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**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

ORDINANCE NUMBER _____

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING ARTICLE 4, DIVISION 16, SIGNS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE; PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, on June 19, 2018, the Board of County Commissioners approved an amended Martin County Sign Ordinance; and

WHEREAS, in the course of implementing the ordinance, staff believes that certain revisions are necessary; and

WHEREAS, the proposed revisions have been considered by the Local Planning Agency and the Board of County Commissioners at public hearings; and

WHEREAS, the Board of County Commissioners finds the proposed amendments consistent with the goals, objectives and policies of the Comprehensive Growth Management Plan.; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:

PART I.

DIVISION 16 – SIGNS, Land Development Regulations, is amended as set forth below.

SUBDIVISION 1 – GENERAL PROVISIONS

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Sec. 4.692. - Purpose and intent.

The purpose and intent of this division is to regulate the use of signs in a content-neutral manner so that they are compatible with their surroundings, to promote the aesthetic character of the County, to preserve the natural appearance of the County, to promote tourism, to promote

traffic safety, to maintain property values, to express the identity of individual proprietors and of the community as a whole, and to regulate signs so that they are legible in the circumstances in which they are seen and constructed to standards which promote the safety, health and general welfare of the public. This ordinance is not intended to apply to any traffic control signs within any public right-of-way that are governed by the Manual of Uniform Traffic Control Devices or as otherwise provided by law. This ordinance does not apply to signs completely located inside a building and not visible from outside the building.

Sec. 4.693 - Definitions

- A. The following terms and phrases when used in this ordinance, whether in the singular or plural or if the first letter is capitalized or in lower case, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

...

21. Freestanding sign means a sign affixed to the ground and supported by a masonry foundation, posts, uprights, or braces extending from the ground, or a permanently mounted object on the ground, but not attached to any part of a building. ~~a sign not affixed to any other structure and~~ A freestanding sign is limited to no more than two faces. Example:



- ~~21. Ground sign means a sign affixed to the ground and supported by a masonry foundation with posts, uprights, or braces extending from the ground, or a permanently mounted object on the ground, but not attached to any part of a building.~~

...

27. Monument (sign) means a freestanding ~~low profile~~ sign with the sign area at the top of a solid base. Example:



...

36. *Roof sign* means a sign located wholly upon or over the roof of any building ~~which projects above the roof line or is located on the roof of the building structure.~~

37. *Sandwich or sidewalk sign* means a temporary, movable sign, ~~made of metal and/or wood,~~ having not more than two faces, and not permanently attached to the public sidewalk, but stable enough to support its own weight.

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Sec. 4.699. - Sign area, dimensioning, illumination, location and safety.

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C. *Illumination.* Signs may be illuminated directly or indirectly, unless specifically prohibited elsewhere in this ordinance. In residential districts, all overhead illumination shall provide shielding so that the light is not directed toward adjacent residential property. ~~Illumination of monument or freestanding signs shall be external and directed from the ground by up-lighting or from behind individual letters by backlighting.~~ Wall signs, freestanding signs, monument signs, and ~~or~~ fixed projecting signs may include cabinets, individual illuminated letters, or letters which are lighted from behind by backlighting or internally illuminated from within. ~~Illumination of signs shall exclude exposed neon tube lighting, or similar, and electronic changeable copy, unless permitted elsewhere in this ordinance.~~

D. *Location.*

1. *Obstructions.* A sign shall be located in such a manner as to not obscure an existing sign unless provisions are made for the removal of the obscured sign, or unless it is not reasonable and practical to locate the new sign elsewhere on the site.
2. *Zoning requirements.* ~~Signs shall~~ A sign shall be located in such a manner as to comply with the requirements of the applicable zoning district.

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Sec. 4.700. – Wall signs.

