



**Melbourne City Council**  
**March 23, 2021**  
**City Manager's Item Report**

Department:	Community Development
Presenter:	Cindy Dittmer
Council District:	N/A
Reading Number:	1
Public Hearing:	Yes
Quasi-judicial Item (Disclosure Required):	No
Item Number:	C.17.

**Subject:**

Ordinance No. 2021-19, Multi-family Residential Signage Text Amendment (TEXT2021-0001)

**Background/Consideration:**

This is the first reading of an ordinance amending City Code, Appendix D, Chapter 11, Section 11.20, to provide for changes to the residential sign allowances, specifically to allow multi-family residential building signs.

The developer of "Paramount Condominiums", a multi-family project on South US1, recently approached City staff regarding their desire to be permitted to have a building sign at the top of each building for the project. The buildings are approximately 100 feet in height. Currently, the Sign Code does not include an allowance for identification through a wall/building sign on multi-family residential buildings similar to wall/building signage allowed on commercial buildings within the City. The Sign Code does allow for ground signage at each entrance (arterial or collector roadway) of a multi-family development for identification. After discussions with City staff, the developer applied for a text amendment to the City's Sign Code to create an allowance for building signage for multi-family residential projects.

City staff agrees with the request and the need to allow taller buildings in an urban setting with a higher density to have building signage, whether they are used commercially or residentially. There is not a rationale to necessitate this need across the board for all multi-family projects, particularly projects that are of a more suburban-style. Suburban-style projects tend to have the following different qualities: numerous buildings; typically two to three stories in height; typically set back further from the roadway; and they typically utilize entrance ground signage at the entrances to the complex.

The proposed ordinance allows for all multi-family projects over the height of 48 feet (typically four stories) to be permitted to have building signage up to 100 square feet. Since staff would not recommend that a project with multiple residential buildings be permitted a building sign on every building, we have provided an allowance for a development project to pick from three signage options: two building signs; a building sign and a ground sign; or two ground signs. The ordinance also re-formats this section of the Sign Code to better distinguish multi-family residential and single-family subdivision signage along with adding the new C-E zoning district into the allowed table and correcting an incorrect reference.



On March 4, 2021, the Planning and Zoning Board voted unanimously to recommend approval of the proposed amendment.

**Fiscal/Budget Impact:**

N/A

**Requested Action:**

Approval of Ordinance No. 2021-19, based upon the findings contained in the Planning and Zoning Board memorandum.

## Memorandum

**To:** Shannon Lewis, City Manager  
**Thru:** Cindy Dittmer, Community Development Director  
**From:** Cheryl Dean, AICP, Planning Manager  
**Re:** **Finding of Consistency (FOC-2021-01)/ Land Development Regulations Text Amendment (TEXT2021-0001), Multi-Family Residential Building Signs**  
**Date:** March 11, 2021

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### Owner/Applicant/Representative

- Applicant/Representative – Rob Kodsi, Paramount Condominiums

### Proposed Action

- To amend City Code, Part III, Appendix D, Chapter 11 Signs and Advertising, Section 11.20, for Multi-family residential building signs.

### Location

This action shall apply to all properties in the City of Melbourne, with specific sections of Code that apply to signs and advertising.

### History

The sign code was completely updated in 2009 (Ord. 2009-34). The sign code has been amended several times since:

- 2011: Ord. 2011-05 added a reference to the Eau Gallie Art Overlay;
- 2012: Ord. 2012-36 changed the time limit for changeable copy signs, refined the definition of a flag, removed wind signs from the prohibited list, and clarified flags can include a flexible rod or pole;
- 2014: Ord. 2014-18 defined a community shopping center along with the ground signs and height allowed within those developments;
- 2016: Ord. 2016-10 refined the definition of an Institutional use and the changeable copy ground signs allowed within those areas;
- 2016: Ord. 2016-64 refined the definition of a mural, required a certificate of appropriateness for murals, and change allowances for murals;
- 2016: Ord. 2016-71 allowed murals city wide and refined the mural area allowance;
- 2017: Ord. 2017-40 added definitions for an Act of God and Tortious Conduct and adding to the conformance section of the sign code; and

2020: Ord. 2020-38 amended the sign code to define parapet and the sign allowance for that part of the building.

