

#15(f) 2/16/17  
#7(g) 3/2/17  
#7(f) 3/16/17

10-19-16 WWD  
02-01-17 WWD

**ORDINANCE  
No. 2017-06**

**AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE LAND DEVELOPMENT CODE BY AMENDING ARTICLE X. SIGNS AND SECTION 10.13 ALLOWED SIGNS THAT DO NOT REQUIRE SIGN PERMITS; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT; PROVIDING FOR AUTHORIZATION TO INCLUDE IN THE CODE; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Fellsmere, Florida is a duly constituted municipality having such powers and authority conferred upon it by the Florida Constitution and Chapter 166 Florida Statutes; and

**WHEREAS**, the Planning and Zoning Commission/Local Planning Agency held a duly noticed public hearing on March 1, 2017, made a finding that the changes to the Land Development Code as set forth in Exhibit "A" attached hereto and by this reference made a part hereof, were consistent with the Comprehensive Plan and applicable provisions of the Land Development Code and recommended that the City Council approve the changes; and

**WHEREAS**, the City Council held duly advertised public hearings, made a finding that the changes to the Land Development Code as set forth in Exhibit "A" were consistent with the Comprehensive Plan and applicable provisions of the Land Development Code; and

**WHEREAS**, the City Council has determined that the changes made to the Land Development Code as set forth in Exhibit "A" are in the best interest of the public health, safety, environmental and general welfare of the residents of the City and that it is appropriate to adopt these amendments to the Land Development Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1. RATIFICATION.** The above recitals are hereby ratified, adopted and incorporated herein as legislation findings of the City Council.

**SECTION 2. CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE.** The amendments to Article X. Signs of the Land Development Code as set forth in Exhibit "A" are consistent with the Comprehensive Plan and applicable provisions of the Land Development Code of the City of Fellsmere. The following findings of facts are made:

1. The amendments are not in conflict with any applicable portions of the Land Development Code;

2. The amendments are consistent with all elements of the City of Fellsmere Comprehensive Plan;
3. The amendments are consistent with existing and proposed land uses within the City;
4. The changing conditions within the City will support the amendments;
5. The amendments will not result in excessive demands on public facilities, and the amendments will not exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, solid waste, mass transit and emergency medical facilities;
6. The amendments will not result in significant adverse impacts on the natural environment;
7. The amendments will result in an orderly and logical development pattern for the City;
8. The amendments will not be in conflict with the public interest, and are in harmony with the purpose and interest of the Land Development Code.

**SECTION 3. AMENDMENT.** That Article X. Signs of the City of Fellsmere Land Development Code is hereby amended to read as set forth in Exhibit “A” attached hereto and by this reference made a part hereof, and all of such revised, amended and new provisions are hereby adopted.

**SECTION 4. AUTHORIZATION TO INCLUDE IN THE CODE.** The revised, amended and new provisions of Article X. Signs as set forth in Exhibit “A” shall be included and incorporated in the City of Fellsmere Land Development Code and to the extent necessary shall be numbered and titled in accordance with the numbering and titling system of the Land Development Code.

**SECTION 5. SEVERABILITY.** If any section, part of a sentence, phrase or word of this Ordinance is for any reason held to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part.

**SECTION 6. CONFLICT.** All ordinances or parts of ordinances in conflict herewith are repealed to the extent of conflict.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its adoption.

