



## BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

**PLACEMENT:** PUBLIC HEARINGS

**PRESET:**

**TITLE:** PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING ARTICLE 4, DIVISION 16, SIGNS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE

**AGENDA ITEM DATES:**

MEETING DATE: 6/19/2018	COUNTY ATTORNEY: 5/28/2018
COMPLETED DATE: 6/7/2018	ASSISTANT COUNTY ADMINISTRATOR: 6/4/2018

REQUESTED BY:	DEPARTMENT:	PREPARED BY:
<b>Name:</b> Board of County Commissioners	County Attorney	David Arthur
<b>Name:</b>		Senior Assistant County Attorney

**Procedures:** None

**EXECUTIVE SUMMARY:**

Estimated staff presentation: 15 minutes. Pursuant to the direction of the Martin County Board of County Commissioners on March 13, 2018, the County Attorney's Office submits the proposed amendment to the Sign Ordinance that would regulate signs in a content-neutral manner so as to comply with the United States Supreme Court's 2015 opinion in Reed v. Town of Gilbert, Arizona, 135 S.Ct. 2218.

**APPROVAL:**

ACA

CA

**BACKGROUND/RELATED STRATEGIC GOAL:**

The existing Sign Ordinance is found in the Land Development Regulations, Article 4, Site Development Standards, Division 16, Sections 4.691 – 4.730 (the “Sign Ordinance”). The Sign Ordinance was originally enacted in 1974 and revised in 1994 and contains both content-based and content-neutral regulations. Specifically, the Sign Ordinance contains content-based regulations of signs containing political messages and commercial versus non-commercial messages.

The First Amendment to the United States Constitution, applicable to the States through the Fourteenth Amendment, prohibits the enactment of laws abridging the freedom of speech. This includes signage. Before 2015, the general practice throughout the country was to enact sign ordinances such as our own because the content-based restrictions were generally not subject to heightened judicial scrutiny unless the local governmental authority disagreed with the specific content of the message in the sign. However, this changed when the United States Supreme Court issued its opinion in *Reed v. Town of Gilbert, Arizona*, 135 S.Ct. 2218 (2015). In *Reed*, the Court clarified that signage regulations are presumptively unconstitutional and subject to “strict scrutiny” if the regulations target a specific subject matter or make any distinction based on content, regardless of the local government’s motive, content-neutral justification, or lack of animus towards the message. *Reed*, 135 S.Ct. at 2224 – 2231. The term “strict scrutiny” means the regulation may be justified only if the government proves the regulation is “narrowly tailored to serve compelling state interests.” *Id.* at 2226. Regulations subjected to the strict scrutiny test rarely survive a court’s review. Additionally, a prevailing plaintiff in a lawsuit challenging a sign code on constitutional grounds is typically awarded attorney’s fees and costs, which can be very expensive. Accordingly, on March 13, 2018, Board of County Commissioners directed the County Attorney’s Office to draft an amended Sign Ordinance that would regulate signage in a content-neutral manner only.

Pursuant to the direction of the Martin County Board of Commissioners on March 13, 2018, the County Attorney’s Office has prepared the amended Sign Ordinance that regulates signage in a content-neutral manner by regulating signs by time, place and manner, but not content. In drafting the amendment, the County Attorney’s Office retained the existing content-neutral provisions of the current Sign Ordinance while eliminating the content-based regulations.

**ISSUES:**

Whether the County should adopt the proposed amended Sign Ordinance.

**LEGAL SUFFICIENCY REVIEW:**

This is a legislative matter. Legislative decisions are those in which the local government formulates policy rather than applying specific rules to a particular situation. A local government’s approval or denial of an issue in its legislative capacity is typically subject to a fairly debatable standard of review. Fairly debatable means that the government’s action must be upheld if reasonable minds could differ as to the propriety of the decision reached. Decisions subject to the fairly debatable standard of review need only be rationally related to a legitimate public purpose, such as the health, safety, and welfare of the public, to be valid. Given this broad discretion, only decisions that are arbitrary and capricious or illegal are subject to serious legal challenge.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board adopt the proposed amended Sign Ordinance.

**ALTERNATIVE RECOMMENDATIONS**

Request additional information and continue this public hearing to a date certain.

**FISCAL IMPACT:**

**RECOMMENDATION**

N/A

Funding Source	County Funds	Non-County Funds	Authorization
<b>Subtotal</b>			

<b>Project Total</b>	
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**ALTERNATIVE RECOMMENDATIONS**

N/A

**DOCUMENT(S) REQUIRING ACTION:**

<input type="checkbox"/> Budget Transfer / Amendment	<input type="checkbox"/> Chair Letter	<input type="checkbox"/> Contract / Agreement
<input type="checkbox"/> Grant / Application	<input type="checkbox"/> Notice	<input checked="" type="checkbox"/> Ordinance
<input type="checkbox"/> Other:		<input type="checkbox"/> Resolution

**ROUTING:**

<input type="checkbox"/> ADM	<input type="checkbox"/> BLD	<input type="checkbox"/> CDD	<input type="checkbox"/> COM	<input type="checkbox"/> ENG	<input type="checkbox"/> FRD	<input type="checkbox"/> GMD
<input type="checkbox"/> GSD	<input type="checkbox"/> ITS	<input type="checkbox"/> LIB	<input type="checkbox"/> MCA	<input type="checkbox"/> MPO	<input type="checkbox"/> PRD	<input type="checkbox"/> USD
<input checked="" type="checkbox"/> CA	<input checked="" type="checkbox"/> ACA	<input type="checkbox"/> LEG				

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING ARTICLE 4, DIVISION 16, SIGNS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE; PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Martin County Sign Ordinance was enacted in 1974 and contains both content-based and content-neutral regulations of signs; and

**WHEREAS**, in 2015, the United States Supreme Court ruled that signage regulations are presumptively unconstitutional if they regulate signs based on content, regardless of the motive or purpose; and

**WHEREAS**, on March 13, 2018, the Martin County Board of County Commissioners directed the County Attorney's Office to prepare an amended Sign Ordinance to comply with the Supreme Court's ruling; and

**WHEREAS**, accordingly, the County Attorney's Office submits the attached proposed amendment to the Sign Ordinance, which would regulate signs in a content-neutral manner;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:**

DIVISION 16 - SIGNS

SUBDIVISION 1 – GENERAL PROVISIONS

Sec. 4.691. - Title.

This division shall be known as the "Martin County Sign Ordinance."

Sec. 4.692. - Purpose and intent.

The purpose and intent of this division is to regulate the use of signs in a content-neutral manner so that they are compatible with their surroundings, to promote the aesthetic character of the County, to preserve the natural appearance of the County, to promote tourism, to promote

traffic safety, to maintain property values, to express the identity of individual proprietors and of the community as a whole, and to regulate signs so that they are legible in the circumstances in which they are seen and constructed to standards which promote the safety, health and general welfare of the public. This ordinance is not intended to apply to any traffic control signs within any public right-of-way that are governed by the Manual of Uniform Traffic Control Devices or as otherwise provided by law.

~~Sec. 4.693. Unlawful signs.~~

~~It shall be unlawful to erect, display or maintain any sign that does not comply with the standards and regulations hereinafter set forth.~~

~~Sec. 4.694. Definitions.~~

~~*Advertising sign:* A sign directing attention to a business, commodity, service, or entertainment conducted, sold, or offered.~~

~~*Animated sign:* A sign which involves motion or rotation of any part by any means or is illuminated by flashing, intermittent or color changing light or lighting.~~

~~*Banner:* Any sign having the character, letters, illustrations or ornamentalions applied to cloth, paper, balloons or fabrics of any kind with only such material for a foundation.~~

~~*Billboard:* Any framework for a sign advertising merchandise, service or entertainment sold, produced, manufactured or furnished at a place other than the location of such structure.~~

~~*County:* The unincorporated area of Martin County.~~

~~*District:* "District" shall mean zoning district.~~

~~*Existing grade:* That level of land upon which the sign structure is constructed. No grade may be altered to create a condition that will add to the overall height of the sign.~~

~~*Freestanding sign:* A sign which is supported by an upright, or uprights, or braces in or upon the ground.~~

~~*Ground-mounted sign:* See *Freestanding sign*.~~

~~*Illuminated sign:* A sign which receives light from an internal or an external source to make the message readable.~~

~~*Immoral sign:* Defined as that quality of any description of representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:~~

- ~~1.— Predominately appeals to the prurient, shameful, or morbid interest of minors in sex; and~~
- ~~2.— Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors; and~~
- ~~3.— Taken as a whole, lacks serious literary, artistic, political, or scientific value.~~

~~*Off-premises sign:* See *Billboard*.~~

~~*Pennant:* Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series designed to move in the wind.~~

~~*Point of purchase sign:* A sign advertising merchandise, services, or entertainment sold, produced, manufactured or furnished at the place where such sign is located.~~

~~*Political signs:* Temporary signs supporting candidates for office or urging action on any other matter on the ballot of primary, general and special elections.~~

~~*Portable sign:* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to "A" or "T" frames; menu and sandwich board signs; balloons or helium or air-filled material or plastic devices used as signs or advertising; umbrellas used for advertising; signs attached to or painted on vehicles and visible from the public right of way, unless said vehicle is used with such sign in the normal day to day operations of the business; and pole flags of plastic or other lightweight material whether or not containing a message of any kind.~~

~~*Projecting sign:* A sign projecting at an angle from the outside wall or walls of any building.~~

~~*Roof sign:* A sign located wholly upon or over the roof of any building.~~

~~*Sign:* Any identification, description, illustration or device, illuminated or nonilluminated, which is visible by the public and which directs attention to a product, place, activity, person, institution, business or solicitation.~~

~~*Snipe sign:* Any sign, generally of a temporary nature, made of any material when such a sign is tacked, nailed, posted, pasted, glued, or otherwise attached to a tree, pole, stake or fence or to any other objects.~~

~~*Wall sign:* Any sign mounted parallel to the face of a structure or wall.~~

~~*Window sign:* Any sign mounted inside a window for display to the public passersby outside the window.~~

~~Sec. 4.695.— Prohibited signs.~~

~~The following signs shall not be erected, placed or maintained and are prohibited:~~

~~4.695.A. Signs, other than governmental signs of a public nature, erected, placed or maintained on or over any public property, and/or rights of way, except for such signs as the County Commission may itself allow for the general benefit of the County as a whole or for the public convenience, necessity or welfare.~~

~~4.695.B. Billboards or off-premises signs on Hutchinson Island.~~

~~4.695.C. Specifically the following signs are expressly prohibited:~~

- ~~1. Signs that are in violation of the building code or electrical code adopted by the city/County.~~
- ~~2. Any sign that, in the opinion of the Building and Zoning Director, does or will constitute a safety hazard.~~
- ~~3. Blank temporary signs.~~

- ~~4. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.~~
- ~~5. Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.~~
- ~~6. Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color except for time-temperature-date signs.~~
- ~~7. Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.~~
- ~~8. Signs, commonly referred to as wind signs, consisting of one or more banners, flags, 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.~~
- ~~9. Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.~~
- ~~10. Signs that emit audible sound, odor, or visible matter such as smoke or steam.~~
- ~~11. Signs or sign structures that interfere in any way with free use of any fire-escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Code or other ordinance of the County.~~
- ~~12. Signs that resemble any official sign or marker erected by any governmental agency, or that, by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic control device.~~
- ~~13. Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.~~
- ~~14. Nongovernmental signs that use the words "stop," "look," "danger," or any similar word, phrase, or symbol.~~
- ~~15. Signs, within ten feet of public rights-of-way or 100 feet of traffic control lights, that contain red or green lights that might be confused with traffic control lights.~~
- ~~16. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.~~
- ~~17. Searchlights used to advertise or promote a business or to attract customers to a property.~~

- ~~18. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.~~
- ~~19. Signs placed upon benches, bus shelters or waste receptacles.~~
- ~~20. Signs erected over or across any public street except as may otherwise be expressly authorized by this division, and except governmental signs erected by or on the order of a public officer.~~
- ~~21. Vehicle signs with a total sign area on any vehicle in excess of ten square feet, when the vehicle:
 
  - ~~a. Is parked for more than 60 consecutive minutes within 100 feet of any street right-of-way;~~
  - ~~b. Is visible from the street right-of-way that the vehicle is within 100 feet of; and~~
  - ~~c. Is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising, or for the purpose of providing transportation for owners or employees of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of the business.~~~~
- ~~23. Immoral signs.~~
- ~~24. Portable signs as defined by this division.~~
- ~~25. Signs on a tower except "no trespassing" signs and identification signs.~~

~~Sec. 4.696. Exempt signs.~~

~~The following signs are exempt from the operation of these sign regulations, and from the requirement in this division that a permit be obtained for the erection of permanent signs, provided that such signs are not placed or constructed so as to create a hazard of any kind. It shall be the responsibility of the property owners to ensure that any of the following exempt signs placed on their property are erected and maintained in accordance with such hurricane protection measures as may be in effect.~~

~~4.696.A. Trespassing, safety or caution signs, provided that such signs are:~~

- ~~1. Nonilluminated.~~
- ~~2. Not over four square feet in overall area.~~
- ~~3. No greater than four feet in overall height.~~

~~4.696.B. Signs bearing only property numbers, street addresses, telephone numbers, post box numbers or names of occupants of the premises, including professional nameplates, provided that such signs are:~~

- ~~1. Not over four square feet in area; and~~
- ~~2. Limited to one per street frontage, per housing unit, or per business.~~



- ~~4.696.C. Governmental flags and insignias, except when displayed in connection with commercial promotion.~~
- ~~4.696.D. Legal notices of 16 square feet or less, either publicly or privately owned, directing and guiding traffic and parking, in accordance with the standards for internal traffic control signs as recommended by the Manual on Uniform Traffic Control Devices (MUTCD) but bearing no advertising matter (example: parking, entrance, exit, service, etc.).~~
- ~~4.696.E. Temporary real estate signs on properties where an owner is actively attempting to sell such property, either personally or through an agent, provided that such signs are:~~
- ~~1.— Nonilluminated;~~
  - ~~2.— Not over six square feet in area;~~
  - ~~3.— No greater than four feet in overall height; and~~
  - ~~4.— No closer than 15 feet to any side or rear property line.~~
- ~~4.696.F. Christmas and other holiday displays, except as specifically prohibited herein.~~
- ~~4.696.G. Bulletin boards for public, charitable or religious institutions, provided that such signs are:~~
- ~~1.— Located on the premises of the institution;~~
  - ~~2.— Not over 16 square feet in area;~~
  - ~~3.— No greater than six feet in overall height; and~~
  - ~~4.— No closer than 15 feet to any side or rear property line.~~
- ~~4.696.H. Temporary signs denoting a project or subdivision name, the architect, the engineer, the contractor or subcontractor on the premises where construction work is underway or is to take place within 180 days, provided that such signs are:~~
- ~~1.— Nonilluminated;~~
  - ~~2.— Not over 16 square feet in area;~~
  - ~~3.— No greater than six feet in overall height;~~
  - ~~4.— No closer than 15 feet to any property line; and~~
  - ~~5.— Limited to one per street frontage per construction site.~~
- ~~4.696.I. Memorial signs or tablets.~~
- ~~4.696.J. Names of buildings and dates of erection.~~
- ~~4.696.K. Window signs.~~
- ~~4.696.L. Signs inside a building and not visible from a public street.~~
- ~~4.696.M. Air towed banners.~~
- ~~4.696.N. Umbrellas containing advertising when used in conjunction with an approved food or beverage establishment or when used to denote products or services not available for sale or consumption on site.~~

~~4.696.O. Any sign required by any governmental regulation as a public notice.~~

~~4.696.P. Ornamental flags devoid of any lettering with a maximum size of five feet by five feet. One such flag shall be allowed per parcel of property. In the event there are multiple parcels of property under the same ownership, only one such flag shall be permitted on continuous parcels of property under the same ownership.~~

~~4.696.Q. Banners used in conjunction with civic events, not for profit fundraisers, church or charity functions shall be allowed with the following conditions:~~

