

## **EXHIBIT 'A'**

### **TITLE XVII: LAND DEVELOPMENT CODE**

#### **CHAPTER 178: SIGNS**

##### **PART 1: SIGNS**

###### **SECTION 178.001 TITLE.**

This Chapter shall be known and may be cited as the "Sign Ordinance of the City of Palm Bay, Florida."

###### **SECTION 178.002 STATEMENT OF PURPOSE.**

The purpose of this Chapter is to promote public health, safety, and general welfare by:

(A) Establishing standards for the fabrication, erection, use, maintenance and alteration of signs within the City, which standards allow and encourage creativity, effectiveness and flexibility in the design and use of signs;

(B) Promoting pedestrian and traffic safety by reducing signs within the City that pose visual hazards;

(C) Preserving and improving the City's aesthetic appearance and mitigating against visual blight;

(D) Balancing the promotion of public health, safety, and welfare with the public's interest in presenting and receiving constitutionally protected messages by way of signs within the City; and

(E) Facilitating compliance and enforcement by providing objective guidelines, payment of fees to offset costs attendant to administering this ordinance, and imposing penalties in cases where the code is violated.

###### **SECTION 178.003 CONTENT NEUTRALITY.**

Nothing in this Chapter is intended to regulate or control the content of signs or to regulate differently commercial or noncommercial speech.

###### **SECTION 178.004 SCOPE.**

This chapter is intended to cover all requirements relative to the types, sizes, heights, permissible locations, restrictions, permits, inspections, identification, materials of manufacture and/or construction, erection, maintenance, procedure for requesting variances, and penalties for violation of the provisions prescribed herein for all signs

placed, installed, repaired, altered, replaced and/or erected within the limits of the City which are exposed to the out-of-doors view of the public.

#### **SECTION 178.005 SIGNS AUTHORIZED--LIMITATIONS.**

All signs not expressly authorized by this Chapter are prohibited. Additionally, authorized signs requiring a permit under the terms of this Chapter are prohibited until the City issues such permit, or as otherwise provided in this Chapter. All signs, including those authorized and permitted, shall be subject to the restrictions, procedures, and limitations contained in this Chapter and other applicable governmental regulations.

#### **SECTION 178.006 CONSISTENCY.**

This Chapter is based on and is intended to be consistent with and enhance the City's Zoning Code and the City's Comprehensive Plan.

#### **SECTION 178.007 ADMINISTRATIVE AUTHORITY.**

The Growth Management Director shall act as Administrator of the provisions of this Chapter, acting in lieu of the governing body. As used in this Chapter, "Administrator" shall include such Administrator's authorized representative.

#### **SECTION 178.008 SIGN PERMITS, NOT REQUIRED.**

A sign permit shall not be required for:

(A) The erection, installation, alteration, repair, relocation, reinstallation, or structural maintenance of:

(1) Signs in conformance with the requirements of this Chapter located on property owned by a Governmental Body or on a right of way;

(2) Temporary signs otherwise conforming with the requirements of this Chapter;

(3) Directory Signs; or

(4) Interior Signs.

(B) Nonstructural maintenance of an existing permitted sign, such as cleaning or painting, or repairs to an existing sign which does not alter the size or height of the sign; or

(C) Changing the copy of an existing permitted sign; or

(D) Any sign that is legally existing and, if required, properly permitted as of the date this Chapter is enacted. A new permit shall be required prior to any alteration, repair, relocation, reinstallation, or structural maintenance of such legally existing sign.

#### **SECTION 178.009 SIGN PERMITS.**

(A) *Permits required.* A sign permit is required prior to construction, erection, installation, alteration, repair, relocation, reinstallation, or structural maintenance of any sign not subject to Section 178.008 of this Chapter.

(B) *Emergency Repairs.* Repairs to a legally existing sign may be conducted prior to obtaining a permit in the event of an emergency imposing an imminent threat to life or property, provided, however, that any necessary permit is obtained promptly after such repairs are initiated. Emergency repairs shall be limited to returning the sign to its original permitted state.

(C) *Who may apply.* The following persons, or the designated agent or such persons, may apply for a sign permit:

- (1) the owner of a sign for which a permit is required.
- (2) the designated agent of the owner of a sign for which a permit is required.

(D) *Administration.* The Administrator or the Administrator's designee shall be responsible for the administration, processing, review and determination of applications for sign permits.

(E) *Timing.* Unless otherwise expressly provided for in this chapter, the Administrator or the Administrator's designee shall review an application for any permit for the erection, relocation, repair, or in any way pertaining to signs, and issue a written determination to the applicant within thirty (30) business days of receipt of the completed application. The review and determination period may be extended for an additional forty-five (45) business days at the request of the applicant or its agent.

(F) *Grant or denial.* If the application for a sign permit demonstrates that the proposed sign or the proposed work relating to a sign conforms with the requirements of this Chapter, and if all fees relating to such sign permit application have been paid, the sign permit application shall be granted. If the sign permit application does not demonstrate such conformity with the requirements of this Chapter or if all fees relating to such sign permit application have not been paid, the application shall be denied. In the event the application is denied, the Administrator or the Administrator's designee shall include the specific basis for the denial in the written determination provided to the applicant. Failure of the Administrator or the Administrator's designee to issue a final determination within the time set forth in subsection (E) above shall constitute a grant of such sign permit application.