The foregoing Ordinance was moved for adoption by Council Member \_\_\_\_\_ . The motion was seconded by Council Member \_\_\_\_\_ and, upon being put to a vote, the vote was as follows:

Mayor, Joel Tyson	_____
Council Member Fernando Herrera	_____
Council Member Gerald J. Piper	_____
Council Member Sara J. Savage	_____
Council Member Jessica Salgado	_____

The Mayor thereupon declared this Ordinance fully passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF FELLSMERE, FLORIDA

**ATTEST:**

\_\_\_\_\_  
Joel Tyson, Mayor

\_\_\_\_\_  
Deborah C. Krages, CMC, City Clerk

I HEREBY CERTIFY that Notice of the public hearing on this Ordinance was published in the Press Journal, as required by State Statute, that the foregoing Ordinance was duly passed and adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, and the first reading was held on the 16<sup>th</sup> day of February, 2017, and the public hearing was held on the 2<sup>nd</sup> day of March, 2017, and the second and final reading and public hearing was held on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Deborah C. Krages, CMC, City Clerk

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**Sec. 10.13. - Allowed signs that do not require sign permits.**

The regulations in this section apply in every zoning district in the city, except where otherwise specified or indicated. Sign permits are not required for signs and sign-types described and identified below in this section; however the city council may at its discretion regulate temporary signs further by resolution by requiring a permit, fees or any other regulations it deems appropriate.

- A. *Street address signs and residential mailboxes.* For each parcel within the city, one attached wall street address sign may be displayed. For parcels in residential use, the street address sign shall not exceed two square feet in sign area. For each parcel in nonresidential use, the street address sign shall not exceed four square feet in sign area. In addition to street address signs, a residential mailbox with the address of the property affixed to it such that the address is no larger than one side of the mailbox shall be allowed for each residence in the city.
- B. *Nameplate or occupant identification signs.* For each residence, business or other occupancy within the city, one attached wall nameplate sign may be displayed. For residences the nameplate or occupant identification signs shall not exceed two square feet in sign area. For any nonresidential use, the nameplate or occupant identification sign shall not exceed four square feet in sign area.
- C. *Noncommercial onsite parking space signs.* Noncommercial onsite parking space number or identification signs, not exceeding one square foot of sign face per sign, shall be allowed on each parcel in noncommercial use having multiple parking spaces onsite. One such sign shall be allowed for each parking space. The maximum height for a freestanding or attached wall sign shall be six feet unless otherwise required by applicable law.
- D. *Free expression signs.* For each parcel within the city, one free expression sign not exceeding three square feet in sign area may be displayed on each frontage per parcel of land. The free expression sign may be displayed as an A-frame, wire frame or stick sign, window sign, or as a freestanding sign; if displayed as a freestanding sign, the freestanding sign shall not exceed three feet in height. A free expression sign is in addition to any other sign permitted under this Code and is permitted in any zoning district.
- E. *Election signs.* For each parcel within the city, one election sign for each candidate and each issue may be displayed on each frontage per parcel of land. An election sign may be displayed as an A-frame sign, wire frame or stick sign or as a freestanding sign. On parcels that are in residential use, the election sign shall not exceed three square feet in sign area, and if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed three feet in height. On parcels that are in nonresidential use, the election sign shall not exceed 16 square feet in sign area, and if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed six feet in height. An election sign shall be removed within seven calendar days following the election to which it pertains and shall not be erected sooner than 30 days prior to the election.
- F. *Artwork.* Artwork is allowed in all districts. However, art work that exceeds the height limit for signs within the zoning district in which it is located or covers an area of 100 square feet of more land area shall be approved by the City Manager. The City Manager's review shall be limited to impacts to adjacent properties due to height, mass, location, and impervious surface coverage and shall not address the content of the artistic work.
- G. *Flagpoles.* One flagpole is allowed for each parcel in the city unless approval is granted by the City Council. Flagpoles in residential districts shall not exceed 25 feet in height and flagpoles in nonresidential districts shall not exceed 35 feet in height.
- H. *Flags.* For each detached dwelling unit in a residential district, two flags not greater than 15 square feet in sign area (each) may be displayed. For each parcel in a multi-family residential district and in a nonresidential district, three flags not greater than 24 square feet in sign area (each) may be displayed. Additional flags or flag size must be approved by City Council.
- I. *Warning signs and safety signs.* Warning signs and safety signs, not exceeding four square feet in sign area, shall be allowed in all districts. The maximum height for these signs shall be six feet unless otherwise required by applicable law.
- J. *Machinery and equipment signs.* Machinery and equipment signs shall be allowed in all districts.
- K. *Temporary construction signs.* One temporary construction sign shall be allowed on each parcel within the city. Temporary construction signs shall not exceed three square feet in sign area, three



## ARTICLE X. – SIGNS

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feet in height for residential properties, or 16 square feet in sign area and six feet in height for nonresidential properties and may be installed upon application for a development permit and must be removed within 30 days of project completion or expiration of the development approval.