A. The size and amount of all allowable wall signs shall be based on a percentage of the wall areas computed as the length multiplied by the height of the geometric figures which comprise the actual wall area ~~fronting on a street~~. For purposes of calculating the percentage allowable for a wall sign, one wall of the building shall be considered the front wall, and the remaining walls shall be calculated on the basis of one-half of the percentage allowable for the front wall. The wall length shall be the building face. The height of the wall for computing purposes shall not exceed 25 feet. No wall sign shall be mounted more than 18 inches from the wall face of the building, and no wall sign shall cover, in whole or in part, any wall opening required by law.

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Sec. 4.702. - Removal and disposition of certain signs.

- A. *Removal and disposition of certain signs.* It shall be unlawful to erect, use or maintain a sign or sign structure when it does not comply with the requirements of this ordinance. Unlawful signs are subject to removal pursuant to the following provisions:

1. *Summary procedures for removal of snipe signs.* The County finds that the inexpensive nature of snipe signs and the administrative and cost burden imposed by elaborate procedural prerequisites prior to removal, requires the summary removal of these signs, when unlawfully erected and maintained. The Building Director is hereby authorized to remove such signs when unlawfully erected and maintained, subject to the provisions contained herein. Upon removal of a snipe sign, pursuant to this section, the County shall attempt to notify a written notice shall be sent to the occupant of the property from which the sign was removed (other than property owned by the County), or if the sign identifies a party other than the occupant of the property, the party so identified. The notice shall advise that the sign has been removed and shall state that the sign may be retrieved within 2030 days of the date of the notice upon payment of the fine or administrative fee established therefor, and that, if the sign is not retrieved within 2030 days, it will be disposed of by the County, without further notice.

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Sec. 4.703. - Types of signs permitted.

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- B. *Freestanding signs.* ~~Freestanding signs shall be wood or composite material supported by one or two wood or composite posts. Each post shall have ornamental post caps or covers. A freestanding sign shall not be used as a frame for a cabinet sign. The top edge of all freestanding signs shall be no more than 6 feet above the finished grade and not exceed 6 feet in width. All freestanding signs shall contain the street number.~~
1. Not more than 3 freestanding signs shall be permitted on each property line adjacent to a public street.
 2. The total sign area of all freestanding signs permitted on any property line adjacent to a public street shall be prorated on the basis of 1 square foot of sign area for each linear foot of property line adjacent to that public street.
 3. No freestanding sign shall exceed 300 square feet in sign area per face.
 4. Freestanding signs shall comply with the minimum side and corner yard setbacks of the applicable zoning district.
 5. No freestanding sign shall exceed a height of 25 feet from existing grade.
 6. All freestanding signs shall be located at least 5 feet from all buildings.
 7. There shall be a zero-setback requirement from the front property line.
- ~~C. *Ground signs (monument or freestanding).* A ground sign shall not be affixed to any structure and is limited to no more than two sign faces. A ground sign is either a freestanding sign or a monument sign. All ground signs shall contain the street address number.~~

C. Monument signs. All monument signs shall follow the freestanding sign provisions of this ordinance except where otherwise provided by law. ~~Monument signs shall be composed of metal frame, textured brick, concrete block, or other masonry, and finished with stucco or other textured material, and having a solid base. The top edge of the sign shall be no higher than elsewhere permitted in this ordinance, and the skirt and base shall be no smaller than 80 percent of the sign width nor greater than 120 percent of the sign width. A monument sign shall not be used as a frame for a cabinet sign that exceeds 25 percent of the sign area.~~

D. Projecting signs. A projecting sign is affixed to a structure and extends at a right angle from the structure.

1. A projecting sign shall not have more than 2 sign faces. Projecting signs may project into the public right-of-way, but must have clear sidewalks by at least 9 feet, and be no closer than 2 feet from the curb.
2. Signs must not project more than 6 feet from the wall face of a building.
3. ~~The permitted size of a fixed projecting sign shall not exceed 8 square feet or 16 square feet, dependent upon the applicable zoning district.~~

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E. Under-canopy signs. A sign hung from the underside of an awning or canopy or ceiling of an arcade or covered walkway or portico. ~~It may shall be rigid or it may and not swing. Any swinging sign shall be removed during a major storm event.~~ Such a sign shall not have more than two sign faces.