(G) *Electrical Permits.* A separate electrical permit shall be required for any sign containing electrical components. If the work authorized under an electrical permit has not been completed within six (6) months after the date that the electrical permit is issued, then both the electrical permit and the sign permit shall become null and void.

(H) *Revocation of permit.* If the person to whom a sign permit is issued fails to comply with any of the provisions of this Chapter, the Administrator or the Administrator's designee shall provide notice to the permit holder revoking such permit and specifying the reason for such revocation.

(I) *Sign permit related fees.*

(1) Permit fees. Fees for sign permits, including inspection fees and plan checking fees, but exclusive of any fees for any electrical permit, shall be as established by City Council by resolution pursuant to Section 172.011. For the purpose of determining the sign permit fee, sign valuation shall be determined by the Administrator or the Administrator's designee.

(2) Work commenced before acquiring permit. Where work for which a sign permit is required commences prior to issuance of such the permit, the fees for such permit shall be doubled, but the payment of such double fee shall not relieve the sign permit applicant from fully complying with the requirements of this Chapter and any other applicable regulations of the City in the execution of the work nor from any other applicable penalties. This provision shall not apply to emergency repairs under subsection (b) above.

(J) *Inspections.*

(1) Signs for which permits have been issued shall be inspected during and at completion of construction and at such times as deemed necessary by the Administrator or the Administrator's designee. The Administrator and the Administrator's designee are empowered to enter or inspect any building, structure or premises in the City upon which or in connection with which a sign is located, for the purpose of inspecting the sign, including its structural details and electrical connections, to ensure compliance with the provisions of this Chapter. Such inspections shall be carried out during normal business hours, unless an emergency exists.

(2) When an inspection reveals maintenance, repair, or other remedial action is needed, the Administrator or the Administrator's designee shall provide notice to the property owner, and the sign permit holder (if not the property owner) identifying the needed remedial action. The owner shall have ten (10) business days to complete the remedial action or remove the sign.

(3) Construction inspections. Any person constructing, erecting or relocating a sign for which a permit is required shall notify the Administrator or the Administrator's designee at all stages of construction that require inspection and approval by the Building Division. The requirements for such inspections are as follows:

- (a) a footing inspection for all detached signs shall be required;

(b) a final structural inspection shall be required at completion of the work on all types of signs; and

(c) a final electrical inspection shall be required on all signs containing electrical components and wiring to be connected to an electrical energy source.

#### **SECTION 178.010 REVIEW OF SIGN-RELATED DECISIONS.**

(A) Any person who has been aggrieved by any order, requirement, decision, or determination applying or interpreting the provisions of this Chapter may seek review of said order, requirement, decision, or determination as provided in Section 172.014.

(B) Persons with standing to seek review of any order, requirement, decision, or determination under this Chapter related to constitutionally protected first amendment activity shall be entitled, as a matter of right, to seek immediate review of such final determination by filing an appropriate pleading with the circuit court having jurisdiction over the territory encompassed by the City.

#### **SECTION 178.011 PENALTIES AND REMEDIES.**

Unless otherwise stated, a person who engages in conduct in violation of this Chapter shall be subject to the following penalties and/or remedies:

(A) Violations of this chapter may be punished as provided in the City of Palm Bay Code, Section 10.99, General Penalty.

(B) Each day that a violation continues after receipt of written notice of such violation shall constitute a separate violation and separate offense for purposes of the penalties and remedies specified herein.

(C) In addition to the penalties and remedies above, the City may institute any appropriate action or proceedings to prevent, restrain, correct or abate a violation of this Chapter, as provided by law.

#### **SECTION 178.012 SIGNS ON PROPERTY OWNED BY A GOVERNMENTAL BODY, PUBLIC RIGHTS OF WAY, AND PUBLIC PLACES.**

(A) *Property owned by Governmental Body.* No private person or group shall erect, install, maintain, alter, repair, demolish, remove, relocate, reinstall, or perform structural maintenance upon, a sign located on property owned by a Governmental Body without the prior written agreement of such Governmental Body. Only the Governmental Body owning such land, or its designated agents, may erect, install, maintain, alter, repair, demolish, remove, relocate, reinstall, or perform structural maintenance upon, a sign upon such property.

(B) *Public Rights of Way.* Except as expressly provided otherwise by the Florida Department of Transportation with regard to rights of way within its control and/or jurisdiction, no private person or group shall erect, install, maintain, alter, repair, demolish, remove, relocate, reinstall, or perform structural maintenance upon, a sign located on any public right of way. Only the Governmental Body responsible for the maintenance of such public right of way, or its designated agents, may erect, install, maintain, alter, repair, demolish, remove, relocate, reinstall, or perform structural maintenance upon, a sign upon such a right of way.

(C) *Requirements.* Any sign located on property owned by a Governmental Body or upon any public right-of-way must conform to the requirements of this Chapter.

(D) *Removal of unauthorized signs.* The City may immediately remove any unauthorized sign located on property owned by a Governmental Body or upon any public right-of-way. Upon removing such a sign, the City shall hold it for a minimum of five (5) business days. At any time during such a holding period the owner of the sign may reclaim the sign after paying a removal and storage fee of one hundred dollars (\$100.00). Signs not reclaimed by the owner during this holding period shall be discarded.