- ~~1. Over the road banners must be approved by the Traffic Engineer.~~
- ~~2. Banners may be erected 14 days prior to the commencement of the event being promoted.~~
- ~~3. Banners must be removed three days after the conclusion of the event.~~
- ~~4. Banners must be secured in a manner so as to prevent a hazard to either vehicular or pedestrian traffic.~~
- ~~5. Banners shall be limited in size to three feet by 50 feet.~~

~~Sec. 4.697. Temporary signs.~~

~~The following temporary signs shall be permitted in accordance with the building code construction standards provided that the applicable provisions of this section are met:~~

~~4.697.A. Subdivision and on-site development signs identifying where an approved active building and on-site development program is underway, provided that such signs are:~~

- ~~1. Nonilluminated;~~
- ~~2. Ground mounted;~~
- ~~3. Erected no more than 180 days prior to the beginning of actual construction;~~
- ~~4. Removed if construction is not initiated within 180 days after the sign is erected or within 60 days of cessation of construction if construction is not continuously and actively prosecuted to completion or when construction is completed and a final certificate of occupancy has been issued;~~
- ~~5. No larger than 100 square feet in area per sign face and no more than 18 feet in overall height;~~
- ~~6. Limited to one sign per street frontage abutting the development;~~
- ~~7. No closer than 15 feet to any property line.~~
- ~~8. Signs approved in PUD projects are additionally subject to any conditions specified in the PUD agreement.~~

~~4.697.B. Promotional, special event, grand opening and seasonal sales signs, provided that such signs are:~~

- ~~1. Limited to commercial and industrial use areas;~~
- ~~2. Ground or wall mounted;~~

- ~~3.— Not over 40 square feet in area;~~
- ~~4.— No closer than 15 feet to any property line;~~
- ~~5.— Securely fastened or attached to the ground or wall to assure safety;~~
- ~~6.— Erected in such a way that they do not interfere with vehicular or pedestrian traffic;~~
- ~~7.— Permitted on the basis of not more than one such permit in any given six month period;~~
- ~~8.— Permitted for a period not to exceed 60 days for seasonal sales (such as Christmas tree sales) or for a period not to exceed 30 days for promotional sales;~~
- ~~9.— Removed upon the expiration of the use permit for the use or event for which they are granted; and~~
- ~~10.— Limited to one per each 500 feet of street on which the activity has frontage.~~

~~4.697.C. Temporary for sale real estate signs greater than six square feet on properties where an owner is actively attempting to sell such property, either personally or through an agent, provided such signs are:~~

- ~~1.— Located on industrial, commercial or agricultural property;~~
- ~~2.— Limited to ten feet in height;~~
- ~~3.— Limited to one sign per site;~~
- ~~4.— Nonilluminated;~~
- ~~5.— No closer than 15 feet to any property line;~~
- ~~6.— A maximum of 32 square feet.~~

~~4.697.D.— Any legally registered nonprofit corporation may place temporary promotional, special event, and seasonal sales signs, provided that such signs:~~

- ~~1.— Are limited to commercially and industrially zoned property;~~
- ~~2.— Shall be no more than four square feet per sign face for signs, and 50 square feet for sign face for banners;~~
- ~~3.— Are erected no closer than ten feet to any right-of-way;~~
- ~~4.— Permitted on the basis of not more than one time every three months;~~
- ~~5.— Permitted for a period not to exceed 30 days for special events, promotional sales, and seasonal sales;~~
- ~~6.— Removed immediately upon the expiration of the use or event for which they were erected; and~~
- ~~7.— Limited to one sign or banner per 100 feet of street frontage.~~

~~Sec. 4.698.— Permanent on-site development identification signs.~~

~~Permanent on-site development identification signs shall be permitted in accordance with building code construction standards provided that the following conditions are met:~~

- ~~4.698.A. Permanent development identification signs exceeding six feet in height shall meet the height and setback requirements in the district in which they are located.~~
- ~~4.698.B. Permanent development identification signs are permitted in any zoning district for the exclusive purpose of identifying residential developments.~~
- ~~4.698.C. Permanent development identification signs shall only identify a County approved subdivision, development or community.~~

~~Sec. 4.699. Political signs.~~

~~Political signs shall not be erected, placed or maintained within the unincorporated areas of Martin County unless they meet the following criteria:~~

- ~~4.699.A. The candidate or person responsible for political signs shall register with the Growth Management Director prior to the erection of any such signs.~~
- ~~4.699.B. A written agreement must be submitted which states that the candidate is aware of political sign requirements and agrees to abide with such requirements.~~
- ~~4.699.C. It is recommended that no political signs be erected prior to 45 days of any primary, special or general election.~~
- ~~4.699.D. Political signs shall be removed within five days after the election to which the signs pertain, unless such sign continues to be pertinent to an election to be held within 90 days.~~
- ~~4.699.E. All temporary political signs shall be constructed of lightweight material such as plastic, canvas, styroboard or cardboard. Framework and stanchion for political signs shall be limited to wood stock material of 2 × 2 or less. Such signs shall not be considered snipe signs.~~
- ~~4.699.F. No political signs may be located within any right-of-way or on any public property.~~
- ~~4.699.G. Signs located on private property must have the permission of the property owner.~~
- ~~4.699.H. The maximum size of any political sign shall be 16 square feet. Permanent approved billboards rented for use as a political sign shall be exempt from the 16 square feet maximum provision.~~
- ~~4.699.I. All political signs must be erected in such a manner so as not to represent a threat to the health, safety and welfare of the public.~~
- ~~4.699.J. No political signs may be attached to any trees, utility poles or other supports that are not normally used to support such signs.~~
- ~~4.699.K. All illuminated political signs shall comply with Martin County electrical code standards.~~
- ~~4.699.L. The enforcing official may remove any signs which are found to be in violation of any of these requirements.~~
- ~~4.699.M. Section 4.999.C shall not apply to magnetic signs placed on the outside of vehicles.~~

Sec. 4.700.— Point of purchase signs.

The following point of purchase signs shall be permitted in accordance with building code construction standards provided that the applicable provisions of this section are met:

~~4.700.A.— Location. Wall signs, projecting signs or freestanding signs are restricted to point of purchase advertising only and are further restricted to the following districts.~~

- ~~1.— Commercial;~~
- ~~2.— Mixed use districts where the land use is commercial;~~
- ~~3.— Industrial; and~~
- ~~4.— Planned unit development (PUDs) where permitted in the PUD agreement.~~

~~4.700.B.— Wall signs.~~

- ~~1.— The permitted size of wall signs shall be based on a percentage of the wall areas computed by the length times the height in the geometric figures which determine the actual area. The wall length shall be the building, or that portion occupied. The height of the wall for computing purposes shall not exceed 15 feet for one story structures nor 25 feet for two or more story structures. One wall shall be the front wall; other walls shall be figured on the basis of one half of the percent allowable given the front wall.~~

SIGN AREA TABLE

Square Footage	Percent Allowable
<del>— 0 — 500</del>	<del>12.0</del>
<del>— 500 — 1,000</del>	<del>11.5</del>
<del>1,000 — 1,500</del>	<del>11.0</del>
<del>1,500 — 2,500</del>	<del>10.5</del>
<del>2,500 — 3,500</del>	<del>10.0</del>
<del>3,500 — 4,500</del>	<del>—9.5</del>
<del>4,500 — 5,500</del>	<del>—9.0</del>

~~The maximum allowable size of a wall sign shall not exceed 495 square feet.~~

- ~~2.— No wall sign shall be mounted at a distance measured perpendicular to said wall greater than 24 inches.~~

~~3.—No wall sign shall cover wholly or partially any required wall opening.~~

~~4.700.C. *Projecting signs.* No projecting sign shall have a sign area exceeding 50 percent of the permitted freestanding sign area and in no case shall it exceed 150 square feet.~~

~~4.700.D. *Freestanding signs.*~~

~~1.—Not more than three freestanding signs shall be permitted on each property line adjacent to a public street.~~

~~2.—The total sign area of all freestanding signs permitted on any property line adjacent to a public street shall be prorated on the basis of one square foot of sign area for each linear foot of property line adjacent to that public street.~~

~~3.—No freestanding sign shall exceed 300 square feet in sign area per face.~~

~~4.—Freestanding signs shall comply with the minimum side and corner yard setbacks of the applicable zoning district.~~

~~5.—No freestanding sign shall exceed a height of 25 feet from existing grade.~~

~~6.—All freestanding signs shall be located at least five feet from all buildings.~~

~~7.—Freestanding signs shall not overhang any required landscape area.~~

~~Sec. 4.701. Billboards and off premises signs.~~

~~4.701.A.—Billboards and off premises signs shall be permitted in accordance with building code construction standards in the unincorporated areas of Martin County, provided that the following conditions are met:~~

~~1.—Billboards and off premises signs shall be allowed only on property zoned general commercial or general industrial.~~

~~2.—Said signs shall only be allowed on property which has been reviewed and developed in accordance with a commercial site plan.~~

~~3.—Said signs shall be considered a principal use on the property. Where utility facilities or railroads are in place or are constructed after the date of adoption of this division, those improvements shall be considered the principal use of the property and no further principal uses shall be allowed on the property.~~

~~4.—Said signs shall not exceed 18 feet in height above unfinished lot grade.~~

~~5.—Said signs shall not exceed 100 square feet in sign area on any face. There shall not be more than two faces on any sign.~~

~~6.—Said signs shall not be less than 2,500 feet in any direction from any other billboard or off premises sign.~~

~~7.—Said signs shall not be less than 2,500 feet in any direction from any of the following:~~

~~a.—Public service district.~~

~~b.—Residential districts including a residential PUD.~~

~~c.—Mixed use districts where the land use is residential.~~

- d. ~~Place of worship.~~
- e. ~~School.~~
- f. ~~Cemetery.~~
- g. ~~Road intersection (measured from the centerline).~~
- h. ~~Railroad crossing (measured from the centerline).~~
- 8. ~~Said signs shall comply with the minimum front, rear, side and corner setbacks established in the Land Development Code. Setbacks shall be measured from the outermost limit of any portion of a sign.~~
- 9. ~~Said signs shall be completely independent of any building or other structure, excluding the sign structure.~~
- 10. ~~Said signs shall not be permitted within 100 feet of a point of purchase sign.~~
- 11. ~~The applicant must be in receipt of any required State Department of Transportation permit prior to application to Martin County for a sign permit.~~

~~Sec. 4.702. Auxiliary signs.~~

~~The following auxiliary signs are permitted in association with commercial, industrial or public service activities only:~~

- 4.702.A. ~~Time and temperature devices: These signs may be freestanding, projecting or wall signs. Those devices with alternating messages shall display each such message for not less than ten seconds.~~
- 4.702.B. ~~Changing message devices.~~

~~Sec. 4.703. Compliance requirements.~~

- 4.703.A. ~~Signs prohibited by section 4.695 above shall be removed immediately upon the effective date of this division [January 1, 1995].~~
- 4.703.B. ~~The sign or at least the message portion of any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent, or persons having beneficial use of the building, structure, or land upon which such sign shall be found, within 90 days after written notification by the Building and Zoning Director.~~
- 4.703.C. ~~Any sign located within a public right of way shall be removed immediately, unless it is permitted elsewhere within this division. The enforcing official is authorized to remove any sign not permitted in the right of way under this division at such time as the sign is determined to be in noncompliance.~~

~~Sec. 4.704.— Maintenance.~~

~~Signs shall be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings. Weeds shall be cut underneath and around the base of ground signs and no rubbish or debris shall be permitted that would constitute a fire hazard or be detrimental to the public health and safety. All signs shall be maintained in a manner which will withstand hurricane wind load requirements.~~

~~Sec. 4.705.— Nonconformities.~~

~~For those signs which: (1) are not otherwise prohibited by section 4.695.C; and (2) are not consistent with the provisions of this division; (3) are not located within an approved PUD, the following provisions shall apply:~~

~~4.705.A. All billboards or off premises signs which were legally erected prior to August 1, 1990, but which do not comply with the requirements of this division must be removed or altered to comply with the requirements of this division by August 1, 1996. This subsection does not apply to billboards or off premises signs adjacent to the Florida Turnpike.~~

~~4.705.B. All billboards or off premises signs adjacent to the Florida Turnpike which were legally erected prior to August 1, 1994, but which do not comply with the requirements of this division must be removed or altered to comply with the requirements of this division by August 1, 2000.~~

~~4.705.C. Nonconforming signs may not be structurally modified. Any nonconforming sign damaged in excess of 50 percent of the integrity of the structure as determined by the Building Official can only be repaired in full compliance with the requirements of this division.~~

~~Sec. 4.706.— Enforcement.~~

~~4.706.A.— The Building and Zoning Director shall be the enforcing official. The enforcing official is charged with the duty of administering the provisions of this division and securing compliance therewith. In furtherance of this responsibility, the enforcing official shall:~~

- ~~1.— Make such inspections as may be necessary to effectuate the purposes and intent of this division and initiate appropriate action to bring about compliance with this division, if such inspection discloses any instance of noncompliance.~~
- ~~2.— Investigate thoroughly any complaints of alleged violations of this division, and indicate clearly in writing as a public record in his office the disposition made of such complaints.~~
- ~~3.— Order in writing, as set out below, the remedy of all conditions of all violations of this division found to exist in or on any premises.~~
- ~~4.— State in the violation order a time limit for compliance herewith as hereinafter set out.~~

~~4.706.B.— The enforcing official or his agent is authorized and directed to enter upon all premises at reasonable times to determine their condition insofar as the provisions of this division are applicable.~~



~~4.706.C.— As an alternative to the penalties provided in section 4.709, this division may be enforced by the Code Enforcement Board as established by Martin County Ordinance No. 206, as amended or hereafter amended, or by appropriate action in the Circuit Court.~~

~~Sec. 4.707.— Permits required.~~

~~An advertising display sign shall not hereafter be erected, constructed, altered or maintained except as provided in this division until after permit for same has been issued by the Building Official and the applicable fee paid.~~

~~Sec. 4.708.— Expiration of permits.~~

~~4.708.A.— A sign permit shall become null and void unless work on the permitted sign is substantially underway within six months after the effective date of the issuance of such permit. Any fee paid shall be forfeited.~~

~~4.708.B.— All rights and privileges acquired under the provisions of this division, or any amendments thereto, are mere licenses, revocable at any time by the Board of County Commissioners of Martin County, and all permits shall contain such provisions.~~

~~Sec. 4.709.— Violations and penalties.~~

~~Violation of this division is a misdemeanor pursuant to F.S. § 125.69, and is punishable under said section by imprisonment for up to 60 days, or a fine for up to \$500.00, or both such imprisonment and fine.~~

Sec. 4.693 - Definitions

A. The following terms and phrases when used in this ordinance, whether in the singular or plural or if the first letter is capitalized or in lower case, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

1. *Abandoned sign* means a sign located on a property where the use advertised on the sign is unlicensed, the owner has failed to pay its local business taxes, or the business advertised has moved or vacated from the property where the sign is located.
2. *Animated (sign)* means a sign that uses movement or change of lighting to depict action or to create a special effect or scene.
3. *Awning sign* means letters or characters placed upon an awning or awning valance.
4. *Balloon* means a lighter than air sign or display tethered to the ground or a structure.
5. *Banner* means a temporary sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper, or fabric of any kind with only the material for a backing. "Banner" shall include any animated or fluttering devices designed to attract attention.
6. *Billboard* means a flat surface (such as a panel, wall or fence) on which bills are placed; specifically, a large panel designed to carry outdoor advertising, particularly for an off-premises sale.
7. *Building Director* means the Director of Martin County's Building Department or

- his or her designee.
8. Cabinet sign means a sign incorporating a rigid frame which supports and retains the sign face panel(s) and/or background constructed of plastic or similar material, and which has an internal light source. Cabinet signs do not include signs composed of individually-mounted and individually-illuminated letters, or logos no larger than the lettering to which they relate.
  9. Canopy means a covered structure projecting from the face of the principal building. Canopies may be cantilevered or self-supporting and include awnings.
  10. Changeable copy sign means a sign with informational content that can be changed or altered by manual or electronic means to display a message.
  11. Circuit Court means the 19<sup>th</sup> Judicial Circuit in and for Martin County, Florida.
  12. County means Martin County, a political subdivision of the State of Florida, and its Board of County Commissioners.
  13. County Engineer means the County Engineer for Martin County.
  14. Combustible sign means any sign or sign structure which has an internal electrical circuit which may ignite or support flames and which has a low flame point. Prime examples of combustible signs would be wood, cloth, and the like.
  15. Day means a calendar day and includes Saturdays, Sundays, and legal holidays.
  16. Directory sign means a sign listing the tenant's names, locations, buildings or group of buildings.
  17. District means a zoning district.
  18. Effective date means the date this ordinance is filed with the Secretary of State for the State of Florida.
  19. Finished grade means the final elevation of the ground surface after completion of all site preparation and development, and conforming to the approved plans, but not including berms or artificial fills to elevate signs above the surrounding finished grade.
  20. Fixed projecting sign means a sign projecting at an angle from the outside wall of any building and rigidly affixed thereto.
  21. Freestanding sign means a sign not affixed to any other structure and limited to no more than two faces.