F. No portion of any sign projecting over a public sidewalk shall be less than nine feet above the grade of the sidewalk, with the exception of awning valances which shall not be less than eight feet above the sidewalk.

G. Any sign projecting over private property and located where motor trucks may be required to pass beneath it shall be erected and maintained at a height of not less than 14 feet.

H. ~~Signs consisting of one line of letters not exceeding 9 inches in height may be painted, placed or installed upon the hanging border only of any awning erected and maintained in accordance with this chapter. A graphic or other similar feature may be painted, placed or installed on any awning provided that any such graphic complies with all other provisions of this ordinance and falls within the allowable size limits for wall signs not exceeding an area of eight square feet, may be painted, placed, or installed elsewhere on any awning provided that any such graphic shall comply with all other provisions of this chapter.~~

I. Wall signs. A wall sign must be professionally fabricated or hand-painted or flush mounted on board, or in a raised channel or individual letters. Such a sign may be applied to a structural mansard or building face. Wall signs may not extend above the highest point of the roofline of a building.

J. Gas station canopies shall be limited to a maximum of one wall sign per right-of-way frontage and shall be counted as part of the allowable wall signage per occupancy.

K. Window signs.

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Sec. 4.704. - Special purpose signs.

- A. As an aid to the motoring public, the County has determined that the following special purpose signs serve the public interest and welfare by providing basic information regarding fuel price, location, time, temperature, dates of events, and the like. Permits for the following signs shall be issued provided that the provisions contained herein are complied with: ~~in compliance:~~

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2. *Special event banner signs.* The ~~Building~~ Director of County's Growth Management Department or his or her designee may approve one or more banners for a non-profit, charitable organization or special event on any street, sidewalk, public building, park or playground, or on private property, subject to the following criteria:

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- c. ~~Each sign shall not exceed 20 square feet in area~~ Banners shall be limited in size to 3 feet by 50 feet;

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- C. *Subdivision identification signs.* Residential subdivision identification signs may ~~shall be~~ located ~~only at the roadway entrances to the subdivision or along the front of the property facing the roadway~~ and subject to the following standards:

1. Such signs may be double-sided or single-sided or mounted to community walls or entrance walls ~~Such signs may be either one double faced sign or two signs where there are two walls at the entrance and where the signs are permanently affixed to the walls at each entrance of the subdivision.~~

- ~~D. Construction site signs. Temporary construction site signs identifying that an approved, active, on-site development project is underway, shall be permitted provided that such signs shall be subject to the following standards:~~

- ~~1. One temporary freestanding sign per street frontage, non-illuminated, with sign area of not more than 32 square feet, nor more than six feet in height or one temporary wall sign per street frontage, which shall be non-illuminated with a sign area of not more than 32 square feet.~~

D. Changeable copy signs.

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E. Time and temperature signs.

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F. Prohibited lighting for electronic message sign:

1. Lamps, light emitting diodes, or bulbs in excess of the amount and intensity of light generated by a 300-watt incandescent lamp.

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G. Mural Signs.

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Sec. 4.705. - Temporary signs.

- A. Temporary signs for a commercial purpose are allowed to be erected on private property in the County with a permit so long as they conform to the following criteria:

1. One freestanding temporary freestanding sign for a commercial purpose may be erected per street frontage for a limited time period not to exceed six months per year, and the sign shall be non-illuminated, with a sign area of not more than 3242 square feet per sign face with two face maximum per sign on any private lot or parcel, be no more than 6 feet in height, and may not be placed in a location that constitutes a safety hazard or hindrance to pedestrian or vehicular traffic. A temporary sign may be erected for a limited time period not to exceed six months per year. Signs may not be placed in a location that constitutes a safety hazard or hindrance to pedestrian or vehicular traffic.