## **Issues and Considerations**

The applicant, a multi-family residential developer, submitted a sign permit for a wall sign on the front of the first building of their project, Paramount Condominiums. Paramount Condominiums was approved for two condominium buildings with an overall height of 100 feet each. The City's Sign Code does not include an allowance for development identification through a wall sign on multi-family residential buildings similar to identification allowed on commercial buildings. The applicant met with staff to identify the best way to move forward with a text amendment to provide for this type of building sign for an urban-style, multi-family residential projects over 48 feet tall.

### Current Sign Code provisions:

The only signage allowance for multi-family residential projects allows for a ground sign at each entrance to a collector or arterial roadway, with not more than 40 square feet of sign area and a maximum of eight feet in height. No building signs are permitted for a multi-family residential project.

Multi-family residential buildings located in a more urban setting should be permitted the allowance of a building sign if the building is of a certain height. This would provide for visual identification of the project from a distance. It is not necessary, however, to provide building signs for typical suburban style multi-family projects that are characteristically set back further from the right-of-way and typically contain multiple, 2-4 story buildings.

### Proposed Sign Code provisions:

The proposed multi-family residential building sign allowance would be limited to those developments where the building height is greater than 48 feet. These projects tend to be located in an urban area, on a smaller property with a greater density allowance – meaning that the development is taller and more compact. The intent is to allow buildings with greater height to utilize a part of the building where such a sign would be prominently displayed.

The proposed code amendment provides sign options for a multi-family residential project with a building height greater than 48 feet:

Option 1: the project may be permitted with two building signs and no ground sign;

Option 2: the project may be permitted with one building sign and one ground sign; or

Option 3: the project may be permitted with no building sign and only utilize the ground signs.

This balance is intended to incorporate the new building sign allowance with the existing ground sign allowance for properties of different shapes, sizes and zoning categories. Projects approved with a building height of 48 feet or less would continue to allow for a ground sign at each entrance to their development along an abutting arterial or collector streets.

Upon review of the proposed changes, staff found the need to amend the following:

- Clarify and distinguish the difference between multi-family residential project ground signs and single-family residential subdivision signs;
- Refine the ground sign allowance for non-residential conditional uses in residential zoning districts;
- Correct the sign code reference for the Eau Gallie Art Overlay Zone; and
- Reference the new C-E zoning.

On March 4, 2021, following review and discussion, the Planning and Zoning Board voted unanimously to recommend approval of the proposed amendment.

**Recommendation:**

Approval of the ordinance based upon the findings contained in the Planning and Zoning Board memorandum.

## Memorandum

**To:** Mayor and Council  
**From:** Ed Coruzzi, Chairman, Planning and Zoning Board  
**Re:** **Finding of Consistency (FOC-2021-01), and Land Development Regulations Amendment Request (TEXT2021-0001), Multi-family Residential Building Signs**  
**Date:** March 5, 2021  
**Owner/Applicant/ Representative:** Rob Kodsi, Paramount Condominiums

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The Planning and Zoning Board, at its regular scheduled meeting of March 4, 2021, reviewed the above referenced request for a Finding of Consistency and Land Development Regulations Text Amendment.

Following review and discussion, the Planning and Zoning Board voted unanimously to recommend approval of FOC-2021-01 and TEXT2021-0001, amending the following City Code:

- City Code, Part III, Appendix D, Chapter 11 Signs and Advertising, Section 11.20, for multi-family residential building signs.


The Planning and Zoning Board's recommendation is based upon the following findings:

### **Findings for the Proposed Text Amendment**

1. The proposed modifications to City Code are consistent with the goals and objectives of the Comprehensive Plan and will assist in the execution of policies within the Comprehensive Plan. The proposed revisions will implement policy language that enhances the application of signage regulations within the City of Melbourne.
2. The proposed revision is specifically consistent with Future Land Use Element Objective 1.22, which states the City shall maintain, amend and develop new land use and development regulations to implement the Comprehensive Plan. The proposed modification will aid in the implementation of City Code requirements by augmenting existing signage regulations for multi-family residential uses and single-family residential subdivisions. The changes also enhance the signage regulations for nonresidential conditional uses.

