED, Medical District and OCR, Office, Commercial & Residential District (county). The property contiguous to the north and west of the subject parcel is zoned RM-8, Multiple-Family Residential District (up to 8 units/ acre) located in the unincorporated county.
Required Neighborhood Meeting

The applicant conducted neighborhood meetings on the proposed project in February of 2019. No one opposed the project that attended the meetings (meeting minutes attached).

Site Plan Evaluation

Section 64.10 of the Code requires that all approved site plans and amendments to site plans meet certain pertinent general review, performance, and development standards. The staff finds that the proposed site plan meets all these standards.

In particular, the most relevant are the project’s compliance with all pertinent provisions of the Land Development Regulations and the performance standards for the proposed use, and layout of the development. The staff’s specific analysis and findings regarding these standards are identified below:

- Compliance with Land Development Regulations & Design Avoiding Adverse Impacts on Environmental Features

  Analysis. Review of the site plan documents for compliance with the land development regulations included all applicable review agencies, including but are not limited to, the Planning and Development, Public Works Departments, Solid Waste, and Indian River County Fire Prevention and Life Safety. Exhibit A, Project Description, provides information on how the site plan application meets development standards.

  Drainage/Stormwater - The City Public Works, Engineering Division, reviewed the site plan and found it to be compliant with drainage and stormwater regulations. The project is using an on-site retention system and a pipe connection to the northern ditch on the Indian River Land Trust property.

  Traffic - The Traffic Impact Statement (attached) was initially approved by Indian River County Public Works Department, in September 2017 and reaffirmed recently, and states the project is estimated to add 412 vehicle trips per day. The estimated number of peak hour trips (PM) is 40. Roadway capacity is available to accommodate the additional projected vehicle trips. Indian River Boulevard level of service is “C” including the projected project trips. The level of service standard for Indian River Boulevard is “D”.

  School - The School District of Indian River County concluded that public school capacity is available (School District documentation is attached).
Environmental - The applicant’s consultant completed an updated Environmental Site Assessment (copy attached) and protected species survey on the subject site. The original surveys were conducted in 2005, 2006 and updated in March and April 2019.

A summary of the findings include the following: the applicant designed the project to minimize, avoid, and preserve the high marsh wetland to the east; the mitigation to offset the wetland impacts was provided by the purchase of mitigation bank credits from the adjacent CGW Mitigation Bank property; and no listed species were observed during any of the onsite visits.

Finding. The staff finds that the site plan is compliant with Section 64.10.

- **Site design performance standards (Sec. 64.10(b))**

Analysis. The site’s ingress and egress points are on Indian River Boulevard classified as an urban principal arterial roadway. The City Public Works, Engineering Division, has found the design and layout of driveways and parking areas are designed in such a manner that it will not create hazardous conditions or conflicts for parking of vehicles and internal movement of vehicles.

The proposed arrangement of buildings, parking areas, landscaping and site activities are all contained on site and buffered from adjacent properties by a landscape strip consisting of trees and a perimeter hedge. The project was designed to minimize, avoid, and preserve the high marsh wetland to the east (Conservation Easement attached).

Based on the analysis staff finds that the project will not result in unreasonable and disruptive impacts on adjacent properties and will be compatible with existing uses in the immediate neighborhood.

Finding. The staff finds that the proposed site plan is compliant with the performance standards of Section 64.10(b).

**Recommendation**

Based on the above analysis and findings, the staff finds that the proposed site plan application meets the provisions for site plan approval and recommends approval of the site plan subject to the following conditions:

1. The applicant shall provide a copy of the executed agreement with the Indian River Land Trust permitting the pipe connection to the northern ditch to the City Public Works Engineering Division.
2. During construction and after final grading, no surface water runoff may be directed to adjacent properties, and all surface water runoff must be routed to approved drainage facilities or retained on site. All runoff from the site, both during and after construction, must be free of pollutants, including sediment, prior to discharge.

3. The applicant shall provide the Department of Public Works with a copy of Notice of Commencement and shall be subject to random inspections for compliance with Section 73.33 (Erosion and Sediment Control).

4. Within 21 days of the placement of the lowest floor, submit to the Indian River County Building Department with a copy to the Planning and Development Department a completed Elevation Certificate (FEMA Form 81-31, as amended).

5. Upon completion of the building construction and prior to the issuance of a certificate of occupancy, submit to the Planning and Development Department a completed Elevation Certificate (FEMA Form 81-31, as amended) that certifies the as-built building elevation datum in NAVD.

6. The applicant shall also provide the City of Vero Beach Public Works and Planning and Development Department with a copy of the final as-built survey prior to final inspection per Florida Building Code Section 110.3 (5.1).

7. The applicant shall comply with Indian River County Utility requirements.

Attachments
EXHIBIT A
PROJECT DESCRIPTION AND FACT SHEET
FOR PROPOSED 59-UNIT MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT
(OAK LAKE)

PROJECT DESCRIPTION

The project includes construction of three (3), three (3) story, multi-family residential buildings with 59 dwelling units. The project's construction will be in two (2) phases and includes enclosed detached garages, and a swimming pool.

GENERAL INFORMATION

Application No.: #SP18-000011
Location: 3780 Indian River Boulevard
Owner: Jack Gregory
Applicant: Jack Gregory, c/o, Knight, McGuire & Associates, Inc.
Engineer: Scott McGuire, P.E.
Parcel ID #: 32-39-25-00000-7000-00002.1

SITE INFORMATION

Zoning/Future Land Use: RM-8, Multiple-Family Residential; RM, Residential Medium
Existing Use: vacant
Area of Development: 7.48 acres (325,768 square feet)

Surrounding Zoning:

North: P-1, Park, City
West: MED, Medical District & OCR, Office, Commercial Residential District, IRC
East: PDTND, Planned Development Traditional Neighborhood Design, IRC
South: OCR, Office, Commercial, Residential District, IRC

Surrounding Existing Land Uses:

North: vacant
West: medical offices/assisted living facilities
East: vacant
South: medical offices
# DEVELOPMENT SPECIFICATIONS