#### **SECTION 178.013 SCHEDULE OF SIGNS IN COMMERCIAL DISTRICTS.**

The table setting forth the type, size, location, number, and allowable sign illumination for signs located on parcels within commercial districts is found in Appendix A.

#### **SECTION 178.014 SCHEDULE OF SIGNS IN INDUSTRIAL DISTRICTS.**

The table setting forth the type, size, location, number, and allowable sign illumination for signs located on parcels within industrial districts is found in Appendix B.

#### **SECTION 178.015 SCHEDULE OF SIGNS IN RESIDENTIAL DISTRICTS.**

The table setting forth the type, size, location, number, and allowable sign illumination for signs located on parcels within industrial districts is found in Appendix C.

#### **SECTION 178.016 BILLBOARD AND INTERCHANGE SIGNS.**

(A) Billboard signs may be permitted on industrial or commercial zoned properties which are not within one-half (1/2) mile of an Interstate 95 interchange, but which abut Palm Bay Road or Interstate 95, subject to the following restrictions:

- (1) Height shall not exceed sixty (60) feet;
- (2) Sign Surface Area shall be:

(a) between three hundred and sixty (360) square feet and six hundred and eighty (680) square feet, (excluding cabinetry and trim); and

(b) between two hundred (200) square feet and three hundred eighty-five (385) square feet, (excluding cabinetry and trim) along Palm Bay Road; and

(c) embellishments shall not extend more than five (5) feet beyond the permanent sign face.

(3) No Billboard sign shall be located less than 1,500 linear feet from any other Billboard Sign, measured in a straight line distance from sign to sign.

(4) Each Billboard sign shall be setback from all property lines of the parcel upon which they are erected upon a distance equal to half the height of the sign.

(B) Interchange signs may be permitted on industrial or commercial zoned properties located within one-half (1/2) mile of an Interstate 95 interchange if such property abuts Interstate 95 or if such Interchange sign is located within one-half (1/2) mile of an Interstate 95 interchange, subject to the following restrictions:

(1) Height shall not exceed sixty (60) feet;

(2) Sign Surface Area shall be no greater than:

(a) four hundred (400) square feet per sign face and a maximum of one sign per side for an Interchange sign with a height of sixty (60) feet; and

(b) two hundred fifty (250) square feet per sign face for an Interchange sign with a height of less than sixty (60) feet;

(3) No Interchange sign shall be located less than one thousand (1000) linear feet from any other Interchange sign, measured in a straight-line distance from sign to sign.

(4) Each Interchange sign shall be setback:

(a) a minimum of twenty (20) feet from any public or private right-of-way lines;

(b) a minimum of ten (10) feet from any other property line; and

(C) Digital Billboards may be permitted on new and existing Billboard Signs on industrial or commercial zoned properties abutting Palm Bay Road, on industrial or commercial zoned properties abutting Interstate 95, and on industrial or commercial zoned properties if such Digital Billboard sign is located within one-half (1/2) mile of an Interstate 95 interchange within the City limits, subject to the restrictions in sub-sections (A) and (B) above. Notwithstanding any other provision contained herein, an existing legal nonconforming Billboard Sign, regardless of location, may be converted to a Digital Billboard and may be altered or reconstructed to the extent necessary to complete such conversion, notwithstanding any other provision to the contrary contained in this Chapter 178 or in Chapter 185, subject to the following criteria:

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(1) Such Digital Billboard sign shall conform to State outdoor advertising regulations. There are currently only two (2) Billboard Signs in the City of Palm Bay that meet these regulations. One is located at 4250 Minton Road NE, and the other is located at the northwest corner of U.S. Highway No. 1 and Robert J. Conlan Boulevard NE;

(2) Such Digital Billboard sign shall have an active State outdoor advertising permit from the Florida Department of Transportation;

(3) The messaging area of the Digital Billboard sign (excluding framing, cabinetry and trim) shall not be larger than the existing sign face area;

(4) The sign height and location shall not be changed.

(5) Minimum display time. Each message on the Digital Billboard sign shall be displayed for a minimum of (8) eight seconds.

(6) Message Changes. All Digital Billboard static message changes shall be completed within one (1) second.

(7) Brightness level. Digital Billboard signs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance.

<b>Sign Face Size</b>	<b>Distance to be measured from</b>
10' 6" x 36'	200'
14' x 48'	250'

(8) Each Digital Billboard sign display shall have a light sensing device that will adjust the brightness as ambient light conditions change;

(9) Digital Billboard signs shall be operated with systems and monitoring in place to either turn the display off or show a "full black" image on the display in the event of a malfunction that affects at least fifty percent of the sign area; and

(D) Digital Billboards may be operated with conventional printed display faces.

(E) Owners of Digital Billboards are strongly encouraged to coordinate with law enforcement and emergency management authorities to display, when appropriate, regional emergency information important to the traveling public including, but not limited to Amber Alerts or emergency management information, such as Hurricane Evacuation Orders. Owners of Digital Billboards are strongly encouraged to display advertising copy on the electronic/digital sign face on behalf of the City, with no charge for advertising space, of the following types advertising messages only: public service, welcome messages or community events in the City of Palm Bay.



## **SECTION 178.017 CONSTRUCTION, DESIGN, AND LOCATION OF SIGNS.**

(A) *Design and construction.* The design, construction and erection of all signs permitted within the city shall conform to the requirements of the Standard Building Code, adopted in Chapter 170 of this Code of Ordinances. Signs containing components to be connected to an electrical energy source shall also conform to the requirements of the National Electrical Code, adopted Chapter 170 of this Code of Ordinances. If the requirements of this Chapter conflict with the requirements of the above codes, the provisions of this Chapter shall govern.

