BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2399-2019

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING SECTION 6.11.13., SPECIAL PURPOSE SIGNS AND SIGNING IN CHAPTER VI OF THE LAND DEVELOPMENT CODE TO INCLUDE MEMORIAL MARKER SIGN STANDARDS WITHIN CITY OF STUART ROAD RIGHTS-OF-WAY. PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

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BE IT ORDERED BY THE CITY COMMISSION NOW THEREFORE, BE IT

RESOLVED BY THE CITY COMMISSION O THE CITY OF STUART, FLORIDA that:

SECTION 1: The City Land Development Code, as amended, is hereby further amended as follows:

Land Development Code

Chapter VI-On-Site and Off-Site Development Standards

Sec. 6.11.13. - Special purpose signs and signing.

As an aid to the motoring public, the city commission 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 in compliance:

A. *Grand opening banner.* One banner may be placed on the building of a newly opened location pursuant to the following:

1. Display is limited to four weeks.
2. The banner shall not exceed one square foot per linear foot of occupancy frontage, and a total area of 50 square feet.
3. The banner shall not be higher than 15 feet above the finished grade, and must be placed on the building on the predominate street front.

4. Banners shall be made of color fast material, and shall be securely fastened so as not to become a safety hazard.

B. *Special event banner signs.* The city manager may approve one or more banners for a non-profit, charitable organization or special event as defined in section 36, article III, City Code of Ordinances, on any street, sidewalk, public building, park or playground, or on private property, subject to the following criteria:

1. The sign shall be located on the property where the event is being held, or on public property or rights of way, or on private property with the written consent of the property owner. Any of the foregoing shall require the written permission of the city manager and shall provide notice to the general public of a special event; and

2. The sign shall be temporary and for a stated limited period of not more than 14 days prior to the event, and it must be removed by the second (2nd) day after the event;

3. Each sign shall not exceed 20 square feet in area;

4. When permitted, the sign must meet the following additional criteria:

   a. The sign will not conceal or obstruct adjacent land uses or signs;

   b. The sign will not conflict with the principal permitted use of the site or adjoining sites;

   c. The sign will not interfere with, or obstruct the vision of, or distract motorists, bicyclists or pedestrians; and

   d. The sign will be installed and maintained in a safe manner;

   e. The approval, or disapproval, of such sign shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such sign;

   f. The city manager shall render a decision within ten days after an application is made for utilizing this sign type for a special event. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision to the city commission, in writing within 30 days of the written rendering of the decision by the city manager.

C. *Special event city street banners.* Special event city street banner signage, in accordance with this subsection, shall be permitted by the city manager, for special events if it is determined that the sign meets all of the following criteria:

(i) The city is a sponsor or co-sponsor of the event; or

(ii) The event sponsor is a not-for-profit organization; and

(iii) The street banner sign must be no larger than three feet in height by 24 feet in length, and if placed above a street, be at least 15 feet above the surface of the street on city installed or controlled poles. The street banner sign must be constructed of a vinyl awning material or similar and meet wind load requirements established by the city development director; and

(iv) Display of the special event street banner sign will be limited to a maximum of 14 days prior to the event and must be removed no later than two days after the event; and

(v) The sign will not conceal or obstruct adjacent land uses or signs; and

(vi) The sign will not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians, and will not conflict with the principal permitted use of the site or adjoining sites; and the sign will be installed and maintained in a safe manner; and

(vii) As a sponsor or co-sponsor, the city reserves the right to participate and comment on the content of the banner sign. However, from a regulatory viewpoint, the city's decision to approve, or disapprove such sign shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such sign;

(viii) The city manager shall render a decision within ten days after an application is made for utilizing this sign type for a special event. Such a decision shall be deemed an administrative interpretation and an applicant has the right to appeal the decision to the city commission, in writing, within 30 days following the written rendition of the city manager's decision. The city commission's decision regarding the use of the public right-of-way shall be final and non-appealable.

D. *Drive-thru window signs.* Sign boards used at locations in conjunction with service at a drive-thru window are permitted so long as the size of the board does not exceed seven feet in height, nor 24 square feet in total area, with a maximum of two signs per drive thru window.

E. *Subdivision identification signs.* Residential subdivision identification signs shall be located only at the roadway entrance(s) to the subdivision and subject to the following standards:

1. 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.

2. Each sign area shall be no greater than 36 square feet in area.

3. Subdivision entrance signs are permitted within all residential zoning districts.

4. Such subdivision entrance sign may be erected within rights-of-way or median strips adjacent to the subdivision, if approved by the city. A subdivision sign may also be located within the setbacks of private property within the subdivision or adjacent to the subdivision.

5. Any such sign erected within a right-of-way or setback shall be at least ten feet from a paved roadway and signs located within a median shall be at least five feet from any paved roadway.

6. All signs proposed to be located within a right-of-way or median shall be reviewed and approved by the development director, the police chief, and the public works director, for compliance with this section.

7. Any such signs approved for location within the right-of-way or median, if such right-of-way or median is not within the jurisdiction of the city, shall obtain written permission from the governmental entity controlling the right-of-way or median prior to erecting the sign in a requested and approved location.

8. Any signs proposed to be located on adjacent private property shall be approved and permitted by the owners of the adjacent property. Any such signs lying on private property shall be considered an additional permitted sign without regard to other applicable sections of this code.

