

ORDINANCE 2017-____

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AN AMENDMENT TO ITS LAND DEVELOPMENT REGULATIONS (LDRS); PROVIDING FOR AMENDMENTS TO CHAPTER 956, SIGN REGULATIONS, BY AMENDING SECTION 956.11, EXEMPTIONS TO PERMITTING PROCEDURES; BY AMENDING SECTION 956.15, REGULATIONS FOR TEMPORARY SIGNS REQUIRING PERMITS; AND BY AMENDING SECTION 956.15.1, REGULATIONS FOR ACTIVE SUBDIVISION OR REAL ESTATE DEVELOPMENT SIGNS; PROVIDING FOR AMENDMENTS TO CHAPTER 901, DEFINITIONS; PROVIDING FOR AMENDMENTS TO CHAPTER 912, SINGLE-FAMILY DEVELOPMENT, BY AMENDING SUBSECTION 912.05(5), GARAGE SALES AND YARD SALES; AND BY PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; CODIFICATION; SEVERABILITY; AND EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT THE INDIAN RIVER COUNTY LAND DEVELOPMENT REGULATIONS (LDRS) BE AMENDED AS FOLLOWS:

SECTION #1:

Amend LDR Section 901.03, Definitions in alphabetical order, of Chapter 901, Definitions, as follows:

Sign any writing (including letter, word, or numeral); pictorial representation (including illustration or decoration); emblem (including service mark, symbol, or trademark) except a religious emblem; flag (banner or pennant); any other figure or character or any structure or part thereof on which such writing, pictorial representation, emblem, flag, or other figure or character is installed or placed (except a building to which the same may be attached) which:

- (a) Is used to inform, attract attention, or advertise; and,
- (b) Is readily visible from any public place off the premises where the sign is located.

Whenever the word "sign" appears in Chapter 956, ~~Signs~~ **sign regulations**, it shall include "advertising structure." In addition, whenever the word "sign" is used it shall include buildings or other structures shaped to resemble in configuration or design a product for sale such as, but not limited to, hot dogs, hamburgers, ice cream cones, shoes, automobiles, or fruit.

Sign, A-frame a movable sign not secured or attached to the ground as required by Chapter 956, ~~Signs~~ **sign regulations**.

Sign, abandoned (on-premises) an on-premises sign identifying an establishment that has not been conducting business at the site on which the sign is located or at the location noted on the sign for a period greater than one hundred eighty (180) days or a sign in a condition of disrepair, set forth in Chapter 956, ~~Signs~~, **sign regulations**, of the county land development code. A sign shall not be considered abandoned for businesses which operate on a seasonal basis.

Sign, add-on any additional sign area added to a permitted sign prior to obtaining a permit for the additional sign.

Sign, animated a sign with physical action or motion or the appearance thereof, using manmade or wind actuated elements, including rotating, oscillating, fluttering, flashing, or swinging signs,

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streamers, balloons, or banners, but excluding allowed flags, traditional barber poles, electronic adjustable alternation displays, and time/temperature units.

Sign, area of sign the area of the single face side of the sign within a perimeter which forms the outside shape, including any frame forms and integral parts of the display, but excluding the necessary supports, pole covers, or uprights on which the sign may be placed. The copy area of the sign shall be the actual area of the sign copy applied to any background as computed by straight lines drawn closest to copy extremities encompassing individual letters or words.

Sign, canopy any sign installed on any ornamental roof-like structure of cloth or otherwise that provides or suggests shelter and projects from a wall or is supported by columns; or any temporary or permanent cover providing shelter or decoration (as over a door or window), including an awning.

Sign, changeable copy a sign which has message characters that are not permanently attached to the sign, but which are attached to permit numerous changes of the message on the sign without repainting of any part of the sign or removal of any parts of the sign except the message characters.

~~*Sign, construction* a temporary sign erected on the premises on which construction is taking place, during the period of such construction, identifying the project and various characteristics such as, completion date and those engaged in construction on any building site. This may include the builder, contractor, developer, architect, engineer, financing entity, or other persons or artisans involved in said construction.~~

~~*Sign, development* a temporary sign advertising the sale or rental of structures under construction upon land which is under development.~~

Sign, directional (off premises) see "billboard."

