

ORDINANCE NO. 2009-XX

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO SIGNS AND ADVERTISING; PROVIDING FOR THE REPEAL OF CHAPTER 25 OF THE CITY CODE, ENTITLED "SIGNS AND ADVERTISING;" PROVIDING FOR THE ADOPTION OF A NEW CHAPTER 11 IN THE LAND DEVELOPMENT CODE, APPENDIX D, RELATING TO SIGNS AND ADVERTISING; PROVIDING FOR THE ADOPTION OF TITLE AND STATEMENT OF PURPOSE; PROVIDING THAT COMMERCIAL AND NON-COMMERCIAL SPEECH MAY BE EXPRESSED; PROVIDING FOR DEFINITIONS; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR CONFORMANCE; PROVIDING FOR VARIANCES; PROVIDING FOR PERMIT AND APPEALS; PROVIDING A REQUIREMENT FOR LIABILITY INSURANCE; PROVIDING A REQUIREMENT FOR MAINTENANCE; PROVIDING LOCATION RESTRICTIONS; PROVIDING FOR SIGNS PROJECTING OVER PUBLIC PROPERTY; PROVIDING FOR THE CONSTRUCTION OF ALL SIGNS TO BE IN ACCORDANCE WITH THE FLORIDA BUILDING CODE; PROVIDING FOR EXEMPT AND PROHIBITED SIGNS; PROVIDING FOR SIGNS PERMITTED IN ZONING DISTRICTS; PROVIDING FOR MULTI-FACE SIGNS; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

WHEREAS,

WHEREAS, the Planning and Zoning Board, sitting as both the Planning and Zoning Board and the Local Planning Agency, has reviewed this ordinance and found same to be consistent with the Melbourne Comprehensive Plan; and

WHEREAS, the Local Planning Agency has determined that the provisions herein will promote the public health, safety, welfare, economic order and aesthetics; and

WHEREAS, the City Council has conducted a public hearing with regard to this ordinance and adopts the findings of the LPA as its own.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That Chapter 25 of the City Code of Melbourne, Florida is hereby repealed in its entirety.

SECTION 2. That Appendix D of the City Code of Melbourne, Florida is hereby amended by adding a new Chapter 11, which said chapter reads as follows:

## CHAPTER 11.

### **SIGNS AND ADVERTISING**

#### **Sec. 11.01. Title.**

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

#### **Sec. 11.02. Statement of purpose.**

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

#### **Sec. 11.03. Commercial and non-commercial speech may be expressed.**

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

#### **Sec. 11.04. Definitions.**

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

**Administrator:** The official designated as such by the city manager, or such person as the administrator may designate.

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

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

**Balloon sign:** An inflatable form or sign which may be tethered.

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

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

**Building sign:** A sign displayed upon or attached to any part of the exterior of a building including, but not limited to, wall signs.

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

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

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

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

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

**Flag:** A sign made of material secured on one (1) side from a flagpole such that the sign material hangs limply or drooping when not set in motion by the movement of air.

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

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

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

**Institutional use:** Five (5) or more contiguous acres under unified ownership which is developed as part of a unified plan and used predominately for religious, charitable, educational, medical or governmental purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sign structure:** Structure which is designed specifically for the purpose of supporting a sign, or which has supported, or is capable of supporting, a sign. This definition shall include

any decorative coves, braces, wires, support or components attached to or placed around the sign structure.

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

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

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

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

**Unit:** That part of a multi-occupancy complex housing one occupant.

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

**Window sign:** A sign which is painted on, attached to or visible through a window. The display of merchandise is not a window sign.

**Sec. 11.05. Reserved.**

**Sec. 11.06. Penalty for violation.**

Any violation of the provisions of this chapter shall be subject to enforcement by the city Code Enforcement Board established pursuant to F.S. Ch. 162, F.S., and as may otherwise be provided by law.