<table>
<thead>
<tr>
<th>Specifications/Code Citations [Sec. 61.40]</th>
<th>Required/Allowed</th>
<th>Proposed</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Width (ft)</td>
<td>100</td>
<td>970</td>
<td></td>
</tr>
<tr>
<td>Building Height (ft)</td>
<td>35</td>
<td>31</td>
<td></td>
</tr>
<tr>
<td>Arch. Embellishments (ft)</td>
<td>15</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Total overall Bldg. Height(ft)</td>
<td>50</td>
<td>46</td>
<td></td>
</tr>
<tr>
<td>Min. Living Area (mf)/unit Unit [Sec. 61.41]</td>
<td>860</td>
<td>1,125</td>
<td></td>
</tr>
<tr>
<td>Minimum Land/Lot Area (mf) (Sec. 61.41)</td>
<td>5,445 /59 units</td>
<td>5,521</td>
<td></td>
</tr>
<tr>
<td>Maximum Density (8 units/acre)</td>
<td>59</td>
<td>59</td>
<td></td>
</tr>
<tr>
<td>Min. Open Space (%)</td>
<td>50</td>
<td>67</td>
<td></td>
</tr>
<tr>
<td>Buildings (Floor Area) (sf)</td>
<td>162,884</td>
<td>74,133</td>
<td></td>
</tr>
<tr>
<td>Max. Floor Area Ratio</td>
<td>0.30</td>
<td>0.23</td>
<td></td>
</tr>
<tr>
<td>Min. Setbacks (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard (IR Blvd.)</td>
<td>25</td>
<td>33</td>
<td></td>
</tr>
<tr>
<td>Rear Yard</td>
<td>25</td>
<td>38</td>
<td></td>
</tr>
<tr>
<td>Parking [Sec.63.04]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MF 2ps/unit</td>
<td>118</td>
<td>126</td>
<td></td>
</tr>
<tr>
<td>ADA Spaces</td>
<td>6</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Flood Zone (AE-6)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Finished Floor Elevation (ft) (+1')</td>
<td>7</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Code Citations</td>
<td>Required/Allowed</td>
<td>Proposed</td>
<td>Notes</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>------------------</td>
<td>----------</td>
<td>-------</td>
</tr>
<tr>
<td>Stormwater Retention [Sec. 72.12 (b)]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Property Line</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscape Strip Width (ft)</td>
<td>10</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Landscape Strip Length (ft)</td>
<td>510</td>
<td>510</td>
<td></td>
</tr>
<tr>
<td>Shrubs (one/2.5’)</td>
<td>204</td>
<td>204</td>
<td></td>
</tr>
<tr>
<td>Trees (one/40’)</td>
<td>13</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>Off-Street Parking Interior [Sec. 72.12 (d)]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>End of row islands trees</td>
<td>23</td>
<td>23</td>
<td></td>
</tr>
<tr>
<td>Landscape area trees (1890sf/225sf)</td>
<td>9</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Other Open Space [Sec. 72.12 (e)]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trees (70,552sf/2500sf)</td>
<td>29</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>Total Trees</td>
<td>74</td>
<td>81</td>
<td></td>
</tr>
<tr>
<td>Max. # trees /palms [Sec. 72.13 (b)]</td>
<td>19</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>Min. Large canopy trees [Sec.72.13(b)]</td>
<td>25</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Min. 3” DBH required trees [Sec. 72.13(b)]</td>
<td>37</td>
<td>37</td>
<td></td>
</tr>
<tr>
<td>Min. 2” DBH required trees [Sec. 72.13(b)]</td>
<td>18</td>
<td>18</td>
<td></td>
</tr>
</tbody>
</table>
LOCATION MAP
3780 Indian River Blvd, Vero Beach FL

LEGEND
- Subject Property
- COVB City Limits

Scale: 1" = 1000'

Prepared by:
Department of Public Works/GIS Division
City of Vero Beach
March 6, 2019

Disclaimer:
The City of Vero Beach makes no warranty, express or implied and assumes no responsibility for the use of this material by agencies or individuals other than the City of Vero Beach. Any use of this material is solely at the risk of the user.
SITE PLAN APPLICATION (MAJOR)
City of Vero Beach Planning & Development Department
1053 20th Place – P.O. Box 1389
Vero Beach, Florida 32961-1389
Phone (772) 978-4550 / Fax (772) 778-3856

APPLICANT: Jack Gregory
c/o Knight, McGuire & Associates, Inc.

MAILING ADDRESS: 80 Royal Palm Pointe, Suite 401, Vero Beach, FL 32960

PROPERTY OWNER: Jack Gregory

OWNER ADDRESS: 19 Royal Palm Way, Suite 204, Boca Raton, FL 33432

SITE ADDRESS: 3780 Indian River Boulevard, Vero Beach

PARCEL I.D. NUMBER: 323925000000070000002.1

ZONING DISTRICT: RM-8

FLOOD ZONE: AE

CONDITIONAL USE? ______

PLANNED DEVELOPMENT? ______

Floor Area Square Footage: Existing ______ Proposed 32,770 sqft

Number of Dwelling Units: Existing ______ Proposed 39 Units Phase 1
                                21 Units Phase 2

Number of Hotel/Motel Units: Existing ______ Proposed ______

Provide a brief description of specific modifications, as shown on the attached plans, and other development approval(s) being requested as part of this application:

Construct three residential multi-story (3 stories) in RM-8 zoning with 60 units (Phase 1 - 39 units and Phase 2 - 21 units)
connected to County water and sewer.

This application is limited only to the specifically requested development approval. No permanent structure shall be located on City easements. In separate sheets, plans or documents attached to this application provide the specific information required by Pages 2 through 4 of this application, as applicable.

Any false statement, concealment, or misrepresentation in this application or plans, intentional or unintentional, shall be grounds for revocation of approval.

Scott B. McGuire, P.E.
Applicant Name (Print)

* A letter of authorization may be provided in lieu of the property owner's signature.

Application Fee: ____________
Meeting Minutes for:

Neighborhood Workshop/Meeting for proposed Oak Lake Apartments project to be located at 3780 Indian River Boulevard

Meetings were held on February 4 and February 11 at 80 Royal Palm Pointe, Vero Beach, FL

Notes from the February 4 meeting:

The meeting began promptly at 6:30 pm. Mr. Chris Murphy, P.E. hosted the meeting. Around 6:38 the first, and only attendee from the public arrived.

The attendee was Mr. John Miekle of John Miekle Realty, representing Schwerin Asset Advisors, LLC. Mr. Miekle reviewed the proposed site plan and improvements on the site as well as the proposed architectural plans. A general discussion regarding the proposed site plan and features of the project followed. Mr. Miekle indicated that his group was in full support of the project as he believed there was a real need for additional housing along the Indian River Corridor.

The meeting concluded at approximately 7:10 p.m.

Notes from the February 11 meeting:

The meeting began promptly at 6:30 pm. Mr. Chris Murphy, P.E. hosted the meeting. No other attendees for the meeting were present. The meeting was brought to an end at around 7:00 p.m.
<table>
<thead>
<tr>
<th>DATE</th>
<th>NAME</th>
<th>ADDRESS</th>
<th>PHONE/EMAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/4/19</td>
<td>Johnny Meikle</td>
<td>OAK Point Inc.</td>
<td>772 231-1142</td>
</tr>
<tr>
<td>2/4/19</td>
<td>Chris Murphy</td>
<td>80 Royal Palm Point, Vera Beach, FL</td>
<td>772-233-3170</td>
</tr>
</tbody>
</table>

No other contributors listed.
SIGN-IN SHEET FOR

OAK LAKE NEIGHBORHOOD MEETING

DATE: 2/11/19 @ 6:30 P.M.

<table>
<thead>
<tr>
<th>DATE</th>
<th>NAME</th>
<th>ADDRESS</th>
<th>PHONE/EMAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/11/19</td>
<td>Chris Murphy</td>
<td>80 Revel Palm Rd.</td>
<td>772-233-3178</td>
</tr>
</tbody>
</table>


STATE OF FLORIDA
COUNTY OF INDIAN RIVER

Before the undersigned authority personally appeared, Natalie Zollar, who on oath says that she is Classified Inside Sales Manager of the Indian River Press Journal, a daily newspaper published at Vero Beach in Indian River County, Florida: that the attached copy of advertisement was published in the Indian River Press Journal in the following issues below. Affiant further says that the said Indian River Press Journal is a newspaper published in Vero Beach in said Indian River County, Florida, and that said newspaper has heretofore been continuously published in said Indian River County, Florida, daily and distributed in Indian River County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. The Indian River Press Journal has been entered as Periodical Matter at the Post Offices in Vero Beach, Indian River County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.

Customer: 448447 - KNIGHT MCGUIRE & ASSOC.
Ad Number: 2214844
Copyline: NOTICE OF NEIGHBORHOOD WORKSHOP Mon.
PO #

Pub Dates
January 24, 2019

Sworn to and subscribed before me this day of, January 24, 2019, by

Natalie Zollar

(K) personally known to me or
( ) who has produced ___________________________ as identification.