~~*Sign, directional* any sign permanently or temporarily installed on public property by or with approval of the County or any authorized governmental agency. Such directional signs shall be designated **a permanent or temporary sign situated so as to guide or direct pedestrians or vehicles to an event or to any public a building, civic organization, place of worship, hospital, or transportation facility.**~~

~~*Sign, directory* a sign which lists only the names of individuals or businesses within a building, or contiguous buildings on one premises.~~

Sign, double-faced a sign with two (2) faces of generally equal dimensions, parallel to each other, and back to back. A double faced sign shall be considered one sign.

Sign, identification a sign which contains no advertising and the message of which is limited to conveying street numbers, the name, address and numbers of the premises, or the name of the owner or occupant of the premises.

Sign, facade see "sign, wall."

Sign, flashing any sign with a light or lights which flash, blink, change in intensity or otherwise create the illusion of flashing or movement.

Sign, freestanding a sign which is supported by one or more columns, uprights, or braces (ground or pole sign) anchored into the ground independent of support from any building, including ground signs and pole signs.

Sign, height the vertical distance to the highest point of a sign. Freestanding signs shall be measured from the average natural grade or the minimum flood elevation, whichever is higher.

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Sign, illuminated a sign which gives forth artificial light or reflects such light from an artificial source.

Sign, instructional a sign **situated so as to** conveying instructions with respect to **use of** the premises on which it is maintained, such as, but not limited to, "exit," "entrance," "parking," "no trespassing," "no solicitation," or similar instruction.

Sign, memorial a sign, tablet or plaque **situated on or near a building so as to indicate** ~~indicating~~ a dedication or the name of the building. ~~and is cut into a masonry surface or constructed of metal as part of the building.~~

Sign, message center any sign that can automatically display words, numerals, and/or characters in a programmed manner.

Sign, multiple-faced a sign with more than two (2) faces.

Sign, nonconforming any sign lawfully existing on the effective date of the sign ordinance, Chapter 956, or an amendment thereto, but which would be prohibited or further restricted under the terms of county land development regulations.

Sign, on-premises see "sign, point of purchase."

Sign, point of purchase (on premises sign) any structure, device, display board, screen, surface or wall, characters, letters, or illustrations placed thereto, thereon, or thereunder by any method or means whatsoever where the matter displayed is used for advertising on the premises, a product or service, actually or actively offered for sale or rent thereon or therein.

Sign, pole freestanding sign.

~~*Sign, political* any non permanent sign relevant to the candidacy of any person who is qualified under the laws of Florida as a candidate for an elective office of Indian River County, any municipality, school district, special taxing district, or other publicly elected office within Indian River County or any other Florida County, State of Florida, or United States, or signs advocating an issue that will appear on any primary, general or special election ballot in the county.~~

Sign, projecting a sign other than a wall sign which is attached to and projects no more than eighteen (18) inches from a structure or building face. Area of a projecting sign is calculated on one face only.

Sign, public a sign placed under the authority of duly authorized government officials, including traffic signs, civic signs, legal notices, public safety signs, or signs placed by such authorized officials for the public health, safety, welfare, and convenience.

~~*Sign, real estate* any sign installed by the owner or his agent on a temporary basis, advertising the real property upon which the sign is located for rent, sale, or lease.~~

Sign, revolving see "animated sign."

Sign, roof any outdoor advertising display sign, installed, constructed or maintained above the roof line of any building, excepting allowable signs on a parapet or marquee.

Sign, rotating see "sign, animated."

Sign, sandwich see "sign, A-frame."

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Sign, snipe any sign placed on any tree, utility pole, or similar object. Also, any sign installed without permission of the owner of the property where the sign is placed.

~~*Sign, special event* a sign that calls attention to a business grand opening, civic event or meeting, or other similar activity of a temporary nature.~~

Sign, swinging any sign installed by any means which allows the sign to swing back and forth by wind action.

