

Title IX LAND DEVELOPMENT REGULATIONS

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Section 956.01. Short title; purpose and intent.

This chapter shall be known and may be cited as the "Indian River County Sign Ordinance."

It is the intent of this chapter to promote and protect the public health, safety, general welfare, and aesthetics of Indian River County, Florida, by regulating and limiting the existing and proposed posting, display, erection, use and maintenance of signs, billboards, and other advertising structures within the county.

With respect to signs advertising business uses, it is specifically intended, among other objectives, to avoid excessive proliferation and clutter among sign displays competing for public attention. Therefore, the display of signs should be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification. It is recognized that a restricted number of off-premise directional signs are needed to convey information to the public.

It is further intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the county, preserve the scenic and natural beauty of the county and provide a more enjoyable and pleasing community. Also, it is intended hereby to improve vehicular and pedestrian safety, curb the deterioration of natural beauty, and reduce visual pollution.

These objectives are consistent with the Indian River County Comprehensive Plan and are vital to continued growth in the area's tourist industry which aggressively markets the county's high "quality of life" and "scenic beauty." To this end, the sign ordinance equitably allocates commercial and noncommercial signage and reduces the likelihood of future clutter along the county's transportation corridors.

(Ord. No. 90-16, § 1, 9-11-90; Ord. No. 98-9, § 3A, 5-19-98)

Section 956.02. Definitions referenced.

The definitions of certain terms used in this chapter are set forth in Chapter 901, Definitions, of the Indian River County Land Development Code.

(Ord. No. 90-16, § 1, 9-11-90)

Section 956.03. Sign regulation procedures.

All signs erected, replaced, or relocated on any property shall conform with the provisions of this chapter and with all other applicable regulations of Indian River County. Any sign which could fall into more than one category of signs shall be classified within the most restrictive category possible.

(Ord. No. 90-16, § 1, 9-11-90)

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Section 956.04. Administration of sign permit application fees.

The code enforcement official is responsible for administering sign applications. Applicants for sign permits shall submit to the code enforcement official permit applications with applicable fees covering review for administrative compliance and review of structural components. The format of the application shall be as provided by the code enforcement official. The fee schedule for the administrative review and the subsequent review of structural components of the sign shall be determined by resolution of the board of county commissioners. No fee shall be charged for temporary political signs.

(Ord. No. 90-16, § 1, 9-11-90; Ord. No. 2012-030, § 1, 7-10-12)

Section 956.05. Sign permit applications.

The application for a sign permit shall contain the following information:

- (1) Three (3) copies of a narrative statement indicating the following (the narrative statement may be submitted as part of the drawings):
 - (a) Name, street address, legal description of property, and telephone number of the sign erector and the sign owner;
 - (b) Written statement signed by the landowner, or authorized agent or the lease or rental agreement, authorizing the placement of the proposed sign;
 - (c) Type of sign proposed and purpose;
 - (d) Description of sign copy, dimensions and specifications of the sign, including method of construction, installation, support, and details of the method and specifications for illumination if applicable;
 - (e) Zoning and comprehensive plan future land use designation for the subject property;
 - (f) The required and proposed sign area, height, and setback from adjacent rights-of-way, property lines, and street intersections.
- (2) Three (3) copies of scaled drawings indicating the following:
 - (a) Proposed location of the sign on the subject property, including the position of the sign in relation to lot lines, nearby buildings or structures, sidewalks, streets, rights-of-way, easements, and intersections;
 - (b) Dimensions and area of sign and copy. Sign colors shall be specified to ensure the sign does not replicate features of public safety signs or otherwise unduly distract motorists;
 - (c) Construction drawings indicating structural specifications for materials to be used, structural components, and method of installation. The specifications shall show dimensions, elevations, means of support, method of illumination and any other significant aspect of the proposed sign required to demonstrate compliance with this chapter and the Standard Building Code. A foundation/survey shall be submitted for all permanent freestanding signs.
- (3) Electrical plans specifications, if applicable, are required for said sign.

(Ord. No. 90-16, § 1, 9-11-90)

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Section 956.06. Review of sign permit application/administration.

The code enforcement official shall review each permit application to ensure that it complies with the requirements of this chapter. No permit shall be required for a change of copy on a changeable copy sign or the repainting of a sign for which a sign permit has been issued.

