

ORDINANCE 2019-68

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 178, SIGNS, IN ORDER TO PROVIDE ADDITIONAL PROVISIONS RELATED TO TEMPORARY SIGNS, BENCH SIGNS AND SIGNS IN RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 178, Signs, Section 178.08, Definitions, is hereby amended and shall henceforth read as follows:

“Section 178.08 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply. Unless specifically defined below or in Chapter 185 (Zoning Code), the words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

* * *

SIGN.

* * *

(2) **SIGNS** includes the following defined classes of signs:

* * *

(b) **TEMPORARY SIGN.** Any sign that is not a permanent sign.

>>(i) Temporary signs shall only be installed or placed with the express consent of the occupant or owner of the premises.

(ii) Temporary signs may only be placed on privately owned property.

(iii) Temporary signs shall follow the guidelines as outlined per each zoning district in the appendixes below.<<

(ii)>>(iv)<< Any temporary sign used in connection with a business shall:

a. be removed from public view while such business is closed or

b. not be displayed for more than thirty (30) consecutive days nor more than a total of sixty (60) days per calendar year.

(ii)>>(v)<< Any temporary sign not used in connection with a business shall not be displayed for more than thirty (30) consecutive days nor more than a total of sixty (60) days per calendar year.

(iii)>>(vi)<< The following types of signs shall be temporary signs:

* * *

SECTION 2. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 178, Signs, Section 178.13, Signs on Property Owned by a Governmental Body; Public Rights of Way; Public Places, is hereby amended and shall henceforth read as follows:

“Section 178.13 SIGNS ON PROPERTY OWNED BY A GOVERNMENTAL BODY; PUBLIC RIGHTS OF WAY; PUBLIC PLACES.

(A) *Property owned by Governmental Body.* No private person or group shall erect, install, maintain, alter, repair, demolish, remove, relocate, reinstall, or perform structural maintenance upon, a sign located on property owned by a Governmental Body ~~without the prior written agreement of such Governmental Body~~. Only the Governmental Body owning such land, or its designated agents, may erect, install, maintain, alter, repair, demolish, remove, relocate, reinstall, or perform structural maintenance upon, a sign upon such property.

(B) *Public Rights of Way.* Except as expressly provided otherwise by the Florida Department of Transportation with regard to rights of way within its control and/or jurisdiction, no private person or group shall erect, install, maintain, alter, repair, demolish, remove, relocate, reinstall, or perform structural maintenance upon, a sign located on any public right of way>>, including utility poles<<. Only the Governmental Body responsible for the maintenance of such public right of way, or its designated agents, may erect, install, maintain, alter, repair, demolish, remove, relocate, reinstall, or perform structural maintenance upon, a sign upon such a right of way.

* * *

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 4. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 5. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 6. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2019-____, held on ____, 2019; and read in title only and duly enacted at Meeting 2019-____, held on ____, 2019.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.

Appendix A: Schedule of Signs in Commercial Zoning Districts

SCHEDULE OF SIGNS IN COMMERCIAL ZONING DISTRICTS						
Sign Type	District(s)	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination
A-Frame	All	1 per street frontage	16 sq. ft.	10 ft.	At the Property Line	None
Awning	All	1 per street frontage	10% of wall Area	10 ft.	Attached	Int. or Ext.
Banner	All	Non-Regulated	Non-Regulated	25 ft.	Non-Regulated	None
Bench	All	1 per bench	3>>12<< sq. ft.	6 ft.	Non-Residential>>Residential<<	None
Billboard	See § 178.17	See § 178.17	See § 178.17	See § 178.17	See § 178.17	External or Internal
Construction	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Directory	All	1 per street frontage	3 sq. ft.	3 ft.	At the Property Line	None
Electronic Message	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property line	Internal
Freestanding Frame	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property line	Int/Ext
Future Improvement	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	No
Human	All	1 per street	16 sq. ft.	10 ft.	No such	None

Sign Holder		frontage			Sign shall impede visibility for traffic safety	
Inflated	All	1 per street frontage	Non-Restricted.	25 ft.	10' from any Property line	External or Internal
Marquee	All	1 per street frontage	12 sq. ft.	N/A	Attached	External or Internal
Monument	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property Line	External or Internal
Pole	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property Line	Internal
Portable	All	1 per street frontage	64 sq. ft.	10 ft.	Non-Regulated	Internal
Pylon	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property Line	Internal
Real Estate	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property Line	No
Transit Shelter	All	1 per developed parcel	16 sq. ft.	10 ft.	Right-of-way	External or Internal
Wall	All	1 per street frontage	Max 10% of Wall Area	Not Above Average Roofline	On the Principal Building	External
Window	All	1 per street frontage	10% of wall Area	Not Above Roofline	N/A	N/A