- B. 2.No temporary sign, whether for commercial or non-commercial purpose, shall be placed on any public right-of-way or public property without the written permission of the Building Director and for good cause shown. Nothing in this section shall limit the Building Director from removing and disposing snipe signs or any other unlawful sign as provided by this ordinance or as otherwise provided by law.

- C. Construction site signs. Temporary signs at construction sites that identify an approved, active, on-site development project is underway, shall be permitted for up to the final completion of the development project provided that such signs shall be subject to the following standards:

1. One freestanding temporary sign per street frontage, non-illuminated, with sign area of not more than 32 square feet, nor more than 6 feet in height; or
2. One temporary wall sign per street frontage, which shall be non-illuminated with a sign area of not more than 32 square feet.

- D. The Building Director may require the location or relocation of any temporary sign based on potential or actual traffic obstruction.

Sec. 4.706. - Exempt signs (not requiring a permit).

- A. The following signs are allowed to be erected on public or private property in the County, without a permit, so long as they conform to the following criteria:

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7. *Non-residential and multi-family residential real estate signs.*

- a. One freestanding sign structure with up to two sign faces, with or without post caps or covers, shall be permitted for each street frontage.
- b. Signs shall not exceed 3216 square feet in area per face, and shall not be higher than 8~~six~~ feet above the adjacent finished grade. A V-shape sign shall be permitted and shall be considered as one sign as long as it has no more than two faces, and the interior angle does not exceed 90 degrees.

8. *Single family and duplex residential real estate signs.*

- a. One freestanding sign structure with up to 2 sign faces shall be permitted for each single-family or duplex property, and shall not exceed 3 square feet in area, per face, and shall not be higher than 64 feet above the adjacent finished grade. One additional sign per lot may be erected on a lot which borders a waterway or which is a corner lot, provided that the additional sign is located along the waterways or placed so there is only one sign per street frontage.
- b. One freestanding sign structure with up to two sign faces shall be permitted for each multi-family property, and shall not exceed 3216 square feet in area per face, and shall not be higher than 8~~six~~ feet above the adjacent finished grade. One additional sign per lot may be erected on a lot which borders a waterway or which is a corner lot, provided that the additional sign is located along the waterways or placed so there is only one sign per street frontage.
- c. ~~An additional "rider" sign of not greater than 1 square foot may be attached to or accompany a residential real estate sign.~~

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9. ~~Temporary~~ Non-commercial signs.

10. *Tenant panels.* The tenant panels displayed in a directory sign, ~~or a sign which accommodates a tenant, are~~ exempt from needing a permit provided that the sign itself was permitted and ~~there is no change in colors or letter style.~~

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PART II. CONFLICTING PROVISIONS.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, Martin County ordinances, County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning either adoption or amendment of the Comprehensive Plan or as otherwise provided in this ordinance.

PART III. SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If the ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstance by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstance.

PART IV. APPLICABILITY OF ORDINANCE.

This Ordinance shall be applicable throughout the unincorporated area of Martin County.

PART V. FILING WITH DEPARTMENT OF STATE.

The Clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART VI. EFFECTIVE DATE.

This ordinance shall take effect upon filing with the Office of Secretary of State.

PART VII. CODIFICATION.

Provisions of this ordinance shall be incorporated into the General Ordinances, Martin County Code, except that Parts 2 through 7 shall not be codified. The word "ordinance" may be changed to "article," "section," or other word, and the sections of this ordinance may be renumbered or re-lettered.

DULY PASSED AND ADOPTED THIS ____ DAY OF _____, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

BY: _____
CAROLYN TIMMANN
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER

BY: _____
EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM
& LEGAL SUFFICIENCY:

BY: _____
SARAH W. WOODS
COUNTY ATTORNEY