3. Per Future Land Use Element Policy 1.2.1, the zoning map and land development regulations may impose more restrictive densities and intensities of development based on height requirements, land coverage standards, setbacks, minimum lot size requirements, traffic and circulation standards, landscaping and breezeway requirements, and other such dimensional and development criteria. The revisions to signage standards enhance the enforcement of City Code regulations.
4. The proposal will have no adverse effect on the City's ability to provide adequate public services and facilities. The proposed changes will assist in the implementation of City Code requirements for residential and nonresidential signage.
5. The proposed changes will not significantly change the general character of the City, cause depreciation of property values, or reduce the safety, light, and general convenience of neighboring developments as the revisions reinforce the administration of City Code requirements.
6. The subject modification will further development and redevelopment efforts by making City Code more user-friendly to property owners, the development community, and City staff.
7. The proposed change is consistent with City Code's purpose of promoting the health, safety, education, cultural and economic welfare of the public by improving Code requirements for signage.

Respectively Submitted,



for  
Ed Coruzzi, Chairman  
Planning and Zoning Board

ORDINANCE NO. 2021-19

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO MULTI-FAMILY RESIDENTIAL BUILDING SIGNS; MAKING FINDINGS; AMENDING APPENDIX D OF THE CITY CODE, ENTITLED "LAND DEVELOPMENT CODE"; AMENDING CHAPTER 11, SIGNS AND ADVERTISING; AMENDING SECTION 11.20, SIGNS PERMITTED IN ZONING DISTRICTS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE. (FOC-2021-01/TEXT2021-0001)

WHEREAS, current City Code allows multi-family residential projects to have ground signage at each entrance to a collector or arterial roadway with certain size limitations; and

WHEREAS, building signs are not currently permitted for multi-family residential projects; and

WHEREAS, it is appropriate for certain multi-family residential projects (such as those in urban-style settings, on smaller property or with a greater density allowance) to be permitted to construct a building sign in order to provide for visual identification of the project from a distance; and

WHEREAS, this ordinance, which provides sign options for multi-family residential projects with a building height of greater than 48 feet, would allow such properties to utilize a part of the building where such signage could be prominently displayed; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed Code amendments at its March 4, 2021 meeting and found the same to be consistent with the City of Melbourne Comprehensive Plan; and

WHEREAS, the City Council hereby adopts the findings of the Planning and Zoning Board as its own and finds this ordinance to be in the promotion of the public health, safety, welfare, morals, public order and aesthetics of the community and the region.



BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That Appendix D, Chapter 11 of the City Code of Melbourne, Florida is hereby amended to read as follows:

Sec. 11.20. Signs permitted in zoning districts.

A. Permitted signs. Subject to the provisions of subsection B. hereof, the following on-premises signs are permitted provided they meet all of the requirements of this sign ordinance:

\* \* \* \*

4. Reference appendix B, article V, ~~Sec. 3, (2), (h)~~ section 3(A)(3)(h) for specific codes regarding signs in the Eau Gallie Art Overlay Zone.

B. On-premises signs in nonresidential zoning districts, as identified in appendix B, article V, section 2(D), Table 1B (R-P, C-1A, C-1, C-2, C-3, C-E, C-P, M-1, M-2, I-1) excluding residential uses in R-P, C-1A, C-1, ~~C-3~~ C-E, and C-P<sub>1</sub> are permitted subject to the following limitations:

\* \* \* \*

C. On-premises signs in residential zoning districts, as identified in appendix B, article V, section 2(D), Table 1A, and non-residential districts in which residential uses are permitted, excluding the C-3 zoning district, as designated in the Melbourne Land Development Code, are permitted subject to the following limitations:

1. ~~Single-family residential signs. In single-family residential land use districts as designated in the Melbourne Land Development Code, only one ground or one building sign per premises not exceeding six square feet in sign face area or three feet in height is permitted. Home occupation signs are not permitted. Nothing contained in this section shall be construed to permit the display of signs when otherwise prohibited or restricted by private restrictions related to the residential dwelling unit.~~
2. ~~Multifamily residential signs. In multifamily residential use districts as designated in the Melbourne Land Development Code, each multifamily residential dwelling unit may display only one ground sign or one building sign of not more than six square feet, or exceeding three feet in height. Home occupation signs are not permitted. Nothing contained in this section shall be construed to permit the display of signs when otherwise prohibited or restricted by private restrictions related to the residential dwelling unit.~~
3. ~~Multifamily property signs or subdivision signs. Signs at the entrance to residential subdivisions or multifamily properties are permitted. One sign is permitted at each~~