Karol Kangas
Notary Public

Notary Public - State of Florida
Commission Expired July 29, 2021

NOTICE OF NEIGHBORHOOD WORKSHOP

Mon. February 11th @ 6:30 pm
80 Royal Palm Pointe Drive
to discuss proposed application
for site plan permit for
the construction of a 59 unit
multi-family project
Pub Jan 24th 2019 TCN 2214848
TRAFFIC IMPACT STATEMENT

Oak Lake Townhomes
Indian River County, FL

Prepared for:
Knight, McGuire & Associates
Vero Beach, Florida

Prepared by:
MacKenzie
Engineering & Planning, Inc.
1172 SW 30th Street, Suite 500
Palm City, FL 34990
(772) 286-8030

Shaun G. MacKenzie P.E.
Florida License No. 61751

© MacKenzie Engineering and Planning, Inc.
CA 29013

June 2017
Revised August 2017
EXECUTIVE SUMMARY

Oak Lake Townhomes (60 Townhomes)

TRAFFIC IMPACT SUMMARY
August 29, 2017

1. Location: On the east side of Indian River Boulevard and north of 37th Street in Vero Beach, FL (Parcel ID: 32-39-25-00000-7000-00002.1)

2. Size: Total Site Area of 7.63 acres

3. Trip Generation:
   Proposed: Cond/TH (Fee Simple) (Land Use Code 230) – 60 DU
   
   \[ ADT: \ln(T) = 0.87 \ln(X) + 2.46 = 412 \text{ trips/day} \]
   
   \[ \text{AM peak hour trips: } \ln(T) = 0.80 \ln(X) + 0.26 = 34 \text{ AM peak hour trips} \]
   
   \[ \text{PM peak hour trips: } \ln(T) = 0.82 \ln(X) + 0.32 = 40 \text{ PM peak hour trips} \]
   
   \[ \text{AM in = 6 } \text{ AM out = 28} \]
   
   \[ \text{PM in = 27 } \text{ PM out = 13} \]

4. Area of Influence Boundaries:
   • Indian River Blvd from 17th Street to U.S. 1
   • 41st Street from 43rd Avenue to Indian River Blvd
   • 37th Street from U.S. 1 to Indian River Blvd

5. Significant Roads:
   • Indian River Blvd from Merril Barber Bridge to the Project Site

6. Significant Intersections:
   • None

7. Trip Distribution:
   • NORTH - 20 percent
   • SOUTH - 60 percent
   • WEST - 20 percent

8. Internal Capture: None

9. Pass-by Capture: None
10. Peak Hour Directional Traffic

AM Peak Hour Directional % (ingress/egress):
Cond/TH (Fee Simple) 17% Entering 83% Exiting

PM Peak Hour Directional % (ingress/egress):
Cond/TH (Fee Simple) 67% Entering 33% Exiting

11. Turn Lanes: In accordance with 952.12 of the IRC Code, turn-lanes are not needed for ingress or egress. However, southbound U-turn movements into the site is proposed at the intersection of Indian River Blvd and Merrill Barber Bridge. Per FDOT request, we provided a queuing analysis at the proposed intersection to determine the adequacy of queue storage.

12. Off-Site Improvements: None


14. Significant Dates
   a) Pre-study conference: May 17, 2017
   b) Traffic Assignment Approval: August 16, 2017
   c) Traffic Counts:
      • Merrill Barber Bridge & Indian River Blvd.
         o AM Traffic Count: August 15, 2017
         o PM Traffic Count: August 9, 2017
   d) Study approval: TBD
School Impact Analysis Form
(For Residential Projects Only)

Instructions to Applicant: Submit one copy of completed application, location map, for each new residential project or building permit requiring a determination of school capacity to the applicable local government.

Type of Application Request: [ ] Conditional School Capacity Availability Determination
[ ] School Capacity Availability Determination
[ ] Request for Exemption (i.e. age restricted community)

Project Information

Project Name: Oak Lake Apartments

Parcel ID#: (attach separate sheet for multiple parcels): 32392500000700000002.1

Location/Address of subject property: 3780 Indian River Boulevard
(Attach vicinity location map – with Closest Major Intersection)

Ownership/Contact Information

Owner/Contract Purchaser Name(s): Jack Gregory

Agent/Contact Person: Scott McGuire
(If applicant is not the owner of record, a letter of authorization from the property owner(s) must be included with this form at time of application submittal)

Mailing address: 80 Royal Palm Pointe, Suite 401

Telephone#: 772-569-5505 Fax: ___________ E-Mail: scottm@knightmcguire.com

Development Information

<table>
<thead>
<tr>
<th>Current Land Use Designation</th>
<th>RM</th>
<th>Proposed Land Use Designation</th>
<th>RM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Zoning</td>
<td>RM-8</td>
<td>Proposed Zoning</td>
<td>RM-8</td>
</tr>
</tbody>
</table>

Proposed # Dwelling units by type*: 59 MF

SF:
MF: (rental)
Condo:

* Show only the # of units for this application not the total for the development

I hereby certify the statements and information contained in this application and attachments submitted herewith are true and correct to the best of my knowledge.

Signature

Date 1/29/2019

For School District Use Only (Capacity Availability Determination)


School Capacity Available in Adjacent Service Area: X

Michelle Simons

School District Facilities Specialist Signature Date 2/19/19
Indian River County School District
School Concurrency Availability Determination

<table>
<thead>
<tr>
<th>Project Name: Oak Lake Apartments</th>
<th>Project Unit Yield By Type of School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Received: 2/19/19</td>
<td>Yield</td>
</tr>
<tr>
<td>Case Number: Multi</td>
<td>0.037</td>
</tr>
<tr>
<td>Builder Name: Multi</td>
<td>0.015</td>
</tr>
<tr>
<td>Location: 3780 Indian River Boulevard</td>
<td>Multi</td>
</tr>
<tr>
<td></td>
<td>Vero Beach, FL 32960</td>
</tr>
<tr>
<td></td>
<td>Parcel ID# 323925000000700000002.1</td>
</tr>
</tbody>
</table>

Project Planned Units:
# Single Family 0  # Multi-Family: 59  # Apartments: 0

Additional Information:
Applicant: Jack Gregory
Contact: Scott McGuire
80 Royal Palm Point, Suite 401, Vero Beach, FL 32960
772-569-5505 – phone
scottm@knightmcquire.com

<table>
<thead>
<tr>
<th>School Service Area Boundary (SSAB)</th>
<th>Current Capacity</th>
<th>Programmed Capacity</th>
<th>Total Capacity</th>
<th>Current Enrollment</th>
<th>Vested Demand</th>
<th>Total Demand</th>
<th>Available Capacity</th>
<th>Project Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beachland ES</td>
<td>580</td>
<td>0</td>
<td>580</td>
<td>473</td>
<td>0</td>
<td>473</td>
<td>107</td>
<td>2</td>
</tr>
<tr>
<td>Gifford MS</td>
<td>1022</td>
<td>0</td>
<td>1022</td>
<td>676</td>
<td>0</td>
<td>676</td>
<td>346</td>
<td>1</td>
</tr>
<tr>
<td>Vero Beach HS</td>
<td>2918</td>
<td>0</td>
<td>2918</td>
<td>2937</td>
<td>0</td>
<td>2937</td>
<td>-19</td>
<td>1</td>
</tr>
</tbody>
</table>

This letter is in response to a Conditional School Capacity Availability Determination Request for the Project Oak Lake Apartments. This Project is located in SSAB for Beachland Elementary School, Gifford Middle School, and Vero Beach High School. At this time the SSAB DOES NOT have sufficient space available at Vero Beach High School to accommodate the students projected to be generated from this project. The adjacent High School with available capacity at this time is Sebastian River High School.

