

ORDINANCE NO. 17-019

AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA ADOPTING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; **AMENDING CHAPTER 15 – SIGNS AND BILLBOARDS** BY AMENDING SEC. 15-1 – DEFINITION; 15-2 – PURPOSE AND INTENT; AMENDING SEC. 15-3 – ADMINISTRATION AND ENFORCEMENT; AMENDING SEC. 15-4 – NONCONFORMING SIGNS; AMENDING SEC. 15-5 – PROHIBITED SIGNS OR SIGN CHARACTERISTICS; AMENDING SEC. 15-6 – REGULATION; DELETING SEC. 15-7 – PERMITTED TEMPORARY SIGNS; AMENDING SEC. 15-8 – PERMITTED PERMANENT SIGNS; AMENDING SEC. 15-9 – PERMIT PROCEDURES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the regulations of buildings and structures through zoning is a valid use of the police power; and

WHEREAS, the regulation of signs is validly justified on the basis of conserving the value of property and encouraging the most appropriate use of land throughout the community; and

WHEREAS, it is the intent of the City Commission of the City of Fort Pierce to protect and preserve the aesthetic qualities of the community, and the health welfare and safety of the citizens by regulating the placement, installation, size and maintenance of signs.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida:

SECTION 1. Chapter 15 – Signs and Billboards of the Code of Ordinances of the City of Fort Pierce, Florida, is hereby amended so that the same shall read thereafter as follows:

Chapter 15 - SIGNS AND BILLBOARDS

Sec. 15-1. - Definitions.

The following definitions shall apply in this chapter:

Advertising structure: A sign or sign structure erected or intended for advertising purposes, with or without advertisement displayed thereon, situated upon or attached to real estate, upon which any poster, bill, printing, painting or device is fastened, affixed or displayed.

“A” frame or sandwich sign: A portable upright, rigid supporting sign in the form of a triangle or an inverted V.

Animated sign: A sign which depicts action or motion or which changes color. An animated sign differs from a flashing sign in that it uses movement to create a special effect or scene, rather than as an attention-getting technique.

~~*Attraction board:* (See reader board).~~

Banner sign: A sign made of cloth, fabric, paper, non-rigid plastic or similar type of material.

Billboard: (See off-premises sign).

Completely obliterated: Means not only complete removal of old signage such that it will not be visible, but also that restoration of the wall area upon which the signage was

affixed shall be in the same color, and of the same texture, and materials as the rest of the wall.

Construction project sign: A temporary sign identifying an active construction project.

~~*Detached sign:* (See ground sign).~~

Directional sign:

- (1) A sign erected by an official government agency to denote the name of any thoroughfare; to point out the route to any city, educational institution, public building, historic place or hospital; to direct and regulate traffic; and to denote any railroad crossing, bridge or other transportation facility for the convenience and safety of the general public.
- (2) A sign giving directions or information about an establishment without advertising except that business logos are permitted. Such name and/or logo shall not exceed fifty (50) per cent of sign area. Directional signs may be used to identify entrances, exits, parking areas, clearances, standpipes, business hours, restrictions and traffic directions and order boards.

~~*Director:* The city manager or that person to whom is charged the interpretation, administration or enforcement of this chapter.~~

~~*Double faced sign:* A sign with two (2) faces, back to back.~~

Facade: (See wall face).

Flag of the United States of America: Often referred to as the American flag, it consists of thirteen equal horizontal stripes of red (top and bottom) alternating with white, with a blue rectangle in the canton (referred to specifically as the "union") bearing fifty small, white, five-pointed stars arranged in nine offset horizontal rows, where rows of six stars (top and bottom) alternate with rows of stars.

Flag – all other: a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as the symbol or emblem of a country or institution or as a decoration during public festivities.

Flashing sign: Any sign which contains a continually intermittent or sequential flashing light source.

~~*Flat sign:* (See wall sign).~~

~~*Freestanding sign:* (See ground sign).~~

Ground sign: A sign affixed to the ground, either flush or on poles, and not attached to any building for support, which may include a reader board (also called a detached, pole or freestanding sign).

Group of establishments: Two (2) or more commercial, industrial or public establishments that share common frontage, access points, off-street parking, loading and identity containing one or more structures approved as a single development.

Illuminated sign: Any sign designed to emit artificial light or designed to reflect light from one or more sources of artificial light.

Interchange of copy: The change or replacement of lettering on a sign without the replacement of the sign face itself.

Main street: An abutting public right-of-way which has the greatest vehicular design capacity or current traffic volume relative to all other abutting public rights-of-way.

Marquee: Any hood, awning or canopy of permanent construction which projects from the wall face of a building.

Marquee sign: A sign which is attached to a marquee.

Message sign: An electronically changeable sign upon which graphic displays, symbols or words can be varied upon the face or faces of the sign by a computer controller ~~to display time, temperature, public service and commercial information.~~

~~Mural: A painting or artistic work composed of graphics, photographs or arrangements of color, that displays a non-commercial message and is painted on the side of a building or similar rigid surface.~~

~~Nameplate: A sign indicating the name or address of the occupant or resident of the dwelling unit to which it is attached.~~

~~Obscene: Obscene means the status of material which the average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest, or depicts or describes, in a patently offensive way, sexual conduct, or taken as a whole lacks serious literary, artistic, political or scientific value.~~

Off-premises sign: Any sign which advertises a use, establishment, product or service that is sold, produced, manufactured or furnished at a place other than on the property on which said sign is located. (Also called an outdoor advertising sign or billboard).

On-premises sign: A sign which advertises or directs attention to a use or establishment located on-premises or a product or service available on-premises.

Out parcel: A parcel of property containing a single structure with one tenant located within a group of establishments which may be separately owned or leased from the owner of the group of establishments.

~~Outdoor advertising sign: (See off premises sign).~~

Parapet: A false front or wall extension above the roof line.

Pedestrian sign: A sign which is attached to the underside of a cantilevered roof, portico or overhang that extends from the wall face of an establishment or use and covers a pedestrian passageway.