Example:



21. *Ground sign* means a sign affixed to the ground and supported by a masonry foundation with posts, uprights, or braces extending from the ground, or a permanently mounted object on the ground, but not attached to any part of a building.
22. *Height (of a sign)* means the vertical distance measured from the highest point of the sign, to the finished grade at the base of the sign.\
23. *Identification sign* means a sign that indicates the name of the primary use.
24. *Landmarked sign* means a sign designated as a landmark or having historic value as determined by the County.
25. *Lighted (sign)* means any sign which is illuminated by any type of light from an artificial or man-made source, whether separate and apart from or contained within or on the sign, which is intended and used to make the sign visible or readable.
26. *Manual or electronic changeable copy sign.* See *Changeable copy sign.*
27. *Manual of Uniform Traffic Control Devices* means the manual issued by the Federal Highway Administration of the United States Department of Transportation specifying traffic control standards including traffic signs.
28. *Monument sign* means a freestanding low-profile sign with the sign area at the top of a solid base. Example:



29. *Mural sign* means a painting or drawing on an external wall which contains a message, or logo, or depiction of a product or service of a particular business being offered to the public.
30. *Nameplate sign* means a non-electric, on-premises identification sign giving only the name, address and/or occupation of the occupants.
31. *Non-commercial sign* means a temporary sign erected for purposes other than advertising a commercial business.
32. *Non-conforming sign* means a sign which was erected legally but no longer complies with the current sign ordinance.
33. *Off-premises sign* means a sign advertising a business which is not located on the property where the sign is located.
34. *Owner* means the individual, entity, or person having ownership, whether in whole or in part, of a sign, including but not limited to an agent, attorney, director, executor, guardian, officer, personal representative, trustee, or any other individual, entity, or person acting on behalf of the owner or owners of the sign.
35. *Projecting sign* means a sign which is attached at a right angle to the outside wall of the building. Example:



36. Real estate sign means any temporary sign advertising the real estate where the sign is placed, stating as being for sale, rent or lease.
37. Remove or removal means the actual removal by digging up or cutting down, or the effective removal through other means.
38. Roof sign means a sign which projects above the roof line or is located on the roof of the building structure.
39. Sandwich or sidewalk sign means a temporary, movable sign, made of metal and/or wood, having not more than two faces, and not permanently attached to the public sidewalk, but stable enough to support its own weight.
40. Sign means any device, structure or fixture using graphics, illustrations, lettering, logos, printing, symbols, writing or other forms of communication, whether commercial or non-commercial.
41. Sign area means the area including all graphics, illustrations, lettering, logos, printing, symbols, writing or other forms of communication of a sign.
42. Signs confusing to vehicular drivers means a sign erected at the intersection of any streets or in any street right-of-way in a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, a traffic signal, or traffic device; or which makes use of the words "look," "danger," "stop," or any other word, phrase, symbol, or character in a manner as to interfere with, mislead, or confuse pedestrians or vehicular drivers.
43. Sign structure means the frame, hardware, platform, posts, or other material or parts on which a sign is displayed, mounted, or supported.
44. Snipe sign means any sign located in the public right-of-way other than traffic signs or other lawful signs intended to direct pedestrian or vehicular traffic or designate streets or street crossings.
45. Special event banner sign means a sign which announces a special event or function which is of general benefit to the community at large.
46. Swinging projection sign means any sign projecting at an angle from the outside wall of any building, which is supported by only one rigid support, irrespective of the number of guy wires used in connection therewith.
47. Swinging sign means a flexible swinging sign hanging from the outside wall or walls of any building or any pole structure which is not rigidly affixed thereto.

48. Temporary sign means any sign erected for a limited time period not to exceed six months per year.

49. Under-canopy sign means a sign attached or suspended under the canopy or roof of a walkway.

Example:



50. Unlawful sign means a sign which does not meet the requirements of the Martin County Sign Ordinance or other applicable law and has not received legal non-conforming status.

51. Vehicular sign means a sign placed on vehicles or trailers that are parked in the public right-of-way or on private property for the primary purpose of displaying the sign.

52. V-shape sign means a sign containing two faces of approximately equal size erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 degrees.

53. Wall sign means a sign painted or attached parallel to the outside of a building.

54. Wayfinder sign means an off-premises sign designed to guide or direct pedestrians or vehicular traffic.

55. Wind sign means a sign consisting of banners, pennants, ribbons, spinners, streamers, or other objects or material fastened in such a manner as to move upon being subjected to pressure by natural or artificial wind.

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

Sec. 4.694. - Sign ordinance is content-neutral.

A. Notwithstanding anything contained in this sign ordinance to the contrary, any sign erected pursuant to the provisions of this ordinance may contain either a commercial or non-commercial message. Either a commercial or non-commercial message may occupy the entire sign face or portion thereof. The sign face may be changed from a commercial message to non-commercial message as desired by the owner of the sign, subject to the further provisions of this ordinance, and provided that:

1. The size and design criteria conform to the applicable portions of this ordinance;
2. The sign is allowed by this ordinance;
3. The sign conforms to the setback and other requirements of the zoning district in which located;

4. The appropriate permits have been obtained; and
  5. The construction materials and methods meet the requirements of the Florida Building Codes.
- B. No permitting decision shall be based upon the content or the message contained (i.e., the viewpoint expressed) on such signs.
- C. Notwithstanding subsections A and B above, no banner, billboard, or any other sign shall contain, depict, display, exhibit, illustrate, present, or show any message or image that: is lewd, obscene, profane, pornographic as the same may be defined by community standards and by law; is directed to inciting or producing imminent lawless action and is likely to incite or produce such action; violates the constitutional protections of individuals; or violates applicable law.

Sec. 4.695. – Prohibited Signs.

- A. The following signs, or sign features, are prohibited within Martin County:
1. Animated signs;
  2. Balloons;
  3. Combustible signs;
  4. Intermittent lighting, animation, moving or rotating signs, not including governmental traffic signals and devices.
  5. Noise-producing signs.
  6. Private signs in public rights-of-way other than awning or under-canopy signs or as otherwise approved by the Board of County of Commissioners.
  7. Roof signs.
  8. Sidewalk signs and sandwich board sidewalk signs.
  9. Signs confusing to vehicular drivers.
  10. Snipe signs.
  11. Vehicular signs, except bumper stickers and graphics applied or painted upon a vehicle.
  12. Wind signs.
  13. Any sign not provided for, or expressly permitted, by this ordinance or otherwise allowed by law is prohibited.

Sec. 4.696. - Permit required.

It shall be unlawful for any person to post, display, erect or modify a sign or sign structure that requires a permit provided for in this ordinance, without first having obtained a permit therefor from the Building Director, the County Engineer, or both as applicable. Signs or sign structures erected without a valid permit shall be deemed to be in violation of this ordinance.

Sec. 4.697. - Non-conforming signs.

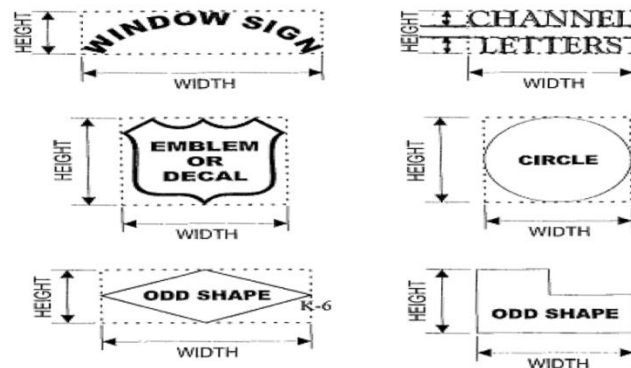
- A. Signs erected under a valid permit prior to the effective date that are now non-conforming under this ordinance shall be allowed to remain. Non-conforming signs may be repaired, but may only be replaced with signs in conformance with this ordinance or as otherwise required by law.
- B. Nothing in this section shall prohibit the Building Director from removing any unsafe or dangerous signs as provided in this ordinance.

Sec. 4.698. - Permit procedures.

- A. Issuance of permits, validity and renewal. Permit applications shall be reviewed by the Building Director within 30 days of submission of the permit application. Upon satisfactory compliance and a determination that the proposed sign meets all applicable standards, the Building Director shall cause a permit to be issued to the applicant. The permit shall be valid for 180 days from its approval, during which period the sign may be erected and inspected. However, the Building Director, for good cause shown, may renew the permit for an additional 90-day period provided there have not been later enacted sign ordinance provisions which invalidate or disallow the permit. Appeals from the decision of the Building Director may be made directly to the Circuit Court.
- B. Permits for individual signs. Permits for all lawful signs shall be on a form promulgated by the Building Director.

Sec. 4.699. - Sign area, dimensioning, illumination, location and safety.

- A. Basis for measurement. The sign area shall be expressed in square feet or square inches that is allowed in accordance within these regulations for each sign face. The sign face includes any background material, panel, trim, color, and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface, or object upon which, or against which, it is placed. When there is no such differentiation, the sign face shall be one or more rectangles or squares just large enough to enclose all illustrations, lettering, logos, ornamentation, or symbols. A sign structure shall not be included in the total sign area provided that no lettering, illustrations, lettering, logos, ornamentation, or symbols are displayed on, or designed as part of, the sign structure.
- B. Dimensioning of Signs. The basis and method of sign dimensions is depicted graphically, below:



Added language is underlined; deleted language is ~~struckthrough~~

C. *Illumination.* Signs may be illuminated directly or indirectly, unless specifically prohibited elsewhere. In residential districts, all overhead illumination shall provide shielding so that the light is not directed toward adjacent residential property. Illumination of monument or freestanding signs shall be external and directed from the ground by up-lighting or from behind individual letters by backlighting. Wall signs or fixed projecting signs may include individual illuminated letters or letters which are lighted from behind by backlighting. Illumination of signs shall exclude exposed neon tube lighting, or similar, and electronic changeable copy, unless permitted elsewhere in this ordinance.

D. *Location.*

1. *Obstructions.* A sign shall be located in such a manner as to not obscure an existing sign unless provisions are made for the removal of the obscured sign, or unless it is not reasonable and practical to locate the new sign elsewhere on the site.
2. *Zoning requirements.* Signs shall comply with the requirements of the applicable zoning district.

E. *Safety.*

1. *Safety determination required.* Whenever consideration is given to locating a sign, the Building Director must determine that the location of the sign does not present a hazard to pedestrians or to vehicular traffic circulation. Because of the unique and varying building locations and access configurations on a site, no specific "site triangle" is required by this ordinance. However, it is required that signs shall be located such that they do not present a hazard to children, bicyclists, pedestrians, or vehicle drivers who are using adjacent public and private rights of way, and prior to the issuance of every sign permit, the Building Director shall make such determination. Safety is a primary consideration of this ordinance, and notwithstanding any earlier building permit or approved site plan location of a sign, the Building Director may require the relocation of any sign, based upon a finding that it is required to provide for the reasonable safety of vehicle drivers, bicyclists, and pedestrians.
2. *Traffic safety.* No sign shall be located in such a manner that is a hazard to automotive or pedestrian traffic nor shall any sign or lighting of a sign be so placed as to obstruct the vision of the driver of any motor vehicle where vision is necessary for safety.
3. *Height of ground signs (monument or freestanding) at intersections.* Anything else in this section to the contrary notwithstanding, 3 feet (as measured from the crown of the road) shall be the maximum height of any section of new ground signs that are located within 10 feet of the following:
  - a. *The right-of-way lines of two streets;*
  - b. *The right-of-way lines of a street and a right-of-way line of an alley; and*
  - c. *The right-of-way line of a street and the right-of-way line of a railroad.*



Sec. 4.700. – Wall signs.

- A. The size and amount of all allowable wall signs shall be based on a percentage of the wall areas computed as the length multiplied by the height of the geometric figures which comprise the actual wall area fronting on a street. The wall length shall be the building face. The height of the wall for computing purposes shall not exceed 25 feet. No wall sign shall be mounted more than 18 inches from the wall face of the building, and no wall sign shall cover, in whole or in part, any wall opening required by law.

SIGNAGE-AREA TABLE

<u>Square Footage of Building Face Area</u>	<u>Percent Allowable</u>
<u>0— less than 500 SF</u>	<u>12%</u>
<u>500 SF - less than 1,000 SF</u>	<u>11.5%</u>
<u>1,000 SF - less than 1,500 SF</u>	<u>11%</u>
<u>1,500 SF - less than 2,500 SF</u>	<u>10.5%</u>
<u>2,500 SF - less than 3,500 SF</u>	<u>10%</u>
<u>3,500 SF — 4,500</u>	<u>9.5%</u>
<u>3,500 SF — up</u>	<u>9%</u>

(Example: 100 linear feet x 25 feet height building = 2,500 square feet x 10% = 250 square feet total signage allowed.)

Sec. 4.701. - Structural standards.

- A. In addition to provisions of the Florida Building Code, the following structural standards shall be required for all signs erected in the County.
1. *Securing signs.* Wall signs shall be securely attached to the building or structure by means of metal anchors, bolts, or expansion screws. No wood blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of wall signs attached to studs or other structural members of buildings or structures having non-masonry walls. No sign shall be attached to a non-structural parapet wall.
  2. *Wind loading.* Every sign shall be constructed in a manner as to withstand 140 miles per hour based on three-second gust wind speed. Sign contractors or the owner shall submit plans showing location, structural members, and design calculations for wind

*Added language is underlined; deleted language is struckthrough*

loading and for signs 32 square feet or over, a certification sealed by a state-registered engineer or architect stating that the design will meet the requirements of this ordinance. All sign contractors shall sign a certificate stating the sign's wind loading meets requirements of this ordinance and the Florida Building Code where proposed sign is under 32 square feet.

Sec. 4.702. - Removal and disposition of certain signs.

A. *Removal and disposition of certain signs.* It shall be unlawful to erect, use or maintain a sign or sign structure when it does not comply with the requirements of this ordinance. Unlawful signs are subject to removal pursuant to the following provisions:

1. *Summary procedures for removal of snipe signs.* The County finds that the inexpensive nature of snipe signs and the administrative and cost burden imposed by elaborate procedural prerequisites prior to removal, requires the summary removal of these signs, when unlawfully erected and maintained. The Building Director is hereby authorized to remove such signs when unlawfully erected and maintained, subject to the provisions contained herein. Upon removal of a snipe sign, pursuant to this section, a written notice shall be sent to the occupant of the property from which the sign was removed, or if the sign identifies a party other than the occupant of the property, the party so identified. The notice shall advise that the sign has been removed and shall state that the sign may be retrieved within 30 days of the date of the notice upon payment of the fine or administrative fee established therefor, and that, if the sign is not retrieved within 30 days, it will be disposed of by the County, without further notice.
2. *Permanent signs.* Signs and sign structures not subject to removal pursuant to the provisions of subsection 1 above that are or have been erected or maintained unlawfully, are subject to all remedies available at law or equity for the removal of signs or sign structures which are or have been unlawfully erected or maintained.
3. *Unsafe or dangerous signs.* The Building Director is authorized to remove unsafe or dangerous signs pursuant to Martin County Code of Ordinances, Chapter 21, Section 21.75 et seq., as amended.
4. *Abandoned signs.* If any sign regulated in this ordinance is found by the Building Director to be abandoned, the owner shall be responsible to remove the sign, cover the sign with a plain fabric cover, or place a blank copy panel in the sign frame within 30 days of the Building Director's notice to the owner.