Sign, temporary any sign intended to be displayed for a limited period of time only, usually for less than one year.

Sign, time and temperature a display containing illuminated numerals flashing alternately to show the time and/or temperature.

Sign, trailer any sign installed on a portable frame or structure with wheels other than a motor vehicle and excluding commercial trailers used in support of a commercial hauling, lawn mowing, land clearing, or similar mobile commercial service.

Sign, under canopy any sign hung under a canopy.

Sign, Vee-shaped any sign which has two (2) faces which are not parallel.

Sign, vehicular a sign affixed to or painted on a transportation vehicle or trailer, for the purpose of business advertising; however, not including signs affixed to vehicles or trailers for identification purposes.

Sign, wall (facade sign) any sign installed parallel to and flush against the exterior wall of a building, supported by the building and which has only one advertising surface.

Sign, wall area that background area upon which the copy area is placed. Where the copy area is attached to the wall of a building, the wall shall not be construed to be the background area of the sign unless it is an integral part of the sign.

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

SECTION #2:

Amend LDR Section 956.11, Exemptions to permitting procedures, of Chapter 956, Sign Regulations, as follows:

Section 956.11. Exemptions to permitting procedures.

- (1) *Provisions regulating exempted signs.* The following types of signs do not require a permit provided the sign shall: Comply with applicable requirements in the zoning district where placed; comply with other provisions in this subsection; and be consistent with the spirit, intent and purpose of this chapter. All sign copy shall be considered exempt from the provisions of this chapter. This chapter shall not apply when state or federal regulation requires other specific posting standards.

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(2) *Signs exempted from permitting procedure.*

- (a) *Identification signs.* Exempted signage shall ~~include signs identifying only the name and/or address of the owners, occupants or buildings and having an area not exceeding~~ not exceed two (2) square feet for a single-family residential structure or four (4) square feet for a multiple-family, nonresidential, or mixed use structure.
- (b) *Traffic regulatory and directional signs.* ~~Traffic regulatory and directional signs erected by authorized agents of the county, state, federal government or private development for the public safety and welfare. Such signs must comply with all applicable standards of the Manual of Uniform Traffic Control Devices.~~ **Signs required by law. Signs such as traffic regulatory signs that are required by law.**
- (c) *Instructional signs.* Instructional signs not to exceed one (1) square foot for residential uses and four (4) square feet for nonresidential uses.
- (d) *Memorial signs.*
- (e) *Window signs.* Except in residential zoning districts, a temporary window sign or signs having a total area not exceeding twenty (20) percent of each window, calculated separately for each window.
- (f) *Gasoline and fuel pricing signs.* Gasoline and fuel pricing signs shall be exempt when required by law to be posted. The size of such signs shall not exceed the dimensions specified in appropriate federal regulations.
- (g) *No smoking signs.*
- (h) **Temporary signs of limited geographic scope and number. Temporary signs of limited geographic scope and number that meet the following criteria do not require a permit. Typical signs in this category include garage sale signs and real estate for sale or lease signs. Temporary signs broader in geographic scope and number shall require a temporary sign permit as set forth in section 956.15 of this chapter.** *Real estate for sale, lease, or rental signs.*
 - 1. *Number of signs.* One (1) **temporary on-premises** sign per street frontage ~~advertising the sale, lease, rental or exchange of real property or a business opportunity~~ may be placed on the property ~~advertised~~ in any **zoning** district. One (1) additional sign may be placed where the street frontage exceeds three hundred (300) linear feet along a common road right-of-way.
 - 2. *Area requirements.* Said **temporary** signs shall not exceed four (4) square feet for single-family residential uses, six (6) square feet for multiple-family or institutional uses, and sixteen (16) square feet for commercial or industrial sites.
 - 3. *Required setbacks.* Said **temporary** signs shall be located outside rights-of-way within the applicant's property lines and shall have a ten-foot setback from all other adjacent property lines, excepting adjacent road rights-of-way from which no setback is required.
 - 4. *Height requirements.* Residential or institutional ~~real estate~~ **temporary** signs shall not exceed five (5) feet in height. Commercial or industrial ~~real estate signs or allowable real estate directory~~ **temporary** signs shall not be placed within the road right-of-way, and shall not exceed the height restrictions as set forth in Table 1 of this chapter.