~~Pennant: Any relatively long, tapering flag or banner.~~

~~Pole banner: A banner that is attached to and displayed upon an upright pole or staff; also called a vertical banner or feather banner.~~

~~Pole sign: A ground sign which is supported by one or more poles, posts, columns, pyramids or other extensions from grade level.~~

~~Political sign: A temporary sign advertising a candidate for public office, a political party or a measure or issue scheduled for an election.~~

Portable sign: A moveable sign not secured or permanently attached to the ground. (Also a trailer, sidewalk "A" frame or sandwich sign).

Projecting sign: A sign which is affixed to and extends from the outside wall or facade of a building.

~~Pylon sign: A sign attached to or painted on the face of a vertical or horizontal extension of any face of a building constituting an integral part of the building structure.~~

Reader board: A sign upon which copy is manually changed periodically to advertise special sales or to otherwise convey a message to the public. ~~(Also called an attraction board).~~

~~Real estate sign: A temporary sign indicating that the lot on which the sign is located, or any building or structure located thereon, is for sale, rent or lease, but shall not include rooming house signs.~~

Roof sign: Any sign erected over or on the roof of a building.

~~Sidewalk or sandwich sign: (See portable sign).~~

Sign: Any exterior identification, description, illustration or device which directs attention to a product, service, place, activity, person, establishment, institution or business; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information.

Sign areas:

- (1) *Ground and projecting signs:* The entire area within and enclosed by the exterior perimeter of all cabinets or modules within a single, continuous

geometric figure, including but not limited to, all written copy, logos, symbols, decorative embellishments and border or roof treatments. This shall include all open areas within said perimeters and all space separating said cabinets or modules. Only one face (the largest) of any multiple-faced sign shall be counted in calculating sign area.

- (2) *Wall signs:* The entire area within a single continuous perimeter composed of squares, rectangles or other geometric figures which enclose the extreme limits of all sign elements affixed to the wall, including but not limited to, cabinet structures, written copy, logos, symbols and illustrations.

Sign face: The part of a sign that is or may be used for advertising purposes.

~~Sign structure: All the interrelated parts and materials, such as beams, poles, and mounts, which are constructed for the purpose of supporting or displaying a message or informative content.~~

~~Snipe sign: A small sign of any material including but not limited to paper, cardboard, wood or metal when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located.~~

~~Special event sign: A sign which calls attention to a business promotion, grand opening, civic event or meeting or other similar activities of a temporary nature. For the purposes of this chapter, a banner constructed of cloth, paper or similar material shall be considered a special event sign.~~

~~Temporary sign: A sign which advertises, for a limited period of time, issues including but not limited to political candidates, parties or issues; active construction projects and proposed development projects; real estate for sale, rent or lease; business grand openings, sales events or other types of special events that do not require a special event permit under Chapter 12-301.~~

Trailer sign: An advertising structure mounted on skids, wheel or wheels, constructed for the sole purpose of advertising, licensed or unlicensed.

~~Tri-faced sign: A sign with three (3) faces, oriented back to back so as to form an equilateral triangle.~~

Vehicular sign: A sign affixed to a vehicle or trailer for the purpose of advertising. For the purposes of this chapter, such signs shall only be applicable when said vehicle or trailer is temporarily or permanently located on a parcel for the primary purpose of conveying a business message.

Wall face: The entire building front, including the parapet.

Wall sign: A sign erected parallel to the outside wall facade of any building including flat, painted, individual letter or cabinet signs. Mansard and marquee signs shall conform to wall sign provisions.

Window sign: A sign which is painted on or displayed within a storefront window or door.

Sec. 15-2. - Purpose and intent. .

~~(a) The purpose and intent of this chapter is to establish requirements for the replacement, installation and maintenance of signs, in order to protect and preserve the health, safety, welfare, appearance and general well-being of the citizens of Fort Pierce. As the regulations of buildings and structures through zoning is a valid use of the police power, so too is the regulation of signs since such signs in the literal sense must ordinarily be considered structures, and in a practical sense are capable of producing many of the same nuisances as are produced by buildings.~~

~~(b) The regulation of signs is further justified to insure the safety of the motoring public. It is the intent of this chapter to regulate the size and location of signs so that their purpose can be served without unduly distracting motorists and causing unsafe conditions.~~

- ~~(c) It is also the purpose and intent of this chapter to protect and preserve the aesthetic qualities of the community by regulating the placement, installation and maintenance of signs. The fact that such signs are intended to command visual contact grants to signs a proportionately greater role in determining the overall aesthetic quality of the community. The aesthetic impact of signs is an economic fact which may bear heavily upon the enjoyment and value of property; therefore the regulation of signs is validly justified on the basis of conserving the value of property and encouraging the most appropriate use of land throughout the community.~~
- ~~(d) Considering this, it is the intention of this chapter to authorize the use of signs which are:~~
- ~~(1) Compatible with their surroundings.~~
 - ~~(2) Appropriate to the type of activity to which they pertain.~~
 - ~~(3) Expressive of the identity of the individual proprietors or of the community as a whole.~~
 - ~~(4) Legible in the circumstances in which they are seen.~~

Sec. 15-3. - Administration and enforcement.

- (a) *General.* The requirements of this chapter shall be administered and enforced by the ~~director~~ City Manager or his / her designee.

~~(b) *Inspection; inventory.*~~

- ~~(1) *Initial inspection.* The director shall cause to be inspected each sign or advertising structure regulated by this chapter within six (6) months of the effective date of this chapter. Upon inspection, the director shall notify the owner or other person in control or possession of the real estate upon which said sign or advertising structure is located. Said notification to include:~~
 - ~~a. Maintenance and condition of said sign and requirements for repair or removal mandated by the provisions of this chapter.~~
 - ~~b. Identification of nonconforming signs and suggestions for correction.~~
- ~~(2) *Biannual inspection.* The director shall cause each sign or advertising structure regulated by this chapter to be inspected biannually for the purpose of insuring compliance with the provisions of this chapter. Upon such inspection, the director shall require the owner of any sign found to be in defective condition, or which does not comply with the terms, conditions and provisions of this chapter, to be repaired or removed within thirty (30) days from the date of notice of such defect; provided, however, that if the director shall ascertain and determine that the maintenance or use of such sign shall adversely affect the public safety, he may require the immediate removal at the owner's expense or prohibit the use of said sign until such defects shall have been remedied.~~
- ~~(3) *Inventory.* The director shall maintain an inventory of all signs or advertising structures regulated by this chapter. Such inventory shall be maintained by street address and shall contain such information as required by the director to effectively administer and enforce the provisions of this chapter.~~

~~(c)~~ Removal of signs.

