

1 *Building façade signs:* A sign attached to the building facades and include, but not necessarily be
2 limited to, wall signs, painted signs, marquee signs, projecting signs, blade signs, and awning signs.

3 *Blade or bracket signs:* A small, pedestrian-oriented, double-faced sign, less than four (4) square
4 feet, that projects perpendicular from a structure (blade sign) or is hung beneath a marquee (bracket sign).

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

7 *Canopy signs:* Any sign that is part of, or attached to a canopy.

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

10 *Community event banners:* A banner sign attached to two street poles spanning the street in the
11 public right-of-way.

12 *Double-faced sign:* A sign with two faces of equal size and shape, back to back, and parallel, each
13 side being a mirror image shape of the other side.

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

15 *Feather signs:* A temporary sign with or without an advertising message of lightweight fabric or
16 similar non-rigid material that is displayed on a temporary pole or framing and staked into the ground,
17 also known as a teardrop flag or temporary blade sign. For purposes of this definition, a feather flag is
18 not a flag or a temporary banner sign.

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

20 *Flag:* A sign printed or painted on rectangular shaped fabric, bunting, or similar material, containing
21 distinctive colors, patterns or symbols attached to a pole or staff and anchored along only one edge or
22 supported or anchored at only two corners. For purposes of this definition, a flag is not a temporary
23 banner sign or a feather sign.

24 *Flag pole:* A pole, used to display a flag, that is anchored into the ground or installed to a building.

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

28 *Frontage street facade:* A building facade which fronts on a street. Only one street facade may be
29 designated as the frontage street facade. In shopping centers, the building façade that fronts the parking
30 lot may be considered the frontage street façade.

31 *Historic markers:* A sign, tablet, or plaque commemorating or memorializing a person, event,
32 structure, or site issued by Federal, state or local government or local non-profit organization dedicated
33 to local history.

34 *Holiday decorations:* Signs or displays including lighting which are a non-permanent installation
35 celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons.

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

3 *Installed or erected (or place):* To erect, hang, paint, display, apply, or otherwise put in place in
4 any manner whatsoever.

5 *Interactive signs:* An electronic or animated sign that reacts to the behavior or electronic signals of
6 motor vehicle drivers.

7 *Legal notices:* A public notice issued by a Federal, state or local government agency or a notice
8 required by legal proceedings, such as foreclosures or probate.

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

11 *Marquee signs:* Any sign installed on a marquee.

12 *Mechanical movement signs:* A sign having parts that physically move rather than merely appear to
13 move as might be found in a digital display. The physical movement may be activated electronically or
14 by another means. Mechanical movement signs do not include message center signs that have changeable,
15 programmable displays.

16 *Memorial signs:* A sign cut into a masonry surface of a building, inlaid so as to be part of the
17 building or tablet or plaque made of a noncombustible material that is attached to the building.

18 *Message center signs:* Any sign that contains either changeable copy or can automatically display
19 unlimited words, numerals, and/or characters in a programmed manner, including time and temperature
20 signs.

21 *Monument signs:* A freestanding sign permanently affixed to the ground at its base, supported
22 entirely by a base structure, and not mounted on a pole.

23 *Neighborhood or business district signs:* A permanent freestanding sign located within the public
24 rights-of-way identifying a vehicular entrance to a residential neighborhood or business district.

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

26 *On-premises signs:* Any sign related to the commodities, accommodations, service, activities, or
27 events on the premises on which said sign is located, including temporary signs.

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

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

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

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

1 *Pole banner signs:* A sign of lightweight fabric or similar non-rigid material that is displayed above
2 a sidewalk or parking lot and attached to a single light pole.

3 *Pole signs:* A freestanding sign that is permanently supported in a fixed location by a structure of
4 one or more poles, posts, uprights, or braces from the ground.

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

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

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

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

16 *Regulating notices:* A public notice posted to regulate the use of the premises, such as a “no
17 trespassing” or “no soliciting” sign, also known as a warning sign.

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

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

22 *Scoreboard:* A sign contained within an athletic venue and intended solely to provide information
23 to the attendees of an athletic event.

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

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

31 *Sign area:* The area of a sign is determined as described in Sec. 38.10 (f).

32 *Small freestanding signs (ground sign):* A decorative sign which is supported by one or more
33 columns, uprights, or braces anchored into the ground independent of support from any building.

34 *Snipe signs:* A sign painted on, tacked, nailed, posted, pasted, glued, fastened or otherwise attached
35 to trees (living or dead) or other vegetation, poles, stakes, fences, public benches, streetlights, or other
36 objects, or placed on any public property or in the public right-of-way for more than 6 hours without a

1 permit or on any private property without the permission of the property owner, also known as bandit
2 sign.

3 *Street and address signs:* Lettering and numerals, on mailboxes, structures, and buildings, necessary
4 to identify streets and locations in order to guide the traveling public and enable emergency responders
5 to find locations in a timely manner.

6 *Street pole banner signs:* A banner sign attached to a single street pole in the public right-of-way.

7 *Subdivision identification signs:* A permanent on-premises sign located wholly within the property
8 line of the subdivision identifying a vehicular entrance to a residential subdivision or neighborhood.

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

12 *Temporary banner signs:* A temporary advertising sign of lightweight fabric or similar material that
13 is displayed on a pole, building or attached to a staff or line. For purposes of this definition a banner is
14 not a flag or a feather sign.

15 *Temporary on-premises signs:* Any non-illuminated sign intended to be displayed for no more than
16 90 consecutive days at once.

17 *Temporary sign:* A type of non-permanent, non-illuminated sign that is displayed for a limited
18 period of time.

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

21 *Tenant:* The lessee of building space at an applicable development or shopping center.