**Sec. 11.07. Conformance.**

- A. Nothing contained in this ordinance shall be construed to relieve any person of the obligation to remove a sign which was required to be removed under prior law or ordinance.
- B. Any sign made nonconforming by this ordinance shall be considered a nonconforming sign subject to the limitations of this ordinance, except for signs subject to the provisions of §70.20 Florida Statutes.
- C. A nonconforming sign may not be enlarged or altered in a way which increases its degree of nonconformity, but any sign or portion thereof may be altered to decrease its degree of nonconformity.
- D. A nonconforming sign shall not be structurally altered to prolong the life of the sign. Reasonable repair and maintenance of nonconforming signs, including change of copy, is permitted. Reasonable repair and maintenance means the work necessary to keep the sign, including the sign structure, in a good state of

repair, but does not include replacement of materials in the sign structure. Reasonable repair does not include, among other things (i) any modification that changes the structure, or type of structure, such as conversion of a wooden sign structure to a metal sign structure, (ii) any modification, including the addition of embellishments, that changes the sign area or the height above ground level, (iii) any modification that enhances the visibility of the signs copy, or the period of time that the copy is visible, (iv) any modification that adds changeable faces, or (v) any modification that adds artificial lighting, or changes the existing lighting such that illumination is increased.

- E. Should a nonconforming sign be damaged or destroyed by any means to an extent of more than 50% of its value at the time of damage or destruction, it shall not be reconstructed or restored except in conformance with the Sign Ordinance. The value of a sign damaged or destroyed within the contemplation of this paragraph shall be:
- (i) the value reflected on the personal property tax returns filed by the owner with the Brevard County Property Appraiser in the year immediately preceding the year in which the sign was damaged or destroyed, but if no such personal property tax return is on file with the Brevard County Property Appraiser then,
  - (ii) the value reflected on the US Income Tax return of the owner filed in the year immediately preceding the year of the damage or destruction, but if no such tax return was filed then,
  - (iii) the value reflected on the tax rolls of the Brevard County Property Appraiser for the tax year immediately preceding the year of the damage or destruction, but if no such value is reflected on the property tax rolls of Brevard County then,
  - (iv) such value as is determined by agreement of the administrator and the owner, but if there is no agreement then,
  - (v) such value as may be determined in the judicial or quasi judicial forum having jurisdiction of the dispute between the city and the owner.
- F. Subject to the provisions of Section 70.20 F.S., a nonconforming sign, which has not displayed an on-premises message for a period of 90 consecutive calendar days shall be rebuttably presumed to be abandoned by its owner. Any such sign which has not been maintained and has not displayed an on-premises message for 180 consecutive calendar days, shall be conclusively presumed to be abandoned by its owner.

**Sec. 11.08. Variances.**

- A. The Zoning Board of Adjustment may only grant variances from the height and setback requirements of the Sign Ordinance.

- B. The Zoning Board of Adjustment shall review applications for and shall approve or deny variances under the provisions of Appendix B Article XXII(2)(e) of the Melbourne City Code; provided, however, the decision of the Board of Adjustment shall be rendered within sixty (60) days after the filing of a completed application for a variance, unless such time is extended at the request of the applicant.
- C. Sign variances will become null and void when primary structures being served by the sign have been removed or the area of the site where the sign is located has either increased or decreased by more than fifty (50) percent.
- D. No variance granted prior to the effective date of this ordinance shall entitle the holder thereof to any sign, size, height or setback authorized or permitted by this ordinance, except upon application therefore and in accordance with the terms and conditions contained herein.

**Sec. 11.09. Permit and appeals.**

- A. Permit Required. No person shall erect, alter, repair or relocate any sign that requires a permit without first obtaining a permit from the administrator. No permit shall be issued until the administrator determines that such work is in accordance with the requirements contained in this Sign Ordinance, and the administrator determines such work will not violate any building, electrical or other applicable code of the City of Melbourne. This subsection shall not be construed to require a permit for a change of copy, nor for the repainting, cleaning and other ordinary maintenance or repair of a sign or structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way.
- B. Application. All required sign permit applications shall be filed on forms supplied by the administrator. The application shall contain the information and documents required by this Sign Ordinance and shall be accompanied by the required permit fee.
- C. Permit Application Contents. A completed application for a sign permit shall include the following:
  - 1. The name, address, tax folio number, and telephone number of the property owner, and to the extent the applicant is one other than the property owner, an affidavit from the property owner authorizing the applicant to act as agent for purposes of the application.
  - 2. The name, address, telephone and registration number of the engineer.
  - 3. The name, address, telephone and license number of the sign contractor/manufacturer.
  - 4. The address, zoning district, building frontage and road frontage of the premises where the sign is to be erected.
  - 5. The type of sign, aggregate sign area, height and location of all signs currently displayed on the premises.