~~entrance into the subdivision from each abutting arterial or collector street. The sign may be a single sign with two faces of equal size or may be two single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed 40 square feet in size, and may be illuminated in a steady light only. No such sign shall exceed eight feet in height.~~

~~4. Signs for conditional uses in residential zoning districts are permitted with a maximum sign area of 72 square feet, a maximum height of 12 feet, and a required setback of ten feet from any property line. Changeable copy signs are prohibited.~~

1. Single-family residential lot signs.

a. Applicability. This section applies to an individual single-family residential developed lot/parcel.

b. Number of signs. Each premises is permitted only one ground or one building sign.

c. Sign area. Sign area shall not exceed six square feet.

d. Height of sign. Sign shall not exceed three feet in height.

e. Home occupation signs are prohibited.

f. Nothing contained in this section shall be construed to permit the display of signs when otherwise prohibited or restricted by private restrictions related to the residential premises.

2. Multi-family residential signs.

a. Applicability. There are two types of signs allowed for multi-family residential properties:

i. Multi-family residential project signs; and

ii. Individual multi-family residential dwelling unit signs.

b. Multi-family residential project signs.

i. Building signs. Only multi-family residential projects with a building height over 48 feet are permitted building signs.

a) Number of signs. Multi-family residential projects have the following options:

- 1) Applicable projects may request two building signs allowed per development with no ground sign(s); or
  - 2) Applicable projects may request one building sign and one ground sign per sub-section ii. below; or
  - 3) Applicable projects may request only ground signs per sub-section ii. below.
- b) Sign area. Multi-family residential project sign area shall not exceed ten percent of the wall where the building sign is to be placed, up to a maximum of 100 square feet.
  - c) Height of sign. Multi-family residential project signs may not extend above the approved height of the building on which the sign is to be placed.
  - d) Multi-family residential project building sign(s) shall only be illuminated in a steady light.

ii. Ground signs.

- a) Number of signs. Multi-family residential projects may have ground signs at each entrance into the project from each abutting arterial or collector street, with the following options:
  - 1) The sign may be a single sign with two faces of equal size; or
  - 2) The project may provide for two, single-faced structures of equal size located on each side of the entrance.
- b) Sign area. Multi-family residential projects ground sign area shall not exceed 40 square feet.
- c) Height of sign. No ground sign shall exceed eight feet in height.
- d) Ground sign setbacks.
  - 1) Right-of-way setback. Setback shall be a minimum of ten feet from any property line abutting a public right-of-way.
  - 2) Setback shall be a minimum of five feet from any other property line.

3) Notwithstanding any part of this ordinance or any permit granted, or any variance granted by the Zoning Board of Adjustment, no type of structure, vehicle, tree, planting, vegetation, sign, fence, or any other type of obstacle or any portion thereof shall be placed or retained in such manner which would create a traffic hazard or would obstruct the vision clearance at corners, curb cuts, or railroad crossings.

e) Multi-family residential project ground sign(s) shall only be illuminated in a steady light.

c. Individual multi-family residential dwelling unit signs.

i. Number of signs. An individual multi-family residential dwelling unit is permitted only one ground sign or one building sign per premises.

ii. Sign area. The sign area shall not exceed six square feet.

iii. Height of sign. The sign shall not exceed three feet of height.

iv. Nothing contained in this section shall be construed to permit the display of signs when otherwise prohibited or restricted by private restrictions related to the residential dwelling unit

d. Changeable copy signs shall be prohibited.

e. Home occupation signs shall be prohibited.

f. Nothing contained in this section shall be construed to permit the display of signs when otherwise prohibited or restricted by private restrictions related to the residential dwelling unit.