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- ~~5. *Restrictions on copy.* Real estate for sale, lease, or rental signs shall contain only the following or any combination thereof at the option of the sign owner:~~
- ~~a. House, apartment, unit, business, or other short description of the property.~~
 - ~~b. The words "for sale," "for lease," "for rent," "for exchange," "see your broker," or similar phrase.~~
 - ~~c. The registered name of the broker and the term "broker," "Realtor," or logo, as the case may be, if the offer is through an agent, or the words "by owner" if the offer is not through an agent.~~
 - ~~d. Two (2) telephone numbers and/or "inquire within," or a similar phrase, and a room, apartment, or unit number, if needed.~~
 - ~~e. Other pertinent information relating to the characteristics of the real estate.~~
- ~~6.5. *Additional regulations for real estate open to inspection signs.* One (1) on-premises sign not to exceed four (4) square feet in area inviting the inspection of said property in all zoning districts may be placed in addition to the sign permitted in subparagraph 956.11(2)(h)1. Two (2) additional off-premises open-house temporary signs, such as open house or garage sale signs, not to exceed four (4) square feet each may be placed per open-house within road right-of-way; however, no more than two (2) such signs may be placed per intersection. Such signs may be located within a road right-of-way, provided the sign is:~~
- ~~a. Located at least eight (8) feet from the edge of any roadway or intersecting driveway;~~
 - ~~b. Constructed as a break away sign; and~~
 - ~~c. No more than three (3) feet above the crown of the adjacent road, measured to the top of the sign.~~
- ~~All open-house temporary signs posted under this section shall be placed only when the property that is the subject of the sign direction is actually open for inspection or visitation by the public and shall be displayed only between the hours of 8:00 a.m. 6:00 a.m. and 7:00 p.m. For any residential site open for inspection or visitation by the public, temporary signs allowed under this section shall be displayed for a period not exceeding twenty four (24) days during any calendar year. Said signs shall be limited to the words "open house," "open for inspection," or other similar words or phrases.~~
- ~~7. *General restriction.* It shall be unlawful for any person to place on any lot, parcel of land, building, or structure any sign or similar advertisement offering real estate or a business opportunity for sale, exchange, lease, rent, or business opportunity for sale, exchange, lease, rent, or inspection, except as specifically authorized in this chapter, excepting allowable active subdivision or real estate development signs approved pursuant to subsection 956.15(3) or off-premise directional signs permitted pursuant to subsection 956.16(2)(e) of this chapter. The provisions of subsection 956.11(2) shall not apply to signs at the principal office or branch office of any real estate business brokerage firm. However, such signs are subject to the sign restrictions applicable within the zoning district where the office is located.~~

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86. ~~No illumination. Real estate for sale, lease, or rental~~ **Temporary signs posted under the criteria of this section** shall not be illuminated ~~in residentially designated areas.~~

- (i) *Flags.* The flag of the United States of America, flags of other nations, states, counties, cities, veteran and civic organizations, schools and public and non-profit private institutions.
- (j) *Non-commercial decorative art.* Decorative or architectural features which are an integral element of a building or works of art so long as such features do not contain letters, trademarks, moving parts, exhibit merchandise for sale on premises, and do not contain lights. Religious emblems shall be construed as being non-commercial decorative art and shall be exempt from this chapter.
- (k) *Holiday decorations signs.* Holiday signs and decorations that are clearly incidental to and customarily associated with any national, local, or religious holiday observance.
- ~~(l) *Garage sale signs.* One (1) on premises garage sale sign per street frontage may be displayed between the hours of 6:00 a.m. and 5:00 p.m. The sign shall not exceed four (4) square feet. Said signs shall be located outside rights-of-way, within property lines, and shall maintain a ten-foot setback from all other adjacent property lines, excepting the road right-of-way from which no setback is required.~~