Appendix B: Schedule of Signs in Industrial Zoning Districts

SCHEDULE OF SIGNS IN INDUSTRIAL ZONING DISTRICTS						
Sign Type	District(s)	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination
A-Frame	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Awning	All	1 per street frontage	10% of Area	Not above than roof line	On the Principal Building	External or Internal
Banner	All	Non-Reg. per street frontage	Non-Regulated	25 ft.	Non-regulated	None
Bench	All	1 per bench	3>>12<< sq. ft.	6 ft.	Non-Residential	None
Billboard	See § 178.17	See § 178.17	See § 178.17	See § 178.17	See § 178.17	External or Internal
Construction	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Directory	All	1 per street frontage	3 sq. ft.	3 ft.	10' from any Property line	Ext. or Int.
Electronic Message	All	1 per street frontage	64 sq. ft.	10 @ 150' < ft. 25 @ + 150'	10' from any Property line	No Cinematic Movement 0 Lumens @ Property line.
Freestanding Frame	All	1 per street frontage	64 sq. ft.	10' @ 150' <, ft. 25 @ 150' >	10' from any Property line	Int/Ext.
Future Improvement	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Human Sign	All	1 per street	16 sq. ft.	10 ft.	No such	None

Holder		frontage			sign shall impede vision for traffic safety	
Inflated	All	1 per street frontage	Non-Restricted>>Restricted<<	25 ft.	10' from any property line	External or Internal
Marquee	All	1 per street frontage	12 sq. ft.	N/A	Attached	External or Internal
Monument	All	1 per street frontage	64 sq. ft.	10 ft.	10' from any Property line	External or Internal
Pole	All	1 per street frontage	64 sq. ft.	10' < 150' ft. 25' @ 150 >'	10' from any Property line	Internal
Portable	All	1 per street frontage	64 sq. ft.	10 ft.	Non-regulated	Internal
Pylon	All	1 per street frontage	64 sq. ft.	10' < 150' ft. 25' + 150 '	10' from any Property line	Internal
Real Estate	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Transit Shelter	All	1 per developed parcel	16 sq. ft.	10 ft.	Right-of-Way	External or Internal
Wall	All	1 per street frontage	10% of wall Placement.	Not Above the Average Roof Line	On the Principal Building	External
Window	All	1 per street frontage	10% Max. of Place	N/A	N/A	None

Appendix C: Schedule of Signs in Residential Zoning Districts

SCHEDULE OF SIGNS IN RESIDENTIAL ZONING DISTRICTS						
Sign Type	District(s)	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination
>>Bench	All	1 per bench	12 sq. ft.	6 ft.	Non-residential	None<<
Construction	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property Line	None
Directory	All	1 per street frontage	3 sq. ft.	3 ft.	10' from any Property Line	None
Future Improvement	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Real Estate	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Subdivision	All	2 per street frontage	32 sq. ft.	10 ft.	Not within the 10' sight Visibility Triangle	Internal or External
Transit Shelter	Mixed Use Commercial /Residential	1 per developed parcel	16 sq. ft.	10 ft.	Right-of-Way	No External or Internal

>>Appendix D: Schedule of Conditional Use Signs in Residential Zoning Districts

SCHEDULE OF CONDITIONAL USE SIGNS IN RESIDENTIAL ZONING DISTRICTS						
Sign Type	District(s)	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination
Freestanding Frame	All	1 per street frontage	16 sq. ft.	10 sq. ft.	10' from any property line	External
Wall	All	1 per street frontage	Max 10% of wall area	Not above average roofline	On the principal building	External<<



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: December 19, 2019

RE: Final Development Plan Request – Waterstone Farms, LLC (Rochelle Lawandales, FAICP, Representing)

Waterstone Farms, LLC (Rochelle Lawandales, FAICP, Representing) has applied for a Final Development Plan for Planned Unit Development (PUD) approval of a 201-lot single-family development called The Courtyards at Waterstone.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case FD-19-2019, subject to the items contained in the staff report. The items are to be addressed as follows upon submission of the construction plans:

- A. The setbacks shall be defined in the Declarations of Covenants & Restrictions and placed upon the subdivision plat.
- B. The minimum home size shall be provided in the Declarations of Covenants & Restrictions.
- C. The developer is required to apply for a "Conditional Letter of Map Amendment/Revision" (CLOMR). An approved LOMR will be required for this project upon completion of each phase.

Planning and Zoning Board Recommendation:

Approval of the request by unanimous vote, subject to the items contained in the staff report.

Attachments:

- 1) Case FD-19-2019 (available upon request)
- 2) Board minutes excerpt (available upon request)
- 3) Ordinance