- (1) *Vacant premises.* A sign shall be removed by the property owner or lessee of the premises when the establishment which it advertises is no longer active or shall replace the ~~cabinet structure~~ sign face with an opaque, blank face on both sides. Upon the premises becoming vacant, the owner or lessee thereof shall remove and keep the windows clean and free from any lettering or advertising signs of the previous business or profession. ~~Outdoor s~~ Signs painted on or affixed to such premises advertising a previous business or profession shall be removed or completely obliterated after the premises becomes vacant. ~~"Completely obliterated" means not only complete removal of old signage such~~

~~that it will not be visible, but also that restoration of the wall area upon which the signage was affixed shall be in the same color, texture, and materials as the rest of the wall. If the owner or lessee fails to remove any such signs, or to modify the cabinet structure sign face as aforesaid, the director shall give the owner shall be given thirty (30) days' written notice to remove it. Upon failure to comply with said notice, the director shall authorize removal of the sign in accordance with the notice requirements of section 15-3(d) and the cost of removal assessed as a lien in accordance with the provisions of section 15-3(e). the sign shall be declared a nuisance and abated in accordance with Section 16-49 of the City of Fort Pierce Code of Ordinances.~~

~~(2) Prohibited, unlawful and nonconforming signs. At the termination of the time periods for which prohibited, unlawful or nonconforming signs are permitted to remain under this chapter, all such signs placed and maintained on public or private property in violation of this chapter shall be removed by the director in accordance with the notice requirement of section 15-3(d) and the cost of removal assessed as lien in accordance with the provisions of section 15-3(e).~~

~~(32) Maintenance. All signs and advertising structures regulated by this chapter shall be maintained in accordance with the provisions of Chapter 23 of the Standard Building Code. Chapter 5 of the City of Fort Pierce Code of Ordinances. The owner or lessee of any sign that is unsightly because of a deterioration or lack of maintenance shall be notified in writing and allowed thirty (30) days to correct said violations. Upon failure to comply with said notice, the director shall authorize removal of the sign in accordance with the notice requirement of section 15-3(d) and the cost of removal assessed as a lien in accordance with the provisions of section 15-3(e). the sign shall be declared a nuisance and abated in accordance with Section 16-49 of the City of Fort Pierce Code of Ordinances.~~

~~(43) Nuisance; abatement. Any sign which is erected, used or maintained in violation of this chapter is hereby declared to be a public and private nuisance and shall be forthwith removed, obliterated or abated by the director. in accordance with Section 16-49 of the City of Fort Pierce Code of Ordinances. For such purpose the director City staff or duly contracted vendor may enter upon private property without incurring any liability therefor. However, if any such sign bears the name of the owner thereof, and said owner holds an unexpired permit issued under this chapter, the said owner shall be given written notice of the violation in accordance with the provisions of section 16-49.15-3(d) and the cost of removal assessed as a lien in accordance with the provisions of section 15-3(e).~~

~~(d) Notice required prior to sign removal.~~

~~(1) The director shall not remove or order the removal of any sign erected and maintained on private property in violation of this chapter, or any unauthorized signs on public property other than temporary signs on a public right of way, except in emergency cases, without written notice delivered personally or by registered or certified mail. The notice shall be addressed to the owner or any co-owner of the property on which said sign is located and to the owner or lessee of the sign, as their names and addresses are shown upon the records of the building and code enforcement department. In the event that such notice is to be served by a law enforcement officer it shall be served on the owner where the sign is located or upon any agent of the owner thereof. In the event that said personal service upon the occupant of the property or upon any agent of the owner thereof cannot be performed after reasonable search and inquiry by such officer, then notice shall be accomplished by physical posting on the sign, where possible, or in a conspicuous place upon the property where the sign is located.~~

~~(2) The director shall file an affidavit of compliance with the above and his records of the matter.~~

~~(3) Said notice shall inform the owner or lessee of:~~

~~a. The nature of the violation of this chapter.~~

- ~~b. The requirements necessary to be fulfilled in order to comply with said chapter.~~
- ~~c. The time period during which the alteration, repair or removal or other action shall be made to the sign in order to comply with this chapter.~~
- ~~d. The fact that failure to comply will cause the owner or lessee to become liable for the cost of remedying the violation and that such cost, including advertising costs and other expenses will be imposed as a lien on the property on which the sign is located if not otherwise paid within the thirty (30) days after receipt of billing.~~
- ~~e. The right to appeal the decision or order of the director to the board of adjustment by said owner or lessee within thirty (30) days receipt of the order. Such notice of appeal shall be in writing and delivered to the director.~~
- ~~(e) Cost of removal assessed as lien. If the owner or lessee fails to comply with the notice provided in section 15-3(d)(3)e. above, within thirty (30) days of the date it is served by actual or constructive services, the director shall cause such sign to be brought into compliance or removed (as the facts may warrant) and shall assess the cost of such compliance or removal to be charged as a lien against the land on which the sign existed. After causing the condition to be remedied, the director shall certify to the director of finance, the expenses incurred in remedying the condition and shall include a copy of the notice above described in section 15-3(d)(3)e. and a copy of the decision of the board of adjustment, if any, whereupon such expense shall become payable within thirty (30) days. After this certification, a special assessment lien charge will be made upon the property, which shall be payable at the rate of eight (8) per cent per annum from the date of such certification until paid. Such lien shall be enforceable in the same manner as provided in Chapter 170, Florida Statutes, as amended, and may be satisfied at any time by payment thereof including accrued interest. Upon such payment, the director of finance shall duly evidence the satisfaction and cancellation of such lien upon the record thereof. Notice of such lien, and satisfaction shall be filed in the office of the clerk of the circuit court and recorded in the official records of the county at the cost of the sign owner.~~
- ~~(f) Emergency removal. In cases where it reasonably appears that there is imminent danger to life or safety of any person unless a sign located on public or private property is immediately altered, repaired or removed, the sign is hereby declared unsafe. All such unsafe signs are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the International Property Maintenance Code, subject to all amendments, modifications or deletions, or other local ordinance, including Article III of Section 16 of the Fort Pierce Code of Ordinances. director shall, if time permits, document such facts with photographs and written reports and shall cause the immediate repair or removal of such sign. In such cases, the decision of the director shall be final. For this purpose, the director may at once enter such place where such sign is located, with such assistance and at such costs as the director deems necessary. The cost of such emergency repair or removal of such sign shall be collected in the same manner as provided in section 15-3(e).~~
- ~~(g) Interpretations. In any application of this chapter where a question of interpretation arises, the interpretation which most effectively accomplishes the objectives stated in section 15-2 shall prevail.~~
- ~~(h) Conflict with building code. If any conflict appears to exist in the application of this chapter and Chapter 23 of the Standard Building Code to the regulation of signs and advertising structures in the city, the provisions of this chapter shall prevail.~~
- ~~(i) Appeals. Any person aggrieved by a decision of the director in regard to the interpretation or enforcement of this section may, within thirty (30) days of said decision, apply to the board of adjustments of the city for appropriate relief. After hearing and decision by the board of adjustments, said aggrieved person shall have exhausted his administrative remedies.~~