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

23 *V-shaped sign or sandwich board signs:* Any portable, folding, self-supporting "A" frame sign
24 which has two faces that are not parallel and the interior sides do not join to form an angle greater than
25 45 degrees and typically displayed outside a commercial storefront.

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

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

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

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

35 *Works of art.* Any mosaic, painting, pictorial or graphic representation or combination thereof which
36 is professionally applied to a building or structure that does not contain any advertising of any product,

1 company, profession, or business, or any logo, trademark, trade name, or other commercial message
2 related to the premises it is located, also known as a mural or graphic art. Works of art determined to be
3 advertising sign shall be considered a sign and shall be included in the calculations of allowable sign
4 area.

5 **Sec. 38.03. - Compliance required and exemptions.**

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

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

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

12 (1) Street and address signs, including lettering and numerals, on mailboxes, structures, and
13 buildings.

14 (2) Works of art.

15 (3) Scoreboards in athletic stadiums or playing fields without any advertising message.

16 (4) Vehicle or trailer signs less than 6 square feet.

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

19 (6) Advertising signs on public transit vehicles.

20 (7) Traffic control signs in public rights-of-way or private parking lots where there is found to be
21 a compelling governmental interest in the erection and maintenance of these signs in order to
22 protect the physical safety of the public and prevent property damage. Such signs shall not be
23 larger than reasonably necessary to adequately guide and warn the public and emergency
24 responders.

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

26 (9) Advertising signs on product or equipment displayed in conformance to Sec. 64.10(c)(4).

27 (10) Historic markers

28 **Sec. 38.04. – Permitting required.**

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

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

34 (a) *Application and fees.* Prior to the placement of any sign requiring a permit pursuant to this chapter,
35 a completed sign permit or temporary sign permit application with a nonrefundable permit fee shall
36 be submitted to the planning and development department in accordance with section 64.03 of this
37 Code. Permit fees shall be as established by resolution of the city council. [Sign application forms
38 and fee schedule may be found on the city's website at www.covb.org] A double permit fee shall

1 be assessed for a sign erected, placed, replaced, reconstructed, structurally altered, expanded, or
2 relocated without the required permit.

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

5 (1) The application completeness review for signs shall be completed within five working days
6 from the date of the receipt of the complete application.

7 (2) Action by the planning director on any sign permit application shall be within 30 days from
8 the date of the receipt of a complete application.

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

12 (4) The duration limits of temporary sign permits shall be 90 days, unless the duration limits are
13 specified in section 38.11.

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

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

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

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

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

21 **Sec. 38.07. – Inspections.**

22 The permittee shall notify the sign inspector when the sign is permanently stabilized so that the sign may
23 be inspected. If the sign has been erected in conformity with this chapter, then the permit, a pressure-
24 sensitive label bearing the permit number, shall be issued by the sign inspector. This label shall, if possible,
25 be attached to the front of the sign so that it shall be visible from ground level. If the label cannot be
26 attached, it shall be kept readily available by the sign permittee for inspection.

27 **Sec. 38.08. – Revocation of permit.**

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

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

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

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

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

- 1 (b) *Window signs.* Window sign or signs having a total area not exceeding 20 percent of each window,
2 calculated separately for each window provided such signs are located only within nonresidential
3 zoning districts, except for temporary on-premises window signs that may be located within all
4 zoning districts.
- 5 (c) *Flags.* Flags as follows:
- 6 (1) *Single-family residential zoning districts.* In a single-family residential zoning district, two
7 flags and one ground flag pole per premises. Each flag shall be a maximum of 24 square feet
8 in area. The ground flag pole shall be a maximum of 25 feet in height or no higher than the
9 highest point of the principal building's roof, whichever is lower. Ground flag poles shall have
10 a minimum yard setback of five feet.
- 11 (2) *Multiple-family residential or nonresidential zoning districts.* In a multiple-family residential
12 or non-residential zoning district, one flag per 25 feet of frontage on a right-of-way up to a
13 maximum of six flags and six ground flag poles per premises. Each flag shall be a maximum
14 of 24 square feet in area. Ground flag poles shall be a maximum of 35 feet in height. Ground
15 flag poles shall have a minimum yard setback of ten feet.
- 16 (3) *Park zoning districts.* In the P-2, Parks zoning district, one flag per (5) five acres of land up
17 to a maximum of six flags and six ground flag poles per premises. Each flag shall be a
18 maximum of 750 square feet in area. Ground flag poles shall be a maximum of 80 feet in
19 height. Ground flag poles shall have a minimum yard setback of twenty feet.
- 20 (d) *Banner signs within ballparks and athletic fields.* Signs within ballparks and athletic fields as
21 follows:
- 22 (1) Such signs may be affixed to the fence or scoreboard, facing inward to the field of play.
23 (2) Such signs shall be a maximum of 32 square feet in area.
- 24 (e) *Signs not readily visible from public right-of-way.*
- 25 (f) *Neighborhood or business district signs.* Neighborhood or business district ornamental, historic,
26 identification or directional signs within the public rights-of-way with a right-of-way permit.
- 27 (g) *Carried signs.* Such signs may be carried on premises on private, property or on public rights-of-
28 way in nonresidential zoning districts, excluding streets, roads, alleys, or median strips.
- 29 (h) *Traditional barber pole signs.* Traditional "barber pole" signs of less than 3.5 feet in height that
30 call attention to an on-premises barbershop, hairstyling salon, or similar establishment.
- 31 (i) *Pole banner signs.* Such signs may be a maximum of 8 square feet per sign per light pole in parking
32 lots for non-residential uses.
- 33 (j) *Fence signs.* Such signs may be a maximum of 4 square feet per driveway.
- 34 (k) *Scoreboards with advertising signs.* Scoreboards inside athletic fields or recreational ball fields are
35 exempt from the provisions of this article. Scoreboards with advertising signs not exceeding 32
36 square feet in area and which signs face in toward the playing field do not require permits.
37 Scoreboards with more than 32 square feet of advertising signs facing the playing field or with any
38 signs facing public right-of-way or outside the playing field are considered freestanding signs and
39 shall met the district standards for such signs.
- 40 (l) *Temporary on-premises signs.* One temporary sign per street frontage, except as provided below,
41 in all zoning districts as follows:
- 42 (1) *Residential zoning districts.* Such signs shall either be freestanding or window signs in
43 residential zoning districts. If displayed as a freestanding sign, such sign shall be a maximum

