DISCUSSION ITEM #1 –

- Deleted all references to the steps needed to remove a sign and inserted wording to declare such signs a nuisance in accordance with our existing Nuisance Abatement ordinance.
- Except the section reference emergency removal, this instead references the demolition code.

(1) *Vacant premises.* A sign shall be removed by the property owner or lessee of the premises when the establishment which it advertises is no longer active or shall replace the ~~cabinet structure~~ sign face with an opaque, blank face on both sides. Upon the premises becoming vacant, the owner or lessee thereof shall remove and keep the windows clean and free from any lettering or advertising signs of the previous business or profession. ~~Outdoor s~~Signs painted on or affixed to such premises advertising a previous business or profession shall be removed or completely obliterated after the premises becomes vacant. ~~"Completely obliterated" means not only complete removal of old signage such that it will not be visible, but also that restoration of the wall area upon which the signage was affixed shall be in the same color, texture, and materials as the rest of the wall.~~ If the owner or lessee fails to remove any such signs, or to modify the cabinet structure as aforesaid, ~~the director shall give t~~he owner shall be given thirty (30) days' written notice to remove it. Upon failure to comply with said notice, ~~the director shall authorize removal of the sign in accordance with the notice requirements of section 15-3(d) and the cost of removal assessed as a lien in accordance with the provisions of section 15-3(e).~~the sign shall be declared a nuisance and abated in accordance with Section 16-49 of the City of Fort Pierce Code of Ordinances.

~~(2) *Prohibited, unlawful and nonconforming signs.* At the termination of the time periods for which prohibited, unlawful or nonconforming signs are permitted to remain under this chapter, all such signs placed and maintained on public or private property in violation of this chapter shall be removed by the director in accordance with the notice requirement of section 15-3(d) and the cost of removal assessed as lien in accordance with the provisions of section 15-3(e).~~

(~~3~~2)*Maintenance.* All signs and advertising structures regulated by this chapter shall be maintained in accordance with the provisions of ~~Chapter 23 of the Standard Building Code.~~ Chapter 5 of the City of Fort Pierce Code of Ordinances. The owner or lessee of any sign that is unsightly because of a deterioration or lack of maintenance shall be notified in writing and allowed thirty (30) days to correct said violations. Upon failure to comply with said notice, ~~the director shall authorize removal of the sign in accordance with the notice requirement of section 15-3(d) and the cost of removal assessed as a lien in accordance with the provisions of section 15-3(e).~~ the sign shall be declared a nuisance and abated in accordance with Section 16-49 of the City of Fort Pierce Code of Ordinances.

(4) *Nuisance; abatement.* Any sign which is erected, used or maintained in violation of this chapter is hereby declared to be a public and private nuisance and shall be forthwith removed, obliterated or abated ~~by the director.~~ in accordance with Section 16-49 of the City of Fort Pierce Code of Ordinances. For such purpose ~~the director~~ City staff or duly contracted vendor may enter upon private property without incurring any liability therefor. However, if any such sign bears the name of the owner thereof, and said owner holds an unexpired permit issued under this chapter, the said owner shall be given written notice of the violation in accordance with the provisions of section ~~15-3(d)~~16-49. ~~and the cost of removal assessed as a lien in accordance with the provisions of section 15-3(e).~~

(~~f~~c) *Emergency removal.* In cases where it reasonably appears that there is imminent danger to life or safety of any person unless a sign located on public or private property is immediately altered, repaired or removed, the sign is hereby declared unsafe. All such unsafe signs are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the International Property Maintenance Code, subject to all amendments, modifications or deletions, or other local ordinance, including Article III of Section 16 of the Fort Pierce Code of Ordinances. ~~director shall, if time permits, document such facts with photographs and written reports and shall cause the immediate repair or removal of such sign. In such cases, the decision of **the director** shall be final. For this purpose, **the director** may at once enter such place where such sign is located, with such assistance and at such costs as the director deems necessary. The cost of such emergency repair or removal of such sign shall be collected in the same manner as provided in section 15-3(e).~~

DISCUSSION ITEM #2 – We need to establish a definition for “50% structurally destroyed”. This was a heavily debated items following the hurricanes of 2004 / 2005.

- Does the 50% equation only include the portion of the structure above grade?
- Does the 50% equation include the portion of the structure located underground?
- Does the 50% equation include just the structure or does it include the electrical components / sign face / etc?

(d) *Natural damage.* Nonconforming signs which are more than fifty (50) per cent structurally destroyed by wind, deterioration or other damage shall be made to conform with all the requirements of this chapter, or be completely removed.