(B) *Illuminated signs.* All such light sources shall be maintained in good working condition. Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled ways in the City of Palm Bay and which are of such intensity or brilliance as to cause glare or to impair the vision of a driver of a motor vehicle or which otherwise obscure or interfere with a driver's operation of a motor vehicle are prohibited.

(C) *Sign setbacks.* Sign setbacks shall be determined to be the leading edge of the sign or the supporting structure for such sign, whichever is closer to the point from which the setback is calculated.

(D) *Orientation.* All signs shall be designed and erected to be perpendicular to the ground upon which the sign is erected.

## **SECTION 178.018 MAINTENANCE OF SIGNS.**

(A) Except as expressly otherwise provided, all signs regulated by this Chapter, including their supports, braces, guys, anchors, electrical parts, lighting fixtures, and all painted and display areas shall be maintained so as to present a neat, clean appearance. Painted areas and sign surfaces shall be kept in good condition, and illumination, if provided, shall be maintained in safe and good working order.

(B) Weeds and grass shall be kept cut in front of, behind, underneath and around the base of ground signs for a distance of ten (10) feet, and no rubbish or debris shall be permitted under or near such signs.

## **Section 178.019 EXPRESSLY PROHIBITED SIGNS, NUISANCE.**

(A) The following types of signs, in any location, are expressly prohibited:

- (1) Abandoned Signs;
- (2) Activated Signs;
- (3) Animated Signs;
- (4) Beacon Lights;

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- (5) Flashing Signs;
- (6) Illegal Signs;
- (7) Revolving Signs;
- (8) Roof Signs;
- (9) Vehicle Signs;
- (10) Snipe Signs;
- (11) Any sign confusingly similar to a Government Sign;
- (12) Any sign, other than a Government Sign, in or upon any river, bay, lake, or other body of water within the City;
- (13) Any sign, other than a Government Sign, upon any pier or seawall;
- (14) Window signs which, in aggregate, cover more than twenty-five (25) percent of the total window surface; and
- (15) Any sign which:
  - (a) contains content previously adjudged obscene in the community;
  - (b) emits audible sound, vapor, smoke, odor particles, or gaseous matter;
  - (c) obstructs, conceals, hides, or obscures any Government Sign;
  - (d) presents a hazard to the safety of the public; or
  - (e) causes radio, television or other communication interference.

(B) Any sign expressly prohibited by this section shall be deemed a nuisance. The Administrator or the Administrator's designee shall issue notices to both the owner of the property on which such sign is located and, to the extent discernable, those persons maintaining and/or owning such signs, giving such persons ten (10) days to dismantle and remove signs or take action to make such sign conform to the requirements of this Chapter. In the event such a sign presents a hazard to public safety, it may be removed immediately by direction of the Administrator, the Administrator's designee, or any other City official responsible for public safety.

**Section 178.020 NONCONFORMING SIGNS.**

(A) Any sign which did not conform to the provisions Chapter 178 immediately prior to the effective date of this ordinance, and was not legally permitted and constructed, shall be an illegal nonconforming sign and shall be removed immediately.

(B) Unless otherwise subject to the provisions Section 70.20, Florida Statutes, any sign which was legally permitted and constructed, but which does not conform to the provisions Chapter 178, shall be a legal nonconforming sign and shall be governed as provided for herein.

(C) A legal nonconforming sign may not be altered, enlarged, or moved in a way which increases its degree of nonconformity, but any sign or portion thereof may be altered to decrease its degree of nonconformity, except as provided for herein. Notwithstanding the foregoing or section (d) below, a legal nonconforming sign may be reconstructed as a Digital Billboard if doing so would otherwise conform to the requirements of Chapter 178.

(D) A legal nonconforming sign shall not be structurally altered to prolong the life of the sign, except as otherwise provided herein. Reasonable repair and maintenance of nonconforming signs, including change of copy, is permitted, as provided for herein. Reasonable repair and maintenance means the work necessary to keep the sign, including the sign structure, in a good state of repair, but does not include replacement of materials in the sign structure. Reasonable repair does not include:

(1) Any modification that changes the structure, or type of structure, such as conversion of a wooden sign structure to a metal sign structure;

(2) Any modification that increases the sign area or the height above ground level. Embellishments may be added provided they do not exceed ten percent (10%) of the sign area, as established in Fla. Admin. Code § 14-10.007; or

(3) Any modification that adds lighting to a sign structure that previously did not contain lighting and does not have the approvals to do so, or changes the existing lighting from printed faces to digital faces without prior approval.

(E) Should a legal nonconforming sign become damaged, destroyed or deteriorated by any means to the extent that it requires more than reasonable repair and maintenance, as defined in subsection (d) above, then the sign shall not be reconstructed except in compliance with this Chapter.

(F) Should a legal nonconforming sign be moved for any reason, it shall thereafter conform to the requirements of this Chapter after it is moved.

(G) A legal nonconforming sign, other than legal nonconforming billboard signs, shall be deemed an abandoned sign and shall be removed if either the sign or the sign structure has not been used, or if the parcel or parcels upon which the sign is located becomes vacant or unoccupied for a period of ninety (90) consecutive calendar days or more.