6. The type of sign, aggregate sign area, height and location of the sign or signs proposed to be erected on the premises.
  7. A fully dimensioned and scaled site plan showing the lot frontage, building frontage, parking areas, and location of all existing and proposed signs. For ground signs, the site plan must show the distance from the right-of-way and edge of pavement.
  8. A sign plan shall include the following:
    - a. A summary table listing the location, type and area of any existing and proposed signs.
    - b. A fully dimensioned and scaled elevation drawings of any proposed sign, showing sign type, height, structure and sign area.
    - c. For building signs, an elevation of the building, showing placement of any sign.
    - d. If the sign is to be electrically lighted, additional information regarding the testing laboratory or the ETL No., and the name and address of the electrical contractor.
    - e. Information regarding the type of construction, sign supports and electrical details.
    - f. Wind load calculations and footer details as required by the Florida Building Code.
  9. All permanent ground and building signs shall have a sign plan prepared in compliance with the Florida Building Code.
- D. Permit Application Review and Time Limits. Upon receipt of a completed permit application and upon payment of the appropriate permit fee by the applicant, the administrator shall promptly conduct a review of the application, the proposed sign and the premises. The administrator shall grant or deny the permit application within thirty (30) days from the date the completed application was submitted for approval.
- E. Issuance or Denial of Permit
1. The administrator shall issue the permit if the administrator determines that the application meets the requirements contained in this Sign Ordinance and determines the proposed sign will not violate any building, electrical or other adopted code of the City of Melbourne, or the administrator may issue the permit with conditions.
  2. The administrator shall deny the permit if the administrator determines that one or more reasons for denial exists, including noncompliance with this Sign Ordinance and any building, electrical or other adopted code of the



City of Melbourne. The administrator shall make a written report of the denial and the reasons therefore.

- F. Permit Fees. The permit fee for signs shall be determined pursuant to the permit fee schedule established by separate ordinance or resolution.
- G. Permits for Portable or Mobile Signs. A permit for a portable or mobile sign may be issued for any one (1) premise twice during a calendar year; provided, however, the permit shall be for not more than a total of fourteen (14) days during any consecutive period of three hundred sixty five (365) days.
- H. Inspections. Signs for which permits have been issued shall be inspected during and at completion of construction by the administrator, after erection and at such times as deemed necessary by the administrator. Authority for and time of such inspections shall be as follows:
  - 1. Inspection by Administrator. The building official is hereby empowered to enter or inspect any building, structure or premises in the city upon which or in connection with which, a sign as defined by this chapter is located, for the purpose of inspection of the sign, its structural details and electrical connections, and to ensure compliance with the provisions of this chapter. Such inspections shall be carried out during business hours, unless an emergency exists.
  - 2. Construction Inspections. The person constructing, or erecting a sign for which a permit is required shall notify the administrator at all stages of construction that require inspection and inspections shall be held as follows:
    - a. A footing inspection for all ground signs shall be required.
    - b. A final structural inspection shall be required at completion of the work on all types of signs.
    - c. A final electrical inspection shall be required on all signs containing electrical components and wiring to be connected to an electrical energy source.
  - 3. Annual Inspection. Each sign may be inspected annually by the administrator to determine whether the sign is being maintained in conformance with this Sign Ordinance. Signs shall be maintained in a safe manner free of plainly discolored, uneven, or peeling paint. All copy shall be clearly legible.
- I. Appeals
  - a. Any person denied a permit for a sign or aggrieved by any decision of the administrator in the interpretation or enforcement of this Sign Ordinance may appeal the denial or decision to the Zoning Board of Adjustment in

accordance with the appeal provisions of Chapter 2, Article 4, Division 10, Melbourne City Code, within thirty (30) days after rendition of the denial or decision.

- b. A decision shall be made by the Zoning Board of Adjustment within sixty (60) days after an appeal is filed by the applicant/aggrieved person, unless such time is extended at the request of the applicant/aggrieved person.

**Sec. 11.10. Liability insurance.**

No permit shall be issued to any person for the erection of any sign that, when erected, will extend over public property, until it is ascertained by the building official that the applicant possesses liability insurance in the amount of one hundred thousand dollars (\$100,000.00). The policy for such insurance shall have been issued by an insurance company qualified to do business in the state.

**Sec. 11.11. Reserved.**

**Sec. 11.12. Maintenance.**

All signs, together with their supports, braces, guys and anchors, shall be kept in repair and, unless of galvanized or non-corroding metal, shall be thoroughly painted at least once every two (2) years. The administrator may order repair or removal of any sign not maintained in accordance with the provisions of this section.