F. *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

2. One temporary wall sign per street frontage, which shall be non-illuminated with a sign area of not more than 32 square feet;

3. Construction signs may be installed at the time of submission of a building permit application. It must be removed upon expiration of building permit or building permit application or when the project obtains a certificate of occupancy.

G. *Awning signs.*

1. 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.

2. 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.

3. Signs consisting of one line of letters not exceeding nine 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. An identification emblem, insignia, initial or other similar feature not exceeding an area of eight square feet, may be painted, placed, or installed elsewhere on any awning provided that any sign, insignia or other such similar items shall comply with all other provisions of this chapter.

H. *Changeable copy signs.*

1. Manual or electronic changeable copy information signs shall be permitted when attached to or made part of an otherwise permitted monument sign, and only related to a theater, auditorium, convention center, sports field or arena, a regional attraction facility, or for motor fuel pricing, or a time & temperature sign. Such signs shall be limited to one changeable copy message sign per street frontage, and no more than two such signs shall be permitted on any individual parcel, including PUDs.

2. Electronic changeable copy signs shall be permitted to change their message no more than four times within a 24-hour period, except that time & temperature signs may change as the temperature changes, and as the time changes in one minute increments.

3. Changeable copy signs shall comply with the permitted area of the sign to which it is attached pursuant to design standard matrix, Table 6.11.17. The changeable copy element of the sign shall not exceed 25 percent of the total sign area.

4. Maximum height and setbacks shall comply with the permitted height and setbacks for the sign type pursuant to design standard matrix, Table 6.11.17.

5. Types of manual or electronic changeable copy sign:

a. Motor fuel pricing signs. Motor fueling stations shall provide signage displaying the price of fuels. Signs shall advertise the price of motor fuels sold on the premises, subject to the following regulations:

i. One motor fuel price sign shall be permitted per street frontage with a maximum of two signs per fuel station. It shall be affixed to a permanent sign structure or to a building and shall not be located closer than ten feet to any side property line. The price sign shall be included in the total area of signage otherwise permitted.

ii. The sign shall not be more than 12 square feet per sign face.

iii. Signs placed on fuel pumps shall not exceed three square feet per sign face nor a total of six square feet per sign.

b. Time and temperature signs. Signs giving time and temperature, or either time or temperature information shall be permitted when attached to or made part of an otherwise permitted sign. Such signs shall not be larger than 20 percent of the permitted area of the sign to which they are attached or included. Such signs shall be counted as part of the permitted area of the sign to which they are attached.

6. Prohibited lighting for electronic message sign:

a. Lamps, light emitting diodes, or bulbs in excess of the amount and intensity of light generated by a 30-watt incandescent lamp (the amount of light, measured in lumens, varies for lamp types. For example, a 30-watt incandescent lamp produces approximately 300 lumens).

b. Exposed reflectorized lamps, light emitting diodes, or bulbs; and lamps or bulbs not covered by a lens, filter, louver or sunscreen; or modes of operation that scroll, flash, zoom, twinkle or sparkle, or appear to do so.

I. *Landmarked signs.* The city shall designate a sign as a landmarked sign, based upon authenticated documentation that such sign is at least 25 years old and has existed as a defining feature of a landmarked or historic building or event. The acceptance of a sign as a landmarked sign is subject to the written

determination of the city development director, considering the age, location, condition, construction, and historic significance.

1. Landmarked signs shall be classified as conforming signs, and shall be permitted to be restored, maintained and repaired.
2. Landmarked signs shall be exempt from setback, size, height, and area requirements of the code, except that such signs shall maintain not greater than their historic dimensions or area.
3. Landmarked signs placement shall leave street corners free of obstructions to allow for safe vehicle and pedestrian movement and placement of utilities; and may be relocated on a site to do so.

J. *Mural signs.* Mural signs shall be counted as wall signs for the portion which includes any message, logo or which depicts a product or service, and shall be of such a design as to compliment the architectural style of the subject building and shall be in keeping with the general character of the land use district. There shall be a maximum of only one mural sign per building. The sign portion of a mural sign, if any, shall comply with the dimensional requirements of a wall sign.

K. *Memorial Marker Signs.* Memorial Marker signs may be installed within a City road right of way at the request of an immediate family member. Memorial Marker signs will be installed by city personnel after first receiving a signed Memorial Marker Sign application. The memorial marker shall consist of a fifteen inch (15") diameter round aluminum sign panel with engineering grade sign sheeting with a white background, and black letters. The memorial marker will be placed on a standard u-channel post and be located at the outside edge of the mowing limits., or as directed by the Public Works Director, or designee. Placement of the deceased's name on the memorial marker will be at the immediate family's option. No additional decorations or ornaments will be permitted. The memorial marker will remain in place for a minimum of one (1) year, unless it becomes necessary to remove the marker for construction or maintenance purposes.

SECTION 2: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 4: The provisions of this Ordinance shall be codified.

SECTION 5: This Ordinance shall take effect upon adoption.

Ordinance 2399-2019
Land Development Code Amendment
Memorial Marker Signs

Passed on first reading the ____ day of _____, 2019.

Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
REBECCA S. BRUNER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
KELLI GLASS LEIGHTON, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2019.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL MORTELL
CITY ATTORNEY