~~One (1) additional off premises garage sale sign may be erected per entry into a subdivision or development in which a garage sale is taking place. No more than one (1) such sign may be placed at each respective point of entry to a subdivision or development. Such sign may be located within a road right-of-way provided the sign is:~~

- ~~1. Located at least eight (8) feet from any roadway;~~
- ~~2. Constructed as a break-away sign;~~
- ~~3. No more than three (3) feet in height measured from the crown of the adjacent road;~~
- ~~4. Displayed only during the hours of 6:00 a.m. to 5:00 p.m.; and~~
- ~~5. No greater than four (4) square feet.~~

~~No on- or off-premises garage sale signs shall be displayed for a period exceeding three (3) consecutive days and shall not be displayed for more than a total of nine (9) days during a calendar year.~~

~~(m)~~ *Temporary construction signs on construction sites.* Temporary construction signs advertising the construction or improvement of the property upon which such sign is located **on construction sites** may be erected upon issuance of a **site construction** building permit for the subject project subject to compliance with the following conditions:

- 1. *Character of sign.* ~~A construction~~ **Such temporary** sign shall not exceed a cumulative area of sixteen (16) square feet, and no more than three (3) such signs per premises shall be permitted. Such sign(s) shall not be illuminated. These signs must be located on ~~the~~ a developing premises, at least five (5) feet from all rights-of-way **and easements**, and at least ~~twenty (20)~~ **ten (10)** feet from other property lines. **Such temporary Construction** signs are otherwise subject to the regulations applicable to the district where erected. ~~Construction~~ **Such temporary** signs shall otherwise comply with provisions of this chapter.

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2. *Timing of removal.* Any ~~construction~~ **such temporary** sign shall be removed prior to the issuance of a final certificate of occupancy.

~~(nm)~~ *Change of copy.*

~~(on)~~ *Right-of-way acquisitions.* Signs located within recently acquired rights-of-way may be relocated without obtaining a permit.

~~(po)~~ *Carried sign.* A sign that is carried or held by a person on private property or on a public sidewalk.

~~(pp)~~ ~~Free expression sign~~ **On-premises yard or window sign.** ~~A~~ **An on-premises yard or window** sign related to any non-commercial message that is otherwise lawful, subject to the following conditions:

1. In residential zoning districts, such signs shall either be freestanding or window signs. If displayed as a freestanding sign, such sign shall be no more than nine (9) square feet in area and shall not exceed five (5) feet in height. Each window sign shall be no more than two (2) square feet in area and the cumulative area of all window signs shall be no more than twenty (20) percent of the total area of each window. Such signs shall not be illuminated. ~~One (1) free expression sign per candidate, issue or topic is allowed per lot or parcel of land.~~ **During periods of election, from the day after the deadline for qualifying for elective office to five (5) days after the election, one (1) additional sign per lot or parcel of land shall be allowed for a temporary event. For purposes of this section, a candidate, issue, or topic on an election ballot shall each constitute a temporary event. For a lot or parcel of land that has more than three hundred (300) feet of frontage on a collector or arterial road, two (2) additional signs shall be allowed for each temporary event during periods of election.**
2. In non-residential zoning districts, such signs shall either be freestanding or window signs. If displayed as a freestanding sign, such sign shall be no more than sixteen (16) square feet in area and shall not exceed ten (10) feet in height. Each window sign shall be no more than four (4) square feet in area and the cumulative area of all window signs shall be no more than twenty (20) percent of the total area of each window. Such signs shall not be illuminated. ~~One (1) free expression sign per candidate, issue or topic is allowed per lot or parcel of land.~~ **During periods of election, from the day after the deadline for qualifying for elective office to five (5) days after the election, one (1) additional sign per lot or parcel of land shall be allowed for a temporary event. For purposes of this section, a candidate, issue, or topic on an election ballot shall each constitute a temporary event. For a lot or parcel of land that has more than three hundred (300) feet of frontage on a collector or arterial road, two (2) additional signs shall be allowed for each temporary event during periods of election.**
3. Such ~~free expression signs, unless carried or held on a public sidewalk,~~ shall be located wholly on private property with the prior consent of the property owner or lawful occupant of the property. Such signs, when freestanding, shall be at least five (5) feet from all public rights-of-way.