<table>
<thead>
<tr>
<th>Adjacent School</th>
<th>Current Capacity</th>
<th>Programmed Capacity</th>
<th>Total Capacity</th>
<th>Current Enrollment</th>
<th>Vested Demand</th>
<th>Total Demand</th>
<th>Available Capacity</th>
<th>Project Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sebastian HS</td>
<td>2318</td>
<td>0</td>
<td>2318</td>
<td>1930</td>
<td>0</td>
<td>1930</td>
<td>388</td>
<td>1</td>
</tr>
</tbody>
</table>

Please note that when a SCADL is issued, the SCADL shall note the School Service Areas and their Available School Capacity. This does not mean that the development’s students will attend the adjacent school. The School District will be responsible for determining when and what adjustments will be made in the future to maintain the adopted level of service.
April 16, 2019

Mr. Scott McGuire, P.E.
Knight, McGuire & Associates, Inc.
80 Royal Palm Boulevard, Suite 401
Vero Beach, Florida 32960

RE: Preserves at Oak Lake / Updated Environmental Site Assessment
Indian River County, Florida
Indian River Blvd.
Sec. 25, Twn. 32S, Rng. 39E

Dear Scott,

G. K. Environmental, Inc. (GKE) has completed the requested “updated” Preliminary Environmental Site Assessment and protected species survey on the above referenced project. The original surveys were conducted during the months of October 2005 and January 2006. The updated surveys were completed during the months of March and April 2019 following preliminary site work.

INTRODUCTION:

The subject parcel(s) are located in Sec. 25, Twnshp. 32S, Rng. 39E on the east side of Indian River Boulevard beginning approximately 1,000 feet south of 41st Street. The subject site abuts Indian River Boulevard to the west and undeveloped wetlands to the east. The project as proposed is to construct townhomes on the western portion, along with preserving and enhancing the existing salt marsh wetlands on the east side.

SOILS:

One primary soil type is located within the project area as depicted in the attached soil map prepared by the U. S. Department of Agriculture, Natural Resource Conservation Service (NRCS, aka SCS). The primary soil type is Type 36 - Boca Fine Sand.
The following is a general description of the soil type as described in the NRCS soil survey.

**Type 36 - Boca fine sand:** This soil is nearly level and poorly drained. It is on the flatwoods, but most of the acreage is in citrus groves.

Typically, the surface layer is dark gray fine sand about 7 inches thick. The subsurface layer is fine sand to a depth of about 20 inches. The upper 7 inches of the subsurface layer is grayish brown, and the lower 6 inches is brown.

In most years, under natural conditions, the water table is within a depth of 10 inches of the surface for 2 to 4 months. It recedes to a depth below the limestone for about 6 months. Permeability is rapid in the surface and subsurface layers and moderate in the subsoil.

Natural vegetation consists of saw palmetto, pine threawn indiangrass, bluestems, panicums, south Florida slash pine, and waxmyrtle. Many areas of this soil are in citrus groves.

The soil has severe limitations for building site development, sanitary facilities, and the recreational uses. Water control measures are needed to overcome excessive wetness. Sealing or lining of sewage lagoons and trench landfills with impervious soil material can reduce excessive seepage. Because of the moderate depth to bedrock, excavation is difficult.

**LAND USE AND VEGETATION COMMUNITY TYPES:**

Natural vegetation often grows in specific associations with certain land uses and has been generally classified into ecological units known as a "vegetative community" along with various land uses and categorized into descriptive vegetative community classifications. These vegetation community designations were established by the Florida Department of Transportation Survey and Mapping office in the early 1980s and were updated in 1999. The vegetation communities and land use designation incorporated into the project were identified and further redefined by GKE using the "Florida Land Use, Cover and Forms Classification System" (FLUCCS) (FDOT - 1999) as a guideline.

It should be noted that variations between the published FLUCCS descriptions and the actual occurring onsite land use / vegetation communities may exist. Consequently, the classifications which came closest to the observed onsite land use / vegetation communities were chosen, but may not match precisely. Level 4 codes were created for this site.

There are five distinct vegetation communities onsite.
Type 1 - 6421: High transitional marsh with some mixed wetland hardwoods. The upper reaches of this area would be considered as freshwater transitional wetlands dominated by cabbage palm, live oak, sea oxeye daisy, and occur landward of the Indian River County Con-2 zoning area(s).

Type 2 - 6422: Salt marsh is dominated by seashore saltgrass, salt wort, glass wort, and mixed mangroves.

Type 3 - 7401: Disturbed wetland dominated by exotics, primarily Brazilian pepper. This area has been influenced by a free flowing deep well for many years increasing the wetness to the entire site. This area is dominated by Brazilian pepper (90%).

Type 4 - 6161: Inland pond dominated by leather fern and cordgrass. This area received direct runoff from the well area and Indian River Blvd.

Type 5 - 4251: Disturbed temperate hardwoods dominated by live oaks, cabbage palms, laurel oaks, and Brazilian pepper.

THREATENED AND ENDANGERED SPECIES (Updated 2019):

GKE conducted a visual survey for threatened and endangered species and suitable protected species habitat in the months of October 2005 and January 2006, within the area affected by the proposed project. These listed species surveys were updated by GKE on March 26, 2019 and again on April 9, 2019.

The survey results in 2005, 2006, and 2019 all indicated that no evidence, observation, or significant anticipated utilization of threatened and endangered species or suitable habitat exist within the subject site.

The only endangered and/or threatened species that would potentially occur in this specific area is the wood stork (Myceteria americana) and/or the eastern indigo snake (Drymarchon corais couperi). These species were not observed during any of the onsite surveys, including the updated surveys conducted during March and April 2019. The wood stork would not likely feed on this site as would other wading birds, due to heavy canopy cover in the wetland hammock area and the dense shoreline cattails surrounding the pond. Wading bird feeding activity could occur, however, within the open adjacent high marsh during high water conditions and along the pond shoreline once the dense cattail growth is removed.
WETLANDS:

Wetlands were flagged in accordance with Florida Administrative Code (FAC) 62-340 and the Army Corps of Engineers (ACOE) Wetland Delineation Manual / Technical Report Y-87-1.

Existing onsite wetlands consist of 3 areas: the pond area FLUCCS 6161, the disturbed Brazilian pepper area, FLUCCS 7401, and the high marsh areas, FLUCCS 6422 & 6421. (See attached FLUCCS map.)

GKE wetland lines / flaggings were completed in October 2005 and verified by SJRWMD in October 2005 (see attached letter). GKE also flagged the Indian River County Con-2 line, based on vegetation, elevations, and salinity.

During the updated recent surveys in March/April 2019, it appears that the project has been partially cleared and filled in accordance to the State and Federal permits. The main development area has been filled and stabilized. No listed species, including the gopher tortoise or burrowing owl, were observed during any of the onsite visits during 2005, 2006, and 2019. No nests or burrows were observed onsite.

SUMMARY:

Although proposed wetland impacts were required to complete the project purpose, the applicant designed the project to minimize, avoid, and preserve the higher quality high marsh wetland to the east.

In addition, mitigation to offset these wetland impacts was provided by the purchase of mitigation bank credits from the adjacent CGW Mitigation Bank, which provided the required mitigation for the project.

The onsite environmental conditions as described in this report are based upon personal onsite observations and technical information available at the time of this survey. This report is intended for general permitting and/or general planning purposes.