Sec. 15-4. - Nonconforming signs.

- (a) *General.* Any sign or advertising structure within the city on the effective date of this chapter, or a sign or advertising structure existing within any area annexed to the city after the effective date of this chapter, which, by its height, ~~area-size, zone,~~ location, ~~or use or structural support~~ does not conform to the requirements of this chapter, shall be termed nonconforming.
- (b) *Continuation or removal.* All nonconforming signs or advertising structures properly permitted and conforming to the sign ordinances of the city in effect on July 1, 1980, or existing within any area annexed to the city after the effective date of this chapter may continue in use in accordance with the other provisions of this section. ~~All other nonconforming signs shall be removed within one year from the effective date of this chapter.~~
- (c) *Structural alterations.* Nonconforming signs shall not be structurally altered or enlarged unless they are made to conform with all the requirements of this chapter, except that substitution or interchange of copy may be permitted ~~until the expiration date for removal of said signs.~~
- (d) *Natural damage.* Nonconforming signs ~~that incur which are~~ more than fifty (50) per cent ~~damage to the sign structure structurally destroyed~~ by wind, deterioration or other damage shall be made to conform with all the requirements of this chapter, or be completely removed.
- (e) *Off-premises signs with less than the minimum separation.* Where two (2) or more off-premises signs, each of which was lawfully installed at its time of installation, are situated closer to each other than permitted by section 15-6(c), then all such signs except the one first installed in the city shall be nonconforming.

Sec. 15-5. - Prohibited signs or sign characteristics.

The following signs or types of signs shall be prohibited within the city except for those which are specifically authorized or required by the city commission, state law or court order:

- (1) Roof signs.
- (2) Portable or trailer signs.
- (3) ~~Sidewalk "A" frame~~ or sandwich signs that do not comply with Sec. 15-6(d)(1) of this Chapter.
- ~~(4) Pylon signs.~~
- ~~(5) Snipe signs.~~
- ~~(64)~~ Signs attached to any tree, shrub or plant that has the potential to damage the tree, shrub or plant.
- ~~(7) Banners and decoration, except as may be permitted as a special event sign.~~
- ~~(85)~~ Signs located over or on any right-of-way except for approved projecting signs or temporary signs that have been properly permitted in a C-4 zoning district.
- ~~(96)~~ Signs attached to or placed upon any utility pole, street light, sidewalk, curb, fire hydrant, bridge or any other public property.
- ~~(10) Flashing, animated or noise making signs, except for message signs displaying time, temperature and community service information only.~~
- ~~(11) Signs attached to bus benches, bus shelters or waste receptacles.~~
- ~~(12) Signs in motion, including swinging, rotating or revolving signs or devices designed to attract attention.~~
- ~~(137)~~ Vehicular signs except for those affixed to franchised buses, taxis, ~~or~~ commercial vehicles or other vehicles operating during their normal course of business or lawfully parked, ~~or political signs in accordance with section 15-7(d).~~

- (148) Signs which copy or imitate official signs or which purport to have official status including signs utilizing fluorescent colors in the yellow and red spectrum typically associated with traffic control, safety notices and emergency response.
- (159) Signs which display any lewd, lascivious, obscene, indecent or immoral written or graphic message.
- (1610) Signs which obstruct or interfere with any door, fire exit, stairway, ladder or opening intended to provide light, air, ingress or egress for any building.
- (1711) Signs which constitute a traffic safety hazard by reason of size, location, movement, content, coloring or method of illumination, including flashing, animated or noise making signs; obstruct the vision of motorists or pedestrians; obstruct or detract from any official traffic control device; divert or tend to divert the attention of motorists from traffic movement on streets, roads, intersections or access facilities; utilize flashing or revolving red, green, blue or amber lights; or utilize the words "stop," "look," "danger" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
- ~~(18) Signs which utilize fluorescent colors in the yellow and red spectrums.~~
- ~~(19) Any other signs not specifically permitted within this chapter.~~

(Code 1960, § 23A-6)

Sec. 15-6. - Regulation.

(a) *General.* In addition to the requirements set forth in sections 15-7 and 15-8 for permitted signs, this section shall apply to specific types of signs.

(b) *On-premises signs.*

(1) Wall signs:

- a. Shall not extend more than eighteen (18) inches from the wall or facade of the building to which they are attached.
- b. Shall not extend more than twenty-four (24) inches above the roof or parapet of a building, whichever is greater.
- c. Shall be located on the main street wall face of the establishment or building they identify except that up to fifty (50) per cent of such permitted sign area may be located on other wall faces.
- d. Shall be adequately constructed and securely anchored installed in accordance with the provisions of the Florida Building Code. requirements of Chapter 23 of the Standard Building Code.