If the application is found to be incomplete or otherwise inconsistent with this chapter, the applicant shall be notified within five (5) working days from the date received. Applications found to be consistent with the provisions of this chapter shall receive an administrative zoning permit and shall subsequently be reviewed for compliance with the Standard Building Code.

(Ord. No. 90-16, § 1, 9-11-90)

Section 956.07. Reserved.

Section 956.08. Building permits for signs.

In addition to an administrative zoning permit, a building permit is required to ensure compliance with the Standard Building Code and National Electrical Code, as applicable. The application described in section 956.05 shall be accepted as a joint application for both an administrative zoning permit and a building permit.

No sign shall be issued a building permit until it is determined that the structural plans for the sign are consistent with this chapter and applicable provisions of the Standard Building Code. Construction of a decorative base or similar structure associated with a free-standing sign shall not be considered replacement of the free-standing sign or construction of a new free-standing sign.

(Ord. No. 90-16, § 1, 9-11-90; Ord. No. 2012-039, § 3, 12-11-12)

Section 956.09. Field inspections of freestanding signs prior to pouring of footers.

No footings for a freestanding sign shall be poured until structural components have been approved by the building official.

(Ord. No. 90-16, § 1, 9-11-90)

Section 956.10. Revocation of permits.

The code enforcement official may revoke a permit or approval issued under this chapter, if, after notice to the applicant, it is found that there has been any intentional or unintentional false statement, concealment or misrepresentation concerning any fact submitted in the application or plans on which the permit approval was based. A permit may also be revoked upon failure of the permit holder to comply with any provision of this chapter, or a permit issued under a mutual mistake of fact.

(Ord. No. 90-16, § 1, 9-11-90)

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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.
- (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 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.
 - (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) *Real estate for sale, lease, or rental signs.*
 1. *Number of signs.* One (1) 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 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 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 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 signs shall not exceed five (5) feet in height. Commercial or industrial real estate signs or allowable real estate directory 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.
 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.

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- 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. *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-premise open house signs may be placed per open house; 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 break away sign; and
- c. No more than three (3) feet above the crown of the adjacent road.

All open house signs shall be placed only when the property is actually open for inspection and shall be displayed only between the hours of 8:00 a.m. and 7:00 p.m. 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.
8. *No illumination.* Real estate for sale, lease, or rental signs 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 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.

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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 sign.* Temporary construction signs advertising the construction or improvement of the property upon which such sign is located may be erected upon issuance of a building permit for the subject project subject to compliance with the following conditions:
1. *Character of sign.* A construction 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 developing premises, at least five (5) feet from all rights-of-way, and at least twenty (20) feet from other property lines. Construction signs are otherwise subject to the regulations applicable to the district where erected. Construction signs shall otherwise comply with provisions of this chapter.
 2. *Timing of removal.* Any construction sign shall be removed prior to the issuance of a final certificate of occupancy.
- (n) *Change of copy.*
- (o) *Right-of-way acquisitions.* Signs located within recently acquired rights-of-way may be relocated without obtaining a permit.
- (p) *Carried sign.* A sign that is carried or held by a person on private property or on a public sidewalk.
- (q) *Free expression sign.* A 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.
 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.
 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.

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(Ord. No. 90-16, § 1, 9-11-90; Ord. No. 95-10, § 9, 5-31-95; Ord. No. 98-9, § 3B, 5-19-98; Ord. No. 2012-030, § 2, 7-10-12)

Section 956.12. Prohibited signs.