**Sec. 11.13. Location restrictions.**

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

**Sec. 11.14. Signs projecting over public property.**

Signs projecting from a building or extending over public property shall maintain a clear height of ten (10) feet above grade and they shall maintain a minimum of twenty-four (24) inches of clearance from the edge of pavement.

**Sec. 11.15. Reserved.**

**Sec. 11.16. Construction.**

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

**Sec. 11.17. Reserved.**

**Sec. 11.18. Exempt signs.**

The following signs are exempt from the permit requirements of Section 11.09, provided, however, that such signs must comply with all other requirements of this Sign Ordinance.

- A. Signs required by law or ordinance to be erected within the public right-of-way.
- B. Flags.
- C. Signs of six (6) square feet or less.
- D. Signs erected on public property by governmental agencies having jurisdiction.
- E. One (1) sign or tablet per building, of four (4) square feet or less, when cut into any masonry surface, or when constructed of bronze or other incombustible material, and attached to the surface of a building or erected on a post or pedestal with a total height not to exceed four (4) feet in height.
- F. Signs incorporated into machinery, equipment or other products by the manufacturer of same.
- G. Signs carried by a person.
- H. Temporary non-commercial signs.
- I. Construction signs
- J. Real estate signs
- K. Temporary window signs.

**Sec. 11.19. Prohibited signs.**

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

- A. Animated signs other than changeable copy signs.
- B. Snipe signs.
- C. Signs that rotate.
- D. Signs on public property except signs erected by a governmental agency having jurisdiction.
- E. Banners, banner signs, pennants, searchlights, twirling signs, "A" frame, sandwich board signs, sidewalk or curb signs, off premises signs and balloons, except as may be expressly permitted pursuant to the special activity permitting procedures.
- F. Roof signs.
- G. Signs that emit audible sound, odor, or visible matter such as smoke or steam.

- H. Abandoned signs.
- I. Signs in violation of the Florida Building Code.
- J. Signs which face contiguous residential property.
- K. Signs, commonly referred to as wind signs, consisting of one (1) or more banners, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind, except for flags.
- L. Signs with optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion.
- M. Signs or sign structures that interfere in any way with the free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that the light or ventilation is reduced to a point below that required by any provision of this code or other ordinances of the city.
- N. Off-premises signs.
- O. Any sign which is located, constructed, or maintained in such a way that such sign may be confused or interfere with official traffic signs, signals or devices placed by any governmental agency having jurisdiction of the right of way, or which may obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
- P. Portable signs
- Q. Vehicle signs

**Sec. 11.20. Signs permitted in zoning districts.**

- A. Permitted Signs. Subject to the provisions of subsection B hereof the following on premises signs are permitted provided they meet all of the requirements of this Sign Ordinance:
  - 1. Ground signs
  - 2. Building signs
  - 3. Flags
- B. On premises signs in non-residential zoning districts (R-P, C-1A, C-1, C-2, C-3, C-P, M-1, M-2, I-1) excluding residential uses in R-P, C-1A, C-1, C-3, and C-P are permitted subject to the following limitations:
  - 1. Ground Signs.

- a. Number of Ground Signs:
- i. Properties with street frontage of less than fifty (50) linear feet are not allowed a ground sign.
  - ii. Properties with street frontage of fifty (50) to ninety nine (99) linear feet are allowed one ground sign for a total area not exceeding fifty (50) square feet of sign face area.
  - iii. Properties with street frontage greater than one hundred (100) linear feet are allowed one ground sign not exceeding seventy two (72) square feet.
  - iv. Properties with street frontage greater than six hundred (600) linear feet are allowed two ground signs which in the aggregate will not exceed a total of one hundred forty four (144) square feet with at least one hundred fifty (150) feet of separation between ground signs. The separation distance between ground signs shall be measured as a straight line between the closest portion of each sign in relation to the other sign.
  - v. Properties with street frontage greater than one thousand five hundred (1,500) linear feet are allowed three ground signs which in the aggregate will not exceed a total area of two hundred sixteen (216) square feet and at least one hundred fifty (150) feet of separation between ground signs with no single sign exceeding one hundred sixty (160) square feet. The separation distance between ground signs shall be measured as a straight line between the closest portion of each sign in relation to the other sign.
  - vi. The sign face area of any nonconforming ground sign located on the premises shall be included for purposes of determining the maximum allowable ground sign face area.
  - vii. Any premises with multiple street frontages may allocate its total allowable ground sign face area among its permitted ground signs on any frontage. However, no more than one (1) ground sign is permitted on any single street frontage with less than six hundred (600) linear feet.
- b. Setbacks for Ground Signs:
- i. Setback shall be a minimum of ten (10) feet from any property line abutting a public right-of-way.