(H) A legal nonconforming billboard sign shall be deemed an abandoned sign and shall be removed if either the sign or the sign structure has not been used or becomes vacant or unoccupied for a period of twelve (12) consecutive calendar months or more.

#### **SECTION 178.021 PENALTIES.**

(A) Litter along the streets and highways, including the State highway system, public spaces, public rights-of-ways, and waterways of Palm Bay, detracts from the beauty of the city. The term “litter” shall be as defined in Florida Statute 403.413(2)(f), that is located on public property, and shall include any artificial or manmade object illegally placed within a public right-of-way or illegally nailed, fastened or affixed to any tree, public utility pole, or other object located on public property or within a public right-of-way. The terms “litter” shall include “snipe sign” as defined within this Chapter.

(B) The placement of a snipe sign on public property is transient in nature and is therefore irreparable. The existence of snipe signs are a nuisance upon the city and its staff. The adoption of the prohibition directed to snipe signs on public property shall be deemed notice of the violation. The person or business in possession or control of the snipe sign and the person or business who owns or is advertised or identified by name, address, website or other contact information on the sign may be cited upon observation of the violation. The person or business who owns or is advertised or identified on the sign shall be presumed to have permitted the placement of the snipe sign in the absence of evidence to the contrary. The term “transient in nature” shall mean that a condition exists on a temporary, periodic, or non-permanent basis. The term “irreparable” shall mean the condition is incapable of being remedied, as the harm sought to be prevented has already occurred.

(C) Violations of this Section shall be unlawful and shall be subject to the fines set forth in this subsection. Each piece of litter or separate sign that a person illegally place on or affixes to public property in violation of this Section shall be deemed a separate violation. The schedule for fines for the violations shall be as follows:

<b>Offense</b>	<b>Fine</b>
1 <sup>st</sup>	\$50
2 <sup>nd</sup>	\$100
3 <sup>rd</sup> and each thereafter	\$150

(D) Any litter or snipe sign placed on or affixed to public property or placed in the road right-of-way, including but not limited to public property and rights-of-way along or adjoining any roadway, in violation of this Section is hereby declared to be abandoned

property and is thereby subject to being removed by an employee of the Code Compliance Division or a member of the Volunteer Citizens on Patrol (V-COP).

(E) The Division Manager of the Palm Bay Code Compliance Division, or his or her designee, shall have the duty to enforce this subsection (178.021) through such assigned personnel as the Manager or designee determines to be appropriate.

(F) A violation of the snipe sign prohibitions of this Section shall be documented by a digital photograph taken by a Code Compliance Officer or V-COP.

(G) The Code Enforcement Special Magistrate shall hear charges of code violations pursuant to the issuance of citations. The Special Magistrate shall operate in the manner established in Chapter 52 of the Palm Bay Code of Ordinances.

**SECTION 178.022 CONFLICT WITH OTHER LAWS; UNCONSTITUTIONALITY OR INVALIDITY.**

(A) If any portion, clause, phrase, sentence or classification of this Chapter, now or later amended, conflicts with any federal or state statute or regulation, either now existing or later enacted, such conflicting federal or state statute or regulation shall govern and the remaining provisions of this Chapter that can be given effect without the conflicting provision shall continue in full force.

(B) If any portion, clause, phrase, sentence or classification of this Chapter, now or later amended or its application to any person or circumstance, is held or declared by a court of competent jurisdiction to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of this Chapter that can be given effect without the invalid provision or application. It is the express intention and opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**Appendix A: Schedule of Signs in Commercial Zoning Districts**

**SCHEDULE OF SIGNS IN COMMERCIAL ZONING DISTRICTS**

<b><i>Sign Type</i></b>	<b><i>District(s)</i></b>	<b><i>Maximum Number</i></b>	<b><i>Maximum Area</i></b>	<b><i>Maximum Height</i></b>	<b><i>Placement</i></b>	<b><i>Illumination</i></b>
A-Frame	All	1 per street frontage	16 sq. ft.	10 ft.	At the Property Line	None
Awning	All	1 per street frontage	10% of wall Area	10 ft.	Attached	Int. or Ext.
Banner	All	Non-Regulated	Non-Regulated	25 ft.	Non-Regulated	None
Bench	All	1 per bench	12 sq. ft.	6 ft.	Non-Residential	None
Billboard	See § 178.016	See § 178.016	See § 178.016	See § 178.016	See § 178.016	External or Internal
Construction	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Directory	All	1 per street frontage	3 sq. ft.	3 ft.	At the Property Line	None
Electronic Message	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property line	Internal
Freestanding Frame	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property line	Int/Ext
Future Improvement	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	No
Human Sign Holder	All	1 per street frontage	16 sq. ft.	10 ft.	No such Sign shall impede	None

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					visibility for traffic safety	
Inflated	All	1 per street frontage	Non- Restricted.	25 ft.	10' from any Property line	External or Internal
Marquee	All	1 per street frontage	12 sq. ft.	N/A	Attached	External or Internal
Monument	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property Line	External or Internal
Pole	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property Line	Internal
Portable	All	1 per street frontage	64 sq. ft.	10 ft.	Non- Regulated	Internal
Pylon	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property Line	Internal
Real Estate	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property Line	No
Transit Shelter	All	1 per developed parcel	16 sq. ft.	10 ft.	Right-of -way	External or Internal
Wall	All	1 per street frontage	Max 10% of Wall Area	Not Above Average Roofline	On the Principal Building	External
Window	All	1 per street frontage	10% of wall Area	Not Above Roofline	N/A	N/A

(1) Maximum height for any detached sign in the MU, and MUC districts shall be 10 feet.