If you have any questions regarding the above or need further environmental assistance, please do not hesitate to contact our office. Thank you for choosing G. K. Environmental, Inc. to provide this report.

George R. Kulczycki
George R. Kulczycki, CEC, CES, CEI
President, Principal Ecologist
G. K. Environmental, Inc.

April 16, 2019
Date
March 5, 2007

Mr. Scott McGuire  
Knight, McGuire & Associates, Inc.  
80 Royal Palm Boulevard, Suite 401  
Vero Beach, Florida 32960  

RE: Preserves at Oak Lake  
Indian River County, Florida  
Indian River Blvd.  
Sec. 25, Twn. 32S, Rng. 39E

Dear Mr. McGuire,

G. K. Environmental, Inc. (GKE) has completed the requested Preliminary Environmental Site Assessment and protected species survey on the above referenced project. The surveys were conducted during the months of October 2005 and January 2006.

INTRODUCTION:

The subject parcel(s) are located in Sec. 25, Twnshp. 32S, Rng. 39E on the east side of Indian River Boulevard beginning approximately 1,000 feet south of 41st Street. The subject site abuts Indian River Boulevard to the west and undeveloped land to the east. The project as proposed is to construct townhomes on the western portion, and preserve and enhance the existing salt marsh wetlands on the east side.

SOILS:

One primary soil type is located within the project area as depicted in the attached soil map prepared by the U. S. Department of Agriculture, Natural Resource Conservation Service (NRCS, aka SCS). The primary soil type is Type 36 - Boca Fine Sand.
The following is a general description of the soil type as described in the NRCS soil survey.

**Type 36 - Boca fine sand:** This soil is nearly level and poorly drained. It is on the flatwoods, but most of the acreage is in citrus groves.

Typically, the surface layer is dark gray fine sand about 7 inches thick. The subsurface layer is fine sand to a depth of about 20 inches. The upper 7 inches of the subsurface layer is grayish brown, and the lower 6 inches is brown.

In most years, under natural conditions, the water table is within a depth of 10 inches of the surface for 2 to 4 months. It recedes to a depth below the limestone for about 6 months. Permeability is rapid in the surface and subsurface layers and moderate in the subsoil.

Natural vegetation consists of saw palmetto, pine land threeawn indiangrass, bluestems, panicums, south Florida slash pine, and waxmyrtle. Many areas of this soil are in citrus groves.

The soil has severe limitations for building site development, sanitary facilities, and the recreational uses. Water control measures are needed to overcome excessive wetness. Sealing or lining of sewage lagoons and trench landfills with impervious soil material can reduce excessive seepage. Because of the moderate depth to bedrock, excavation is difficult.

**LAND USE AND VEGETATION COMMUNITY TYPES:**

Natural vegetation often grows in specific associations with certain land uses and has been generally classified into ecological units known as a "vegetative community" along with various land uses and categorized into descriptive vegetative community classifications. These vegetation community designations were established by the Florida Department of Transportation Survey and Mapping office in the early 1980s and were updated in 1999. The vegetation communities and land use designation incorporated into the project were identified and further redefined by GKE using the "Florida Land Use, Cover and Forms Classification System" (FLUCCS) (FDOT - 1999) as a guideline.

It should be noted that variations between the published FLUCCS descriptions and the actual occurring onsite land use / vegetation communities may exist. Consequently, the classifications which came closest to the observed onsite land use / vegetation communities were chosen, but may not match precisely. Level 4 codes were created for this site.

There are five distinct vegetation communities onsite.
Type 1 - 6421: High transitional marsh with some mixed wetland hardwoods. The upper reaches of this area would be considered as freshwater transitional wetlands dominated by cabbage palm, live oak, sea oxeye daisy, and occur landward of the Indian River County Con-2 zoning area(s).

Type 2 - 6422: Salt marsh is dominated by seashore saltgrass, salt wort, glass wort, and mixed mangroves.

Type 3 - 7401: Disturbed wetland dominated by exotics, primarily Brazilian pepper. This area has been influenced by a free flowing deep well for many years increasing the wetness to the entire site. This area is dominated by Brazilian pepper (90%).

Type 4 - 6161: Inland pond dominated by leather fern and cordgrass. This area received direct runoff from the well area and Indian River Blvd.

Type 5 - 4251: Disturbed temperate hardwoods dominated by live oaks, cabbage palms, laurel oaks, and Brazilian pepper.

THREATENED AND ENDANGERED SPECIES:

GKE conducted a visual survey for threatened and endangered species and suitable protected species habitat in the months of October 2005 and January 2006, within the area affected by the proposed project.

The survey results indicated that no evidence, observation, or significant anticipated utilization of threatened and endangered species or suitable habitat exist within the subject site. A list of potentially occurring regulated / listed species for Indian River County is attached for reference.

The only endangered and/or threatened species that would potentially occur in this specific area is the wood stork (Myceteria americana) and/or the eastern indigo snake (Drymarchon corais couperi). These species were not observed. The wood stork would not likely feed in this area as would other wading birds, due to heavy canopy cover in the hammock area. Feeding could occur, however, within the open marsh during high water conditions.

WETLANDS:

Wetlands were flagged in accordance with Florida Administrative Code (FAC) 62-340 and the Army Corps of Engineers (ACOE) Wetland Delineation Manual / Technical Report Y-87-1.

Existing onsite wetlands consist of 3 areas: the pond area FLUCCS 6161, the disturbed Brazilian pepper area, FLUCCS 7401, and the high marsh areas, FLUCCS 6422 & 6421. (See attached FLUCCS map.)
GKE wetland lines / flaggings were completed in October 2005 and verified by SJRWMD in October 2005 (see attached letter). GKE also flagged the Indian River County Con-2 line, based on vegetation, elevations, and salinity. These 2 flag locations are depicted on the attached site plan.

SUMMARY:

Although proposed wetland impacts are required to complete the project purpose, the applicant has designed the project to minimize and avoid the higher quality high marsh wetland to the east.

Mitigation proposed to offset these wetland impacts will be provided by the purchase of mitigation bank credits from the adjacent CGW Mitigation Bank, which will provide for required significant mitigation for the project.

George R. Kmiczck, CES, CEI
President, G. K. Environmental, Inc.

Date: March 5, 2007
CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT is made this 20 day of October, 2010, by Jack C. Gregory, Jr. and Gina L. Marcucella (a.k.a. Gina Gregory as Trustee of the Juliette Love Gregory Trust), individually and in her representative capacity, having an address at 2646 Southeast 11 Street, Pompano Beach FL 33062 ("Grantor"), in favor of ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, a public body existing under Chapter 373, Florida Statutes, having a mailing address at 4049 Reid Street / Highway 100 West, Palatka, Florida 32177 ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner of fee simple title to certain real property in Indian River County, Florida, more particularly described in Exhibit "A" attached hereto and incorporated by this reference (the "Property");

WHEREAS, Grantor grants this Conservation Easement as a condition of permit #4-061-111295-1 issued by Grantee, solely to off-set adverse impacts to natural resources, fish and wildlife, and wetland functions; and

WHEREAS, Grantor desires to preserve the Property in its natural condition in perpetuity;

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to the provisions of Section 704.06, Florida Statutes, Grantor hereby voluntarily grants and conveys to Grantee a Conservation Easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth (the
“Conservation Easement”). Grantor fully warrants title to said Property, and will warrant and defend the same against the lawful claims of all persons whomsoever, subject, however, to easements granted to the Indian River Mosquito Control District as shown on the site plan attached hereto as Exhibit “B”.