- ii. Setback shall be a minimum of five (5) feet from any other property line.
  - c. Height of Signs: The maximum height for all ground signs is twelve (12) feet, measured per the definitions of this chapter.
  - d. Changeable copy ground signs are permitted only along property frontages that are adjacent to arterial roadways as the term is defined in the City of Melbourne Comprehensive Plan.
- 2. Building Signs.
  - a. Building Sign Area:
    - i. Each single occupancy premises shall be entitled to building signs, not exceeding ten (10) signs, with a total sign face area which, in the aggregate, shall not exceed the lesser of ten percent (10%) of the building exterior area upon which the building signs are to be located or three hundred (300) square feet.
    - ii. Each occupant of a multiple-occupancy complex may display building signs, not exceeding ten (10) signs, on any unit exterior of the complex that is part of the occupant's unit (not including common or jointly owned area). The total allowable sign area, in the aggregate, shall not exceed the lesser of ten percent (10%) of the unit exterior building area upon which the building signs are to be located or three hundred (300) square feet.
  - b. Changeable copy building signs are permitted only on buildings with property frontages that are adjacent to arterial roadways as the term is defined in the City of Melbourne Comprehensive Plan.
  - c. No building sign shall be permitted above the roofline, cornice line, parapet, or the highest point of a facade of any structure, whichever is higher.
- 3. Directional Signs. One (1) directional sign shall be permitted at each point of vehicular ingress and egress to a premise and shall not be counted as part of maximum allowable signage provided the sign area of each such sign does not exceed four (4) square feet and the sign height of each such sign does not exceed four (4) feet.
- 4. Subdivision Signs.
  - a. Generally. A sign may be displayed at the entrance to commercial subdivisions along an arterial or collector road.

- b. Restrictions. One (1) sign is permitted at each entrance into the subdivision from each abutting street. The sign may be a single sign with two (2) faces of equal size or may be two (2) single-faced structures of equal size located on each side of the entrance. The aggregate sign area shall not exceed forty (40) square feet in size, and may be illuminated in a steady light only. No such sign shall exceed eight (8) feet in height.
5. Utility Signs. Signs placed by public utilities on or in close proximity to the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances shall be permitted not to exceed three (3) feet in height, and four (4) square feet in area.
6. Window Signs. Each premise shall be permitted to have not more than two (2) window signs provided no individual window sign shall exceed the lesser of ten (10) square feet in sign area or ten percent (10%) of the area of the glass surface of the window.
7. Murals. Murals are permitted in non-residential zoning districts only. No mural shall contain lettering. The sign area of a mural shall not exceed the sign area of the largest building sign permitted in the zoning district where the mural is located; provided that within the Downtown Melbourne and Olde Eau Gallie Riverfront Community Redevelopment Areas the sign area of murals shall not exceed one hundred percent (100%) of the wall area.
8. Real Estate Sign. One (1) real estate sign per premise is permitted except that any premise fronting on more than one road shall be permitted one (1) real estate sign for each road frontage. No real estate sign shall exceed eight (8) square feet in sign area or eight (8) feet in height, and shall not be placed closer than ten (10) feet from any lot line. Real estates signs shall be removed within five (5) calendar days following the sale or leasing of the premise to which the sign relates.
9. Construction Sign. One construction sign not exceeding seventy-two (72) square feet in sign area or twelve (12) feet in height per premise is permitted. No construction sign shall be erected more than five (5) days prior to the issuance of a building permit for the improvement and such sign shall be removed within five (5) days after the issuance of the certificate of occupancy for the improvement. No construction sign shall be erected closer than ten (10) feet to any lot line.
10. Flags. Four (4) flags are permitted provided they are flown from a flag pole.
11. Temporary non-commercial signs. Temporary non-commercial signs are permitted for each premise. No temporary non-commercial sign shall exceed seventy two (72) square feet in sign area nor shall it exceed eight (8) feet in height. The aggregate sign area for all temporary non-commercial signs shall not exceed seventy two (72) square feet. No temporary non-commercial sign shall be placed closer than ten (10) feet from any lot line. Temporary non-commercial signs shall be removed within five (5) calendar days following the event to which the sign relates.