3. Single-family residential subdivision signs. Signs at the entrance to residential subdivisions are permitted.

a. Location. Single-family residential ground signs shall be constructed within a tract of land jointly owned and maintained by all platted lots within the subdivision.

b. Number of signs. Single-family residential subdivisions may have ground signs at each entrance into the subdivision from each abutting arterial or collector street, with the following options:

i. The sign may be a single sign with two faces of equal size; or

- ii. The subdivision provide for two, single-faced structures of equal size located on each side of the entrance.
  - c. Sign area. No face of the ground sign shall exceed 40 square feet in size.
  - d. Height of sign. No ground sign shall exceed eight feet in height.
  - e. Ground sign setbacks.
    - i. Right-of-way setback. Setback shall be a minimum of ten feet from any property line abutting a public right-of-way.
    - ii. Setback shall be a minimum of five feet from any other property line.
    - iii. Notwithstanding any part of this ordinance or any permit granted, or any variance granted by the Zoning Board of Adjustment, no type of structure, vehicle, tree, planting, vegetation, sign, fence, or any other type of obstacle or any portion thereof shall be placed or retained in such manner which would create a traffic hazard or would obstruct the vision clearance at corners, curb cuts, or railroad crossings.
  - f. Single-family residential subdivision ground sign(s) must be illuminated in a steady light only.
  - g. Changeable copy signs shall be prohibited.
- 4. Projects requiring conditional use approval on residentially zoned property. If applicable, residential projects requiring conditional use approval for height above 48 feet may utilize the standards of subsection 2, above. Otherwise, such projects are subject to the following:
  - a. Number of signs. Projects approved through a conditional use may have one ground sign.
  - b. Sign area. No face of the ground sign shall exceed 72 square feet in size.
  - c. Height of sign. No ground sign shall exceed 12 feet in height.
  - d. Ground sign setbacks.
    - i. Right-of-way setback. Setback shall be a minimum of ten feet from any property line abutting a public right-of-way.

ii. Setback shall be a minimum of five feet from any other property line.

iii. Notwithstanding any part of this ordinance or any permit granted, or any variance granted by the Zoning Board of Adjustment, no type of structure, vehicle, tree, planting, vegetation, sign, fence, or any other type of obstacle or any portion thereof shall be placed or retained in such manner which would create a traffic hazard or would obstruct the vision clearance at corners, curb cuts, or railroad crossings.

e. Changeable copy signs shall be prohibited, unless otherwise permitted by this chapter.

\* \* \* \*

## SECTION 2. Severability/Interpretation Clause.

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

(b) That in interpreting this ordinance, underlined words indicate additions to existing text and ~~stricken words~~ indicate deletions from existing text. Asterisks (\* \* \*) indicate an omission from the ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

SECTION 3. That this ordinance shall become effective immediately upon its adoption in accordance with the City Charter of the City of Melbourne.

SECTION 4. That this ordinance was passed on the first reading at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 and adopted on second/final reading at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

BY: \_\_\_\_\_  
Paul Alfrey, Mayor

ATTEST: \_\_\_\_\_  
Kevin McKeown, City Clerk

[CITY SEAL]

Ordinance No. 2021-19



**Melbourne City Council**  
**March 23, 2021**  
**City Manager's Item Report**

Department:	City Clerk's Office
Presenter:	Kevin McKeown
Council District:	N/A
Reading Number:	N/A
Public Hearing:	No
Quasi-judicial Item (Disclosure Required):	No
Item Number:	C.18.

**Subject:**

Exceptional Citizen Award (Adoption of Program through March 2021)

**Background/Consideration:**

The Melbourne City Council created the Exceptional Citizen Award Program to recognize Melbourne residents whose volunteerism, service and dedication have made a significant contribution to the City of Melbourne. Nominations for the award will be considered by the City Council on a quarterly basis and recipients will be invited to attend a City Council meeting to receive their award. Recipients will also be recognized on the city's website and social media pages. Nominees must be residents of the City of Melbourne.

Since the adoption of this program at Council's February 9, 2021 meeting, two nominations have been submitted:

- Jeff Njus, Executive Director, Daily Bread (nominated by Joseph Hnat)
- Rev. Cleave S. Frink (nominated by Joseph N. Davis)

**Fiscal/Budget Impact:**

**Requested Action:**

Using the nomination process, select one individual as this quarter's recipient of the Exceptional Citizen Award.