1 of three square feet in area, and a maximum of three feet in height. Each window sign shall
2 be a maximum of two square feet in area and the cumulative area of all window signs shall
3 be a maximum of 20 percent of the total area of each window.

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

9 (3) *Additional temporary on-premises signs during election periods.* Additional election signs,
10 meeting the temporary sign requirements for the applicable zoning district, of one sign per
11 candidate and one per side of an referendum issue are authorize up to a 90-day period prior
12 to a City, State or Federal general or primary election.

13 (m) *V-shape or sandwich board signs.* One V-shaped or sandwich board sign per establishment on
14 property within non-residential zoning district:

15 (1) Such signs shall be a maximum of six square feet in area on each side and a maximum of
16 three feet in height.

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

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

22 (4) Such signs shall only be displayed the business hours of the establishment and must be
23 removed and stored within an enclosed structure during non-business hours.

24 **Sec. 38.10. – General Sign Regulations.**

25 (a) *Construction standards.* All signs shall be constructed of durable materials, using non-corrosive
26 fastenings; shall be structurally safe and erected or installed in accordance with the Florida Building
27 Code adopted by the City of Vero Beach.

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

30 (c) *Signs not to constitute a traffic hazard.* No sign shall be placed at any location in the city where it
31 may interfere with or obstruct the view of any motorist, or be confused with any authorized traffic
32 sign, signal, or device. No sign may occupy a sight triangle, as determined by the public works
33 director. A sign which, at the time of construction, was not considered a traffic hazard shall be
34 removed at the owner's expense if at a later time it is determined by the public works director that
35 the sign has become a traffic hazard due to changed circumstances.

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

1 (e) *Illuminated signs:*

- 2 (1) The light from any illuminated sign, or from any light source, shall be shaded, shielded, or
3 directed so that the light intensity or brightness shall neither adversely affect the surrounding
4 premises nor impede safe vision of operators of vehicles moving on streets or parking areas.
- 5 (2) No signs shall have exposed fluorescent lighting.
- 6 (3) No sign shall have fluorescent paint or be photophorescent. No sign shall have exposed neon
7 of any intensity. All unexposed neon shall be approved by any testing laboratory acceptable to
8 the city. No sign shall have a light source which exceeds the following criteria for light
9 intensity:

10 BRIGHTNESS AND INTENSITY CRITERIA

11 Light Source Shall Not Exceed In:

Light Source	Residential P-1, P-2, POI, H, GU RCLO and Residential Portion of MPZ Districts	B-1, C-1A, C-1M, and Commercial Portion of MPZ Districts	C-1B, C-1, C-2M, ALI, M-1 and DTW Districts
Exposed bulbs	10 Watts	15 Watts	15 Watts
Luminous background	90 ft. lamberts	150 ft. lamberts	200 ft. lamberts
Illuminated	50 footcandles	50 footcandles	75 footcandles

- 12 (4) No flashing sign shall be permitted except message center signs and traffic control signs.

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

- 14 (1) The area of a sign shall mean the area of all lettering, wording, and accompanying designs,
15 logos, and symbols. The area of a sign shall not include any supporting framework, bracing or
16 trim which is incidental to the display, provided that it does not contain any lettering, wording,
17 or symbols.
- 18 (2) Where the sign consists of individual letters, designs, or symbols attached to a building,
19 awning, wall, or window, the area shall be that of the smallest simple polygon which
20 encompasses all of the letters, designs, and symbols of the advertising message.
- 21 (3) Sign area for other signs includes all features, decorative glass, plastic, masonry, or other
22 materials. Where material is displayed in a random or unconnected manner without organized
23 relationship of the components, each component or element shall be considered to be a single
24 sign.
- 25 (4) A projecting or freestanding sign with sign face on two sides with no more than a three-foot
26 separation between faces shall be a single sign, and the total sign area shall be the area on a
27 single face.
- 28 (5) Pole covers shall be included as sign area to the extent that they exceed twice the diameter of
29 the support.

- 1 (6) The finished base of a monument-style freestanding sign up to 22 square feet shall be excluded
2 from the sign area.
- 3 (7) Signs that consist of, or have attached to them, one or more three-dimensional or irregularly-
4 shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the
5 smallest cube encompassing the sign or object.
- 6 (8) If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken
7 when the elements are fully extended and parallel to the plane of view.
- 8 (9) The permitted maximum area for all signs is determined by the sign type and the zoning district
9 in which the sign is located.
- 10 (g) *Height of signs.* No part of any sign affixed to a building shall exceed the height of the building as
11 measured exclusive of elevator shafts, air conditioning units, or cooling towers. The height of
12 freestanding signs is established for the zoning districts as set forth herein. The height of the sign or
13 flag pole is measured from the crown of the nearest road to the highest point of the sign or flag pole.
- 14 (h) *Distance separation.* Distance requirements set forth herein shall be measured from the nearest part
15 of any sign (or its structure) to the nearest point of the closest applicable setback line, property line,
16 roof line, or other applicable restricting line of point of separation (including distance between signs)
17 or height limitation.
- 18 (i) *Signs on public property and rights-of-way.* Except as expressly permitted in this article, no sign
19 shall be erected, placed, replaced, installed or maintained in or on any city property or public right-
20 of-way.
- 21 (j) *Illumination of temporary signs prohibited.* No temporary sign shall be illuminated, except as
22 expressly permitted in this article.