SECTION #3:

Amend LDR Section 956.15, Regulations for temporary signs requiring permits, of Chapter 956, Sign Regulations, as follows:

Section 956.15. Regulations for temporary signs requiring permits.

The requirements of this section apply to temporary signs erected off-premises ~~for political campaigns and for special events~~ that are broader in geographic scope and number than temporary signs exempt from permitting under subsection 956.11(2)(h) of this chapter. For purposes of this section, ~~special event signs are temporary~~ such temporary signs are posted countywide typically for election campaigns or announcing other temporary ~~special events, such as fairs, shows, concerts, grand openings, or seasonal sales.~~ ~~to be sponsored by a charitable, educational, or religious institution, or a commercial entity.~~ Said temporary signs shall require issuance of a permit by the code enforcement official, except as otherwise specified herein. Prior to the placement of any of the described temporary signs all relevant provisions of this chapter shall be satisfied.

- (1) *Sign permit required.* Except for a an on-premises yard or window ~~free-expression~~ sign posted by an owner on his or her property meeting the criteria of subsection 956.11(2)(p); or exempt signs meeting the criteria of subsection 956.11(2)(h). no temporary ~~political campaign sign or special event~~ sign shall be displayed in the unincorporated area of Indian River County unless a county sign permit has been obtained subject to the provisions of this section. A single overall sign permit may be obtained for placement of more than one (1) temporary sign, including multiple signs displayed as part of a countywide campaign or advertisement of a ~~special~~ temporary event. No more than twenty (20) signs shall be displayed in the unincorporated county. ~~for a special event. For political campaigns, there is no limit on the total number of signs displayed in the unincorporated county when such signs are otherwise displayed in compliance with the requirements of this section.~~
- (2) *Application.* The applicant shall submit a written application on a form to be provided by the code enforcement official which stipulates the conditions under which the temporary sign(s) are being requested. In addition to sign application information required pursuant to section 956.05, the application should include the following:
 - (a) ~~Nature of the temporary sign(s). If the temporary sign(s) relate to a special event, include the location of the special event and daily schedule of activities;~~
 - (~~a~~) Duration of the ~~special~~ temporary event ~~or campaign.~~ Include dates of commencement and termination of the special event or election; ~~political campaign;~~
 - (~~b~~) Sign distribution. Include the proposed distribution of signage and such other information as the county may require to ensure consistency with the spirit, intent, and purpose of this chapter;
 - (~~c~~) Responsible agents. Identify the name of the sponsoring entity and principal contacts responsible for erecting and removing signage.
- (3) *Duration of sign display restricted.* ~~Temporary special event signs may be erected for a period of time not to exceed seven (7) calendar days within any six-month period. Temporary signs associated with a Temporary Use Permit issued under County Code Chapter 972, Temporary Uses, may be erected for a period of time concurrent with the timeframe of the~~

approved event. **If the temporary event relates to any election, the event period shall be considered the day after the deadline for qualifying for elective office to five (5) days after the election.** ~~Temporary political campaign signs may be displayed no more than ninety (90) days prior to the election in which the candidate's name or the issue will appear. Any unopposed candidate in the first primary who will face opposition in the following general election may erect temporary political signs ninety (90) days prior to the first primary, notwithstanding the fact that the candidate's name will not appear on the first primary ballot.~~