**Appendix B: Schedule of Signs in Industrial Zoning Districts**

**SCHEDULE OF SIGNS IN INDUSTRIAL ZONING DISTRICTS**

<b><i>Sign Type</i></b>	<b><i>District(s)</i></b>	<b><i>Maximum Number</i></b>	<b><i>Maximum Area</i></b>	<b><i>Maximum Height</i></b>	<b><i>Placement</i></b>	<b><i>Illumination</i></b>
A-Frame	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Awning	All	1 per street frontage	10% of Area	Not above than roof line	On the Principal Building	External or Internal
Banner	All	Non-Reg. per street frontage	Non-Regulated	25 ft.	Non-regulated	None
Bench	All	1 per bench	12 sq. ft.	6 ft.	Non-Residential	None
Billboard	See § 178.016	See § 178.016	See § 178.016	See § 178.016	See § 178.016	External or Internal
Construction	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Directory	All	1 per street frontage	3 sq. ft.	3 ft.	10' from any Property line	Ext. or Int.
Electronic Message	All	1 per street frontage	64 sq. ft.	10 @ 150' < ft. 25 @ + 150'	10' from any Property line	No Cinematic Movement 0 Lumens @ Property line.
Freestanding Frame	All	1 per street frontage	64 sq. ft.	10' @ 150' <, ft. 25 @ 150' >	10' from any Property line	Int/Ext.
Future Improvement	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None



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Human Sign Holder	All	1 per street frontage	16 sq. ft.	10 ft.	No such sign shall impede vision for traffic safety	None
Inflated	All	1 per street frontage	Non-Restricted	25 ft.	10' from any property line	External or Internal
Marquee	All	1 per street frontage	12 sq. ft.	N/A	Attached	External or Internal
Monument	All	1 per street frontage	64 sq. ft.	10 ft.	10' from any Property line	External or Internal
Pole	All	1 per street frontage	64 sq. ft.	10' < 150' ft. 25' @ 150 >'	10' from any Property line	Internal
Portable	All	1 per street frontage	64 sq. ft.	10 ft.	Non-regulated	Internal
Pylon	All	1 per street frontage	64 sq. ft.	10' < 150' ft. 25' + 150 '	10' from any Property line	Internal
Real Estate	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Transit Shelter	All	1 per developed parcel	16 sq. ft.	10 ft.	Right-of-Way	External or Internal
Wall	All	1 per street frontage	10% of wall Placement.	Not Above the Average Roof Line	On the Principal Building	External
Window	All	1 per street frontage	10% Max. of Place	N/A	N/A	None

**Appendix C: Schedule of Signs in Residential Zoning Districts**

**SCHEDULE OF SIGNS IN RESIDENTIAL ZONING DISTRICTS**

<b><i>Sign Type</i></b>	<b><i>District(s)</i></b>	<b><i>Maximum Number</i></b>	<b><i>Maximum Area</i></b>	<b><i>Maximum Height</i></b>	<b><i>Placement</i></b>	<b><i>Illumination</i></b>
Bench	All	1 per bench	12 sq. ft.	6 ft.	Non-residential	None
Construction	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property Line	None
Directory	All	1 per street frontage	3 sq. ft.	3 ft.	10' from any Property Line	None
Future Improvement	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Real Estate	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Subdivision	All	2 per street frontage	32 sq. ft.	10 ft.	Not within the 10' sight Visibility Triangle	Internal or External
Transit Shelter	Mixed Use Commercial/Residential	1 per developed parcel	16 sq. ft.	10 ft.	Right-of-Way	No External or Internal

**Appendix D: Schedule of Conditional Use Signs in Residential Zoning Districts**

**SCHEDULE OF CONDITIONAL USE SIGNS IN RESIDENTIAL ZONING DISTRICTS**

<b><i>Sign Type</i></b>	<b><i>District(s)</i></b>	<b><i>Maximum Number</i></b>	<b><i>Maximum Area</i></b>	<b><i>Maximum Height</i></b>	<b><i>Placement</i></b>	<b><i>Illumination</i></b>
Freestanding Frame	All	1 per street frontage	16 sq. ft.	10 sq. ft.	10' from any property line	External
Wall	All	1 per street frontage	Max 10% of wall area	Not above average roofline	On the principal building	External

## **PART 2: OFF-PREMISES DIRECTIONAL/GUIDANCE SIGNS**

### **SECTION 178.200 SCOPE.**

(A) The standards for off-premises directional/guidance signs as described herein shall apply to public roads located within the boundaries of the city. Off-premise directional/guidance sign placement is limited to only those roads that meet the following classifications, described in the city's Comprehensive Plan as:

- (1) 4-Lane Arterial, Divided;
- (2) 2-Lane Arterial;
- (3) 4-Lane Collector, Divided;
- (4) 2-Lane Collector, Divided;
- (5) 2-Lane Major Collector;
- (6) 2-Lane Minor Collector.