B. *Failure to remove.* Upon the failure, neglect or refusal of any owner to remove or repair any sign in violation of this ordinance, after reasonable notice by the Building Director, and in addition to any other remedies available to the County, the Building Director is hereby authorized and empowered to effect the removal of the sign which is in violation. When the County has made reasonable repairs or removed a sign or has paid for the repair or removal thereof, the actual cost shall be paid to the County by the owner of the property upon which the sign is located as set forth in Section 4.707 below.

C. Responsibility of maintenance. All signs shall be properly maintained. Exposed surfaces shall be cleaned and painted, if paint is required. Defective or damaged parts shall be replaced.

Sec. 4.703. - Types of signs permitted.

A. Billboards and off-premises signs. Billboards and off-premises signs shall be permitted in accordance with building code construction standards of the County, provided that the following conditions are met:

1. Billboards and off-premises signs shall be allowed only on property zoned general commercial or general industrial.
2. Billboards and off-premises signs shall only be allowed on property which has been reviewed and developed in accordance with a commercial site plan.
3. Where utility facilities or railroads are in place or are constructed after the date of adoption of this division, those improvements shall be considered the principal use of the property and no further principal uses shall be allowed on the property.
4. Billboards and off-premises signs shall not exceed 18 feet in height above unfinished lot grade.
5. Billboards and off-premises signs shall not exceed 100 square feet in sign area on any face. There shall not be more than two faces on any sign.
6. Billboards and off-premises signs shall not be less than 2,500 feet in any direction from any other billboard or off-premises sign.
7. Billboards and off-premises signs shall not be less than 2,500 feet in any direction from any of the following:
  - a. Residential district;
  - b. Cemetery;
  - c. Mixed-use districts where the land use is residential;
  - d. Place of worship;
  - e. Public service district;
  - f. Railroad crossing (measured from the centerline);
  - g. Road intersection (measured from the centerline); and
  - h. School.
8. Billboards and off-premises signs shall comply with the minimum front, rear, side and corner setbacks established in the Land Development Code. Setbacks shall be measured from the outermost limit of any portion of a sign.
9. Billboards and off-premises signs shall be completely independent of any building or other structure, excluding the sign structure.
10. Billboards and off-premises signs shall not be permitted within 100 feet of a point of purchase sign.

11. The applicant must be in receipt of any required State Department of Transportation permit prior to application to the Building Director for a sign permit.
- B. *Freestanding signs.* Freestanding signs shall be wood or composite material supported by one or two wood or composite posts.. Each post shall have ornamental post caps or covers. A freestanding sign shall not be used as a frame for a cabinet sign. The top edge of aall freestanding signs shall be no more than 6 feet above the finished grade and not exceed 6 feet in width. All freestanding signs shall contain the street number
- C. *Ground signs (monument or freestanding).* A ground sign shall not be affixed to any structure and is limited to no more than two sign faces. A ground sign is either a freestanding sign or a monument sign. All ground signs shall contain the street address number.
- D. *Monument signs.* Monument signs shall be composed of metal frame, textured brick, concrete block, or other masonry, and finished with stucco or other textured material, and having a solid base. The top edge of the sign shall be no higher than elsewhere permitted in this ordinance, and the skirt and base shall be no smaller than 80 percent of the sign width nor greater than 120 percent of the sign width. A monument sign shall not be used as a frame for a cabinet sign that exceeds 25 percent of the sign area.
- E. *Projecting signs.* A projecting sign is affixed to a structure and extends at a right angle from the structure.
1. A projecting sign shall not have more than 2 sign faces. Projecting signs may project into the public right-of-way, but must have clear sidewalks by at least nine feet, and be no closer than 2 feet from the curb.
  2. Signs must not project more than 6 feet from the wall face of a building.
  3. The permitted size of a fixed projecting sign shall not exceed 8 square feet or 16 square feet, dependent upon the applicable zoning district.
- F. *Under-canopy signs.* A sign hung from the underside of an awning or canopy or ceiling of an arcade or covered walkway or portico. It may be rigid or it may swing. Any swinging sign shall be removed during a major storm event. Such a sign shall not have more than two sign faces.
- G. No portion of any sign projecting over a public sidewalk shall be less than 9 feet above the grade of the sidewalk, with the exception of awning valances which shall not be less than eight feet above the sidewalk.
- H. Any sign projecting over private property and located where motor trucks may be required to pass beneath it shall be erected and maintained at a height of not less than 14 feet.
- I. Signs consisting of one line of letters not exceeding 9 inches in height may be painted, placed or installed upon the hanging border only of any awning erected and maintained in accordance with this chapter. A graphic or other similar feature not exceeding an area of 8 square feet, may be painted, placed, or installed elsewhere on any awning provided that any such graphic shall comply with all other provisions of this chapter.

J. Wall signs. A wall sign must be professionally hand-painted or flush mounted on board, or in a raised channel or individual letters. Such a sign may be applied to a structural mansard or building face.

K. Gas station canopy shall be limited to a maximum of one wall sign per right-of-way frontage and shall be counted as part of the allowable wall signage per occupancy.

L. Window signs.

1. Plastic signs, or signs painted on the glass may be placed upon windows when limited to 20 percent of the aggregate glass area, per tenant space or per main use.

2. Signs displayed from the inside of the glass but which are visible from the outside shall be considered as window signs.

3. Window signs shall not be placed where they substantially obscure the view of a person to the interior of the building through the window.

Sec. 4.704. - Special purpose signs.

A. As an aid to the motoring public, the County has determined that the following special purpose signs serve the public interest and welfare by providing basic information regarding fuel price, location, time, temperature, dates of events, and the like. Permits for the following signs shall be issued provided that the provisions contained herein are in compliance:

1. Grand opening banner. One banner may be placed on the building of a newly opened location pursuant to the following:

a. Display is limited to four weeks.

b. The banner shall not exceed one square foot per linear foot of occupancy frontage, and a total area of 50 square feet.

c. The banner shall not be higher than 15 feet above the finished grade, and must be placed on the building on the predominate street front.

d. Banners shall be made of color fast material, and shall be securely fastened so as not to become a safety hazard.

2. Special event banner signs. The Building Director may approve one or more banners for a non-profit, charitable organization or special event on any street, sidewalk, public building, park or playground, or on private property, subject to the following criteria:

a. The sign shall be located on the property where the event is being held or on private property with the written consent of the property owner; and

b. The sign shall be temporary and for a stated limited period of not more than 14 days prior to the event, and it must be removed by the second (2nd) day after the event;

c. Each sign shall not exceed 20 square feet in area;

d. When permitted, the sign must meet the following additional criteria:

- i. The sign will not conceal or obstruct adjacent land uses or signs;
- ii. The sign will not conflict with the principal permitted use of the site or adjoining sites;
- iii. The sign will not interfere with, or obstruct the vision of, or distract motorists, bicyclists or pedestrians; and
- iv. The sign will be installed and maintained in a safe manner;
- e. The approval, or disapproval, of such sign shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such sign;
- f. The Building Director shall render a decision within 10 days after an application is made for utilizing this sign type for a special event. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision directly to the Circuit Court.

B. Drive-thru window signs. Sign boards used at locations in conjunction with service at a drive-thru window are permitted so long as the size of the board does not exceed 7 feet in height, nor 24 square feet in total area.

C. Subdivision identification signs. Residential subdivision identification signs shall be located only at the roadway entrance(s) to the subdivision and subject to the following standards:

- 1. Such signs may be either one double faced sign or two signs where there are two walls at the entrance and where the signs are permanently affixed to the walls at each entrance of the subdivision.
- 2. Each sign area shall be no greater than 36 square feet in area.
- 3. Subdivision entrance signs are permitted within all residential zoning districts.

D. Construction site signs. Temporary construction site signs identifying that an approved, active, on-site development project is underway, shall be permitted provided that such signs shall be subject to the following standards:

- 1. One temporary freestanding sign per street frontage, non-illuminated, with sign area of not more than 32 square feet, nor more than 6 feet in height or one temporary wall sign per street frontage, which shall be non-illuminated with a sign area of not more than 32 square feet.

E. Changeable copy signs.

- 1. Manual or electronic changeable copy information signs shall be permitted when attached to or made part of an otherwise permitted monument sign, and only related to a theater, auditorium, convention center, sports field or arena, a regional attraction facility, or for motor fuel pricing, or a time and temperature sign. Such signs shall be limited to 1 changeable copy message sign per street frontage, and no more than 2 such signs shall be permitted on any individual parcel.

2. Electronic changeable copy signs shall be permitted to change their message no more than 4 times within a 24-hour period, except that time and temperature signs may change as the temperature changes, and as the time changes in one minute increments.
- F. Time and temperature signs. Signs giving time and temperature, or either time or temperature information shall be permitted when attached to or made part of an otherwise permitted sign. Such signs shall not be larger than 20 percent of the permitted area of the sign to which they are attached or included. Such signs shall be counted as part of the permitted area of the sign to which they are attached.
- G. Prohibited lighting for electronic message sign:
1. Lamps, light emitting diodes, or bulbs in excess of the amount and intensity of light generated by a 30-watt incandescent lamp.
  2. Exposed reflectorized lamps, light emitting diodes, or bulbs; and lamps or bulbs not covered by a lens, filter, louver or sunscreen; or modes of operation that scroll, flash, zoom, twinkle or sparkle, or appear to do so.
- H. Mural signs. Mural signs shall be counted as wall signs for the portion which includes any message, logo or which depicts a product or service, and shall be of such a design as to compliment the architectural style of the subject building and shall be in keeping with the general character of the land use district. There shall be a maximum of only one mural sign per building. The sign portion of a mural sign, if any, shall comply with the dimensional requirements of a wall sign.

Sec. 4.705. - Temporary signs.

- A. Temporary signs are allowed to be erected on private property in the County with a permit so long as they conform to the following criteria:
1. One temporary freestanding sign per street frontage, non-illuminated, with a sign area of not more than 12 square feet per sign face with two face maximum per sign on any private lot or parcel. A temporary sign may be erected for a limited time period not to exceed 6 months per year. Signs may not be placed in a location that constitutes a safety hazard or hindrance to pedestrian or vehicular traffic.
  2. No temporary sign shall be placed on any public right-of-way or public property without the written permission of the Building Director and for good cause shown.
- B. The Building Director may require the location or relocation based on potential or actual traffic obstruction.

Sec. 4.706. - Exempt signs (not requiring a permit).

- A. The following signs are allowed to be erected on public or private property in the County, without a permit, so long as they conform to the following criteria:
1. Automated teller machine (ATM) panels. One panel which is physically constructed within and is an integral part of an ATM.

*Added language is underlined; deleted language is struckthrough*

2. Directional signs. Such signs shall be for the purpose of directing vehicular and pedestrian traffic, and shall be placed in accordance with the Manual on Uniform Traffic Control Devices or as otherwise required by law.
3. Hours of operation signs. Signs denoting hours of operation shall be non-illuminated; have a sign face of not more than 2 square feet and be located close to the entry of the establishment.
4. Instructional signs. Instructional signs are signs which convey safety information or legal information or instructions with respect to the premises on which located, including, but not limited to, "no trespassing," "danger" or "bad dog" signs. Such signs shall not have a height of more than 6 feet from the ground and shall not be greater than 5 square feet in area.
5. Memorial signs, tablets, tombstones, or other markers adjacent to, covering, or designating a crypt, grave, or vault.
6. Mural. A mural, which is not a mural sign, may be painted or placed on one or more exterior walls.
7. Non-residential and multi-family residential real estate signs.
  - a. One freestanding sign structure with up to two sign faces, with or without post caps or covers, shall be permitted for each street frontage.
  - b. Signs shall not exceed 16 square feet in area per face, and shall not be higher than six feet above the adjacent finished grade. A V-shape sign shall be permitted and shall be considered as one sign as long as it has no more than two faces, and the interior angle does not exceed 90 degrees.
8. Single family and duplex residential real estate signs.
  - a. One freestanding sign structure with up to 2 sign faces shall be permitted for each single-family or duplex property, and shall not exceed 3 square feet in area, per face, and shall not be higher than 4 feet above the adjacent finished grade. One additional sign per lot may be erected on a lot which borders a waterway or which is a corner lot, provided that the additional sign is located along the waterways or placed so there is only one sign per street frontage.
  - b. One freestanding sign structure with up to two sign faces shall be permitted for each multi-family property, and shall not exceed 16 square feet in area per face, and shall not be higher than six feet above the adjacent finished grade. One additional sign per lot may be erected on a lot which borders a waterway or which is a corner lot, provided that the additional sign is located along the waterways or placed so there is only one sign per street frontage.
  - c. An additional "rider" sign of not greater than 1 square foot may be attached to or accompany a residential real estate sign.
9. Temporary non-commercial signs.
10. Tenant panels. The tenant panels in a directory sign, or a sign which accommodates a tenant, is exempt from needing a permit provided that the sign was permitted and there is no change in colors or letter style.
11. Valet parking signs. Valet parking signs shall be limited to 1 sandwich board. The sign area shall not exceed 6 square feet in area. The location of such sign shall be approved by the Building Director. The sign must be removed during hours when the approved valet parking queue is not in use. Traffic control cones may be used



for queuing purposes and must be removed when the valet parking queue is not in use.

12. Any sign used by any emergency responders, law enforcement, or branch of the armed services in the execution or performance of their duties is exempt.

13. Any notices of a proposed future land use change, zoning change, development application or other notices required by law in connection with land use.

Sec. 4.707. – Notice; liens; appeals.

A. Notice. Whenever notice is required under this ordinance, notice shall be by certified mail, email with a return receipt requested, facsimile transmission with a receipt of transmittal, or by hand-delivery with a return of service unless otherwise provided in this ordinance.

B. Lien for fines. Whenever the County assesses a fine as provided in this ordinance, the fines or costs shall be a lien on the real property or assets of the sign's owner if the owner fails to pay fine within 30 days after being duly notified of the fine.

C. Lien for costs. Whenever the County incurs costs in enforcing this ordinance, the costs shall be a lien on the real property or assets of the sign's owner if the owner fails to pay the County for the fine or costs within 30 days after being duly notified.

D. Extensions of Time. The Building Director may grant extensions of time for any deadline provided by this ordinance for good cause shown.

E. Appeals. An applicant whose sign permit has been denied or owner whose sign has been removed by the County or the Building Director may appeal directly to the Circuit Court unless otherwise allowed or required by law. Nothing in this ordinance shall act as a restraint imposed on applicant for a final judicial determination on the merits of the application or removal in any court of competent jurisdiction and venue.

Sec. 4.708. – Enforcement; penalties.

Violation of this ordinance is a misdemeanor pursuant to Section 125.69 Fla. Stat., and is punishable under said section by imprisonment for up to 60 days, or a fine for up to \$500.00, or both such imprisonment and fine. Alternatively, the Building Director may enforce this ordinance through the County's Code Enforcement Board established pursuant to Chapter 162 Fla. Stat. and Martin County Code of Ordinances, Section 1.92 et seq., as amended, or by appropriate action in the Circuit Court.

Secs. 4.709—4.760. - Reserved.

**PART II. CONFLICTING PROVISIONS.**

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, Martin County ordinances, County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning either adoption or amendment of the Comprehensive Plan.

**PART III. SEVERABILITY.**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If the ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstance by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstance.

**PART IV. APPLICABILITY OF ORDINANCE.**

This Ordinance shall be applicable throughout the unincorporated area of Martin County.

**PART V. FILING WITH DEPARTMENT OF STATE.**

The Clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

**PART VI. EFFECTIVE DATE.**

This ordinance shall take effect upon filing with the Office of Secretary of State.

**PART VII. CODIFICATION.**

Provisions of this ordinance shall be incorporated into the General Ordinances, Martin County Code, except that Parts 2 through 7 shall not be codified. The word “ordinance” may be changed to “article,” “section,” or other word, and the sections of this ordinance may be renumbered or re-lettered.