- (4) *Temporary signs in residential **zoning** districts.* Temporary signs for ~~political campaigns or special~~ **temporary** events are allowed in residential districts, as defined in Chapter 901, Definitions, subject to the following provisions:
 - (a) One (1) sign per ~~special~~ **temporary** event, ~~candidate or issue~~ is allowed per lot or parcel of land. The allowable signage shall not exceed nine (9) square feet per sign;
 - (b) Signs shall not be illuminated and shall be freestanding;
 - (c) Signs shall be located wholly on the private property and shall be placed at least five (5) feet from all rights-of-way and fifteen (15) feet from all other property lines, and shall not exceed five (5) feet in height.
- (5) *Temporary signs in nonresidential **zoning** districts.* Temporary signs for ~~political campaigns or special~~ **temporary** events are allowed in nonresidential zoning districts subject to the following provisions:
 - (a) One (1) sign per ~~special~~ **temporary** event, ~~candidate or issue~~ is allowed per lot or parcel of land. The allowable signage shall not exceed (16) square feet per sign;
 - (b) Signs shall be located wholly on the private property and shall be placed at least five (5) feet from any right-of-way and fifteen (15) feet from all other property lines and shall not exceed ten (10) feet in height.
- (6) *Compliance with conditions of sign(s) placement and removal.* The applicant shall place signs in a manner consistent with the terms of county sign regulations and remove the same pursuant to the schedule approved as a condition of permit approved. In addition, the applicant shall agree to conditions necessary to ensure that potential issues identified by the county shall be effectively managed in order to promote the public safety, avoid excessive proliferation of signage, and protect the economic and business climate and appearance of the community. Concerning the placement and removal of temporary ~~political campaign and special~~ event signs, the following shall apply:
 - (a) All temporary signs must be removed within five (5) days after the ~~special event or, regarding political campaign signs, after the election in which the candidate is eliminated or elected or after the resolution of the respective issues by referendum;~~
 - (b) The placement of temporary signs upon any tree, utility pole, or similar object is prohibited;
 - (c) The placement of any temporary sign without permission of the owner of the property upon which the sign is placed is prohibited;

- (d) The placement of any temporary sign in a public or private road right-of-way is prohibited; however, the public works department may approve placement of temporary traffic/directional signs within rights-of-way in accordance with subsection 956.11(2)(b). For purposes of this regulation, the road right-of-way line shall be deemed to be the edge of sidewalks or utility poles furthest from the road. Where no such structure(s) are present, the right-of-way line shall be deemed to be twenty (20) feet back from the near edge of roadway pavement or, if unpaved, the near edge of unpaved roadbed surface.

SECTION #4:

Amend LDR Section 956.15.1, Regulations of active subdivisions or real estate development signs, of Chapter 956, Sign Regulations, as follows:

Section 956.15.1. Regulations for active subdivision or real estate development signs.

On-premise active subdivision or real estate development **may have** signs ~~may be~~ erected subject to compliance with the following conditions in addition to other applicable provisions of the sign ordinance. **For purposes of this section, an active subdivision or real estate development is a subdivision or development with an approved project site plan or final plat for development that received county approval within the past three (3) years.** ~~These signs are not subject to subsection 956.11(2)(h), "Real Estate For Sale, Lease, or Rental Signs."~~

- (1) *Character of sign.* Such signs shall not exceed forty-eight (48) square feet except in single-family residential districts where they shall not exceed twenty-four (24) square feet for model homes and sales offices only. One (1) additional sign may be erected on a site having a street frontage in excess of three hundred (300) feet. Such sign must be located on the premises of the developing project or subdivision, at least five (5) feet from all rights-of-way, and at least twenty (20) feet from contiguous property lines of adjacent landowners. These signs may be illuminated.
- (2) *Number of signs permitted.* Only one (1) such sign **per each authorized agent of the developer or owner (including builder) of ten (10) lots or more within the development, plus one additional sign for an authorized agent of fewer than ten (10) lots within the development,** shall be permitted for each common roadway along the perimeter of the development. Such sign must be located on the premises of the development, at least five (5) feet from all rights-of-way, and at least twenty (20) feet from contiguous property lines of adjacent landowners. These signs may be illuminated.
- (3) *Filing of plat and/or site plan.* Prior to the erection of such a sign, an approved preliminary plat or a site plan for the development, as applicable, shall be placed on file with the community development department.
- (4) *Authorization for sign placement.* Only the exclusive agent of the developer or owner of the property shall be authorized to place a sign on the property. The property owner's signed authorization consenting to the placement of a sign representing an exclusive real estate agent on such premises shall be filed with the community development department prior to the placement of the agent's sign.