- (1) The following signs are prohibited as of the effective date of this chapter. Such signs have been found to violate the purpose, intent, and specific provisions of the sign regulations and shall be removed in accordance with notice rendered by the code enforcement officer.
 - (a) A sign which falsely simulates emergency vehicles, traffic-control devices, or official public signs;
 - (b) Snipe signs, sandwich signs, other portable signs, and add-on signs;
 - (c) A sign found by the code enforcement official to be structurally unsafe or a hazard to public safety or to life or limb, including signs creating a fire hazard;
 - (d) A sign obstructing any motorist's view of a street or intersection. The minimum allowable site distance shall be in accordance with county traffic sight-line regulations;
 - (e) An abandoned off-premise sign; any abandoned, nonconforming on-premise sign;
 - (f) A series of two (2) or more signs which must be read together to obtain a single message;
 - (g) Flashing signs except for public signs permitted pursuant to subsection 956.11(2)(b);
 - (h) Animated signs, including swinging signs;
 - (i) A sign which obstructs any fire escape, any window, or door or other opening used as a means of ingress or egress so as to prevent free passage of persons;
 - (j) Any sign which interferes with openings required for ventilation;
 - (k) Banners, flags, or balloons used to attract attention to industrial, commercial or residential establishments, excepting flags pursuant to subsection 956.11(2)(i);
 - (l) Any sign placed without a permit after the effective date of this chapter when a permit is required;
 - (m) Signs in violation of section 956.14. If a sign is prohibited and the sign is a type that can be brought into conformance with this chapter, the owner or lessee of the sign can elect to bring the sign into conformity rather than remove the sign;
 - (n) Buildings and/or signs which represent in configuration or design a product or service offered for sale such as, but not limited to, hot dogs, hamburgers, ice-cream cones, shoes or automobiles;
 - (o) Roof signs (excepting allowable mansard roof and parapet signs and religious symbols incorporated as part of the building plan for a steeple or other similar structural component of a place of worship). No sign or portion of a sign shall project more than four (4) feet above a roof line or deck line on buildings with mansard roofs or parapets. In all cases, no sign or portion of a sign shall be located closer than one (1) foot from the top of a parapet wall or mansard roof. Indian River County is located in a Florida coastal region confronted with the annual threat of hurricanes and related destructive natural events. Therefore, special limitations against rooftop signs are deemed within the public interest in order to minimize future hazard potential;
 - (p) A sign which is affixed to, attached to, or located on a parked vehicle or trailer such that the sign is visible from a public right-of-way, unless such vehicle or trailer is parked in a designated parking area and is used in the normal day-to-day operations of the premises business or unless said vehicle or trailer is involved in a visit to the site related to regular business operations. An electronic sign which is affixed to, attached to, or located on a vehicle or trailer shall not be activated when such vehicle or trailer is parked. This prohibition does not apply to signs required

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by law, ordinance or regulation. The intent of this prohibition is to prohibit vehicles or trailers from being utilized as on-premise or off-premise signs except as incidental to bona fide vehicle use.

(Ord. No. 90-16, § 1, 9-11-90; Ord. No. 92-39, § 30, 9-29-92; Ord. No. 2012-030, § 3, 7-10-12)

Section 956.13. Reserved.

Section 956.14. General sign regulations.

No variance shall be granted to subsections 956.14(1) through 956.14(5).

(1) *Construction standards.*

- (a) *Compliance with building code.* All signs installed within the county limits shall be constructed in accordance with the county's adopted building code.
- (b) *Compliance with electrical code.* All signs using electrical current shall comply with the county's adopted electrical code.

(2) *Maintenance.* All signs shall be maintained by the owner as follows: the sign must be structurally sound and in good mechanical repair, free of holes, with no loose or missing parts. If a sign is found to be structurally unsound or inconsistent with the approved sign plan, it shall be repaired, replaced or removed. The code enforcement officer may order the removal after authorization from the code enforcement board by and at the expense of the owner or lessee of any sign that is not properly maintained.

(3) *Signs not to constitute a traffic hazard.* No signs shall be placed at any location in the county where it may interfere with or obstruct free and clear vision for pedestrians or vehicular movement, or be confused with any authorized traffic sign, signal or device. Any such sign shall be removed at the direction of the code enforcement officer and at the expense of the owner or lessee.

(4) *Signs not to encroach electrical utility clear zone.* No signs shall be placed closer than eight (8) feet from the nearest part of any utility pole which supports electrical transmission lines. No signs shall be placed any closer than eight (8) feet from the nearest part of any electric transmission line. If the National Electric Safety Code is now or hereafter more restrictive than the provisions of this subsection, its more restrictive provisions shall supersede the provision herein.

(5) *Illuminated signs.*

- (a) The light from any illuminated sign or from any light source shall be shielded and directed away from abutting properties and shall not impair the vision of motorists.
- (b) No signs except message center signs and time and temperature signs shall have exposed fluorescent lighting.
- (c) No signs shall be displayed that are fluorescent or phosphorescent. No light sources such as strip lighting or streamers shall be allowed along roof lines or above the roof. No sign shall have a light source which exceeds the following criteria for light intensity. Reflective vinyl sheeting shall be exempted from this chapter.
- (d) No flashing signs shall be permitted, except time and temperature signs, public signs and electronic message centers.