DULY PASSED AND ADOPTED THIS \_\_\_ DAY OF \_\_\_\_\_, 2018.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

BY: \_\_\_\_\_  
CAROLYN TIMMANN  
CLERK OF THE CIRCUIT COURT  
AND COMPTROLLER

BY: \_\_\_\_\_  
EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM  
& LEGAL SUFFICIENCY:

BY: \_\_\_\_\_  
SARAH W. WOODS  
COUNTY ATTORNEY

**MARTIN COUNTY, FLORIDA  
SUPPLEMENTAL MEMORANDUM**

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**TO:** Honorable Members of the Board of County Commissioners  
**DATE:** June 13, 2018

**VIA:** Taryn Kryzda  
County Administrator

**FROM:** David Arthur  
Senior Assistant County Attorney

**REF:** 809b4378

**SUBJECT: PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE  
AMENDING ARTICLE 4, DIVISION 16, SIGNS, LAND  
DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE**

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At the Local Planning Agency's ("LPA") meeting on Thursday, June 7, 2018, the LPA recommended approval of the proposed sign ordinance with the following suggested changes:

1. Deletion of the prohibition of sidewalk signs and sandwich board signs from Section 4.695;
2. Revise the prohibition of vehicular signs in Section 4.695 to prohibit vehicle-wrap advertising; and
3. Revise Section 4.699 concerning safety to require a sight-triangle distance of no less than 25 feet at any intersection instead of not requiring any specific sight triangle.

In response to the LPA's recommendations, the County Attorney's Office submits a revised proposed sign ordinance with the following changes:

1. The prohibition of sidewalk signs and sandwich board signs is deleted from Section 4.695.
2. The prohibition of vehicular signs in Section 4.695 is revised to prohibit vehicle wraps where the primary purpose is for advertising and the vehicle is parked for an unreasonable amount of time in, at or near a right-of-way or a publicly owned land, including parks, roads, streets and highways.
3. At the suggestion of the County Engineer, Section 4.699 is revised to require sight triangles to comply with the Florida Department of Transportation's Design Manual.

A copy of the revised proposed sign ordinance is provided herewith in redline.

Further, the revised proposed sign ordinance contains the following additional substantive revisions:

1. The term "County Engineer" is added as a defined term in Section 4.693 because the County Engineer is referenced in the proposed ordinance.

**BCC MEETING DATE:** June 19, 2018  
**AGENDA ITEM:** 6C

2. Deletion of the definitions for the terms “Landmarked sign”, “Nameplate sign”, “Swinging projection sign”, and “Wayfinder sign” in Section 4.693 as these definitions are not necessary.
3. Addition of a prohibition on billboards and off-premises signs on Hutchinson Island to Section 4.695 so as to be consistent with the current ordinance.
4. Revised the “Wind loading” provision in Section 4.701 to comply with the Florida Building Code.
5. Addition of a new provision labeled Section 4.709 for Community Redevelopment Areas stating:

To the extent any sign regulations in any ordinances governing Community Redevelopment Areas in the County conflict with this ordinance, the regulations in the ordinances governing the Community Redevelopment Areas shall control unless otherwise provided by law.

Finally, there are other additional changes to the proposed ordinance to correct typographical errors and rephrase the language for better readability.

TK/DA/rr  
Attachment

Reviewed by County Attorney’s Office

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING ARTICLE 4, DIVISION 16, SIGNS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE; PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Martin County Sign Ordinance was enacted in 1974 and contains both content-based and content-neutral regulations of signs; and

**WHEREAS**, in 2015, the United States Supreme Court ruled that signage regulations are presumptively unconstitutional if they regulate signs based on content, regardless of the motive or purpose; and

**WHEREAS**, on March 13, 2018, the Martin County Board of County Commissioners directed the County Attorney's Office to prepare an amended Sign Ordinance to comply with the Supreme Court's ruling; and

**WHEREAS**, accordingly, the County Attorney's Office submits the attached proposed amendment to the Sign Ordinance, which would regulate signs in a content-neutral manner;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:**

DIVISION 16 - SIGNS

SUBDIVISION 1 – GENERAL PROVISIONS

Sec. 4.691. - Title.

This division shall be known as the "Martin County Sign Ordinance."

Sec. 4.692. - Purpose and intent.

The purpose and intent of this division is to regulate the use of signs in a content-neutral manner so that they are compatible with their surroundings, to promote the aesthetic character of

the County, to preserve the natural appearance of the County, to promote tourism, to promote traffic safety, to maintain property values, to express the identity of individual proprietors and of the community as a whole, and to regulate signs so that they are legible in the circumstances in which they are seen and constructed to standards which promote the safety, health and general welfare of the public. This ordinance is not intended to apply to any traffic control signs within any public right-of-way that are governed by the Manual of Uniform Traffic Control Devices or as otherwise provided by law.

~~Sec. 4.693. Unlawful signs.~~

~~It shall be unlawful to erect, display or maintain any sign that does not comply with the standards and regulations hereinafter set forth.~~

~~Sec. 4.694. Definitions.~~

~~*Advertising sign:* A sign directing attention to a business, commodity, service, or entertainment conducted, sold, or offered.~~

~~*Animated sign:* A sign which involves motion or rotation of any part by any means or is illuminated by flashing, intermittent or color changing light or lighting.~~

~~*Banner:* Any sign having the character, letters, illustrations or ornamentations applied to cloth, paper, balloons or fabrics of any kind with only such material for a foundation.~~

~~*Billboard:* Any framework for a sign advertising merchandise, service or entertainment sold, produced, manufactured or furnished at a place other than the location of such structure.~~

~~*County:* The unincorporated area of Martin County.~~

~~*District:* "District" shall mean zoning district.~~

~~*Existing grade:* That level of land upon which the sign structure is constructed. No grade may be altered to create a condition that will add to the overall height of the sign.~~

~~*Freestanding sign:* A sign which is supported by an upright, or uprights, or braces in or upon the ground.~~

~~*Ground mounted sign:* See *Freestanding sign*.~~

~~*Illuminated sign:* A sign which receives light from an internal or an external source to make the message readable.~~

~~*Immoral sign:* Defined as that quality of any description of representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:~~

- ~~1. Predominately appeals to the prurient, shameful, or morbid interest of minors in sex; and~~
- ~~2. Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors; and~~
- ~~3. Taken as a whole, lacks serious literary, artistic, political, or scientific value.~~

~~*Off premises sign:* See *Billboard*.~~

~~*Pennant:* Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series designed to move in the wind.~~

~~*Point of purchase sign:* A sign advertising merchandise, services, or entertainment sold, produced, manufactured or furnished at the place where such sign is located.~~

~~*Political signs:* Temporary signs supporting candidates for office or urging action on any other matter on the ballot of primary, general and special elections.~~

~~*Portable sign:* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to "A" or "T" frames; menu and sandwich board signs; balloons or helium or air-filled material or plastic devices used as signs or advertising; umbrellas used for advertising; signs attached to or painted on vehicles and visible from the public right of way, unless said vehicle is used with such sign in the normal day to day operations of the business; and pole flags of plastic or other lightweight material whether or not containing a message of any kind.~~

~~*Projecting sign:* A sign projecting at an angle from the outside wall or walls of any building.~~

~~*Roof sign:* A sign located wholly upon or over the roof of any building.~~

~~*Sign:* Any identification, description, illustration or device, illuminated or nonilluminated, which is visible by the public and which directs attention to a product, place, activity, person, institution, business or solicitation.~~

~~*Snipe sign:* Any sign, generally of a temporary nature, made of any material when such a sign is tacked, nailed, posted, pasted, glued, or otherwise attached to a tree, pole, stake or fence or to any other objects.~~

~~*Wall sign:* Any sign mounted parallel to the face of a structure or wall.~~

~~*Window sign:* Any sign mounted inside a window for display to the public passersby outside the window.~~

~~Sec. 4.695.— Prohibited signs.~~

~~The following signs shall not be erected, placed or maintained and are prohibited:~~

~~4.695.A. Signs, other than governmental signs of a public nature, erected, placed or maintained on or over any public property, and/or rights of way, except for such signs as the County Commission may itself allow for the general benefit of the County as a whole or for the public convenience, necessity or welfare.~~

~~4.695.B. Billboards or off-premises signs on Hutchinson Island.~~

~~4.695.C. Specifically the following signs are expressly prohibited:~~

- ~~1. Signs that are in violation of the building code or electrical code adopted by the city/County.~~
- ~~2. Any sign that, in the opinion of the Building and Zoning Director, does or will constitute a safety hazard.~~



3. ~~Blank temporary signs.~~
4. ~~Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.~~
5. ~~Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.~~
6. ~~Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color except for time temperature date signs.~~
7. ~~Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.~~
8. ~~Signs, commonly referred to as wind signs, consisting of one or more banners, flags, 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.~~
9. ~~Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.~~
10. ~~Signs that emit audible sound, odor, or visible matter such as smoke or steam.~~
11. ~~Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Code or other ordinance of the County.~~
12. ~~Signs that resemble any official sign or marker erected by any governmental agency, or that, by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic control device.~~
13. ~~Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.~~
14. ~~Nongovernmental signs that use the words "stop," "look," "danger," or any similar word, phrase, or symbol.~~
15. ~~Signs, within ten feet of public rights-of-way or 100 feet of traffic control lights, that contain red or green lights that might be confused with traffic control lights.~~
16. ~~Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.~~
17. ~~Searchlights used to advertise or promote a business or to attract customers to a property.~~

- ~~18. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.~~
- ~~19. Signs placed upon benches, bus shelters or waste receptacles.~~
- ~~20. Signs erected over or across any public street except as may otherwise be expressly authorized by this division, and except governmental signs erected by or on the order of a public officer.~~
- ~~21. Vehicle signs with a total sign area on any vehicle in excess of ten square feet, when the vehicle:
  - ~~a. Is parked for more than 60 consecutive minutes within 100 feet of any street right-of-way;~~
  - ~~b. Is visible from the street right-of-way that the vehicle is within 100 feet of; and~~
  - ~~c. Is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising, or for the purpose of providing transportation for owners or employees of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of the business.~~~~
- ~~23. Immoral signs.~~
- ~~24. Portable signs as defined by this division.~~
- ~~25. Signs on a tower except "no trespassing" signs and identification signs.~~

~~Sec. 4.696. Exempt signs.~~

~~The following signs are exempt from the operation of these sign regulations, and from the requirement in this division that a permit be obtained for the erection of permanent signs, provided that such signs are not placed or constructed so as to create a hazard of any kind. It shall be the responsibility of the property owners to ensure that any of the following exempt signs placed on their property are erected and maintained in accordance with such hurricane protection measures as may be in effect.~~

~~4.696.A. Trespassing, safety or caution signs, provided that such signs are:~~

- ~~1. Nonilluminated.~~
- ~~2. Not over four square feet in overall area.~~
- ~~3. No greater than four feet in overall height.~~

~~4.696.B. Signs bearing only property numbers, street addresses, telephone numbers, post box numbers or names of occupants of the premises, including professional nameplates, provided that such signs are:~~

- ~~1. Not over four square feet in area; and~~
- ~~2. Limited to one per street frontage, per housing unit, or per business.~~

- ~~4.696.C. Governmental flags and insignias, except when displayed in connection with commercial promotion.~~
- ~~4.696.D. Legal notices of 16 square feet or less, either publicly or privately owned, directing and guiding traffic and parking, in accordance with the standards for internal traffic control signs as recommended by the Manual on Uniform Traffic Control Devices (MUTCD) but bearing no advertising matter (example: parking, entrance, exit, service, etc.).~~
- ~~4.696.E. Temporary real estate signs on properties where an owner is actively attempting to sell such property, either personally or through an agent, provided that such signs are:~~
- ~~1.— Nonilluminated;~~
  - ~~2.— Not over six square feet in area;~~
  - ~~3.— No greater than four feet in overall height; and~~
  - ~~4.— No closer than 15 feet to any side or rear property line.~~
- ~~4.696.F. Christmas and other holiday displays, except as specifically prohibited herein.~~
- ~~4.696.G. Bulletin boards for public, charitable or religious institutions, provided that such signs are:~~
- ~~1.— Located on the premises of the institution;~~
  - ~~2.— Not over 16 square feet in area;~~
  - ~~3.— No greater than six feet in overall height; and~~
  - ~~4.— No closer than 15 feet to any side or rear property line.~~
- ~~4.696.H. Temporary signs denoting a project or subdivision name, the architect, the engineer, the contractor or subcontractor on the premises where construction work is underway or is to take place within 180 days, provided that such signs are:~~
- ~~1.— Nonilluminated;~~
  - ~~2.— Not over 16 square feet in area;~~
  - ~~3.— No greater than six feet in overall height;~~
  - ~~4.— No closer than 15 feet to any property line; and~~
  - ~~5.— Limited to one per street frontage per construction site.~~
- ~~4.696.I. Memorial signs or tablets.~~
- ~~4.696.J. Names of buildings and dates of erection.~~
- ~~4.696.K. Window signs.~~
- ~~4.696.L. Signs inside a building and not visible from a public street.~~
- ~~4.696.M. Air towed banners.~~
- ~~4.696.N. Umbrellas containing advertising when used in conjunction with an approved food or beverage establishment or when used to denote products or services not available for sale or consumption on site.~~

~~4.696.O. Any sign required by any governmental regulation as a public notice.~~

~~4.696.P. Ornamental flags devoid of any lettering with a maximum size of five feet by five feet. One such flag shall be allowed per parcel of property. In the event there are multiple parcels of property under the same ownership, only one such flag shall be permitted on continuous parcels of property under the same ownership.~~

~~4.696.Q. Banners used in conjunction with civic events, not for profit fundraisers, church or charity functions shall be allowed with the following conditions:~~

- ~~1. Over the road banners must be approved by the Traffic Engineer.~~
- ~~2. Banners may be erected 14 days prior to the commencement of the event being promoted.~~
- ~~3. Banners must be removed three days after the conclusion of the event.~~
- ~~4. Banners must be secured in a manner so as to prevent a hazard to either vehicular or pedestrian traffic.~~
- ~~5. Banners shall be limited in size to three feet by 50 feet.~~

~~Sec. 4.697. Temporary signs.~~

~~The following temporary signs shall be permitted in accordance with the building code construction standards provided that the applicable provisions of this section are met:~~

~~4.697.A. Subdivision and on-site development signs identifying where an approved active building and on-site development program is underway, provided that such signs are:~~

- ~~1. Nonilluminated;~~
- ~~2. Ground mounted;~~
- ~~3. Erected no more than 180 days prior to the beginning of actual construction;~~
- ~~4. Removed if construction is not initiated within 180 days after the sign is erected or within 60 days of cessation of construction if construction is not continuously and actively prosecuted to completion or when construction is completed and a final certificate of occupancy has been issued;~~
- ~~5. No larger than 100 square feet in area per sign face and no more than 18 feet in overall height;~~
- ~~6. Limited to one sign per street frontage abutting the development;~~
- ~~7. No closer than 15 feet to any property line.~~
- ~~8. Signs approved in PUD projects are additionally subject to any conditions specified in the PUD agreement.~~

~~4.697.B. Promotional, special event, grand opening and seasonal sales signs, provided that such signs are:~~

- ~~1. Limited to commercial and industrial use areas;~~
- ~~2. Ground or wall mounted;~~

- ~~3.— Not over 40 square feet in area;~~
- ~~4.— No closer than 15 feet to any property line;~~
- ~~5.— Securely fastened or attached to the ground or wall to assure safety;~~
- ~~6.— Erected in such a way that they do not interfere with vehicular or pedestrian traffic;~~
- ~~7.— Permitted on the basis of not more than one such permit in any given six month period;~~
- ~~8.— Permitted for a period not to exceed 60 days for seasonal sales (such as Christmas tree sales) or for a period not to exceed 30 days for promotional sales;~~
- ~~9.— Removed upon the expiration of the use permit for the use or event for which they are granted; and~~
- ~~10.— Limited to one per each 500 feet of street on which the activity has frontage.~~

~~4.697.C. Temporary for sale real estate signs greater than six square feet on properties where an owner is actively attempting to sell such property, either personally or through an agent, provided such signs are:~~