1. **Purpose.** The purpose of this Conservation Easement is to assure that the Property will be retained forever as native uplands preserve, with ancillary structures and uses appropriate to such a facility and use and to prevent any use of the Property that will impair or interfere with the environmental, architectural, aesthetic and educational value of the Property.

2. **Prohibited Uses.** Any activity on or use of the Property inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited:

   (a) Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground.

   (b) Dumping or placing soil or other substance or material as landfill or dumping or placing of trash, waste or unsightly or offensive materials.

   (c) Removing, trimming or destroying trees, shrubs, or other vegetation.

   (d) Excavating, dredging or removing loam, peat, gravel, soil, rock or other material substances in such a manner as to affect the surface.

   (e) Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.

   (f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.
(g) Acts or uses detrimental to such retention of land or water areas.

3. **Reserved Rights.** Grantor reserves unto itself, and its successors and assigns, all rights accruing from its ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property, that are not expressly prohibited herein and are not inconsistent with the purpose of this Conservation Easement.

4. **Rights of Grantee.** To accomplish the purposes stated herein, Grantor conveys the following rights to Grantee:
   
   (a) To enter upon and inspect the Property in a reasonable manner and at reasonable times to determine if Grantor or its successors and assigns are complying with the covenants and prohibitions contained in this Conservation Easement.
   
   (b) To proceed at law or in equity to enforce the provisions of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and require the restoration of areas or features of the Property that may be damaged by any activity inconsistent with this Conservation Easement.

5. **Grantee's Discretion.** Grantee may enforce the terms of this Conservation Easement at its discretion, but if Grantor breaches any term of this Conservation Easement and Grantee does not exercise its rights under this Conservation Easement, Grantee’s forbearance shall not be construed to be a waiver by Grantee of such term, or of any subsequent breach of the same, or any other term of this Conservation Easement, or of any of the Grantee’s rights under this Conservation Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor
shall impair such right or remedy or be construed as a waiver. Grantee shall not be obligated to
Grantor, or to any other person or entity, to enforce the provisions of this Conservation Easement.
6. **Grantee's Liability.** Grantor will assume all liability for any injury or damage to the person
or property of third parties which may occur on the Property arising from Grantor's ownership of the
Property. Neither Grantor, nor any person or entity claiming by or through Grantor, shall hold
Grantee liable for any damage or injury to person or personal property which may occur on the
Property.
7. **Acts Beyond Grantor's Control.** Nothing contained in this Conservation Easement shall
be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the
Property resulting from natural causes beyond Grantor’s control, including, without limitation, fire,
flood, storm and earth movement, or from any necessary action taken by Grantor under emergency
conditions to prevent, abate or mitigate significant injury to the Property or to persons relating from
such causes.
8. **Recordation.** Grantor shall record this Conservation Easement in timely fashion in the
Official Records of Indian River County, Florida, and shall rerecord it at any time Grantee may
require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this
Conservation Easement in the public records. Grantor will hold Grantee harmless from any
recording costs or taxes necessary to record this Conservation Easement in the public records.
9. **Mosquito Control.** Nothing herein shall be interpreted to prevent the Indian River County
Mosquito Control District from accessing the subject property to perform its usual and customary
mosquito control operational and maintenance activities. The usual and customary mosquito control
operational and maintenance activities consist of accessing the conservation easement along existing
ATV trails for the purpose of mosquito population surveys and application of any necessary chemical
treatments and or any minor trimming of vegetation necessary to continue to access the trails on ATVs.

10. Successors. The covenants, terms, conditions and restrictions of the Conservation Easement
shall be binding upon, and inure to the benefit of the parties hereto and their respective personal
representatives, heirs, successors and assigns and shall continue as a servitude running in perpetuity with
the Property.

IN WITNESS WHEREOF, Grantor has executed this Conservation Easement on the day and year
first above written.

Signed, sealed and delivered in our presence as witnesses:

Signed, sealed and delivered
in our presence as witnesses:

GRANTOR:

Signed, sealed and delivered in our presence as witnesses:

Signed, sealed and delivered in our presence as witnesses:

STATE OF: Texas

COUNTY OF: Montgomery

The foregoing instrument was acknowledged before me this 20 day of October, 2011, by Jack C. Gregory, Jr., who is personally know to me or who has produced Drivers License as identification.

MICHELLE A. AGUILAR
Notary Public, State of Texas
My Commission Expires
January 14, 2014

Notary Public, State of Texas
Signed, sealed and delivered
in our presence as witnesses:

Kim Schlink
Printed name: Kim Schlink

Paul Marcucella
Printed name: Paul Marcucella

STATE OF: Florida
COUNTY OF: Broward

The foregoing instrument was acknowledged before me this 14 day of October, 2011, by Gina L. Marcucella, who is personally know to me or who has produced a Driver License as identification.

Gina L. Marcucella

STATE OF: Florida
COUNTY OF: Broward

The foregoing instrument was acknowledged before me this 14 day of October, 2011, by Gina L. Gregory, as Trustee of the Juliette Love Gregory Trust, who is personally know to me or who has produced a Driver License as identification.

Gina L. Gregory, as Trustee of the Juliette Love Gregory Trust

Notary Public, State of Florida
Commission No. 02851664
My Commission Expires: 11/29/2013
LEGAL DESCRIPTION

A PARCEL OF LAND Lying IN SECTION 25, TOWNSHIP 32 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

Commence at the intersection of the North/South Quarter Section line of Section 25, the North/East Right-of-Way line of Indian River Boulevard (a 200-foot wide right-of-way), thence run N 5°36'42"E 100.06' along the North/South Quarter Section line a distance of 123.38 feet, thence run N 5°36'42"E and leaving the North/South Quarter Section line of Section 25 and run a distance of 372.25 feet to the point of beginning. Thence, from the point of beginning, continue N 5°36'42"E a distance of 319.53 feet; thence run N 5°36'42"E a distance of 187.70 feet to intersect with the North/East Right-of-Way line of Indian River Boulevard; thence run N 5°36'42"E a distance of 368.28 feet; thence run S 5°36'42"W and leaving the North/East Right-of-Way line of Indian River Boulevard a distance of 100.06 feet; thence run N 5°36'42"E a distance of 195.00 feet; thence run N 5°36'42"E a distance of 11.33 feet; thence run N 5°36'42"W a distance of 187.09 feet; thence run S 5°36'42"W a distance of 187.09 feet; thence run W 5°36'42"N a distance of 60.17 feet; thence run W 5°36'42"N a distance of 79.92 feet; thence run N 5°36'42"W a distance of 10.00 feet to the point of beginning, containing 3.13 acres more or less.