(B) The purpose of the off-premises directional/guidance sign is to identify a destination and guide motorists to a specific area. When used, the off-premises directional/guidance signs should have the lowest priority of all signs used in the public right-of-way or easement. A program of cooperation should be established between the city and other governmental agencies when a sign is to be placed within any state or county rights-of-way located within city boundaries.

### **SECTION 178.201 CLASSIFICATIONS.**

The off-premises directional/guidance signs shall be divided into three (3) classifications.

(A) Recreational and cultural (brown sign). To provide directions to structures and sites that include but are not limited to: parks, libraries, sanctuaries, museums, etc.; areas of public interests that are typically attractions and traffic generators because they are open to the general public for the purpose of cultural, recreation, play, amusement or relaxation used to refresh the body or mind or for the training and refining of the mind, emotions, manners, vocal skills, taste, etc.

(B) Non-profit (green sign). To provide directions to structures and sites that include but are not limited to churches, public schools/colleges, government agencies, fraternal and civic organizations, lodges, and areas of interest that are targeted to specific groups and individuals that typically contribute to the betterment of the community and are not operated for monetary gain and are exempt for taxation.

(C) Commercial (blue sign). To provide directions to structures and sites that provide on-premise parking spaces for one hundred (100) or more vehicles such as golf

courses, industrial parks, residential subdivisions, businesses, private schools and areas of interests that are targeted to specific groups of persons who derive major portions of their incomes from such facilities and, as motorists, do not reside in the immediate areas; areas that attract large groups of persons who visit these areas for goods and services; large groups of persons who reside in these areas and, as motorists, derive major portions of their incomes outside of these areas; and large groups of persons who transport goods and services to and from these areas. The structures and sites are operated for monetary gain and are taxable entities. Residential subdivisions are included in this classification because of concentrated real estate sales and new construction.

#### **SECTION 178.202 DESIGN STANDARDS.**

The off-premises directional/guidance sign shall meet the following standards:

- (A) Rectangular in shape.
- (B) The size of each individual sign blade shall be eight inches (8") by forty-eight inches (48").
- (C) Where multiple stacked signs are located, the bottom of the lowest sign should be seven feet (7') above the closest edge of pavement or above the top of the closest curb, whichever is applicable.
- (D) Single blade sign locations shall meet the same standards for height as the multiple stacked locations. Depending on the posted speed limit in the area and to provide for future sign attachments, the sign post's top or aerial height shall be initially adjusted to accommodate a total of three (3) or five (5) sign blades stacked as described herein.
- (E) In locations where the posted speed is less than 45 mph, the sign blades may be stacked five (5) high, not to exceed a maximum height of forty inches (40").
- (F) In locations where the posted speed is 45 mph and higher, the sign blade stacking shall not exceed three (3) high or a maximum height of twenty-four inches (24").
- (G) The background color code for each of the three (3) administrative sign classifications shall be as follows:
  - (1) Recreational and Cultural - Brown;
  - (2) Non-Profit - Green;
  - (3) Commercial - Blue.
- (H) The directional arrow, mileage numbers, and lettering shall be white.
- (I) The style and size of the lettering should meet the following standards:
  - (1) The lettering should be upper case and should be of the type provided for in the "Standard Alphabets for Highway Signs and Pavement Markings";

Federal Highway Administration, Highway and Transportation Officials-20, or similar and current approved publications.

(2) The identifying destination lettering should be at least four inches (4") in height.

(3) The mileage designation should be in letters and numerals at least two inches (2") in height.

(4) The directional arrow should be four inches (4") in size and located uniformly on the left side on the sign or closest to the travel way.

(5) The mileage designation should be centered directly below the directional arrow. The mileage designation should be shown to the closest one tenth (1/10) of a mile (Example: 0.2 mi.).

#### **SECTION 178.203 SIGN LOCATIONS.**

(A) The off-premises directional/guidance signs should be located at least two hundred feet (200') from the center line of the intersection or abutting right angle roadway except in the case of median placement, and shall not obstruct drivers' critical viewing of other traffic control devices. The location of other traffic control devices shall in all cases take precedence over the location of off-premises directional/guidance signs.

(B) In locations where the posted speed is less than 45 mph, the sign post closest to the travel way should be located a minimum distance of ten feet (10') off the edge of pavement or four feet (4') behind the face of a type "F" curb, as defined in the Florida Department of Transportation Roadway and Traffic Design Standards (latest edition), Index 300. In all cases the location should be as close to the right-of-way line as is practical.

(C) In locations where the posted speed is 45 mph and higher, the sign post closest to the travel way should be located a minimum distance of fourteen feet (14') from the edge of pavement. In all cases the location should be as close to the right-of-way line as practical.

(D) Off-premises directional/guidance signs may not be located outside of a five (5) mile radius from the described destination.

(E) Off-premises directional/guidance signs shall be limited to a maximum of three (3) off-premises directional/guidance signs per four-way intersection for any one (1) described destination. The total number of off-premises directional signs for any one (1) described destination should be six (6).

(F) In all cases, the exact location and number of off-premises directional/guidance signs placed within the public road right-of-way shall be determined

by the Public Works Department of the city in accordance with the standards set forth herein.