Figure 1: Thresholds for Light Intensity
Maximum Light Intensity By Zoning District

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Light Source	ALL RS, RM, RMH, MED, and CRVP Zoned Districts	All OCR, CN, and CL Zoned Districts	All A-1, A-2, A-3, CG, CH, IL, and IG Zoned Districts
Exposed bulbs	10 watts	30 watts	30 watts
Luminous background	90 foot lamberts	150 lamberts	200 foot lamberts
Illuminated	50 ft. candles	50 ft. candles	75 foot candles

- (6) *Height of and distance separating signs.* No part of any sign affixed to a building shall exceed the height of the building to which the sign is affixed. The height of the building shall be measured exclusive of elevator shafts and/or air conditioning condensing units and/or cooling towers. The height of freestanding signs is controlled for respective zoning districts in section 956.16. Distance requirements in this section shall be measured from the nearest part of any sign (or its structure) to the nearest point of the closest applicable setback line, property line, roof line, or other applicable restricting line or point of separation (including distance between signs) or height limitation.

(Ord. No. 90-16, § 1, 9-11-90; Ord. No. 92-39, § 31, 9-29-92)

Section 956.15. Regulations for temporary signs requiring permits.

The requirements of this section apply to temporary signs erected for political campaigns and for special events. For purposes of this section, special event signs are temporary signs announcing special events 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 free expression sign posted by an owner on his or her property, 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 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:

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- (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;
 - (b) Duration of special event or campaign. Include dates of commencement and termination of the special event or political campaign;
 - (c) 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;
 - (d) 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. 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 districts.* Temporary signs for political campaigns or special events are allowed in residential districts, as defined in Chapter 901, Definitions, subject to the following provisions:
- (a) One (1) sign per special 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 districts.* Temporary signs for political campaigns or special events are allowed in nonresidential zoning districts subject to the following provisions:
- (a) One (1) sign per special 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;

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- (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.

(Ord. No. 90-16, § 1, 9-11-90; Ord. No. 95-10, § 22, 5-31-95; Ord. No. 98-9, § 3C, 5-19-98; Ord. No. 2012-030, § 4, 7-10-12)

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

On-premise active subdivision or real estate development signs may be erected subject to compliance with the following conditions in addition to other applicable provisions of the sign ordinance. 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 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.
- (5) *Time limitation.* Active subdivision or real estate development signs shall be removed once fifty (50) percent of the subdivision or development is sold or leased by the developer.

(Ord. No. 98-9, § 3D, 5-19-98; Ord. No. 2012-030, § 5, 7-10-12)

Section 956.16. Regulations for permanent identification signs requiring permits.

The schedule of regulations for permanent signs requiring permits is stipulated in Table 1 which is located at the end of this chapter. The tabular schedule denoted in Table 1 identifies regulations governing the following sign characteristics: 1) maximum cumulative signage; 2) maximum signage on a single face; 3) maximum height; 4) required setbacks from the right-of-way and property lines; 5) number of allowable signs per street frontage. The following subsections describe supplemental regulations for managing

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permanent signs requiring permits, excepting that signs at a single-family residence or duplex shall not require a permit. The terms "residential zoning districts" and "nonresidential zoning districts" are defined in Chapter 901, Definitions.