THE PRESENT AT OAKLAKES CONSERVATION EASEMENT #1

KNIGHT, McGuire & Associates, Inc.
CONSULTING ENGINEERS AND PLANNERS

50 ROYAL PALM POINTS, SUITE 401, VERO BEACH, FL. 32963
PHONE (772) 564-5561, FAX (772) 564-5433, E-MAIL: Info@KMAEInc.com

CERTIFICATE OF AUTHORIZATION NUMBER: BO006431
EXHIBIT "A"

DESCRIPTION OF CONSERVATION EASEMENT #2

1. A PARCEL OF LAND LOCATED IN SECTION 25, TOWNSHIP 32 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 25 AND THE NORTH RIGHT-OF-WAY LINE OF INDIAN RIVER BOULEVARD (A 200.00 FOOT RIGHT-OF-WAY); THENCE N 00°04'04" W ALONG SAID QUARTER SECTION LINE, A DISTANCE OF 120.99 FEET; THENCE S 86°44'07" E, 42.06 FEET; THENCE S 00°16'28" E, 161.32 FEET TO A POINT ON THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF INDIAN RIVER BOULEVARD; THENCE N 44°56'06" W, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 60.34 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 0.14 ACRES MORE OR LESS.
The Preserve at Oak Lake
CERTIFICATE OF AUTHORIZATION NUMBER:OODO&l35
Mosquito Control Access Easement
EXHIBIT B

- 0'-0"-0,  30'-0"
- 60'-0"
- 90'-0"
- 120'-0"

Graphic Scale

INTEGRAL ENGINEERING AND PLANNERS
80 ROYAL PALM POINTE, SUITE 401 VERO BEACH, FL 32960
PHONE: (772) 567-5505 FAX: (772) 567-1555 E-MAI: kma@knightmcguire.com

KNIGHT, McGUIRE & ASSOCIATES, INC.
CONSULTING ENGINEERS AND PLANNERS
TO: Chairman John Carroll, Jr and Planning and Zoning Board Members

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

DATE: June 11, 2019

SUBJECT: Proposed Revisions to Sign Regulations

Staff is requesting to continue the discussion from the May Planning and Zoning Board meeting 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 revised draft ordinance amending Chapter 38, Article I, Signs. The draft ordinance was revised based on comments from the last meeting. Staff is requesting additional feedback on the 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, it is in the interest of public health, public safety, general welfare, and
aesthetics of the City of Vero Beach to regulate and limit the existing and proposed posting,
display, erection, use, and maintenance of signs and advertising structures within the city to reduce
hazardous situations, confusion, and visual clutter caused by the unchecked proliferation, improper
placement, illumination, animation, or excessive height, area, and bulk of signs, which compete
for the attention of pedestrian and vehicular traffic; and

WHEREAS, it is in the interest to enhance the attractiveness and economic wellbeing of
the City as a place to live and conduct business to permit signs that are compatible with their
surroundings, preclude placement of signs in a manner that conceals or obstructs adjacent land
uses or signs; and

WHEREAS, the City of Vero Beach has established a sign code to encourage signs that
are appropriate to the zoning district in which they are located and consistent with the category of
use to which they pertain, establish sign size in relationship to the scale of the lot and building on
which the sign is to be placed or to which it pertains, and regulate signs in a manner so as to not
interfere with, obstruct vision of or restrict motorists, bicyclists or pedestrians; and

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

CODING: Words strieken are deletions; words underlined are additions.
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 ANTENNAS

Article I. Signs

Sec. 38.01. - Purpose.
[No Changes]

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.

Awning: 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.

CODING: Words stricken are deletions; words underlined are additions.
Awning 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.

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.

Driveway: A private roadway providing access for motor vehicles to a parking lot or garage for a development.

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 62-111 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 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 sale 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.

CODING: Words striken are deletions; words underlined are additions.
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.

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.

**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.

(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.

(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 temporary weekend signs for a single event application or weekend 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 Temporary banners shall be affixed on the premises for a period of 9 months 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.

(57) 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.

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

(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.

¹ Note: change to Traffic Control Signs and moved to 38.03
² Note: change to Traffic Control Signs or Regulatory Signs and moved to 38.03

CODING: Words stricken are deletions; words underlined are additions.
(f) **Specified directional signs.** On-premises directional signs not exceeding square feet in area in nonresidential zoning districts only.  

(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 nonresidential 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.

2. Two freestanding off-premises household sale 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 62.111 and 62.112 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 of the total area of each window.

3. **General election sign regulations applicable to all zoning districts:**

---

3 Note: change to Traffic Control Signs and moved to 38.03
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.

(2) 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.

(nd) 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.

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.

Vehicle signs except as prohibited in section 38.17.

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.

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.

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.

Temporary on-premises signs. One temporary sign per street frontage, except as provided below, 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 30 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.

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 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.

CODING: Words stricken are deletions; words underlined are additions.
Such signs shall not be located in public rights-of-way and shall not impede normal pedestrian traffic.

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:

<table>
<thead>
<tr>
<th>Light Source</th>
<th>Residential Park P-1, P-2, POL, H, GU RCIO 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, ALJ, M-1 and DTW 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>

BRIGHTNESS AND INTENSITY CRITERIA

CODING: Words striken are deletions; words underlined are additions.
(4) No flashing sign shall be permitted except time and temperature signs, message center signs, and public signs.

(f) **Sign Area.** The area of a sign is determined as follows:

1. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.

2. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest simple polygon which encompasses all of the letters, designs, and symbols of the advertising message.

3. Sign area for other signs includes all features, decorative glass, plastic, masonry, or other materials. Where material is displayed in a random or unconnected manner without organized relationship of the components, each component or element shall be considered to be a single sign.

4. A projecting or ground sign with sign face on two sides with no more than a three-foot separation between faces shall be a single sign, and the total sign area shall be the area on a single face.

5. Pole covers shall be included as sign area to the extent that they exceed twice the diameter of the support.

6. The finished constructed base of a monument-style freestanding sign up to 22 square feet shall be excluded from the sign area.

7. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly-shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.

8. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.

9. The permitted maximum area for all signs is determined by the sign type and the zoning district in which the sign is located.

(gf) **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.

(hg) **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.

(ih) **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) **Manual Changeable Copy Signs**: Manual changeable copy signs are permitted only when
integrated into a freestanding, marquee, or wall sign.

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

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 on trees;
   e. 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
   6412 of this Code.

(b) **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

CODING: Words strikenc are deletions; words underlined are additions.
five feet back from the edge of pavement or back of curb, except for State Route 60 section of Indian River Boulevard, such signs shall be 14 feet from 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 20500 feet from any other off-premises temporary weekend special event sign on the same side of the road and only one off-premises temporary weekend sign per intersection under the same permit.

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

(8) Such signs are to be constructed of corrugated plastic for the sign area and “H” wire stakes for the sign frame.

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

(10) 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.

(11) 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.

(12) Active Temporary subdivision development signs. On-premises active temporary 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.
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.

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 28.18 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;

CODING: Words stricken are deletions; words underlined are additions.
(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) Building Facade Signs shall meet the following standards:

(1) General Standards for building facade signs:

   a. Building facade signs are signs attached to the building facades and include, but not
      necessarily limited to, wall signs, painted signs, marquee signs, awning signs, parapet
      signs, and overhanging signs.

   b. The sign area calculation for building facade signs is calculated on the total building facade
      area. The maximum cumulative sign area and individual building facade sign area for each
      building is determined by the zoning district signage charts. 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

      1. In calculating the area of a building facade, no additional credit shall be given for the
         surface of any marquee or awning.

      2. 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.

   (2) Wall Signs shall meet the following standards:

      a. No portion of a wall sign shall be mounted less than eight (8) feet above the finished grade
         or extend out more than twelve (12) inches from the building wall on which it is affixed. If
         the wall sign projects less than three (3) inches from the building wall on which it is affixed,
         the eight-foot height requirement need not be met.
b. 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.

c. 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.

d. Signs may be placed in whole or in part upon a parapet, but no part of any such sign shall project above the upper edge of the parapet.

e. Wall signs shall comply with the Florida Building Code.

(3) **Awning Signs** shall meet the following standards:

a. An awning without lettering or other advertising shall not be regulated as a sign.

b. Awning signs must be centered within or over architectural elements such as windows or doors.

c. No awning sign shall be wider than the building wall or tenant space it identifies.

d. Sign placement shall be located only on the front and side vertical faces of the awning or canopy.

e. Sign height: the lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.

f. Any ground-floor awning projecting into a street right-of-way must be retractable.

g. Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.

h. Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.