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- (5) *Time limitation.* ~~Active subdivision or real estate development signs~~ **Signs** shall be removed **displayed no longer than three (3) years after county approval of the project site plan (or similar development plan) or final plat for the development, or until the last unit is under contract for sale, whichever occurs first.** ~~once fifty (50) percent of the subdivision or development is sold or leased by the developer.~~

SECTION #5:

Amend LDR Section 912.05(5), Garage sales and yard sales, of Chapter 912, Single-Family Development, as follows:

- (5) *Garage sales and yard sales.* Garage sales and yard sales are allowed to be conducted from any residence, with the following restrictions:

- (A) No sale shall be conducted for more than three (3) consecutive days;
- (B) No more than three (3) sales may be conducted from any residence or site in any given calendar year; and
- (C) Garage sale signs are allowed only as specified herein. The number, size, location, and other characteristics of garage sale or yard sale signs are as follows:

1. One on-premises garage sale sign per street frontage may be maintained between the hours of 6:00 a.m. and ~~5:00~~ **7:00** p.m. The sign shall not exceed four (4) square feet. Said signs shall be located outside of rights-of-way, within property lines, and shall maintain a ten-foot setback from all adjacent property lines, excepting the road right-of-way from which no setback is required.

~~One additional off-premises garage sale sign may be maintained per entry into a subdivision or development in which a garage sale is taking place.~~

~~No more than one such sign may be placed at each respective point of entry to a subdivision or development. Such sign may be located within a road right of way provided the sign is:~~ **Two (2) additional off-premises temporary signs may be placed within road right-of-way; however, no more than two (2) such signs may be placed per intersection. Such signs may be located within a road right-of-way, provided the sign is:**

- a. Located at least eight (8) feet from any roadway;
- b. Constructed as a breakaway sign;
- c. No more than three (3) feet in height measured from the crown of the adjacent road, **measured to the top of the sign;**
- d. ~~Maintained~~ **Displayed only when the garage sale is actually open for visitation by the public and** only during the hours of 6:00 a.m. to ~~5:00~~ **7:00** p.m.; and
- e. No greater than four (4) square feet in area.

~~No on or off premises garage sale signs shall be maintained for a period exceeding three (3) consecutive days and shall not be maintained for more than a total of nine (9)~~ **eighteen (18)** days during a calendar year.

ORDINANCE 2017-_____

These requirements are a restatement of a section in Chapter 956, sign regulations. ~~of the sign ordinance.~~

No permit from the planning division is required to be issued to conduct a garage sale in accordance with these regulations.

SECTION #6: SEVERABILITY

If any clause, section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Ordinance and the remaining portion of this Ordinance shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

SECTION #7: REPEAL OF CONFLICTING ORDINANCES

The provisions of any other Indian River County ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

SECTION #8: INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Indian River County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION #9: EFFECTIVE DATE

This Ordinance shall take effect upon filing with the Department of State.

This ordinance was advertised in the Press-Journal on the _____ day of _____, 2017, for a public hearing to be held on the _____ day of _____, 2017, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

- Chairman Joseph E. Flescher _____
- Vice Chairman Peter D. O’Bryan _____
- Commissioner Susan Adams _____
- Commissioner Bob Solari _____
- Commissioner Tim Zorc _____

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

ORDINANCE 2017-_____

The Chairman there upon declared the ordinance duly passed and adopted this _____ day of _____, 2017.

BY: _____
Joseph E. Flescher, Chairman

ATTEST: Jeffrey R. Smith, Clerk of Court and Comptroller

BY: _____
Deputy Clerk

This ordinance was filed with the Department of State on the following date: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Dylan Reingold, County Attorney

APPROVED AS TO PLANNING MATTERS

Stan Boling, AICP; Community Development Director