(G) The number of off-premises directional/guidance sign locations will be limited and available locations will be permitted on a first come-first serve basis. Permit application will be accepted on file with the city in chronological order to provide for rapid implementation in the event a permit is canceled or expires and a specific location becomes available. The city will make every reasonable effort to provide the number of signs and locations specified by the applicant up to the maximum allowed. In the event the city determines that it cannot totally comply with the applicant's request, the city will offer to place signs that meet the requirements and adjust the permit fees accordingly or, if possible, locate the signs at the next-closest available location; applicant may, during the permit application review phase, choose to continue the process or withdraw the application.

(H) During the term of the permit, in-place signs may be relocated or removed at any time should site conditions change and warrant such an action by the city. Any such modifications to the original permit application are at the sole discretion of the Public Works Department and may be accomplished with or without notice to the permittee, although every effort will be made to contact the permittee should such a condition exist. No refund or adjustment to the original permit fee shall be made in any case.

#### **SECTION 178.204 PERMITTING.**

(A) When required. A Right-of-Way Use Permit shall be obtained from the Public Works Department to place off-premises directional/guidance signs within the public rights-of-way and easements.

(B) Applicant. The owner or the legally authorized person of the destination described on a off-premises directional/guidance sign.

(C) Permit fee schedule. A non-refundable fee shall be charged for every off-premises directional/guidance sign permit.

(1) Permit application fee. A non-refundable application initial processing and design fee as established by resolution pursuant to § 172.011 shall be charged to the applicant and due in full at the time the application is presented to the Public Works Department for review. Application fees are non-refundable if applications are rejected by the city, canceled by the applicant, or for any reason an application becomes null and void. Applicants shall have sixty (60) days from the time the initial permit application is received by the Public Works Department to either pay for the approved permit in full or cancel the application. If no such action is taken by the applicant within the provided sixty (60) day period, the Off-Premises Directional/Guidance Sign Right-of-

Way Use Permit application shall become null and void. Should any application become null and void, any approved locations shall be available to the next qualified applicant.

(2) The permit fee structure for each sign blade up to the maximum allowed shall be as established by resolution pursuant to § 172.011.

(D) Permit time limitation. In no case shall a sign be installed before a permit is issued. A directional/guidance sign permit issued by the city shall be valid for a period of sixty (60) months/five (5) years from the date of issuance.

(E) If a permittee fails to successfully reapply for permitted locations by the permit expiration date, the location(s) will immediately become available to the next eligible applicant. It shall be the sole responsibility of the permittee to reapply for permitted location(s) in a timely manner.

(F) Where discrepancies exist between the city and the applicant or the permittee, the Public Works Director or designee shall have the power of interpretation to execute a final judgement.

#### **SECTION 178.205 ANNUAL FEE INCREASE.**

The fees set forth in this section shall be increased by four percent (4%) (rounded to the nearest dollar) each fiscal year. Should any decrease in such fees be warranted in any given year, they shall also be decreased annually by that percentage that accurately reflects the reduction of permits requested and the specific and ascertainable resulting reduction in funds needed to pay the city costs to manage all services and time needed to issue and monitor the permits required by this section.

#### **SECTION 178.206 NON-CONFORMING SIGNS.**

When non-conforming signs are identified, a bright colored sticker will be placed on the face of the sign in plain view of the public. The notification sticker will clearly state that the sign is not in compliance with the regulations and an appropriate phone number will be provided for additional information. The sticker will also identify the person placing the sticker and the date the sticker was affixed to the sign. The person placing the sticker will record the language on the sign, the location of the non-conforming sign, and the date the notification was affixed. A copy of these records will be forwarded from time to time to the Right-of-Way Use Permitting Section of the Public Works Department for permanent record. The language for the notification sticker shall be in substantially the following form:

Notice to Owner!

This sign is not in compliance with the current Off-premises Directional/Guidance Sign Code and is considered a non-conforming sign. This sign shall be found in violation and may be removed without further notice on or about (date). Please contact the Right-of-



Way Use Permitting Section of the Public Works Department as soon as possible (phone number).

**SECTION 178.207 NO EXEMPTIONS.**

No sign existing prior to the enactment date of this subchapter shall be exempt from the provisions of this subchapter.

**SECTION 178.208 TIME SCHEDULE FOR IMPLEMENTATION OF REGULATIONS.**

(A) The city will attempt to notify the potential and existing sign owners of the herein regulations. The notification methods to be used will include but not be limited to the following:

- (1) Newspaper, public notice advertisements;
- (2) Space Coast Government Television, "Scrolling Items" listed from time to time as the agenda allows;
- (3) Palm Bay publications.

(B) To provide sufficient time for existing sign owners to conform to the regulations described herein, compliance shall be as follows from the enactment date of this subchapter:

- (1) All new signs shall comply to the regulations described herein;
- (2) Sign owners shall have one (1) year to remove or replace existing nonconforming signs without penalties;
- (3) Existing non-conforming signs remaining in the public rights-of-ways after one (1) year shall be found in violation of this ordinance as described herein. The nonconforming sign may also be removed by the city without notice to the owner and disposed of in a legal manner. It shall be the sole responsibility of the off-premises directional/guidance sign owner to obtain a Right-of-Way Use Permit as described herein.
- (4) Within sixty (60) days, the city will start identifying, in accordance with § 178.204.

**SECTION 178.209 PENALTY.**

Any person(s), firm, business entity or corporation that violates any of the provisions of this chapter for which no other penalty is set forth shall be subject to the penalty provisions set forth in § 10.99 of the City of Palm Bay Code of Ordinances.