23 **Sec. 38.11. - Temporary signs requiring permits.**

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

- 26 (a) *Off-premises temporary weekend signs.* Temporary off-premises signs are allowed for more than
27 6 hours on public right-of-way as follows:
- 28 (1) The placement of such signs is limited to a time period between Thursday and Noon Monday
29 (weekend period).
- 30 (2) A maximum of 20 such freestanding signs may be placed.
- 31 (3) Such signs shall be limited to the non-paved portion of any public right-of-way that is situated
32 outside of any sidewalk, drainage ditch or swale, or traffic median, but no closer than five
33 feet back from the edge of pavement or back of curb, except for State Route 60 section of
34 Indian River Boulevard, such signs shall be 14 feet from edge of pavement or back of curb.
- 35 (4) Such signs shall be prohibited in the following locations:
- 36 a. Within ten feet of the edge of pavement of a driveway intersection pavement and within
37 ten feet of the edge of pavement or back of curb of a roadway intersection pavement.
- 38 b. A public right-of-way location that abuts a single-family use along its front property line.
- 39 (5) Such signs shall be placed at least 500 feet from any other off-premises temporary weekend
40 sign on the same side of the road and only one off-premises temporary weekend sign per
41 intersection under the same permit.

- 1 (6) Such signs shall be a maximum of three square feet in area and a maximum of three feet in
2 height.
- 3 (7) Such signs are to be constructed of corrugated plastic for the sign area and “H” wire stakes
4 for the sign frame.
- 5 (8) No more than a cumulative total of six off-premises temporary weekend sign permit per
6 applicant may be issued in a calendar year.
- 7 (9) Each permit for an off-premises temporary weekend sign(s) shall be only for one-weekend
8 period.
- 9 (10) An off-premises temporary weekend sign that is located on any qualifying public right-of-
10 way outside the time period authorized by this subsection shall be subject to removal under
11 section 38.18 and code enforcement mechanisms and sanctions as provided in this Code.

12 (b) *Temporary subdivision signs.* On-premises temporary subdivision development signs as follows:

- 13 (1) Such signs may be placed only on-premises of the developing subdivision, on property
14 consisting of land duly platted and comprised of three acres or more including streets and
15 rights-of-way within the platted boundaries of said property. The approved preliminary plat
16 shall be filed with the planning and development department prior to placement of any such
17 signs.
- 18 (2) Such signs shall be a maximum of 32 square feet in area and a maximum of 12 feet in height.
19 Such signs shall be at least five feet from all public rights-of-way and at least 15 feet from
20 rear and side property lines. However, the maximum area of such signs may be increased to a
21 maximum of 48 square feet in area by locating the sign farther back than the required five feet
22 from the all public rights-of-way. Two square feet of added sign area are allowed for each
23 additional one foot of setback. Only one such sign shall be permitted for each intersection
24 providing a principal point of entry into the developing subdivision, provided only one such
25 sign may be located on a common frontage street. Such signs must be located on the premises
26 of the developing subdivision, at least five feet from all public rights-of-way, and at least 20
27 feet from adjacent property lines. Such signs shall be freestanding.
- 28 (3) Such sign shall be removed no later than seven days after the final certificate of occupancy is
29 issued.

30 (c) *Street pole banner signs.* Street pole banners designed to add life and color to the city's streetscape
31 while promoting the city, business districts, recognized historical events and persons, outdoor
32 events, and cultural and recreational activities of benefit to the city are allowed as follows:

- 33 (1) The use of street banner poles within the public right-of-way is reserved exclusively to the city.
- 34 (2) Street pole banner signs shall be installed by the city or its designee on banner poles in
35 association with:
 - 36 a. The promotion of the city, the city's business districts, and city facilities.
 - 37 b. The commemoration of important historical events, historical figures, and city-owned
38 historic landmarks.
 - 39 c. The observance of national holidays, other national and state events, and city-sponsored
40 events. Flags may be installed in observance of these holidays or events.
- 41 (3) In all instances, a minimum of 70 percent of the banner area will be used for the purpose
42 referenced in (2) above, and no more than 30 percent of the banner area may be used to display
43 logos or names of banner sponsors.

1 (4) The use of street pole banner signs for the purpose of advertising is prohibited.

2 (5) A permit for the street pole banner signs are issued for one year and may be renewed annually.

3 (d) *Community event banner signs.* Community event banners designed to announce or promote a
4 community, cultural, or civic event open to the general public may be located within the right-of-
5 way in the (DTW) Downtown zoning district are allowed as follows:

6 (1) The use of community event banner poles within the public right-of-way in Downtown are
7 reserved exclusively to the city.

8 (2) Community event banners signs may be installed on the banner poles located on 14th Avenue in
9 Downtown in association with community or Downtown promotional events occurring within
10 the Downtown Commercial District identified in the City's Comprehensive Plan.

11 (3) In all instances, a minimum of 70 percent of the banner area will be used for the purpose
12 referenced in (2) above, and no more than 30 percent of the banner area may be used to display
13 logos or names of banner sponsors.

14 (4) The use of community event banner signs for the purpose of advertising is prohibited.