- L. *Temporary real estate signs.* For each parcel within the city, one temporary real estate sign may be displayed on each frontage per parcel of land. However, when more than one dwelling unit or nonresidential space on a parcel of land is for sale, lease, or rent, there shall only be one temporary window or attached real estate sign for each such unit or space that is separately owned. Temporary real estate signs shall not exceed three square feet in sign area, three feet in height for residential properties, or 12 square feet in sign area and five feet in height for nonresidential properties and may be A-frame sign, wire frame or stick sign, or free-standing sign. The temporary real estate sign shall be removed immediately upon the sale, lease or rent of the real estate that was offered for sale, lease, or rent.
- M. *Temporary garage-yard sale signs.* For each parcel within the city, one temporary garage-yard sale sign may be displayed on each frontage per parcel of land and may be A-frame sign, wire frame or stick sign, or free-standing sign.. However, the sign shall only be displayed on the parcel of land upon which the garage sale is taking place. A temporary garage-yard sale sign shall not exceed three square feet in sign area and three feet in height. No more than 5 temporary off-premise garage-yard sale signs are allowed within City rights-of-way upon notification to the Community Development Department of the time and location for the placement of the signs. A temporary garage-yard sale sign may not be displayed for a period longer than seven days during any calendar month and shall be removed upon the conclusion of the sale.
- N. *Temporary window signs.* For each parcel within the city, one or more temporary window signs may be displayed on the inside of the window. On parcels that are in residential use, the temporary window sign(s) shall not exceed an aggregate of three square feet in sign area. On parcels that are in nonresidential use, the temporary window sign(s) shall not exceed an aggregate of 16 square feet in sign area. Temporary window signs shall not cover more than 35 percent of any window surface.
- O. *Temporary holiday and seasonal decorations.* Temporary holiday and seasonal decorations shall be allowed in all districts.
- P. *Temporary valet parking station signs.* One temporary valet parking station sign, no more than three square feet in sign area and not more than three feet in height, shall be allowed on each parcel where the valet station is located and may be A-frame sign, wire frame or stick sign, or free-standing sign.. The temporary valet parking station sign shall only be visible during hours that the valet is operating and shall be located on the same parcel as the valet station.
- Q. *Bus stop informational signs.* Bus stop informational signs up to three square feet in area shall be allowed in all districts and may be A-frame sign or free-standing sign. If freestanding, these signs shall have a maximum height of six feet unless otherwise required by applicable law.
- R. *Temporary banner signs pennants, marquees, banners, streamers, balloons, wind activated banners, cold air inflatables and other fixed aerial signage.* Temporary banner signs, pennants, marquees, banners, streamers, balloons, wind activated banners, cold air inflatables and other fixed aerial signage may be allowed only as part of a temporary ~~special event approved by the City Council in conjunction with an application for special event or by the City Manager for special events that are related to a temporary sign only such as a grand opening, seasonal sale, or similar event.~~ The total cumulative temporary signs and/or features shall not exceed 15 square feet in a residential zone and 48 square feet in a commercial zone. Approval of temporary signs and/or features in excess of these limits shall only be approved by the City Council. The ~~City Manager may approve the~~ temporary displays ~~are~~ authorized herein for any one business ~~or residence~~ no more than four times per year and up to a maximum of ~~7-14~~ days per occurrence, with a minimum of 45 days between each occurrence.
- S. A-frame signs unless such signs are displayed within a public right-of-way.