DISCUSSION ITEM #3 –

- Prohibited Signs: We can prohibit certain types of signs and sign characteristic as long as the rules are consistent and are not based upon content.
- 'A' frame signs have been added in a later chapter as a permitted temporary sign as long as they comply with size and distance restrictions.
- City sponsored events have now been specifically addressed and are permitted in the ROW. The previous code was silent in this regard and often caused controversy.

Sec. 15-5. - Prohibited signs or sign characteristics.

The following signs or types of signs shall be prohibited within the city except for those which are specifically authorized or required by the city commission, state law or court order:

(1) Roof signs.

(2) Portable or trailer signs.

(3) ~~Sidewalk~~ "A" frame or sandwich signs that are located further than 10' from the entrance to a business or larger than 2' x 3' or blocking pedestrian right of way.

~~(4) Pylon signs.~~

~~(5) Snipe signs.~~

(~~6~~4)Signs attached to any tree, shrub or plant that has the potential to damage the tree, shrub or plant.

~~(7) Banners and decoration, except as may be permitted as a special event sign.~~

(~~8~~5)Unpermitted ~~S~~signs located over or on any right-of-way except for approved projecting signs or City sponsored special events as permitted in Section 15-7 ~~in a C-4 zoning district~~.

(~~9~~6)Signs attached to or placed upon any utility pole, street light, sidewalk, curb, fire hydrant, bridge or any other public property.

~~(10)Flashing, animated or noise-making signs, except for message signs displaying time, temperature and community service information only.~~

~~(11)Signs attached to bus benches, bus shelters or waste receptacles.~~

~~(12)Signs in motion, including swinging, rotating or revolving signs or devices designed to attract attention.~~

(~~13~~7) Vehicular signs except for those affixed to franchised buses, taxis or commercial vehicles or other vehicles ~~operating~~ during their normal course of business or lawfully parked., ~~or political signs in accordance with section 15-7(d).~~

(~~14~~8) Signs which copy or imitate official signs or which purport to have official status.

(~~15~~9) Signs which display any lewd, lascivious, obscene, indecent or immoral written or graphic message.

(~~16~~10) Signs which obstruct or interfere with any door, fire exit, stairway, ladder or opening intended to provide light, air, ingress or egress for any building.

(~~17~~11) Signs which constitute a traffic safety hazard by reason of size, location, movement, content, coloring or method of illumination, including flashing, animated or noise making signs; obstruct the vision of motorists or pedestrians; obstruct or detract from any official traffic control device; divert or tend to divert the attention of motorists from traffic movement on streets, roads, intersections or access facilities; utilize flashing or revolving red, green, blue or amber lights; or utilize the words "stop," "look," "danger" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

~~(18)Signs which utilize fluorescent colors in the yellow and red spectrums.~~

~~(19)Any other signs not specifically permitted within this chapter.~~

DISCUSSION ITEM #4 – We need to establish a definition for “window sign”. This has been another highly debated item in regards to enforcement.

- Does the window sign area only include the permanent signage attached to the outside of the window?
- Does the window sign area include any type of signage place either in or on a window? Ex – beer ads, cigarette ads, lottery ads, Open / Closed, ATMs, etc.
- Open viewable area rules only apply to businesses that are open after 10:00 PM – but are stores only robbed at night? Should this rule be expanded to any retail store that accepts cash payments?

(3) Window signs:

a. Window signs, per tenant, shall not exceed twenty-five (25) per cent of such open window display area.

b. ????

DISCUSSION ITEM #5 –

- Sec. 15-6(4) and 15-8 were merged together to create a single set of rules.
- Sign size is still regulated by parcel size.
- Legal reviewing if we can ban all ground signs in residential areas and if yes, will it be included in 15-6(4) or in 15-5: Prohibited sign types.

6. Sites located within fifteen hundred (1,500) feet of the intersection of either I-95 and State Road 70 or the Florida Turnpike and State Road 70 shall have a maximum height of eighty (80) feet.

7. Sites located within a five-hundred (500) foot radius around the two intersections listed in 15-6(a)(4)(a)(6) shall have a maximum height of fifty (50) feet.

b. The maximum size of a ground sign is based upon the main street lot frontage with the following restrictions:

1. Any establishment, or group of establishments, which has a main street lot frontage of sixty (60) linear feet or more, shall also be permitted one ground sign.

2. Such sign shall not exceed a sign area equal to one square foot for every three (3) linear feet of main street frontage, up to a maximum of two hundred (200) feet.

3. Parcels located within fifteen hundred (1,500) feet of the intersection of either I-95 and State Road 70 or the Florida Turnpike and State Road 70 and within a five-hundred (500) foot radius of these intersections shall not exceed a sign area equal to one square foot for every three (3) linear feet of main street frontage, up to a maximum of three hundred (300) feet.