(1) *Identification signs for residential zoning districts.*

- (a) *Single-family residence or duplex.* A sign indicating only the name and/or address of the occupant or premises for each dwelling unit may be installed without a permit provided each sign has a maximum area not exceeding two (2) square feet, excluding mail-boxes, and shall not be higher than five (5) feet above the crown of the nearest road unless the sign is mounted flush against the wall of a building.
- (b) *Residential developments of three (3) units or more.* Signs shall be restricted to one facade or freestanding sign per street frontage indicating the name and/or address of the premises, provided the signs comply with the criteria cited in Table 1 "Schedule of Regulations For Permanent Signs Requiring Permits." Each phase of a planned development shall be construed as a separate development.
- (c) *Subdivision entrance signs.* One such sign may be permitted on each side of the principal entrance to a residential subdivision. All such signs shall satisfy Table 1 "Schedule of Regulations For Permanent Signs Requiring Permits." Each phase of a planned development shall be construed as a separate development.
- (d) *Identification signs for approved nonresidential uses within residential districts.*
 - 1. For approved uses other than residential uses, one permanent freestanding or facade identification sign per street frontage shall be permitted on any premises. This provision shall not be construed to include home occupation uses. Such signs shall comply with Table 1 "Schedule of Regulations For Permanent Signs Requiring Permits."
 - 2. Registered real estate brokers operating an office at their residences as a home occupation may place an identifying sign containing letters not more than one inch high on the exterior of the building.

(2) *Identification signs for nonresidential districts.*

- (a) *On-premise freestanding signs in nonresidential districts, excluding commercial/industrial/institutional complexes.* Such signs shall be limited to message center signs, time and temperature signs, or identification signs limited to the name of the business, services performed, facilities available, commodities sold, provided, or obtained on the premises where the sign is located. A nonresidential use within a nonresidential district may erect freestanding and facade signs provided that said signs comply with the sign regulations of this chapter, including Table 1 "Schedule of Regulations For Permanent Signs Requiring Permits."
- (b) *Commercial/industrial/institutional complexes.* A commercial/industrial/institutional complex, as defined in Chapter 901, Definitions, may include freestanding, facade, and under-canopy signs complying with regulations governing signage for commercial/industrial/ institutional complexes which are contained in Table 1, "Schedule of Regulations for Permanent Signs Requiring Permits."
- (c) *Building facade signs in nonresidential districts.* Signs attached to building facades shall include, but not be limited to, wall signs, painted signs, marquee signs, canopy signs, awning signs, parapet signs, overhanging signs, projecting signs, and pylon signs. In calculating the area of a building facade, no additional credit shall be given for the surface of any canopy or awning . The calculation of the allowable facade credit shall always be calculated on a flat, two (2) dimensional plane and shall not include that part of any parapet, marquee, pylon or other surface which extends above the roof line. A mansard roof shall be classified as a parapet wall. If the lower edge of a slanted roof other than a mansard roof extends below the roofline, the allowable facade area

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for the purpose of computing signage shall be the area of the wall. All facade signs shall comply with Table 1 "Schedule of Regulations for Permanent Signs Requiring Permits" and the below stated provisions.

1. *Street facade sign area.* There shall be an allowable amount of cumulative sign area for signs attached to the frontage street facade of a building, including permanent window signs not in excess of that percentage shown on the "Street Facade Sign Area Graph" and the "Street Facade Sign Area Table," both of which are attached hereto and made a part hereof.
 2. *Sign area for facade other than frontage street facades.* There shall be an allowable amount of cumulative sign area for signs on facades other than the frontage street facade not in excess of fifty (50) percent of that percentage on the Street Facade Sign Area Graph and Table.
 3. *Sign area for facades facing residentially zoned property.* When said facade faces residentially zoned property, the allowable amount of cumulative sign area shall not exceed twenty-five (25) percent of the area allowed as shown on said Street Facade Sign Area Graph or Table.
 4. *Compliance with standard building code.* Wall signs shall comply with Section 2303.3 of the Southern Standard Building Code, as may be amended.
 5. *Restriction on placement of facade signs.* No wall sign shall project above the top of the wall to which it is attached. Signs may be placed in whole or in part upon a parapet, or wholly on the vertical faces of a marquee, but no part of any such sign shall project above the upper edge of the parapet or marquee, nor shall any part of a sign project below the bottom of the vertical face of the marquee.
 6. *Marquee or under canopy sign.* Notwithstanding the above criterion, one identification sign may be attached to the bottom of a marquee at a business entrance, in which case the sign shall not exceed six and one-half (6½) square feet in area, shall maintain an eight-foot minimum clearance above the sidewalk grade, and shall not extend beyond the marquee's perimeter or over public property or public right-of-way.
- (d) *Overhanging or projecting signs.* One projecting sign per structure is permitting within nonresidential districts and only on a structure having no freestanding sign. No part of a projecting sign or advertising structure shall project more than eighteen (18) inches from the wall of a building and shall not project over a public sidewalk or street right-of-way. No sign or part of a sign or its supporting structure shall cover any window or part of a window. No projecting sign or supporting structure shall be located in such a manner as to obstruct window light and vision. No projecting sign shall extend above the top of the wall or parapet wall (whichever is greater in height).
- (e) *Off-premise directional signs.* Off-premise directional sign shall be permitted after satisfying the following conditions:
1. *Off-premise directional signs area.* Sign area shall comply with Table I "Schedule of Regulations for Permanent Signs Requiring Permits," except that on I-95 the maximum area shall not exceed three hundred (300) square feet.
 2. *Sign location.* Off-premise directional signs shall be located in the CG, CH, IL, or IG zoning districts. Off-premise signs may be allowed on the same site as on-premise signs provided that a one thousand-foot separation distance is maintained between the off-premise sign and any other sign on the site.
 3. *Spacing of signs.* Off-premise directional signs visible to the same flow of traffic on the same side of the main traveled way shall not be closer than one thousand (1,000) feet apart. More than one off-premise sign may be permitted on a single parcel provided such signs are spaced a minimum distance of one thousand (1,000) feet from all existing freestanding signs,