15 (5) Banners shall be installed by the city no more than 30 days before the community event and
16 shall be removed within 7 days after the event.

17 (e) *Temporary banner signs.* Banners that face the public right-of-way may be allowed subject to the
18 following criteria:

19 (1) One banner per street frontage per tenant.

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

21 (3) Such banners shall be in place for a maximum of 30 days during a calendar year.

22 (4) Such banners shall be placed on the building façade and in a location that does not create a
23 safety hazard.

24 (5) Such banners shall be maintained in terms of appearance and condition. Any banner sign that is
25 frayed, torn, broken, or no longer legible will be deemed unmaintained and required to be
26 removed.

27 (6) Such banners shall not be lighted.

28 (7) Multiple banners that are uniform in size and separated by four feet may be placed to an athletic
29 field's permanent perimeter fencing for up to a maximum of 180 days.

30 **Sec. 38.12. Sign Type Standards.**

31 (a) *Building façade signs.* The following standards apply to building facade signs, including standards
32 for specific types of building façade signs installed on premises:

33 (1) *Sign area calculation.*

34 a. The sign area calculation for building façade signs is calculated on the total building façade
35 area. The maximum cumulative sign area and individual building façade sign area for each
36 building is determined by the zoning district signage charts.

37 b. The calculation of the allowable facade credit shall always be calculated on a flat, two-
38 dimensional plane and shall not include that part of any parapet, marquee, pylon, or
39 window sign, or other surface which extends above the roof line. No additional credit shall
40 be given for the surface of any marquee or awning.

- 1 c. A mansard roof shall be classified as a parapet wall. If the lower edge of a slanted roof
2 other than a mansard roof extends below the top of the supporting wall, the allowable
3 facade shall be the area of the wall minus the area covered by the roof.
- 4 d. Each building shall have one frontage street façade. If the building's frontage street façade
5 is over 50 feet in length, only 50 feet of the non-residential façade shall be considered the
6 frontage street façade.

7 (2) *Awning signs*. The following standards shall apply to awning signs:

- 8 a. An awning without lettering or other advertising shall not be regulated as a sign.
- 9 b. Awning placement:
 - 10 1. Must be centered within or over architectural elements such as windows or doors
 - 11 2. No awning shall be wider than the building wall or tenant space it identifies.
 - 12 3. The lowest edge of the awning shall be at least eight (8) feet above the finished grade.
 - 13 4. Awnings above the ground floor may not project more than four (4) feet from the
14 face of the building.
 - 15 5. Multi-tenant Buildings: if the awning sign is mounted on a multi-tenant building, all
16 awning or canopy signs shall be similar in terms of height, projection, and style
17 across all tenants in the building.
- 18 c. *Sign placement*: sign copy shall be located only on the front and side vertical faces of the
19 awning or canopy.

20 (3) *Blade or bracket signs*. The following standards apply to blade or bracket signs:

- 21 a. No part of a projecting sign shall project more than four (4) feet from the wall of a
22 building.
- 23 b. May project over a public sidewalk or street with a Right-of-Way permit.
- 24 c. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished
25 grade.
- 26 d. The supporting structure shall be a decorative bracket.

27 (4) *Marquee signs*. The following standards apply to marquee signs:

- 28 a. Shall be located only above the principal entrance of a building facing a public street or
29 parking lot.
- 30 b. No marquee shall be wider than two (2) feet on each side of the entrance it serves.
- 31 c. No marquee shall extend closer to the curb than three (3) feet.
- 32 d. No portion of a marquee sign shall extend vertically above the roofline.
- 33 e. The lowest edge of the marquee sign shall be at least ten (10) feet above the finished
34 grade.

35 (5) *Projecting signs*. The following standards apply to projecting signs:

- 36 a. No part of a projecting sign shall project more than four (4) feet from the wall of a
37 building.
- 38 b. Shall not project over a public sidewalk or street.

- 1 c. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished
2 grade.
- 3 d. No sign or part of a sign or its supporting structure shall cover any window or part of a
4 window.
- 5 e. No projecting sign or supporting structure shall be located in such a manner as to obstruct
6 window light and vision.
- 7 f. No projecting sign shall extend above the top of the wall or parapet wall, (whichever is
8 greater in height).

9 (6) *Wall signs*. The following standards apply to wall signs:

- 10 a. No portion of a wall sign shall be painted or mounted less than eight (8) feet above the
11 finished grade or extend out more than twelve (12) inches from the building wall on which
12 it is affixed. If the wall sign projects less than three (3) inches from the building wall on
13 which it is affixed, the eight-foot height requirement need not be met.
- 14 b. No wall sign except wall signs painted on the wall shall cover wholly or partially any
15 required wall opening. No wall sign shall project above the top of the wall to which it is
16 attached.
- 17 c. All bracing shall be hidden or covered so that it shall not be visible from the public right-
18 of-way. The covered portion of the ends of such signs shall not be used for advertising
19 purposes.
- 20 d. Signs may be placed in whole or in part upon a parapet, but no part of any such sign shall
21 project above the upper edge of the parapet.

22 (b) *Canopy signs*. The following standards apply to canopy signs installed on premises:

23 (1) *Standards for canopy structures*:

- 24 a. All canopy structures shall meet the setback standards for accessory structures.
- 25 b. No freestanding sign may occupy an area designated for fire lane, easement, cartway of
26 the right-of-way or other areas required to remain unobstructed.

27 (2) *Standards for canopy signs*:

- 28 a. Signs are to be placed upon the canopy edge, but no part of any such sign shall project
29 above the top of the canopy.

30 (c) *Freestanding signs (ground sign)*. The following standards apply to freestanding signs, including
31 standards for specific types of freestanding signs, installed on premises:

32 (1) *General standards for all freestanding signs*: .