- ~~1.— Located on industrial, commercial or agricultural property;~~
- ~~2.— Limited to ten feet in height;~~
- ~~3.— Limited to one sign per site;~~
- ~~4.— Nonilluminated;~~
- ~~5.— No closer than 15 feet to any property line;~~
- ~~6.— A maximum of 32 square feet.~~

~~4.697.D.— Any legally registered nonprofit corporation may place temporary promotional, special event, and seasonal sales signs, provided that such signs:~~

- ~~1.— Are limited to commercially and industrially zoned property;~~
- ~~2.— Shall be no more than four square feet per sign face for signs, and 50 square feet for sign face for banners;~~
- ~~3.— Are erected no closer than ten feet to any right-of-way;~~
- ~~4.— Permitted on the basis of not more than one time every three months;~~
- ~~5.— Permitted for a period not to exceed 30 days for special events, promotional sales, and seasonal sales;~~
- ~~6.— Removed immediately upon the expiration of the use or event for which they were erected; and~~
- ~~7.— Limited to one sign or banner per 100 feet of street frontage.~~

~~Sec. 4.698.— Permanent on-site development identification signs.~~

~~Permanent on-site development identification signs shall be permitted in accordance with building code construction standards provided that the following conditions are met:~~

- ~~4.698.A. Permanent development identification signs exceeding six feet in height shall meet the height and setback requirements in the district in which they are located.~~
- ~~4.698.B. Permanent development identification signs are permitted in any zoning district for the exclusive purpose of identifying residential developments.~~
- ~~4.698.C. Permanent development identification signs shall only identify a County approved subdivision, development or community.~~

~~Sec. 4.699. Political signs.~~

~~Political signs shall not be erected, placed or maintained within the unincorporated areas of Martin County unless they meet the following criteria:~~

- ~~4.699.A. The candidate or person responsible for political signs shall register with the Growth Management Director prior to the erection of any such signs.~~
- ~~4.699.B. A written agreement must be submitted which states that the candidate is aware of political sign requirements and agrees to abide with such requirements.~~
- ~~4.699.C. It is recommended that no political signs be erected prior to 45 days of any primary, special or general election.~~
- ~~4.699.D. Political signs shall be removed within five days after the election to which the signs pertain, unless such sign continues to be pertinent to an election to be held within 90 days.~~
- ~~4.699.E. All temporary political signs shall be constructed of lightweight material such as plastic, canvas, styroboard or cardboard. Framework and stanchion for political signs shall be limited to wood stock material of 2 x 2 or less. Such signs shall not be considered snipe signs.~~
- ~~4.699.F. No political signs may be located within any right-of-way or on any public property.~~
- ~~4.699.G. Signs located on private property must have the permission of the property owner.~~
- ~~4.699.H. The maximum size of any political sign shall be 16 square feet. Permanent approved billboards rented for use as a political sign shall be exempt from the 16 square feet maximum provision.~~
- ~~4.699.I. All political signs must be erected in such a manner so as not to represent a threat to the health, safety and welfare of the public.~~
- ~~4.699.J. No political signs may be attached to any trees, utility poles or other supports that are not normally used to support such signs.~~
- ~~4.699.K. All illuminated political signs shall comply with Martin County electrical code standards.~~
- ~~4.699.L. The enforcing official may remove any signs which are found to be in violation of any of these requirements.~~
- ~~4.699.M. Section 4.999.C shall not apply to magnetic signs placed on the outside of vehicles.~~

Sec. 4.700.— Point of purchase signs.

The following point of purchase signs shall be permitted in accordance with building code construction standards provided that the applicable provisions of this section are met:

~~4.700.A.— Location. Wall signs, projecting signs or freestanding signs are restricted to point of purchase advertising only and are further restricted to the following districts.~~

- ~~1.— Commercial;~~
- ~~2.— Mixed use districts where the land use is commercial;~~
- ~~3.— Industrial; and~~
- ~~4.— Planned unit development (PUDs) where permitted in the PUD agreement.~~

~~4.700.B.— Wall signs.~~

- ~~1.— The permitted size of wall signs shall be based on a percentage of the wall areas computed by the length times the height in the geometric figures which determine the actual area. The wall length shall be the building, or that portion occupied. The height of the wall for computing purposes shall not exceed 15 feet for one story structures nor 25 feet for two or more story structures. One wall shall be the front wall; other walls shall be figured on the basis of one half of the percent allowable given the front wall.~~

SIGN AREA TABLE

Square Footage	Percent Allowable
<del>— 0 — 500</del>	<del>12.0</del>
<del>— 500 — 1,000</del>	<del>11.5</del>
<del>1,000 — 1,500</del>	<del>11.0</del>
<del>1,500 — 2,500</del>	<del>10.5</del>
<del>2,500 — 3,500</del>	<del>10.0</del>
<del>3,500 — 4,500</del>	<del>— 9.5</del>
<del>4,500 — 5,500</del>	<del>— 9.0</del>

~~The maximum allowable size of a wall sign shall not exceed 495 square feet.~~

- ~~2.— No wall sign shall be mounted at a distance measured perpendicular to said wall greater than 24 inches.~~

~~3.—No wall sign shall cover wholly or partially any required wall opening.~~

~~4.700.C. *Projecting signs.* No projecting sign shall have a sign area exceeding 50 percent of the permitted freestanding sign area and in no case shall it exceed 150 square feet.~~

~~4.700.D. *Freestanding signs.*~~

~~1.—Not more than three freestanding signs shall be permitted on each property line adjacent to a public street.~~

~~2.—The total sign area of all freestanding signs permitted on any property line adjacent to a public street shall be prorated on the basis of one square foot of sign area for each linear foot of property line adjacent to that public street.~~

~~3.—No freestanding sign shall exceed 300 square feet in sign area per face.~~

~~4.—Freestanding signs shall comply with the minimum side and corner yard setbacks of the applicable zoning district.~~

~~5.—No freestanding sign shall exceed a height of 25 feet from existing grade.~~

~~6.—All freestanding signs shall be located at least five feet from all buildings.~~

~~7.—Freestanding signs shall not overhang any required landscape area.~~

~~Sec. 4.701. Billboards and off premises signs.~~

~~4.701.A.—Billboards and off premises signs shall be permitted in accordance with building code construction standards in the unincorporated areas of Martin County, provided that the following conditions are met:~~

~~1.—Billboards and off premises signs shall be allowed only on property zoned general commercial or general industrial.~~

~~2.—Said signs shall only be allowed on property which has been reviewed and developed in accordance with a commercial site plan.~~

~~3.—Said signs shall be considered a principal use on the property. Where utility facilities or railroads are in place or are constructed after the date of adoption of this division, those improvements shall be considered the principal use of the property and no further principal uses shall be allowed on the property.~~

~~4.—Said signs shall not exceed 18 feet in height above unfinished lot grade.~~

~~5.—Said signs shall not exceed 100 square feet in sign area on any face. There shall not be more than two faces on any sign.~~

~~6.—Said signs shall not be less than 2,500 feet in any direction from any other billboard or off premises sign.~~

~~7.—Said signs shall not be less than 2,500 feet in any direction from any of the following:~~

~~a.—Public service district.~~

~~b.—Residential districts including a residential PUD.~~

~~c.—Mixed use districts where the land use is residential.~~



- d. ~~Place of worship.~~
  - e. ~~School.~~
  - f. ~~Cemetery.~~
  - g. ~~Road intersection (measured from the centerline).~~
  - h. ~~Railroad crossing (measured from the centerline).~~
- 8. ~~Said signs shall comply with the minimum front, rear, side and corner setbacks established in the Land Development Code. Setbacks shall be measured from the outermost limit of any portion of a sign.~~
  - 9. ~~Said signs shall be completely independent of any building or other structure, excluding the sign structure.~~
  - 10. ~~Said signs shall not be permitted within 100 feet of a point of purchase sign.~~
  - 11. ~~The applicant must be in receipt of any required State Department of Transportation permit prior to application to Martin County for a sign permit.~~

~~Sec. 4.702. Auxiliary signs.~~

~~The following auxiliary signs are permitted in association with commercial, industrial or public service activities only:~~

- ~~4.702.A. Time and temperature devices: These signs may be freestanding, projecting or wall signs. Those devices with alternating messages shall display each such message for not less than ten seconds.~~
- ~~4.702.B. Changing message devices.~~

~~Sec. 4.703. Compliance requirements.~~

- ~~4.703.A. Signs prohibited by section 4.695 above shall be removed immediately upon the effective date of this division [January 1, 1995].~~
- ~~4.703.B. The sign or at least the message portion of any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent, or persons having beneficial use of the building, structure, or land upon which such sign shall be found, within 90 days after written notification by the Building and Zoning Director.~~
- ~~4.703.C. Any sign located within a public right of way shall be removed immediately, unless it is permitted elsewhere within this division. The enforcing official is authorized to remove any sign not permitted in the right of way under this division at such time as the sign is determined to be in noncompliance.~~

~~Sec. 4.704.— Maintenance.~~

~~Signs shall be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings. Weeds shall be cut underneath and around the base of ground signs and no rubbish or debris shall be permitted that would constitute a fire hazard or be detrimental to the public health and safety. All signs shall be maintained in a manner which will withstand hurricane wind load requirements.~~

~~Sec. 4.705.— Nonconformities.~~

~~For those signs which: (1) are not otherwise prohibited by section 4.695.C; and (2) are not consistent with the provisions of this division; (3) are not located within an approved PUD, the following provisions shall apply:~~

~~4.705.A. All billboards or off premises signs which were legally erected prior to August 1, 1990, but which do not comply with the requirements of this division must be removed or altered to comply with the requirements of this division by August 1, 1996. This subsection does not apply to billboards or off premises signs adjacent to the Florida Turnpike.~~

~~4.705.B. All billboards or off premises signs adjacent to the Florida Turnpike which were legally erected prior to August 1, 1994, but which do not comply with the requirements of this division must be removed or altered to comply with the requirements of this division by August 1, 2000.~~

~~4.705.C. Nonconforming signs may not be structurally modified. Any nonconforming sign damaged in excess of 50 percent of the integrity of the structure as determined by the Building Official can only be repaired in full compliance with the requirements of this division.~~

~~Sec. 4.706.— Enforcement.~~

~~4.706.A.— The Building and Zoning Director shall be the enforcing official. The enforcing official is charged with the duty of administering the provisions of this division and securing compliance therewith. In furtherance of this responsibility, the enforcing official shall:~~

- ~~1.— Make such inspections as may be necessary to effectuate the purposes and intent of this division and initiate appropriate action to bring about compliance with this division, if such inspection discloses any instance of noncompliance.~~
- ~~2.— Investigate thoroughly any complaints of alleged violations of this division, and indicate clearly in writing as a public record in his office the disposition made of such complaints.~~
- ~~3.— Order in writing, as set out below, the remedy of all conditions of all violations of this division found to exist in or on any premises.~~
- ~~4.— State in the violation order a time limit for compliance herewith as hereinafter set out.~~

~~4.706.B.— The enforcing official or his agent is authorized and directed to enter upon all premises at reasonable times to determine their condition insofar as the provisions of this division are applicable.~~

~~4.706.C.— As an alternative to the penalties provided in section 4.709, this division may be enforced by the Code Enforcement Board as established by Martin County Ordinance No. 206, as amended or hereafter amended, or by appropriate action in the Circuit Court.~~

~~Sec. 4.707.— Permits required.~~

~~An advertising display sign shall not hereafter be erected, constructed, altered or maintained except as provided in this division until after permit for same has been issued by the Building Official and the applicable fee paid.~~

~~Sec. 4.708.— Expiration of permits.~~

~~4.708.A.— A sign permit shall become null and void unless work on the permitted sign is substantially underway within six months after the effective date of the issuance of such permit. Any fee paid shall be forfeited.~~

~~4.708.B.— All rights and privileges acquired under the provisions of this division, or any amendments thereto, are mere licenses, revocable at any time by the Board of County Commissioners of Martin County, and all permits shall contain such provisions.~~

~~Sec. 4.709.— Violations and penalties.~~

~~Violation of this division is a misdemeanor pursuant to F.S. § 125.69, and is punishable under said section by imprisonment for up to 60 days, or a fine for up to \$500.00, or both such imprisonment and fine.~~

Sec. 4.693 - Definitions

A. The following terms and phrases when used in this ordinance, whether in the singular or plural or if the first letter is capitalized or in lower case, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

1. *Abandoned sign* means a sign located on a property where the use advertised on the sign is unlicensed, the owner has failed to pay its local business taxes, or the business advertised has moved or vacated from the property where the sign is located.
2. *Animated (sign)* means a sign that uses movement or change of lighting to depict action or to create a special effect or scene.
3. *Awning sign* means letters or characters placed upon an awning or awning valance.
4. *Balloon* means a lighter than air sign or display tethered to the ground or a structure.
5. *Banner* means a temporary sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper, or fabric of any kind with only the material for a backing. "Banner" shall include any animated or fluttering devices designed to attract attention.

6. Billboard means a flat surface (such as a panel, wall or fence) on which bills are placed; specifically, a large panel designed to carry outdoor advertising, particularly for an off-premises sale.
7. Building Director means the Director of Martin County's Building Department or his or her designee.
8. Cabinet sign means a sign incorporating a rigid frame which supports and retains the sign face panel(s) and/or background constructed of plastic or similar material, and which has an internal light source. Cabinet signs do not include signs composed of individually-mounted and individually-illuminated letters, or logos no larger than the lettering to which they relate.
9. Canopy means a covered structure projecting from the face of the principal building. Canopies may be cantilevered or self-supporting and include awnings.
10. Changeable copy sign means a sign with informational content that can be changed or altered by manual or electronic means to display a message.
11. Circuit Court means the 19<sup>th</sup> Judicial Circuit in and for Martin County, Florida.
12. County means Martin County, a political subdivision of the State of Florida, and its Board of County Commissioners.
13. County Engineer means the County Engineer for Martin County or his or her designee.
14. Combustible sign means any sign or sign structure which has an internal electrical circuit which may ignite or support flames and which has a low flame point. ~~Prime examples of combustible signs would be wood, cloth, and the like.~~
15. Day means a calendar day and includes Saturdays, Sundays, and legal holidays.
16. Directory sign means a sign listing the tenant's names, locations, buildings or group of buildings.
17. District means a zoning district.
18. Effective date means the date this ordinance is filed with the Secretary of State for the State of Florida.
19. Finished grade means the final elevation of the ground surface after completion of all site preparation and development, and conforming to the approved plans, but not including berms or artificial fills to elevate signs above the surrounding finished grade.
20. Fixed projecting sign means a sign projecting at an angle from the outside wall of any building and rigidly affixed thereto.
21. Freestanding sign means a sign not affixed to any other structure and limited to no more than two faces.

Example:



21. Ground sign means a sign affixed to the ground and supported by a masonry foundation with posts, uprights, or braces extending from the ground, or a permanently mounted object on the ground, but not attached to any part of a building.
22. Height (of a sign) means the vertical distance measured from the highest point of the sign, to the finished grade at the base of the sign.\
23. Identification sign means a sign that indicates the name of the primary use.
- ~~24. Landmarked sign means a sign designated as a landmark or having historic value as determined by the County.~~
- 25.24. Lighted (sign) means any sign which is illuminated by any type of light from an artificial or man-made source, whether separate and apart from or contained within or on the sign, which is intended and used to make the sign visible or readable.
- 26.25. Manual or electronic changeable copy sign. See *Changeable copy sign.*
- 27.26. Manual of Uniform Traffic Control Devices means the manual issued by the Federal Highway Administration of the United States Department of Transportation specifying traffic control standards including traffic signs.
- 28.27. Monument (sign) means a freestanding low-profile sign with the sign area at the top of a solid base. Example:



- 29.28. Mural sign means a painting or drawing on an external wall which contains a message, or logo, or depiction of a product or service of a particular business being offered to the public.
- ~~30. Nameplate sign means a non-electric, on-premises identification sign giving only the name, address and/or occupation of the occupants.~~
- 31.29. Non-commercial sign means a temporary sign erected for purposes other than advertising a commercial business.

32.30. *Non-conforming sign* means a sign which was erected legally but no longer complies with the current sign ordinance.