(2) Projecting signs:

- a. Shall provide a vertical clearance of not less than nine (9) feet over any pedestrian walkway or fourteen (14) feet over any vehicular driveway.
- b. Shall not extend closer (leading edge measured horizontally) than eighteen (18) inches to the curbface or, where no curb is installed, to the curblines as established by the city engineer, whichever is less.
- c. Shall not extend more than twenty-four (24) inches above the roof or parapet of a building, whichever is greater.
- d. Shall be adequately constructed and securely anchored installed in accordance with the provisions of the Florida Building Code. requirements of Chapter 23 of the Standard Building Code.

(3) Ground signs:

- a. Sites that are less than or equal to three (3) acres shall have a maximum height of ten (10) feet in height,
 - 1. Sites that are greater than three (3) acres and less than or equal to five (5) acres shall have a maximum height of twelve (12) feet.

Sites that are greater than five (5) acres and less than or equal to ten (10) acres shall have a maximum height of fifteen (15) feet.

3. Sites that are greater than ten (10) acres and less than or equal to twenty (20) acres shall have a maximum height of eighteen (18) feet.

4. Sites that are greater than twenty (20) acres shall have a maximum height of twenty (20) feet.

- b. Any sign which was permitted on or before November 30, 2004, may not be located less than eighteen (18) inches from any public right of way line, adjacent property line or structure. If such sign structure sustains at least fifty percent (50%) damage ~~to at least fifty (50) percent~~, and requires a new permit for repair or replacement, it shall be reconstructed under current regulations, but may maintain the eighteen-inch setback requirement. Any sign newly permitted on or after December 1, 2004, shall not be located less than five (5) feet from any public right of way line, adjacent property line, or structure.
- c. Shall provide a vertical clearance of not less than nine (9) feet over any pedestrian walkway or fourteen (14) feet over any vehicular driveway.
- d. Shall be adequately constructed and ~~securely anchored~~ installed in accordance with the provisions of the Florida Building Code. ~~requirements of Chapter 23 of the Standard Building Code~~.
- e. ~~Shall have a landscaped area around its base which extends a minimum distance of three (3) feet in all directions. Such landscaped area shall be completely covered by ground cover and shrubs, hedges or similar vegetative materials. Vegetation in the area surrounding said sign shall be maintained at a height of less than twelve (12) inches.~~
- f. Shall conform to the clear vision areas of section 22-53 of the zoning Code of eOrdinances with support structures limited to a maximum two (2) feet in diameter.

(c) *Off-premises signs:*

- (1) Shall not exceed an aggregate sign area of four hundred (400) square feet including all trim, molding or skirting.
- (2) Shall not exceed a sign dimension of forty (40) feet horizontally or twelve (12) feet vertically including all trim, molding or skirting.
- (3) Shall not exceed a total height above natural ground level of twenty-five (25) feet.
- (4) Shall be located a minimum of twenty-five (25) feet from any right-of-way, property line or structure on the same property, except the minimum setback shall be increased one foot for each ten (10) square feet or portion thereof that the sign exceeds two hundred (200) square feet.
- (5) Shall have the following minimum distances between any two (2) off-premises signs:
 - a. Five hundred (500) feet where at least one off-premises sign is more than one hundred (100) square feet in sign area.
 - b. Five thousand (5,000) feet where both signs are more than one hundred (100) square feet in off-premise sign area.
- (6) May have two (2) signs situated back-to-back or oriented in a single "V" having an included angle of not more than thirty (30) degrees.
- (7) Shall comply with section 15-8(5)a.3 where the off-premises sign is also a ground sign.

(d) Temporary signs:

- (1) Temporary movable "A" frame—sandwich board type signs. A single, temporary movable "A" frame—sandwich board type sign is permitted. It must be no larger than 2' x 3' and placed within 10' of the entrance to the business

and may not block access to any part of the building or sidewalk per the ADA Code and Florida Accessibility Code regarding clearance standards and accessibility. Temporary "A" frame signs may be placed on public sidewalks that have sufficient width to comply with this section but shall not be placed in the parking lot, city right-of-way, landscaping or swales.

(2) Special event signs. Temporary signs announcing special events may be installed subject to an approved Special Event Permit issued under Section 12-301 of the Fort Pierce Code of Ordinances. No special event signs may be located within a public right-of-way, except as specifically authorized herein. The signs may be in the form of free standing signs no larger than six (6) square feet, flags, banners, pennants, or balloons and exhibited only for that period of time specified on the special event permit. The number of special events signs shall not exceed seventy-five (75) signs.

a. Special event sign permit applications shall include:

- i. Type of signage proposed. Provided information shall include, but is not limited to, the description of signage, dimensions, materials used, method of construction and placement, including dimensions from driveway, right-of-way and edge of pavement, list of sign locations, and such other information as the city may require.
- ii. Responsible agents. Identify the name and phone number of the sponsoring entity and principle contacts responsible for erecting and removing signage.
- iii. At the time of submission of an application for a special event sign permit, the applicant shall pay a Fifty Dollar (\$50.00) processing fee.

b. Shall not be illuminated.

c. May not be placed for a period in excess of thirty (30) days.

d. Banners shall not exceed thirty-two (32) square feet in sign area, except that the combined area of all banners shall not exceed the sign area allowed for on-premises wall or projecting signs.

e. May not impede the clear vision area of driveways or intersections.

f. May be located on the city right-of-way providing all of the above requirements are met.

(3) Streamers, pennants, pole banner and flags.

a. Shall be maintained in good condition; torn, weathered or otherwise deteriorated streamers, pennants, pole banners or flags shall be repaired, replaced or removed.

b. Pole banners must be spaced a minimum of twenty-five feet (25') apart.

c. May not be placed in the right-of-way or in a way that it impedes pedestrian traffic.

d. May not impede the clear vision area of driveways or intersections.