- 33 a. The property frontage contains an access point to a road right-of-way.
- 34 b. All freestanding signs must be at least two (2) feet back from any public sidewalk or at
35 least five feet from any right-of-way, whichever is the lesser distance.
- 36 c. All freestanding signs must be two (2) feet from the side property line and located in close
37 proximity to the drive access.
- 38 d. The lot or parcel of land shall have at least 50 feet of frontage on a public right-of-way.
- 39 e. No freestanding sign may occupy an area designated for parking, loading, walkways,
40 driveways, fire lane, easement, cartway of the right-of-way or other areas required to
41 remain unobstructed.

1 (2) *Pole signs.* The following standards apply to pole signs:

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

4 (3) *Monument signs.* The following standards apply to monument signs:

5 a. Monument signs shall be supported by a finished base that is incorporated into the
6 landscape or architectural design scheme of the site.

7 (d) *Message center signs:* The following standards apply to signs that incorporate message center signs
8 installed on premises:

9 (1) *Sign type:* Message center signs are permitted in the form of monument, marquee, and wall
10 signs.

11 (2) *Location:* Message center signs are only permitted in non-residential zoning districts.

12 (3) *Height:* A message center sign shall have the same height limits as other permitted signs of
13 the same type and location.

14 (4) *Maximum area of sign:* Message center signs shall not exceed 50% of the individual sign area.

15 (5) *Maximum Number:* One (1) message center sign is permitted per street frontage, up to a
16 maximum of two (2) message center signs per property.

17 (6) *Message display:*

18 a. The message display may be static copy or digital message

19 b. No message center sign may contain text which flashes, pulsates, moves, or scrolls.

20 c. The content of a message center sign must transition by changing instantly (e.g., no fade-
21 out or fade-in).

22 d. The digital message may not change all or any part of the sign copy more frequently than
23 once per 30 seconds.

24 (7) Conversion of a permitted non-message center sign to include a message center sign requires
25 the issuance of a sign permit pursuant to Sec. 38.05

26 (8) The addition of any message center sign to a nonconforming sign is prohibited.

27 (e) *Small freestanding (ground) signs,* limited to four square feet, shall meet the following standards
28 installed on premises:

29 (1) The property has frontage on right-of-way of at least 15 feet.

30 (2) Each sign must be at least six feet from any other freestanding sign.

31 (3) These signs are not permitted in shopping centers or on premises which have a freestanding
32 (ground) sign exceeding four sq. ft.

33 (4) Signs must be placed at least two (2) feet from rear and side yard property lines.

34 **Sec. 38.13. – Signage in residential districts.**

35 (a) *Sign regulations in residential zoning districts.* In addition to signage permitted by other provisions
36 of this section, the following types, numbers, and sizes of signs shall be permitted in the residential
37 districts.

Residential Zoning Districts				
	Maximum Number	Maximum Area (Total)	Maximum Area (Individual)	Maximum Height
Freestanding sign (Multi-family with 10 or less units)	1 per street frontage	20 sq. ft.	10 sq. ft.	6 feet
Freestanding sign (Multi-family with more than 10 units)	1 per street frontage	40 sq. ft.	20 sq. ft.	10 feet
Freestanding sign (Non-residential Uses ¹)	1 per street frontage	40 sq. ft.	20 sq. ft.	10 feet ²
Façade sign ³ (Non-residential Uses ¹)	1 per frontage street facade	5% of building façade area or 300 sq. ft, whichever is less.	5% of building facade	The roofline
Subdivision Identification sign	1 per principal entrance way to subdivision	64 sq. ft.	32 sq. ft.	6 feet

Notes:

1. The non-residential use must be a legal non-conforming use or approved conditional use.
2. In single-family zoning districts, the maximum height of freestanding signs is six (6) feet.
3. Non-residential uses are only permitted wall signs for building façade signs.

1 **Sec. 38.14. – Signage in nonresidential zoning districts.**

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

Park, Institutional, and Office Zoning Districts				
	Maximum Number	Maximum Area (Total)	Maximum Area (Individual)	Maximum Height
Building façade sign (Wall, marquee and awning signs)	1 per facade per tenant	5% of building façade area or 300 sq. ft, whichever is less.	10% of frontage street façade 5% of side or rear building facade	The roofline
Window sign	N/A	N/A	20% total window area	N/A
Small freestanding sign	1 per tenant	N/A	4 sq. ft.	6 feet
Freestanding sign ^{1,2} (Monument sign)	1 per 300 ft. of street frontage	1 sq. ft. per linear ft. of street frontage; up to max 100 sq. ft. per street frontage	48 sq. ft. ³	10 feet

Notes:
1. Only monument signs area permitted for freestanding signs in P-1, P-2, POI, H, and RCLO zoning districts.
2. Freestanding signs shall be placed five feet from all rights-of-way and 15 feet from all other property lines.
3. When a freestanding sign faces single-family residentially zoned property, the maximum sign area shall not exceed 20 square feet.

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

Limited Commercial Zoning Districts				
	Maximum Number	Maximum Area (Total)	Maximum Area (Individual Facade)	Maximum Height
Building façade signs (Wall, marquee and awning signs)	1 per façade per tenant	5% of building façade area	10% of frontage street façade 5% of side or rear building facade	The roofline
Window signs	N/A	N/A	20% total window area	N/A
Small Freestanding	1 per tenant	N/A	4 sq. ft.	6 feet
Freestanding signs ¹	1 per driveway	1 sq. ft. per linear ft. of street frontage; up to max 100 sq. ft.	48 sq. ft ²	10 feet
Notes:				
1. Only monument signs area permitted for freestanding signs in C-1A and C-1M zoning districts.				
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.				