33.31. *Off-premises sign* means a sign advertising a business which is not located on the property where the sign is located.

34.32. *Owner* means the individual, entity, or person having ownership, whether in whole or in part, of a sign, including but not limited to an agent, attorney, director, executor, guardian, officer, personal representative, trustee, or any other individual, entity, or person acting on behalf of the owner or owners of the sign.

35.33. *Projecting sign* means a sign which is attached at a right angle to the outside wall of the building. Example:



36.34. *Real estate sign* means any temporary sign advertising the real estate where the sign is placed, stating as being for sale, rent or lease.

37.35. *Remove or removal* means the actual removal by digging up or cutting down, or the effective removal through other means.

38.36. *Roof sign* means a sign which projects above the roof line or is located on the roof of the building structure.

39.37. *Sandwich or sidewalk sign* means a temporary, movable sign, made of metal and/or wood, having not more than two faces, and not permanently attached to the public sidewalk, but stable enough to support its own weight.

40.38. *Sign* means any device, structure or fixture using graphics, illustrations, lettering, logos, printing, symbols, writing or other forms of communication, whether commercial or non-commercial.

41.39. *Sign area* means the area including all graphics, illustrations, lettering, logos, printing, symbols, writing or other forms of communication of a sign.

42.40. *Signs confusing to vehicular drivers* means a sign erected at the intersection of any streets or in any street right-of-way in a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, a traffic signal, or traffic device; or which makes use of the words "look," "danger," "stop," or any other word, phrase, symbol, or character in a manner as to interfere with, mislead, or confuse pedestrians or vehicular drivers.

43.41. *Sign structure* means the frame, hardware, platform, posts, or other material or parts on which a sign is displayed, mounted, or supported.

44.42. Snipe sign means any sign located in the public right-of-way other than traffic signs or other lawful signs intended to direct pedestrian or vehicular traffic or designate streets or street crossings.

45.43. Special event banner sign means a sign which announces a special event or function which is of general benefit to the community at large.

~~46. Swinging projection sign means any sign projecting at an angle from the outside wall of any building, which is supported by only one rigid support, irrespective of the number of guy wires used in connection therewith.~~

47.44. Swinging sign means a flexible swinging sign hanging from the outside wall or walls of any building or any pole structure which is not rigidly affixed thereto.

48.45. Temporary sign means any sign erected for a limited time period not to exceed six months per year.

49.46. Under-canopy sign means a sign attached or suspended under the canopy or roof of a walkway.

Example:



50.47. Unlawful sign means a sign which does not meet the requirements of the Martin County Sign Ordinance or other applicable law and has not received legal non-conforming status.

51.48. Vehicular sign means a sign placed on vehicles or trailers that are parked in the public right-of-way or on private property for the primary purpose of displaying the sign.

52.49. V-shape sign means a sign containing two faces of approximately equal size erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 degrees.

53.50. Wall sign means a sign painted or attached parallel to the outside of a building.

~~54. Wayfinder sign means an off-premises sign designed to guide or direct pedestrians or vehicular traffic.~~

55.51. Wind sign means a sign consisting of banners, pennants, ribbons, spinners, streamers, or other objects or material fastened in such a manner as to move upon being subjected to pressure by natural or artificial wind.

~~56.52.~~ Window sign means any sign placed on the inside or outside of any window of any building or door and which is visible from any public right-of-way. This does not include merchandise on display.

Sec. 4.694. - Sign ordinance is content-neutral.

- A. Notwithstanding anything contained in this sign ordinance to the contrary, any sign erected pursuant to the provisions of this ordinance may contain either a commercial or non-commercial message. Either a commercial or non-commercial message may occupy the entire sign face or portion thereof. The sign face may be changed from a commercial message to non-commercial message as desired by the owner of the sign, subject to the further provisions of this ordinance, and provided that:
1. The size and design criteria conform to the applicable portions of this ordinance;
  2. The sign is allowed by this ordinance;
  3. The sign conforms to the setback and other requirements of the zoning district in which ~~the sign is~~ located;
  4. The appropriate permits have been obtained; and
  5. The construction materials and methods meet the requirements of the Florida Building Codes.
- B. No permitting decision shall be based upon the content or the message contained (i.e., the viewpoint expressed) on such signs.
- C. Notwithstanding subsections A and B above, no banner, billboard, or any other sign shall contain, depict, display, exhibit, illustrate, present, or show any message or image that: is lewd, obscene, profane, pornographic as the same may be defined by community standards and by law; is directed to inciting or producing imminent lawless action and is likely to incite or produce such action; violates the constitutional protections of individuals; or violates applicable law.

Sec. 4.695. – Prohibited Signs.

- A. The following signs, or sign features, are prohibited within Martin County:
1. Animated signs;
  2. Balloons;
  3. Billboards or off-premises signs on Hutchinson Island.
  - ~~3.4.~~ Combustible signs;
  - ~~4.5.~~ Intermittent lighting, animation, moving or rotating signs, not including governmental traffic signals and devices.
  - ~~5.6.~~ Noise-producing signs.
  - ~~6.7.~~ Private signs in public rights-of-way other than awning or under-canopy signs or as otherwise approved by the Board of County of Commissioners.



~~7.8.~~ Roof signs.

~~8. Sidewalk signs and sandwich board sidewalk signs.~~

9. Signs confusing to vehicular drivers.

10. Snipe signs.

11. Vehicular signs, except ~~bumper~~:

a. Bumper stickers; and

a-b. Graphics applied or painted upon a vehicle as long as the primary use of the vehicle is not for the purpose of advertisement, whether commercial or non-commercial. In no case shall vehicles with graphics applied or painted on the vehicle be parked in, at or near rights-of-way or on publicly-owned land, including but not limited to parks, roads, streets, and highways, unless for a reasonable time for the temporary placement of the vehicle at that location.

~~11.12.~~ Wind signs.

~~12.13.~~ Any sign not provided for, or expressly permitted, by this ordinance or otherwise allowed by law is prohibited.

Sec. 4.696. - Permit required.

It shall be unlawful for any person to post, display, erect or modify a sign or sign structure that requires a permit provided for in this ordinance, without first having obtained a permit therefor from the either the Building Director, or the County Engineer, or both, as applicable. Signs or sign structures erected without a valid permit shall be deemed to be in violation of this ordinance.

Sec. 4.697. - Non-conforming signs.

- A. Signs erected under a valid permit prior to the effective date that are now non-conforming under this ordinance shall be allowed to remain. Non-conforming signs may be repaired, but may only be replaced with signs in conformance with this ordinance or as otherwise required by law.
- B. Nothing in this section shall prohibit the Building Director from removing any unsafe or dangerous signs as provided in this ordinance.

Sec. 4.698. - Permit procedures.

A. Issuance of permits, validity and renewal. Permit applications shall be reviewed by the either the Building Director or the County Engineer, or both, as applicable, within 30 days of submission of the permit application. Upon satisfactory compliance and a determination that the proposed sign meets all applicable standards, either the Building Director or the County Engineer, or both, as applicable, shall cause a permit to be issued to the applicant. The

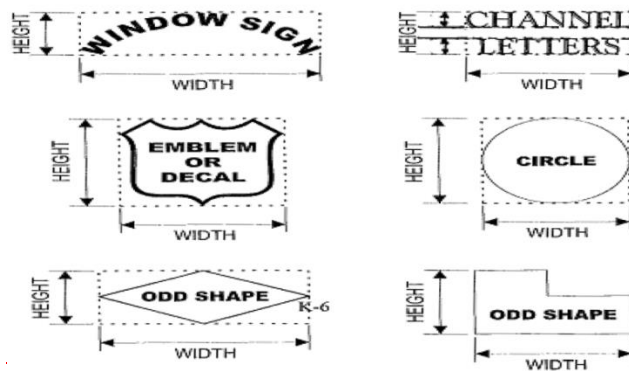
permit shall be valid for 180 days from its approval, during which period the sign may be erected and inspected. However, the Building Director, for good cause shown, may renew the permit for an additional 90-day period provided there have not been later enacted sign ordinance provisions which invalidate or disallow the permit. Appeals from the decision of the Building Director may be made directly to the Circuit Court.

B. *Permits for individual signs.* Permits for all lawful signs shall be on a form promulgated by the ~~either the Building Director-~~ or the County Engineer, or both, as applicable.

Sec. 4.699. - Sign area, dimensioning, illumination, location and safety.

A. *Basis for measurement.* The sign area shall be expressed in square feet or square inches that is allowed in accordance within these regulations for each sign face. The sign face includes any background material, panel, trim, color, and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface, or object upon which, or against which, it is placed. When there is no such differentiation, the sign face shall be one or more rectangles or squares just large enough to enclose all illustrations, lettering, logos, ornamentation, or symbols. A sign structure shall not be included in the total sign area provided that no lettering, illustrations, lettering, logos, ornamentation, or symbols are displayed on, or designed as part of, the sign structure.

B. *Dimensioning of Signs.* The basis and method of sign dimensions is depicted graphically, below:



C. *Illumination.* Signs may be illuminated directly or indirectly, unless specifically prohibited elsewhere. In residential districts, all overhead illumination shall provide shielding so that the light is not directed toward adjacent residential property. Illumination of monument or freestanding signs shall be external and directed from the ground by up-lighting or from behind individual letters by backlighting. Wall signs or fixed projecting signs may include individual illuminated letters or letters which are lighted from behind by backlighting. Illumination of signs shall exclude exposed neon tube lighting, or similar, and electronic changeable copy, unless permitted elsewhere in this ordinance.

D. *Location.*

1. *Obstructions.* A sign shall be located in such a manner as to not obscure an existing sign unless provisions are made for the removal of the obscured sign, or

unless it is not reasonable and practical to locate the new sign elsewhere on the site.

2. Zoning requirements. Signs shall comply with the requirements of the applicable zoning district.

E. Safety.

1. Safety determination required. Whenever consideration is given to locating a sign, either the Building Director, the County Engineer, or both as applicable, must determine that the location of the sign does not present a hazard to children, bicyclists, pedestrians or to vehicular traffic circulation. In so doing, any applicable sign triangle shall comply with the Florida Department of Transportation's Design Manual or as otherwise required by law. Because of the unique and varying building locations and access configurations on a site, no specific "site triangle" is required by this ordinance. However, it is required that signs shall be located such that they do not present a hazard to children, bicyclists, pedestrians, or vehicle drivers who are using adjacent public and private rights of way, and prior to the issuance of every sign permit, the Building Director shall make such determination. Safety is a primary consideration of this ordinance, and notwithstanding any earlier building permit or approved site plan location of a sign, the Building Director may require the relocation of any sign, based upon a finding that it is required to provide for the reasonable safety of vehicle drivers, bicyclists, and pedestrians.
2. Traffic safety. No sign shall be located in such a manner that is a hazard to automotive or pedestrian traffic nor shall any sign or lighting of a sign be so placed as to obstruct the vision of the driver of any motor vehicle where vision is necessary for safety.
3. Height of ground signs (monument or freestanding) at intersections. Anything else in this section to the contrary notwithstanding, 3 feet (as measured from the crown of the road) shall be the maximum height of any section of new ground signs that are located within 10 feet of the following:
  - a. The right-of-way lines of two streets;
  - b. The right-of-way lines of a street and a right-of-way line of an alley; and
  - c. The right-of-way line of a street and the right-of-way line of a railroad.

Sec. 4.700. – Wall signs.

- A. The size and amount of all allowable wall signs shall be based on a percentage of the wall areas computed as the length multiplied by the height of the geometric figures which comprise the actual wall area fronting on a street. The wall length shall be the building face. The height of the wall for computing purposes shall not exceed 25 feet. No wall sign shall be mounted more than 18 inches from the wall face of the building, and no wall sign shall cover, in whole or in part, any wall opening required by law.

SIGNAGE-AREA TABLE

<u>Square Footage of Building Face Area</u>	<u>Percent Allowable</u>
<u>0— less than 500 SF</u>	<u>12%</u>
<u>500 SF - less than 1,000 SF</u>	<u>11.5%</u>
<u>1,000 SF - less than 1,500 SF</u>	<u>11%</u>
<u>1,500 SF - less than 2,500 SF</u>	<u>10.5%</u>
<u>2,500 SF - less than 3,500 SF</u>	<u>10%</u>
<u>3,500 SF — 4,500</u>	<u>9.5%</u>
<u>3,500 SF — up</u>	<u>9%</u>

(Example: 100 linear feet x 25 feet height building = 2,500 square feet x 10% = 250 square feet total signage allowed.)

Sec. 4.701. - Structural standards.

A. In addition to provisions of the Florida Building Code, the following structural standards shall be required for all signs erected in the County.

1. *Securing signs.* Wall signs shall be securely attached to the building or structure by means of metal anchors, bolts, or expansion screws. No wood blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of wall signs attached to studs or other structural members of buildings or structures having non-masonry walls. No sign shall be attached to a non-structural parapet wall.
2. *Wind loading.* Where the Florida Building Code or applicable federal, state or local law requires a sign meet certain wind loading specifications, the sign contractor or sign owner shall submit plans showing the location, structural members, and design calculations for wind loading, and certify the sign is in compliance with the wind loading specifications. Every sign shall be constructed in a manner as to withstand 140 miles per hour based on three second gust wind speed. Sign contractors or the owner shall submit plans showing location, structural members, and design calculations for wind loading and for signs 32 square feet or over, a certification sealed by a state registered engineer or architect stating that the design will meet the requirements of this ordinance. All sign contractors shall sign a certificate statingc

~~the sign's wind loading meets requirements of this ordinance and the Florida Building Code where proposed sign is under 32 square feet.~~

Sec. 4.702. - Removal and disposition of certain signs.

A. *Removal and disposition of certain signs.* It shall be unlawful to erect, use or maintain a sign or sign structure when it does not comply with the requirements of this ordinance. Unlawful signs are subject to removal pursuant to the following provisions:

1. *Summary procedures for removal of snipe signs.* The County finds that the inexpensive nature of snipe signs and the administrative and cost burden imposed by elaborate procedural prerequisites prior to removal, requires the summary removal of these signs, when unlawfully erected and maintained. The Building Director is hereby authorized to remove such signs when unlawfully erected and maintained, subject to the provisions contained herein. Upon removal of a snipe sign, pursuant to this section, a written notice shall be sent to the occupant of the property from which the sign was removed, or if the sign identifies a party other than the occupant of the property, the party so identified. The notice shall advise that the sign has been removed and shall state that the sign may be retrieved within 30 days of the date of the notice upon payment of the fine or administrative fee established therefor, and that, if the sign is not retrieved within 30 days, it will be disposed of by the County, without further notice.
2. *Permanent signs.* Signs and sign structures not subject to removal pursuant to the provisions of subsection 1 above that are or have been erected or maintained unlawfully, are subject to all remedies available at law or equity for the removal of signs or sign structures which are or have been unlawfully erected or maintained.
3. *Unsafe or dangerous signs.* The Building Director is authorized to remove unsafe or dangerous signs pursuant to Martin County Code of Ordinances, Chapter 21, Section 21.75 et seq., as amended.
4. *Abandoned signs.* If any sign regulated in this ordinance is found by the Building Director to be abandoned, the owner shall be responsible to remove the sign, cover the sign with a plain fabric cover, or place a blank copy panel in the sign frame within 30 days of the Building Director's notice to the owner.

B. *Failure to remove.* Upon the failure, neglect or refusal of any owner to remove or repair any sign in violation of this ordinance, after reasonable notice by the Building Director, and in addition to any other remedies available to the County, the Building Director is hereby authorized and empowered to effect the removal of the sign which is in violation. When the County has made reasonable repairs or removed a sign or has paid for the repair or removal thereof, the actual cost shall be paid to the County by the owner of the property upon which the sign is located as set forth in Section 4.707 below.

C. *Responsibility of maintenance.* All signs shall be properly maintained. Exposed surfaces shall be cleaned and painted, if paint is required. Defective or damaged parts shall be replaced.

Sec. 4.703. - Types of signs permitted.