12. Signs of governmental agencies having jurisdiction displayed in the public right-of-way.
- C. On premises signs in residential zoning districts and districts in which residential uses are permitted, as designated in the Melbourne Land Development Code, are permitted subject to the following limitations:
1. Single Family Residential Signs. In single family residential land use districts as designated in the Melbourne Land Development Code, only one (1) ground or one (1) building sign per premises not exceeding six (6) square feet in sign face area or three (3) feet in height is permitted. Home occupation signs are not permitted. Nothing contained in this section shall be construed to permit the display of signs when otherwise prohibited or restricted by private restrictions related to the residential dwelling unit.
  2. Multi-Family Residential Signs. In multi-family residential use districts as designated in the Melbourne Land Development Code each multi-family residential dwelling unit may display only one (1) ground sign or one (1) building sign of not more than six (6) square feet, or exceeding three (3) feet in height. Home occupation signs are not permitted. Nothing contained in this section shall be construed to permit the display of signs when otherwise prohibited or restricted by private restrictions related to the residential dwelling unit.
  3. Multi-Family Property Signs or Subdivision Signs. Signs at the entrance to residential subdivisions or multi-family properties are permitted. One (1) sign is permitted at each entrance into the subdivision from each abutting arterial or collector street. The sign may be a single sign with two (2) faces of equal size or may be two (2) single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed forty (40) square feet in size, and may be illuminated in a steady light only. No such sign shall exceed eight (8) feet in height.
  4. Signs for conditional uses in residential zoning districts are permitted with a maximum sign area of seventy two (72) square feet, a maximum height of twelve (12) feet, and a required setback of ten (10) feet from any property line. Changeable copy signs are prohibited.
  5. Real Estate Sign. One (1) real estate sign per premise is permitted except that any premise fronting on more than one road shall be permitted one (1) real estate sign for each road frontage. No real estate sign shall exceed six (6) square feet in sign area or three (3) feet in height, and shall not be placed closer than ten (10) feet from any lot line.
  6. Construction Sign. One (1) construction sign not exceeding six (6) square feet in sign area or three (3) feet in height per premise is permitted. No construction sign shall be erected more than five (5) days prior to the issuance of a building permit for the improvement and said sign shall be removed within five (5) days after the issuance of the certificate of



occupancy for the improvement. No construction sign shall be erected closer than ten (10) feet from any lot line.

7. Flags. Flags are permitted provided they are flown from a flag pole.
  8. Temporary Non-Commercial Signs. Temporary non-commercial signs are permitted for each premise. No temporary non-commercial sign shall exceed six (6) square feet in sign area nor shall it exceed three (3) feet in height. The aggregate sign area of all temporary non-commercial signs shall not exceed thirty (30) square feet. No temporary non-commercial sign shall be placed closer than ten (10) feet from any lot line.
  9. Signs displayed in the public right-of-way by governmental agencies having jurisdiction of said right-of-way.
- D. On premises signs for institutional uses are permitted subject to the following limitations:
1. Such signs as are permitted in Sec. 11.20 (B) above.
  2. Directional Signage for internal circulation can have a maximum sign area of 16 square feet and a maximum height of 4 feet.
  3. Lightpole signs may be displayed on the premises; provided any such signs may not exceed six square feet in sign area and provided that such lightpoles and lightpole signs are maintained by the institutional use.
  4. Temporary signs provided such signs are removed within five (5) days after the event to which it relates has concluded.
- E. On premises signs in community redevelopment areas are permitted subject to the following limitations:
1. Such signs as are permitted in Sec. 11.20 (B) above.
  2. Lightpole signs provided no such sign shall exceed six (6) square feet of sign area.

**Sec. 11.21. Reserved.**

**Sec. 11.22. Multi-face signs.**

For any sign consisting of more than two (2) faces, each face shall be considered as part of the total square footage of sign allowable.

**Sec. 11.23. Reserved.**

SECTION 3. Severability/Interpretation Clause.

(a) That it is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

(b) That in interpreting this ordinance, underlined words indicate additions to existing text.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That this ordinance shall become effective **(Suzanne: immediately upon its adoption in accordance with the Charter or on a specific date?)**

SECTION 6. That this ordinance was passed on first reading at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2009, and adopted on the second and final reading at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2009.

BY: \_\_\_\_\_  
Harry C. Goode, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Cathleen A. Wysor, City Clerk

Ordinance No. 2009-XX