5 (c) *Sign regulations in the C-1B, C-1, ALI, and M zoning districts and shopping centers.* In addition
 6 to signage permitted by other provisions of this section, the following types, numbers, and sizes of
 7 signs shall be permitted in the C-1B, C-1, M, and ALI zoning districts.

General Commercial, Aviation and Industrial Zoning Districts				
	Maximum Number	Maximum Area (Total)	Maximum Area (Individual)	Maximum Height
Building façade sign (Wall, marquee and awning signs)	1 per façade per tenant	5% of building façade area	10% of frontage street façade 5% of side or rear building facade	The roofline
Projecting sign ¹	1 per building		20 sq. ft.	
Window sign	N/A	N/A	20% total window area	N/A

Canopy sign	1 per side of structure	20% of the total face of the canopy	40% of the face of the canopy	N/A
Small freestanding sign	1 per tenant	N/A	4 sq. ft.	6 feet
Freestanding sign	1 per driveway	1 sq. ft. per linear ft. of street frontage; up to max 100 sq. ft. ^{2,5}	48 sq. ft ³	10 feet ^{4,5}
Notes:				
<ol style="list-style-type: none"> 1. Projecting sign is permitted only on a structure having no freestanding sign. 2. The maximum total sign area for freestanding signs along public right-of-way adjacent to residentially zoned property is calculated one square feet of sign area for three lineal foot of property along such public right-of-way. 3. The maximum sign area may increased to 100 square feet by locating the sign further back than the minimum required setback. The additional sign area allowed shall be four square feet of sign area for each additional one foot of setback. A sign shall be deemed to be perpendicular to the road right-of-way when all of its copy is perpendicular to a road right-of-way. 4. For every three feet the sign placement exceeds the minimum setback, the height of the sign may be increased one additional foot to a maximum height of 25 feet. 5. Freestanding signs in shopping centers with 600 lineal feet of property fronting on a public street: <ol style="list-style-type: none"> 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. 				

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(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.

	Downtown and Mixed Use Zoning Districts			
	Maximum Number	Maximum Area (Total)	Maximum Area (Individual)	Maximum Height
Building façade sign (Wall, and awning signs)	1 per façade per tenant	5% of building façade area	10% of frontage street façade 5% of side or rear building facade	The roofline
Marquee sign	1 per tenant per building		200 sq. ft.	
Blade or bracket sign	1 per façade per tenant		4 sq. ft.	
Window sign	N/A	N/A	20% total window area	N/A
V-shaped sign (Sandwich board sign) ¹	1 per ground floor tenant per street frontage	N/A	8 sq. ft.	3 feet
Small freestanding sign ²	1 per tenant per building	N/A	4 sq. ft.	6 feet

Notes:

1. Portable V-shaped or sandwich board sign may be placed in the public rights-of-way with a permit issued from the planning director, provided the proposed sign meets the standards for V-shape or sandwich board signs in Sec. 38.09(m) and does not impede access to any building or adversely impact pedestrian circulation by creating walkways of less than five feet
2. The building shall be set back at least 10 feet from the property line.

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

5 **Sec. 38.15. - Removal of unsafe, unlawful, or abandoned signs.**

6 (a) *Unsafe or unlawful signs.*

7 (1) Upon written notice by the planning director or building official, the owner, person, or firm
8 maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it
9 becomes so deteriorated that it no longer serves a useful purpose of communication, or it is
10 determined by the planning director to be a nuisance, or it is deemed unsafe by the building
11 official, or it is unlawfully erected in violation of any of the provisions of this Article.

12 (2) Pursuant to the Code Enforcement procedures in Chapter 2, Article VII, Code Enforcement,
13 the City may cause to be removed the sign in the event of the owner of the sign has not complied
14 with the terms of the notice within thirty (30) days of the date of the notice.

15 (b) *Abandoned signs.*

16 (1) It shall be the responsibility of the owner of any property upon which an abandoned sign is
17 located to remove such sign within 90 days of the sign becoming abandoned as defined in this
18 Article. Removal of an abandoned sign shall include the removal of the entire sign including
19 the sign face, supporting structure, and structural trim.

20 (2) Where the owner of the property on which an abandoned sign is located fails to remove such
21 sign in 90 days the City may cause the removal of such sign pursuant to the Code Enforcement
22 procedures in Chapter 2, Article VII, Code Enforcement.

23 **Sec. 38.16. - Nonconforming signs.**

24 (a) *General.* Nonconforming signs shall be subject to the standards in this section, unless otherwise
25 provided in Chapter 64, Article II, Nonconforming Uses.

26 (b) *Continuation allowed.* Signs legally in existence at the adoption of this Article (City of Vero Beach
27 Sign Ordinance) on November 29, 1977 [Ordinance 1360], including amendments, which do not
28 conform to the requirements of this Article, shall be considered nonconforming signs and are
29 allowed to continue, and are encouraged to receive routine maintenance in accordance with the
30 requirements of this Article as a means of preserving safety and appearance.

31 (c) *Determination of nonconformity status.* In all cases, the burden of establishing that a
32 nonconformity lawfully exists shall be the responsibility of the owner of the land on which the
33 nonconformity is located.

34 (d) *Minor repairs and maintenance.* Minor repairs and normal maintenance that are required to keep
35 nonconforming signs in a safe condition are permitted. Minor repairs or normal maintenance

1 includes repainting or repairing up to 50% of the replacement cost of the sign, changing the sign
2 copy, or replacing sign faces, provided that these actions do not, in any way, increase the extent of
3 the sign's non-conformity.