A. Billboards and off-premises signs. Billboards and off-premises signs shall be permitted in accordance with building code construction standards of the County; (except as provided in Section 4.695.A.3.), provided that the following conditions are met:

1. Billboards and off-premises signs shall be allowed only on property zoned general commercial or general industrial.
2. Billboards and off-premises signs shall only be allowed on property which has been reviewed and developed in accordance with a commercial site plan.
3. Where utility facilities or railroads are in place or are constructed after the date of adoption of this division, those improvements shall be considered the principal use of the property and no further principal uses shall be allowed on the property.
4. Billboards and off-premises signs shall not exceed 18 feet in height above unfinished lot grade.
5. Billboards and off-premises signs shall not exceed 100 square feet in sign area on any face. There shall not be more than two faces on any sign.
6. Billboards and off-premises signs shall not be less than 2,500 feet in any direction from any other billboard or off-premises sign.
7. Billboards and off-premises signs shall not be less than 2,500 feet in any direction from any of the following:
  - a. Residential district;
  - b. Cemetery;
  - c. Mixed-use districts where the land use is residential;
  - d. Place of worship;
  - e. Public service district;
  - f. Railroad crossing (measured from the centerline);
  - g. Road intersection (measured from the centerline); and
  - h. School.
8. Billboards and off-premises signs shall comply with the minimum front, rear, side and corner setbacks established in the Land Development Code. Setbacks shall be measured from the outermost limit of any portion of a sign.
9. Billboards and off-premises signs shall be completely independent of any building or other structure, excluding the sign structure.
10. Billboards and off-premises signs shall not be permitted within 100 feet of a point of purchase sign.

11. The applicant must be in receipt of any required State Department of Transportation permit prior to application to the Building Director for a sign permit.
- B. *Freestanding signs.* Freestanding signs shall be wood or composite material supported by one or two wood or composite posts.. Each post shall have ornamental post caps or covers. A freestanding sign shall not be used as a frame for a cabinet sign. The top edge of ~~all~~ freestanding signs shall be no more than 6 feet above the finished grade and not exceed 6 feet in width. All freestanding signs shall contain the street number
- C. *Ground signs (monument or freestanding).* A ground sign shall not be affixed to any structure and is limited to no more than two sign faces. A ground sign is either a freestanding sign or a monument sign. All ground signs shall contain the street address number.
- D. *Monument signs.* Monument signs shall be composed of metal frame, textured brick, concrete block, or other masonry, and finished with stucco or other textured material, and having a solid base. The top edge of the sign shall be no higher than elsewhere permitted in this ordinance, and the skirt and base shall be no smaller than 80 percent of the sign width nor greater than 120 percent of the sign width. A monument sign shall not be used as a frame for a cabinet sign that exceeds 25 percent of the sign area.
- E. *Projecting signs.* A projecting sign is affixed to a structure and extends at a right angle from the structure.
1. A projecting sign shall not have more than 2 sign faces. Projecting signs may project into the public right-of-way, but must have clear sidewalks by at least ~~nine~~9 feet, and be no closer than 2 feet from the curb.
  2. Signs must not project more than 6 feet from the wall face of a building.
  3. The permitted size of a fixed projecting sign shall not exceed 8 square feet or 16 square feet, dependent upon the applicable zoning district.
- F. *Under-canopy signs.* A sign hung from the underside of an awning or canopy or ceiling of an arcade or covered walkway or portico. It may be rigid or it may swing. Any swinging sign shall be removed during a major storm event. Such a sign shall not have more than ~~two~~2 sign faces.
- G. No portion of any sign projecting over a public sidewalk shall be less than 9 feet above the grade of the sidewalk, with the exception of awning valances which shall not be less than ~~eight~~8 feet above the sidewalk.
- H. Any sign projecting over private property and located where motor trucks may be required to pass beneath it shall be erected and maintained at a height of not less than 14 feet.
- I. Signs consisting of one line of letters not exceeding 9 inches in height may be painted, placed or installed upon the hanging border only of any awning erected and maintained in accordance with this chapter. A graphic or other similar feature not exceeding an area of 8 square feet, may be painted, placed, or installed elsewhere on any awning provided that any such graphic shall comply with all other provisions of this chapter.

J. Wall signs. A wall sign must be professionally hand-painted or flush mounted on board, or in a raised channel or individual letters. Such a sign may be applied to a structural mansard or building face.

K. Gas station canopy shall be limited to a maximum of one wall sign per right-of-way frontage and shall be counted as part of the allowable wall signage per occupancy.

L. Window signs.

1. Plastic signs, or signs painted on the glass may be placed upon windows when limited to 20 percent of the aggregate glass area, per tenant space or per main use.
2. Signs displayed from the inside of the glass but which are visible from the outside shall be considered as window signs.
3. Window signs shall not be placed where they substantially obscure the view of a person to the interior of the building through the window.

Sec. 4.704. - Special purpose signs.

A. As an aid to the motoring public, the County has determined that the following special purpose signs serve the public interest and welfare by providing basic information regarding fuel price, location, time, temperature, dates of events, and the like. Permits for the following signs shall be issued provided that the provisions contained herein are in compliance:

1. Grand opening banner. One banner may be placed on the building of a newly opened location pursuant to the following:
  - a. Display is limited to four weeks.
  - b. The banner shall not exceed one square foot per linear foot of occupancy frontage, and a total area of 50 square feet.
  - c. The banner shall not be higher than 15 feet above the finished grade, and must be placed on the building on the predominate street front.
  - d. Banners shall be made of color fast material, and shall be securely fastened so as not to become a safety hazard.
2. Special event banner signs. The Building Director may approve one or more banners for a non-profit, charitable organization or special event on any street, sidewalk, public building, park or playground, or on private property, subject to the following criteria:
  - a. The sign shall be located on the property where the event is being held or on private property with the written consent of the property owner; and
  - b. The sign shall be temporary and for a stated limited period of not more than 14 days prior to the event, and it must be removed by the second ~~(2nd)~~ day after the event;
  - c. Each sign shall not exceed 20 square feet in area;



- d. When permitted, the sign must meet the following additional criteria:
  - i. The sign will not conceal or obstruct adjacent land uses or signs;
  - ii. The sign will not conflict with the principal permitted use of the site or adjoining sites;
  - iii. The sign will not interfere with, or obstruct the vision of, or distract motorists, bicyclists or pedestrians; and
  - iv. The sign will be installed and maintained in a safe manner;
- e. The approval, or disapproval, of such sign shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such sign;
- f. The Building Director shall render a decision within 10 days after an application is made for utilizing this sign type for a special event. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision directly to the Circuit Court.

B. Drive-thru window signs. Sign boards used at locations in conjunction with service at a drive-thru window are permitted so long as the size of the board does not exceed 7 feet in height, nor 24 square feet in total area.

C. Subdivision identification signs. Residential subdivision identification signs shall be located only at the roadway entrance(s) to the subdivision and subject to the following standards:

- 1. Such signs may be either one double faced sign or two signs where there are two walls at the entrance and where the signs are permanently affixed to the walls at each entrance of the subdivision.
- 2. Each sign area shall be no greater than 36 square feet in area.
- 3. Subdivision entrance signs are permitted within all residential zoning districts.

D. Construction site signs. Temporary construction site signs identifying that an approved, active, on-site development project is underway, shall be permitted provided that such signs shall be subject to the following standards:

- 1. One temporary freestanding sign per street frontage, non-illuminated, with sign area of not more than 32 square feet, nor more than 6 feet in height or one temporary wall sign per street frontage, which shall be non-illuminated with a sign area of not more than 32 square feet.

E. Changeable copy signs.

- 1. Manual or electronic changeable copy information signs shall be permitted when attached to or made part of an otherwise permitted monument sign, ~~and only related to a theater, auditorium, convention center, sports field or arena, a regional attraction facility, or for motor fuel pricing, or a time and temperature sign.~~ Such

signs shall be limited to 1 changeable copy message sign per street frontage, and no more than 2 such signs shall be permitted on any individual parcel.

2. Electronic changeable copy signs shall be permitted to change their message no more than 4 times within a 24-hour period, except that time and temperature signs may change as the temperature changes, and as the time changes in one minute increments.
- F. Time and temperature signs. Signs giving time and temperature, or either time or temperature information shall be permitted when attached to or made part of an otherwise permitted sign. Such signs shall not be larger than 20 percent of the permitted area of the sign to which they are attached or included. Such signs shall be counted as part of the permitted area of the sign to which they are attached.
- G. Prohibited lighting for electronic message sign:
1. Lamps, light emitting diodes, or bulbs in excess of the amount and intensity of light generated by a 30-watt incandescent lamp.
  2. Exposed reflectorized lamps, light emitting diodes, or bulbs; and lamps or bulbs not covered by a lens, filter, louver or sunscreen; or modes of operation that scroll, flash, zoom, twinkle or sparkle, or appear to do so.
- H. Mural signs. Mural signs shall be counted as wall signs for the portion which includes any message, logo or which depicts a product or service, and shall be of such a design as to compliment the architectural style of the subject building and shall be in keeping with the general character of the land use district. There shall be a maximum of only one mural sign per building. The sign portion of a mural sign, if any, shall comply with the dimensional requirements of a wall sign.

Sec. 4.705. - Temporary signs.

- A. Temporary signs are allowed to be erected on private property in the County with a permit so long as they conform to the following criteria:
1. One temporary freestanding sign per street frontage, non-illuminated, with a sign area of not more than 12 square feet per sign face with two face maximum per sign on any private lot or parcel. A temporary sign may be erected for a limited time period not to exceed 6 months per year. Signs may not be placed in a location that constitutes a safety hazard or hindrance to pedestrian or vehicular traffic.
  2. No temporary sign shall be placed on any public right-of-way or public property without the written permission of the Building Director and for good cause shown.
- B. The Building Director may require the location or relocation based on potential or actual traffic obstruction.

Sec. 4.706. - Exempt signs (not requiring a permit).

A. The following signs are allowed to be erected on public or private property in the County, without a permit, so long as they conform to the following criteria:

1. *Automated teller machine (ATM) panels.* One panel which is physically constructed within and is an integral part of an ATM.
2. *Directional signs.* Such signs shall be for the purpose of directing vehicular and pedestrian traffic, and shall be placed in accordance with the Manual on Uniform Traffic Control Devices or as otherwise required by law.
3. *Hours of operation signs.* Signs denoting hours of operation shall be non-illuminated; have a sign face of not more than 2 square feet and be located close to the entry of the establishment.
4. *Instructional signs.* Instructional signs are signs which convey safety information or legal information or instructions with respect to the premises on which located, including, but not limited to, "no trespassing," "danger" or "bad dog" signs. Such signs shall not have a height of more than 6 feet from the ground and shall not be greater than 5 square feet in area.
5. *Memorial signs, tablets, tombstones, or other markers* adjacent to, covering, or designating a crypt, grave, or vault.
6. *Mural.* A mural, which is not a mural sign, may be painted or placed on one or more exterior walls.
7. *Non-residential and multi-family residential real estate signs.*
  - a. *One freestanding sign structure with up to two sign faces, with or without post caps or covers, shall be permitted for each street frontage.*
  - b. *Signs shall not exceed 16 square feet in area per face, and shall not be higher than six feet above the adjacent finished grade. A V-shape sign shall be permitted and shall be considered as one sign as long as it has no more than two faces, and the interior angle does not exceed 90 degrees.*
8. *Single family and duplex residential real estate signs.*
  - a. *One freestanding sign structure with up to 2 sign faces shall be permitted for each single-family or duplex property, and shall not exceed 3 square feet in area, per face, and shall not be higher than 4 feet above the adjacent finished grade. One additional sign per lot may be erected on a lot which borders a waterway or which is a corner lot, provided that the additional sign is located along the waterways or placed so there is only one sign per street frontage.*
  - b. *One freestanding sign structure with up to two sign faces shall be permitted for each multi-family property, and shall not exceed 16 square feet in area per face, and shall not be higher than six feet above the adjacent finished grade. One additional sign per lot may be erected on a lot which borders a waterway or which is a corner lot, provided that the additional sign is located along the waterways or placed so there is only one sign per street frontage.*
  - c. *An additional "rider" sign of not greater than 1 square foot may be attached to or accompany a residential real estate sign.*
9. *Temporary non-commercial commercial signs.*
10. *Tenant panels.* The tenant panels in a directory sign, or a sign which accommodates a tenant, is exempt from needing a permit provided that the sign was permitted and there is no change in colors or letter style.

11. Valet parking signs. Valet parking signs shall be limited to 1 sandwich board. The sign area shall not exceed 6 square feet in area. The location of such sign shall be approved by the Building Director. The sign must be removed during hours when the approved valet parking queue is not in use. Traffic control cones may be used for queuing purposes and must be removed when the valet parking queue is not in use.
12. Any sign used by any emergency responders, law enforcement, or branch of the armed services in the execution or performance of their duties is exempt.
13. Any notices of a proposed future land use change, zoning change, development application or other notices required by law in connection with land use is exempt.

Sec. 4.707. – Notice; liens; appeals.

- A. Notice. Whenever notice is required under this ordinance, notice shall be by certified mail, email with a return receipt requested, facsimile transmission with a receipt of transmittal, or by hand-delivery with a return of service unless otherwise provided in this ordinance.
- B. Lien for fines. Whenever the County assesses a fine as provided in this ordinance, the fines or costs shall be a lien on the real property or assets of the sign's owner if the owner fails to pay fine within 30 days after being duly notified of the fine.
- C. Lien for costs. Whenever the County incurs costs in enforcing this ordinance, the costs shall be a lien on the real property or assets of the sign's owner if the owner fails to pay the County for the fine or costs within 30 days after being duly notified.
- D. Extensions of Time. ~~The Building Director may grant extensions~~ Extensions of time for any deadline provided by this ordinance ~~may be granted~~ for good cause shown.
- E. Appeals. An applicant whose sign permit has been denied or owner whose sign has been removed by the County or the Building Director may appeal directly to the Circuit Court unless otherwise allowed or required by law. Nothing in this ordinance shall act as a restraint imposed on ~~an~~ applicant for a final judicial determination on the merits of the application or removal in any court of competent jurisdiction and ~~proper~~ venue.

Sec. 4.708. – Enforcement; penalties.

Violation of this ordinance is a misdemeanor pursuant to Section 125.69 Fla. Stat., and is punishable under said section by imprisonment for up to 60 days, or a fine for up to \$500.00, or both such imprisonment and fine. Alternatively, the Building Director may enforce this ordinance through the County's Code Enforcement Board established pursuant to Chapter 162 Fla. Stat. and Martin County Code of Ordinances, Section 1.92 et seq., as amended, or by appropriate action in the Circuit Court.

Secs. 4.709. Community Redevelopment Areas.

To the extent any sign regulations in any ordinances governing Community Redevelopment Areas in the County conflict with this ordinance, the regulations in the

ordinances governing the Community Redevelopment Areas shall control unless otherwise provided by law.

Secs. 4.710—4.760. - Reserved.

**PART II. CONFLICTING PROVISIONS.**

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, Martin County ordinances, County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning either adoption or amendment of the Comprehensive Plan or as otherwise provided in this ordinance.

**PART III. SEVERABILITY.**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If the ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstance by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstance.

**PART IV. APPLICABILITY OF ORDINANCE.**

This Ordinance shall be applicable throughout the unincorporated area of Martin County.

**PART V. FILING WITH DEPARTMENT OF STATE.**

The Clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

**PART VI. EFFECTIVE DATE.**

This ordinance shall take effect upon filing with the Office of Secretary of State.

**PART VII. CODIFICATION.**

Provisions of this ordinance shall be incorporated into the General Ordinances, Martin County Code, except that Parts 2 through 7 shall not be codified. The word “ordinance” may be changed to “article,” “section,” or other word, and the sections of this ordinance may be renumbered or re-lettered.

DULY PASSED AND ADOPTED THIS \_\_\_ DAY OF \_\_\_\_\_, 2018.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

BY: \_\_\_\_\_  
CAROLYN TIMMANN  
CLERK OF THE CIRCUIT COURT  
AND COMPTROLLER

BY: \_\_\_\_\_  
EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM  
& LEGAL SUFFICIENCY:

BY: \_\_\_\_\_  
SARAH WOODS  
COUNTY ATTORNEY