(4) All other temporary signs. Temporary signs as defined in this chapter shall comply with the following regulations.

a. Shall be maintained in good condition; torn, weathered or otherwise deteriorated signs shall be repaired, replaced or removed.

b. May not impede the clear vision area of driveways or intersections.

c. May not be placed on city property, in the city right-of-way, medians or parks.

~~Sec. 15-7.-- Permitted temporary signs.~~

~~(a) General. The types and sizes of advertising structures in this section shall be permitted on a temporary basis subject to the following provisions.~~

~~(b) *Real estate signs.* Real estate signs:~~

- ~~(1) Shall be limited to one sign per parcel, establishment or dwelling unit.~~
- ~~(2) Shall not exceed the following maximum sign areas by zoning district:~~

District	Square Feet
Single family districts (E-1, R-1, R-2 and R-3)	6
Multifamily, office, open space and aquatic districts (R-4, R-4A, R-5, C-1, OS-1, OS-2, A-1 and A-2)	16
Commercial, industrial and planned districts (C-2, C-3, C-4, C-5, C-6, I-1, I-2, PUD and PUR)	16

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- ~~(3) Shall be removed within ten (10) days after the real estate transaction.~~
- ~~(4) Shall not be illuminated.~~

~~(c) *Construction project signs.* Construction project signs:~~

- ~~(1) Shall be limited to one sign per active construction project.~~
- ~~(2) Shall not exceed the following maximum sign areas by zoning use district:~~

District	Square Feet
Single family districts (E-1, R-1, R-2 and R-3)	12
Multifamily, office, open space and aquatic districts (R-4, R-4A, R-5, C-1, OS-1, OS-2, A-1 and A-2)	32
Commercial, industrial and planned districts (C-2, C-3, C-4, C-5, C-6, I-1, I-2, PUD and PUR)	64

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- ~~(3) May contain the name of the project, contractor, subcontractor, architect, developer, supplier or financial institution.~~
- ~~(4) Shall not be erected prior to the issuance of a building permit and shall be removed prior to the issuance of a certified of occupancy.~~
- ~~(5) Shall not be illuminated.~~

~~(d) *Political signs.* Political signs:~~

- ~~(1) Shall be located only on properties in commercial and industrial districts. However, said signs may be located in residential districts on the following conditions:

Said signs in residential districts may be no larger than four (4) square feet, excluding the freestanding supports. Said signs shall be freestanding on their own supports and not attached to utility poles, lampposts or other city property. Said signs shall not have an aggregate height of the sign, including the support, exceeding three (3) feet, to be measured from the ground to the top of the actual sign, so as not to impede vision of traffic at intersections or on streetways, and said signs shall be placed on residential property no closer~~

~~than twenty (20) feet from the road right of way or from any intersection abutting or adjacent to the property where the sign is placed so as not to impede vision of traffic at intersections. There shall be no more than one sign per political candidate or political issue per lot, and every sign in residential districts shall contain a posting date showing the date it was erected, and that date may be no sooner than thirty (30) days prior to the election in which the candidate or issue will be first on the ballot, and the date of election and the name of the person or entity erecting or posting said sign. Each sign shall be removed by the person stated on the sign within seven (7) days after the election in which the candidate or issue was last on the ballot. The city may remove any sign posted on the property if the sign is not posted in a manner specified above or more than seven (7) days have passed since the election and/or ballot. If the city incurs costs and expenses for the removal of signs because they are posted in violation of any provisions of this subsection, the person or entity named on the sign as provided for above shall be billed by the city for the costs and/or expenses of said removal. In the event that litigation arises out of the enforcement of this subsection, the city shall be entitled to all litigation costs, including attorney's fees through the appellate level.~~

- ~~(2) May be erected no sooner than thirty (30) days prior to the election in which the candidate or issue will first be on the ballot.~~
- ~~(3) Shall be removed within seven (7) days after the election in which the candidate or issue was last on the ballot.~~

~~(e) *Special event signs.* Special event signs:~~

- ~~(1) May be permitted by the director for a specific purpose and period of time.~~
- ~~(2) May be displayed up to fourteen (14) days prior to the special event, during the special event which shall not exceed sixty (60) days and shall be removed within fourteen (14) days after the event.~~
- ~~(3) Shall not exceed thirty two (32) square feet in sign area, except that the combined area of all banners shall not exceed the sign area allowed for on-premises wall or projecting signs.~~
- ~~(4) Shall not be illuminated.~~

~~(f) *Streamers, pennants and flags.*~~

- ~~(1) Shall be maintained in good condition; torn, weathered or otherwise deteriorated streamers or flags shall be repaired, replaced or removed.~~
- ~~(2) Shall not be erected in E-1, R-1, R-2 or R-3 zoning districts except for flags used in conjunction with the sale or leasing of real estate.~~

~~(g) *Proposed development signs.*~~

- ~~(1) Shall be limited to one sign per parcel, establishment or dwelling unit.~~
- ~~(2) Shall not exceed the following maximum sign area by zoning district:~~

District	Square Feet
Single-family districts (E-1, R-1, R-2 and R-3)	6
Multifamily, office, open space and aquatic districts (R-4, R-4A, R-5, C-1, OS-1, OS-2, A-1 and A-2)	16
Commercial, industrial and planned districts (C-2, C-3, C-4, C-5, C-6, I-1, I-2, PUD and PUR)	32

- ~~(3) Shall have the date of erection in the lower left hand corner of sign in letters and/or numbers at least one inch high.~~
- ~~(4) Shall not remain on the premises more than one year.~~

Sec. 15-~~8~~7. - Permitted ~~permanent~~ signs.

The following types and sizes of signs or advertising structures ~~of a permanent nature~~ shall be permitted within the following zoning districts:

(1) *Single-family residential zoning districts (E-1, ~~E-2, E-3~~ R-1, R-2 and R-3).*

- a. ~~Semi-restricted uses. Temporary signs that comply with Sec. 15-6(d) and that do not to exceed eight (8) square feet and o~~One non-illuminated ~~wall sign nameplate~~ per individual dwelling unit, which shall not exceed one square foot in sign area.
- b. *Conditional uses.* Types and sizes of signs or advertising structures as permitted by section 15-8(3) in an office commercial zoning district, except that ground signs shall not exceed eighteen (18) square feet in sign area.