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except that on Interstate 95 sign separation distance shall be a minimum of one thousand five hundred (1,500) feet.

The minimum distance between two (2) off-premise signs located at the intersection of two (2) streets and facing different flows of traffic at right angles to each other shall be one hundred (100) feet apart. Back-to-back signs are permitted.

4. *Sign height.* Off-premise signs shall not exceed the height limitations for the district in which the sign is located, except that such signs located on Interstate 95 shall not exceed fifty (50) feet in height. In addition, section 956.18(2) provides for the board of county commissioners to review and take action on any such signs which may be protected by the Federal Highway Beautification Act of 1965 and/or Chapter 479, Florida Statutes.
 5. *Off-premise directional signs for nonresidential subdivisions.* Off-premise directional signs may be permitted within nonresidential subdivisions upon compliance with the following performance standards:
 - a. Only one such sign shall be located on a lot or parcel adjacent to the principal entrance in the subdivision;
 - b. The sign shall be permitted for the exclusive use of all consenting owners or tenants within the subdivision;
 - c. The sign shall comply with Table I "Schedule of Regulations for Permanent Signs Requiring Permits";
 - d. The sign shall be set back from an adjacent property line a minimum distance of twenty (20) feet;
 - e. The sign may be placed on an existing permitted freestanding sign; however, if a separate sign is erected, such sign shall have a minimum separation distance of ten (10) feet from any existing freestanding sign;
 - f. Except as provided in the following paragraph, the owner of the property on which the sign is located shall apply for a sign permit and shall be responsible for compliance with the provisions of this chapter;
 - g. For nonresidential subdivisions requiring plat approval, the developer shall designate a tract or easement where the sign shall be located. Such tract or easement shall be dedicated to a property owners association which shall be responsible for obtaining a sign permit and for compliance with the provisions of this chapter.
- (3) *Modifications to the schedule of regulations.* An applicant may request a modification to the schedule of regulations as a bonus for the applicant's voluntary incorporation of aesthetic design considerations and a voluntary reduction in the number and cumulative area of permanent identification signs erected.

In order to receive a modification, the applicant shall submit a plan of all existing and proposed signs on the subject site to the director of community development. The plan shall comply with the following criteria:

- (a) The total number of requested permanent signs shall be less than the allowable number of permanent freestanding and/or facade identification signs requiring permits.
- (b) The cumulative area of the signage proposed for the site, including any existing signage, shall be at least ten (10) percent less than the maximum allowable cumulative area.
- (c) The plan for signage shall incorporate a design which is consistent with accepted principles of street graphics, including consideration of sign placement, size, and overall relation to the subject site and adjacent properties.

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A modification in the schedule of regulations shall be approved by the director of community development.

(Ord. No. 90-16, § 1, 9-11-90)

Section 956.17. Nonconforming signs.