4 (e) *Enlargement or alteration.* A nonconforming sign shall not be enlarged, moved, or structurally
5 altered in any way that increases the nonconformity.

6 (f) *Reconstruction or repair after damage.* The reconstruction or repair of a damaged nonconforming
7 sign shall be subject to the following provisions.

8 (1) *Damage up to 50 percent of value.* If a nonconforming sign structure is damaged by any
9 means to an extent whereby the cost of restoring the sign to its before-damaged condition
10 would be 50 percent or less of its replacement value before the damage, the sign may be
11 reconstructed or repaired if:

12 a. The reconstruction or repair does not increase, expand, enlarge, or extend the degree of
13 nonconformity; and

14 b. The reconstruction or repair is actually begun within one year after the damage and is
15 diligently pursued to completion.

16 (2) *Damage greater than 50 percent of value.* If a nonconforming sign is damaged by any means
17 to an extent whereby the cost of restoring the sign to its before-damaged condition would
18 exceed 50 percent of its replacement value before the damage, the sign shall not be
19 reconstructed or repaired except in conformity with the provisions of this Article.

20 (g) *Abandonment or discontinuance of sign.* If a nonconforming sign is abandoned or ceases to be used
21 for a period exceeding six consecutive months, it shall not be reestablished and shall only be
22 replaced with a conforming sign. A sign shall be considered abandoned or discontinued if its copy
23 area is no longer readable or comprehensible, or if the business it identifies or advertises ceases to
24 operate.

25 (h) All nonconforming temporary signs and prohibited signs must be permanently removed within 90
26 days of the effective date of this Article, unless specific approval is granted as provided for herein.

27 (i) Flagpoles existing on June 23, 2020 are exempt from application of this section.

28 **Sec. 38.17. - Prohibited signs.**

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

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

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

35 (c) Any sign that:

36 (1) Is structurally unsafe or a hazard to public safety or to life or limb, including fire hazard;

37 (2) Obstructs any fire escape, any window, door or other opening used as a means of ingress or
38 egress so as to prevent free passage of persons;

39 (3) Interferes with openings requiring for ventilation;

40 (4) Falsely simulates emergency vehicles, traffic control devices, or traffic control;

- 1 (5) Obstructs any motorist's clear and open view of an intersecting road or driveway, or conflicts
- 2 with the clear and open view of traffic control devices; or
- 3 (6) Is located in a manner that interferes with pedestrian or vehicular travel.
- 4 (d) Portable signs.
- 5 (e) Abandoned signs.
- 6 (f) Any sign that emits sound, vapor, smoke, odor, particles or gaseous matter.
- 7 (g) Animated signs or mechanical movement signs.
- 8 (h) Trailer signs, more than six (6) square feet.
- 9 (i) Pennants, balloons, streamers, discs, festooning, tinsel, strings of ribbons, whirligigs, inflatable
- 10 objects, cut out figures, beacons, and fixed aerial signage or similar attention-getting devices when
- 11 erected, placed, or maintained for advertising purposes.
- 12 (j) Vehicle sign(s) that covers more than six (6) square feet of total sign area on any vehicle parked
- 13 where the signage is visible from the public right-of way for more than four consecutive hours in
- 14 a 24-hour period in a location.
- 15 (k) Roof signs.
- 16 (l) Any sign that is in disrepair or in a deteriorated state.
- 17 (m) Billboard signs.
- 18 (n) Signs of obscene nature: Any sign displaying any statement, word, character or illustration of an
- 19 obscene nature. The word "obscene" shall be construed consistent with the mandate of *Miller v.*
- 20 *California, 413 U.S. 15 (1973).*
- 21 (o) Snipe signs.
- 22 (p) Any sign on public property or public rights-of-way, without a right-of-way permit.
- 23 (q) Reflecting signs or signs containing mirrors.
- 24 (r) Interactive signs.
- 25 (s) Feather signs.

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

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

31 **Sec. 38.19. - Enforcement.**

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

34 **Sec. 38.20. - Variances.**

- 35 (a) Any request for a variance to a provision of the sign ordinance shall be acted on by the planning and
- 36 zoning board pursuant to section 66.01 of this Code.
- 37 (b) No variance shall be granted to the provisions of section 38.17, prohibited signs.

1 **Sec. 38.21. - Severability.**

- 2 (a) *General.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or
3 word of this article is declared unconstitutional by the valid judgment or decree of any court of
4 competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part,
5 section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article.
- 6 (b) Prohibited signs. Without diminishing or limiting in any way the severability set forth above in
7 paragraph (a) or elsewhere in this Code, or any adopting ordinance, if any part, section, subsection,
8 paragraph, subparagraph, sentence, phrase, clause, term or word of this article or any other law is
9 declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the
10 declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph,
11 subparagraph, sentence, phrase, clause, term or word of this article that pertains to prohibited signs,
12 including specifically those signs and sign-types prohibited and not allowed under section 38.17 of
13 this article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase,
14 clause, term or word of section 38.17 is declared unconstitutional by the valid judgment or decree of
15 any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any
16 other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of
17 section 38.17.

18 **Sec. 38.22. – Substitution Clause.**

19 Notwithstanding any provision of this chapter to the contrary, to the extent that this Chapter allows a
20 signor an advertising sign containing commercial copy, it shall allow a non-commercial sign to the same
21 extent. The non-commercial message may occupy the entire sign area or any portion thereof, and may
22 substitute for or be combined with the commercial message. The sign message may be changed from
23 commercial to non-commercial, or from one noncommercial message to another, as frequently as desired
24 by the sign’s owner, provided that the sign type is not prohibited in Sec. 38.17 and the sign continues to
25 comply with all requirements of this Chapter.