(2) *Multi-family residential zoning districts (R-4, R-4A and R-5).*

a. *Semi-restricted uses:*

- 1. ~~Temporary signs that comply with Sec. 15-6(d) and that do not to exceed thirty-two (32) square feet and o~~One non-illuminated ~~wall sign nameplate~~ per individual dwelling unit, which shall not exceed one square foot in sign area.

One non-illuminated wall or ground sign per entrance ~~identifying only the name and/or address~~ of a permitted principal building or use, which shall not exceed eighteen (18) square feet in sign area. Ground signs shall not exceed six (6) feet in height.

- 3. Non-illuminated directional signs, which shall not exceed six (6) square feet in sign area, may be installed as needed with the approval of the director in accordance with section 15-9.

- b. *Conditional Uses.* Types and sizes of signs or advertising structures as permitted by section 15-8(4) in limited commercial zoning districts except that ground signs shall not exceed thirty-two (32) square feet in sign area.

(3) *Office commercial ~~and Edgartown Settlement~~ zoning districts (C-1, ~~ES~~).*

a. *Semi-restricted uses.*

- 1. ~~Temporary signs that comply with Sec. 15-6(d) and that do not to exceed thirty-two (32) square feet. Temporary signs must be placed a minimum of twenty-five feet (25') apart and~~ One ~~wall sign nameplate~~ per tenant or occupant which shall not exceed two (2) square feet in sign area.

One wall sign per building, which shall not exceed twenty-four (24) square feet in sign area.

- 3. Any establishment, or group of establishments, which has main street lot frontage of sixty (60) linear feet or more, shall also be permitted one ground sign, which shall not exceed forty-eight (48) square feet in sign area and six (6) feet in height.
- 4. Directional signs, which shall not exceed six (6) square feet in sign area may be installed as needed with the approval of the director in accordance with section 15-9.

- b. *Conditional uses.* Types and sizes of signs or advertising structures as permitted by section 15-8(4) in limited commercial zoning districts unless restricted by the city commission when the conditional use is approved.

(4) *Limited commercial and Open Space / Recreational zoning districts (C-2, C-5, C-6, OS-1, OS-2, A-1 and A-2).*

a. *Semi-restricted uses.*

1. One wall sign or one projecting sign per tenant, which shall not exceed a sign area equal to twenty (20) per cent of the total wall face area fronting on the main street.

Any establishment, or group of establishments, which has a main street lot frontage of sixty (60) linear feet or more, shall also be permitted one ground sign. Such sign shall not exceed a sign area equal to one square foot for every three (3) linear feet of main street of lot frontage, up to a maximum of two hundred (200) feet. Structures on out parcels with a single tenant having sixty (60) feet of frontage or more shall also be permitted a separate ground sign subject to the restrictions above. The out parcel frontage shall not be subtracted in calculating the frontage for the group of establishments.

3. One pedestrian sign per tenant, which shall not exceed six (6) square feet in sign area.
4. One rear entrance wall sign per tenant which shall not exceed six (6) square feet in sign area.
5. Window signs per tenant, which shall not exceed twenty-five (25) per cent of such open window display area.
6. Directional signs, which shall not exceed six (6) square feet each in sign area, may be installed as needed with the approval of the director in accordance with section 15-9.

7. Temporary signs that comply with Sec. 15-6(d) and that do not to exceed thirty-two (32) square feet. Temporary signs must be placed a minimum of twenty-five feet (25') apart.

b. *Conditional uses.* Same as semi-restricted uses.

(5) *General commercial and industrial zoning districts (C-3, C-4, CP, I-1, ~~and I-2~~, and I-3).*

a. *Semi-restricted uses.*

1. Off-premises signs.

One wall sign or one projecting sign per tenant, which shall not exceed a sign area equal to twenty (20) per cent of the total wall face area fronting on the main street.

3. Any establishment, or group of establishments, which has a main street lot frontage of sixty (60) linear feet or more, shall also be permitted one ground sign. Such sign shall not exceed a sign area equal to one square foot for every three (3) linear feet of main street of lot frontage, up to a maximum of two hundred (200) square feet except that one additional ground sign shall be permitted when the main street lot frontage exceeds five hundred (500) feet. The second ground sign shall not exceed a sign area equal to one square foot for every three (3) linear feet of main street lot frontage in excess of the first five hundred (500) feet of frontage, up to a maximum of two hundred (200) square feet. Structures on out parcels with a single tenant having sixty (60) feet of frontage or more shall also be permitted a separate ground sign subject to the restrictions above. The out parcel frontage shall not be subtracted in calculating the frontage for the group of establishments.
4. One pedestrian sign per tenant, which shall not exceed six (6) square feet in sign area.
5. One rear entrance wall sign per tenant, which shall not exceed six (6) square feet in sign area.

6. Window display signs per tenant, which shall not exceed twenty-five (25) per cent of such open window area.
 7. Directional signs, which shall not exceed six (6) square feet in sign area, may be installed as needed.
 8. Temporary signs that comply with Sec. 15-6(d) and that do not to exceed thirty-two (32) square feet. Temporary signs must be placed a minimum of twenty-five feet (25') apart.
- b. *Conditional uses.* Same as semi-restricted uses.
- (6) *Planned ~~unit~~ development and planned unit redevelopment zoning district (~~PUD~~ ~~PD~~ or ~~PUR~~).* Except for temporary signs that comply with Sec. 15-6(d) and that do not exceed thirty-two (32) square feet, the types and sizes of signs and advertising structures permitted shall be determined by the city commission as part of the final development or redevelopment plan except that in no instance may the permitted signage exceed that permitted by section 15-8(5)(a)2, 3, 4, 5, 6, 7 and 15-8(5)(b).
- (7) *I-95 and turnpike ~~special-sign interchange~~ district.*
- a. *Area defined.* The area subject to this section shall include all commercial and industrial lots or parts thereof located within:
 - One half mile of where I-95 N intersects with State Road 70; or
 - One half mile of the commencement of the southbound turnpike off ramp; or
 - Extends a half mile both north and south of State Road 70 between the two interchanges.