- (1) *Continuance of existing nonconforming signs.* Subject to section 956.12 "Prohibited Signs," signs in place and properly maintained at the time this chapter is enacted which do not comply with all the provisions of this chapter but which conformed to sign regulations existing prior to enactment of this chapter or which were authorized by Indian River County prior to the effective date of this chapter may be continued subject to the termination provisions of section 956.17(3). No such nonconforming signs shall be changed in any manner that increases the nonconformity. The provisions of this section shall not be construed to include banners and flags used to attract attention to industrial, commercial or residential developments excepting flags pursuant to section 956.11(2)(i).
- (2) *Alterations to nonconforming signs.* No existing nonconforming sign shall be structurally altered, unless brought into conformity with the requirements of this chapter. However, this restriction shall not apply to a change of copy.
- (3) *Termination of nonconforming signs.* Nonconforming signs shall be terminated and removed under the following conditions:
 - (a) *By abandonment.* Abandonment of a nonconforming sign shall require the real property owner to immediately remove such sign or bring it into conformance.
 - (b) *By violation.* Any violation of this chapter other than the existing nonconforming status of a sign at the time of enactment of this chapter shall require the owner to immediately remove such sign.
 - (c) *By destruction, damage, or deterioration.* The use of any nonconforming sign shall terminate whenever the sign is damaged or destroyed beyond fifty (50) percent of the replacement cost of the sign from any cause whatsoever, or becomes substandard as defined under any applicable county regulation, or becomes a hazard or danger, and upon termination shall be removed.

(Ord. No. 90-16, § 1, 9-11-90)

Section 956.18. Removal of prohibited or unlawful signs.

- (1) *General policy regulating removal.* In accordance with section 956.19, the code enforcement officer shall notify the owner or other persons having control or authority over a sign prohibited pursuant to section 956.12 and specify a reasonable time for removal or other required action regarding the sign. Notwithstanding this provision, hazardous signs or any sign placed upon public property or within a public right-of-way without proper authorization from the county may be removed immediately by the code enforcement officer without prior notice. The code enforcement officer shall allow a prohibited sign to remain only for the minimum time reasonably necessary pursuant to code enforcement procedures incorporated into the Code of Laws Ordinances of Indian River County.
- (2) *Continuation and/or removal of existing signs or grandfather clause.* All existing signs or advertising structures properly permitted and conforming to the sign regulations of Indian River County in effect prior to the adoption of this chapter may continue in use in accordance with other provisions of this chapter and Chapter 904, Nonconformities, providing for the regulation of nonconformities.

The Federal Highway Beautification Act of 1965 and Chapter 479, Florida Statutes, provide that signs located on interstate or federal aid primary system highways in compliance with applicable federal and state laws must be compensated for forced removal. The board of county commissioners shall consider the

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specific costs and benefits associated with the removal of any sign protected by the referenced federal and state laws. The county shall consider the following factors and determine the most cost effective, equitable, and legally sustainable course of action:

- (a) The availability of state and/or federal funds for enforcement of the respective state and/or federal laws (i.e., compensation to sign owners);
 - (b) Availability of local funds to implement the subject state and/or federal laws;
 - (c) Evolving state and federal legislation and case law which may assist in resolving issues of equity and public interest; and
 - (d) Alternate cost effective programs. Such programs may include coordinating a public/private partnership in drafting uniform guidelines for accommodating limited off-premise signage along interstate highways or other federal aid primary system highways. Such a program may include adoption of a design and policy manual for incorporating off-premise signage on uniformly designed directory signs situated at strategically located areas along such major roadways.
- (3) *Unlawful signs.* Any sign installed prior to the effective date of this chapter which required a permit or required other approval from the county, but no proper permit or permission was obtained, is an unlawful sign and shall be subject to removal in accordance with this chapter unless a permit is obtainable and is obtained under this chapter after due notice pursuant to code enforcement procedures.

(Ord. No. 90-16, § 1, 9-11-90)

Table 1.
Schedule of Regulations for Permanent Signs Requiring Permits

Type Sign	Use	Formula for cumulative signage at site (sq. ft.)	Maximum signage area on single sign (sq. ft.)			Maximum height (ft.) of freestanding sign	Minimum setback for freestanding sign property line or R/W	No. of sign per street frontage
Freestanding or facade	ID Sign for SF or 2F ¹	NA	2			5	2 ft.	NA
Freestanding or facade	Residential 3 units or more	NA	Lane/SPD Area				2 ft.	1 ²
			Up	To				
			2	25	20	10	2 ft.	
		NA		35	20	12	2 ft.	