(4) **Marquee Signs** shall meet the following standards:

a. Such signs shall be located only above the principal public entrance of a building facing a public street or parking lot.

b. No marquee shall be wider than the entrance it serves, plus two (2) feet on each side thereof.

c. No marquee shall extend closer to the curb than three (3) feet.

d. Sign height.
   1. No portion of a marquee sign shall extend vertically above the eaveline.
   2. The lowest edge of the marquee sign shall be at least ten (10) feet above the finished grade.

(5) **Projecting Signs** shall meet the following standards:

a. No portion of a projecting signs shall project more than four (4) feet from the face of the building.

b. The outermost portion of a projecting sign shall project no closer than five (5) feet from a curbline or shoulder of a public street.
c. Sign height. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.

d. No part of a projecting sign shall project more than 36 inches from the wall of a building.

e. Shall not project over a public sidewalk or street, except where allowed in the zoning district.

f. No sign or part of a sign or its supporting structure shall cover any window or part of a window.

g. No projecting sign or supporting structure shall be located in such a manner as to obstruct window light and vision.

h. No projecting sign shall extend above the top of the wall or parapet wall, (whichever is greater in height).

(b) Freestanding (ground) Signs shall meet the following standards:

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

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

(3) Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.

(4) The lowest edge of any freestanding pole sign shall be either less than four (4) feet or greater than seven (7) feet above the ground.

(5) The maximum number of freestanding signs allowed on a property is determined by sign schedule for the zoning district. Where more than one sign is placed on the same property, the cumulative area of such signs shall not exceed the maximum aggregate sign area permitted by the sign schedule for the zoning district.

(6) Sign Placement.

a. All freestanding signs shall be at least two feet back from any public sidewalk or set back five (5) feet from the right-of-way, whichever is the lesser distance.

b. Freestanding signs shall be placed five feet from all rights-of-way and 10 feet from all other property lines.

c. Freestanding signs shall be set back at least ten feet from side and rear yard property lines.

d. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement or other areas required to remain unobstructed.

(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.

CODING: Words striken are deletions; words underlined are additions.
(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.

(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 twenty 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 twenty 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 thirty-two 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 three hundred feet of street frontage, whichever is greater. The maximum area of any single freestanding sign shall not exceed forty-eight 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 twenty square feet. Freestanding signs shall be placed not less than five feet from all rights-of-way and fifteen 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.

(c) 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 RCJO 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 RCJO 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 Facade (Wall, Marquee, or Awning)</td>
<td>1 per tenant per street frontage, except for single tenant buildings</td>
<td>10% of building facade area or 300 sq. ft. whichever is less</td>
<td>Wall: 10% of front street facade 5% of side or rear building facade</td>
<td>The roofline</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. 6 feet</td>
<td></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>
<td>48 sq. ft² 10 feet</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. 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 / Card
inal 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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Building Façade</strong></td>
</tr>
<tr>
<td>(Wall, Marquee and Awning)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Maximum Number</td>
</tr>
<tr>
<td>1 per tenant per street frontage, except for single</td>
</tr>
<tr>
<td>tenant buildings</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Maximum Area (Total)</td>
</tr>
<tr>
<td>10% of building façade area</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Maximum Area (Individual)</td>
</tr>
<tr>
<td>Wall: 10% of front street façade</td>
</tr>
<tr>
<td>5% of side or rear building façade</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Maximum Height</td>
</tr>
<tr>
<td>The rooftop</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Window</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Maximum Area (Total)</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Maximum Area (Individual)</td>
</tr>
<tr>
<td>20% total window area</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Maximum Height</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Canopy</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Maximum Area (Total)</td>
</tr>
<tr>
<td>40% of the face of the canopy</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Maximum Area (Individual)</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Maximum Height</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Small Freestanding</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Maximum Area (Total)</td>
</tr>
<tr>
<td>1 per tenant</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Maximum Area (Individual)</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Maximum Height</td>
</tr>
<tr>
<td>4 sq. ft.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Freestanding (Ground Sign)</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Maximum Area (Total)</td>
</tr>
<tr>
<td>100 sq. ft. per street frontage</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Maximum Area (Individual)</td>
</tr>
<tr>
<td>48 sq. ft.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Maximum Height</td>
</tr>
<tr>
<td>20 feet</td>
</tr>
</tbody>
</table>

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 lineal foot of property
   along such public right-of-way.

2. 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.

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.

4. No premises shall be allowed both a freestanding sign and a small freestanding identification sign.

5. Building façade signs facing residentially zoned property, the allowable amount of individual sign
   area shall not exceed 50 percent of the area allowed for the side or rear maximum sign area.

6. One identification sign, not exceed 6½ square feet in area, may be attached to the bottom of a
   marquee at a business entrance and 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.

(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

CODING: Words stricken are deletions; words underlined are additions.
(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 square 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.

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 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 residually 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 residually 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 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.

(c) Sign regulations in the C-1B, C-1, C-2A, ALI, and M zoning districts and shopping centers. 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: 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-1B, C-1, M, and ALI zoning districts.

<table>
<thead>
<tr>
<th>General Commercial, Aviation and Industrial Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Number</strong></td>
</tr>
<tr>
<td>Building Façade (Wall, Marquee and Awning)</td>
</tr>
<tr>
<td>1 per tenant per street frontage, except for single tenant buildings</td>
</tr>
<tr>
<td>10% of building façade area</td>
</tr>
<tr>
<td>Wall: 10% of front street façade</td>
</tr>
<tr>
<td>The roofline</td>
</tr>
<tr>
<td>Projecting 1</td>
</tr>
<tr>
<td>1 per building</td>
</tr>
<tr>
<td>20 sq. ft.</td>
</tr>
<tr>
<td>Window</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>20% total window area</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>Canopy</td>
</tr>
<tr>
<td>1 per side of structure</td>
</tr>
<tr>
<td>40% of the face of the canopy</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>Small Freestanding</td>
</tr>
<tr>
<td>1 per tenant</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>4 sq. ft.</td>
</tr>
<tr>
<td>6 feet</td>
</tr>
<tr>
<td>Freestanding (Ground Sign)</td>
</tr>
<tr>
<td>1 per driveway per street frontage</td>
</tr>
<tr>
<td>100 sq. ft. per street frontage 2, 3</td>
</tr>
<tr>
<td>48 sq. ft. 4</td>
</tr>
<tr>
<td>20 feet 4</td>
</tr>
</tbody>
</table>

Notes:
1. Projecting sign is permitted only on a structure located on a premise without a 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 for developments 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.
(1) Overhanging or projecting signs. One projecting sign per structure is permitted only in the C-B, 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).

(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>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Number</strong></td>
</tr>
<tr>
<td>Building Façade (Wall, Marquee and Awning)</td>
</tr>
<tr>
<td>Projecting</td>
</tr>
<tr>
<td>Window</td>
</tr>
<tr>
<td>Small Freestanding</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

(e) 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.

Sec. 38.16. - Nonconforming signs.

[No Changes]
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, unless expressly allowed in the zoning district.

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

Any sign on public property or public rights-of-way.

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.

Sec. 38.19. - Enforcement.

Sec. 38.20. - Variances.

Sec. 38.21. - Severability.

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                      Val Zudans
City Clerk                            Mayor

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

Approved as to form and
legal sufficiency:     Approved as conforming to
                      municipal policy:

______________________________          ______________________________
John Turner                      Monte K. Falls
City Attorney                   City Manager

Approved as to technical requirements:

______________________________
Jason H. Jeffries, AICP
Planning and Development Director