~~fifteen hundred (1,500) feet of the center of the intersection of I-95 and State Road 70, and fifteen hundred (1,500) feet of the center of the intersection of the Florida Turnpike and State Road 70, and shall further include the area within a five hundred 500-foot radius on either side of that portion of State Road 70 which lies between the two (2) intersections.~~
 - b. *Ground sign standards.* Any establishment or group of establishments, which has a main street frontage of sixty (60) linear feet or more, located on a lot which lies in whole or in part in the district provided for by this section, shall be permitted one ground sign. Such sign shall not exceed a sign area equal to one square foot for every three (3) linear feet of main street frontage, up to a maximum of three hundred (300) square feet. The maximum height shall be sixty-five (65) feet. fifty (50) feet except that eighty (80) feet of height is permissible where the sign is at a location within fifteen hundred (1,500) feet of the intersection of either I-95 and State Road 70 or the Florida Turnpike and State Road 70.
 - c. *Other standards.* Additional signs in this district shall conform with regulations and standards provided by this chapter or the appropriate zoning category.

Sec. 15-~~98~~. - Permit procedures.

- (a) *General.* No person shall place, erect or maintain the structure of a sign including the removal or replacement of the sign face, or cause to be placed, erected or maintained, any sign or advertising structure or structure or structural alteration thereto except in conformance with the provisions of this chapter.
- (b) *Application.* All plans and layouts for a sign or advertising structure shall be accompanied by an application which shall be filed with the director Building Department in accordance with Chapter 5 of the Fort Pierce Code of Ordinances prior to the issuance of any permit. The application shall be approved or disapproved by the director Building Department within fifteen (15) days of the date it is received. In the event it is not either approved or disapproved within such period

of time, it shall be deemed approved. If disapproved, such disapproval may be appealed to the construction board of adjustments and appeals, as established by chapter 5, to be heard at its next regular meeting, in a manner consistent with the board's rules of procedures. Said application shall describe and set forth the following:

- (1) The type of proposed sign or advertising structure requested as defined in this chapter.
 - (2) The street address and legal description of the property upon which said sign is to be located.
 - (3) The square foot area per sign face and message content.
 - (4) Plans drawn to scale showing:
 - a. The location of all proposed signs and existing signs to be retained.
 - b. Complete design specifications of all proposed signs to show methods of construction and installation anchoring to building or ground in accordance with the provisions of the Florida Building Code. requirements of Chapter 23 of the Standard Building Code.
 - (5) Photographs of all existing on-site signs.
 - (6) The name and address of the person in control or possession of the property upon which said sign is to be located and authorization from same for possession to place said sign upon the property.
 - (7) The name of the person or contractor erecting the structure.
 - (8) Such other pertinent information as may be required by the Building Department director.
- (c) *Permit; ~~label~~*. After the provisions of this chapter have first been complied with, and the sign or advertising structure does not violate any of the terms, conditions or provisions herein or of any other law or ordinance, ~~the director shall issue~~ a permit shall be issued for such sign or advertising structure. ~~All approved signs shall have affixed thereto and conspicuously displayed in the lower right hand area of a sign an identification label which shall be provided by the director. The absence of such label shall be prima facie evidence that the sign or advertising structure is in violation of the provisions of this chapter.~~
- (d) *[Fee schedule.]* ~~A permit fee shall be paid in accordance to the fee schedule established in Section 5-267 of the City of Fort Pierce Code of Ordinances. Except that, permit fees for special event signs shall be paid in accordance to the fee established in Section 15-6(d) of this chapter. schedule established by the city commission by resolution shall be required in order to accommodate the administrative costs associated with sign permit reviews and site inspections for the installation, erection or placement of any sign or advertising structure.~~
- (e) *Permit and fee exemptions*. The following types of signs shall not be required to have a permit or subject to the above fees, but shall meet all other appropriate requirements within this chapter:
- (1) Temporary signs, except special event signs. Real estate sign.
 - (2) Murals. Residential nameplate.
 - ~~(3) Political sign.~~
 - ~~(4) Construction project sign.~~
 - ~~(5) Window display signs, including but not limited to credit card signs, decals or emblems.~~
 - ~~(6) Credit card sign, decal or emblem.~~
 - ~~(7) Memorial sign or tablet Interchange of copy.~~
 - ~~(8) Public convenience sign, which identifies the location of restrooms, public telephones or the like except for signs required by the ADA code or Florida Accessibility Code.~~

- (96) Public utility sign, which identifies the location of underground lines, high voltage areas or the like.
- (407) Public warning sign, which indicates the dangers of trespassing, swimming, animals or the like.
- (118) Flag, emblem or insignia of the United States, the state or the city.
- (429) Seasonal display or decoration not advertising a product, service or establishment.
- ~~(13) Streamers, pennants and flags.~~
- ~~(14) Proposed development sign.~~
- (f) *Contractors.* No person shall engage in the business of construction, erecting, altering or maintaining signs that require a permit within the city until he / she is state certified or has a valid certificate of competency from the city.
- (g) *Stop-work orders.* Upon notice from the Building Official or his/her designee that work on any sign or advertising structure is being done contrary to the provisions of this chapter or the Code or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property or to his agent or to the person doing the work, and shall state the condition upon which work may be resumed. Where an emergency exists, no written notice shall be required to be given by the Building Official.
- (h) *Revocation of permit.* The Building Official may revoke a permit or approval, issued under the provisions of this chapter, in case there has been any false statement, concealment or misrepresentations as to a material fact in the application or plans on which the permit or approval was based.

SECTION 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 4. This Ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM
AND CORRECTNESS:

James M. Messer, Esquire
City Attorney

STATE OF FLORIDA)
ST. LUCIE COUNTY)^{SS}

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 17-019 was duly advertised by title only in the St. Lucie News Tribune on May 26, 2017; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on June 5, 2017; and was duly introduced, read by title only, and passed on second and final reading on June

19, 2017, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 19th day of June, 2017.

Linda Hudson,
Mayor Commissioner

Linda W. Cox,
City Clerk

(CITY SEAL)