4. Structures on out parcels with a single tenant having sixty (60) feet of frontage or more shall also be permitted a separate ground sign subject to the restrictions above. The out parcel frontage shall not be subtracted in calculating the frontage for the group of establishments.

DISCUSSION ITEM #6 – Temporary Signs

DISCUSSION ITEM #7 – Special Event Signs

DISCUSSION ITEM #8 – Streamers, pennants, banners, decorative flags

- This was the basis for the court case decided by the Supreme Court. A church wished to put out signs advertising for a service and was prohibited but other types of temporary signs, like political signs, were permitted. Thus, the ruling that you cannot regulate based on the content or message of the sign.
- This will have the biggest impact on our regulating signs in residential areas because if we permit For Sale signs or political signs, we have to permit all temporary signs, regardless of what it says.
- The City Clerk is working on amending the Special Events ordinance to allow for special events to take place on private property. During the re-write, we copied portions of PSL's special event code that allows for a certain # of temporary signs to be permitted to be placed in conjunction with the special event.
    - What is the # of signs to be permitted? We copied 100 from PSL code.
    - Should these signs be allowed in the ROW or only on private property?
    - What type of fee should be assessed? We copied $75 from PSL code. Flat rate fee? Per sign fee?
    - Should we wait on this section until the Ch. 12 amendment is adopted and then include this amendment?
- There is currently no regulation on the use of streamers, pennants, banners (including pole banners) or flags and it is a common complaint received in code enforcement.
    - Continue to allow decorative enhancements in full?
    - Allow decorative enhancements as long as they are suspended x feet above grade (a string of pennants) and not attached to city utility poles or signs?
    - Establish a permitted # of pole banners?

(c) *Temporary signs:*

(1) Temporary movable "A" frame—sandwich board type signs. A single, temporary movable "A" frame—sandwich board type signs which advertise specials or sales is permitted. It must be no larger than 2' x 3' and placed within 10' of the entrance to the business and may not block access to any part of the building or sidewalk per the ADA Code and Florida Accessibility Code regarding clearance standards. Temporary "A" frame signs shall not be placed in the parking lot, city right-of-way, landscaping or swales.

(2) Special event signs. Temporary signs announcing special events may be installed subject to an approved Special Event Permit issued under Section12-301 of the Fort Pierce Code of Ordinances. No special event signs may be

located within a public right-of-way, except as specifically authorized herein. The signs may be in the form of free standing signs no larger than four (4) square feet, flags, banners, pennants, or balloons and exhibited only for that period of time specified on the special event permit. The number of special events signs shall not exceed one hundred (100).

a. Type of signage proposed. Include description of signage, dimensions (banners not to exceed fifty (50) square feet in area), materials used, method of construction and placement, including dimensions from driveway, right-of-way and edge of pavement, list of sign locations, and such other information as the city may require.

b. Responsible agents. Identify the name and phone number of the sponsoring entity and principle contacts responsible for erecting and removing signage.

c. Special event signs for city sponsored events may be placed in the right-of-way.

d. Shall not be illuminated.

e. Temporary special event signs must be removed within forty-eight (48) hours after the event for which they were posted has occurred.

f. At the time of submission of an application for a special event sign permit, the applicant shall pay a seventy-five dollar ($75.00) application fee.

(3) ???

DISCUSSION ITEM #9 – Permit and Fee exemptions

- Added interchange of copy as an exemption. The definition is:
    - *Interchange of copy:* The removal and replacement of lettering and/or graphics on an existing sign face. Interchange of copy shall also mean painting or repainting of lettering and/or graphics within the existing sign area, as defined in this article. Interchange of copy shall not include the replacement of the sign face, the enlargement or alteration of the existing sign area, or any other alteration to the sign.
- Added 'A' frame / sandwich signs as long as they comply with the regulations.
- Specified that ADA signs do require a permit because they must be inspected to ensure that they comply with federal guidelines.

(e) *Permit and fee exemptions.* The following types of signs shall not be required to have a permit or subject to the above fees, but shall meet all other appropriate requirements within this chapter:

(1) Real estate sign.

(2) Residential nameplate.

(3) Political sign.

(4) Construction project sign.

(5) Window ~~display~~ sign.

(6) Credit card sign, decal or emblem.

(7) ~~Memorial sign or tablet~~ Interchange of copy.

(8) Public convenience sign, which identifies the location of restrooms, public telephones or the like except for signs required by the ADA code or Florida Accessibility Code~~.~~

(9) Public utility sign, which identifies the location of underground lines, high voltage areas or the like.

(10) Public warning sign, which indicates the dangers of trespassing, swimming, animals or the like.

(11) Flag, emblem or insignia of the United States, the state or the city.

(12) Seasonal display or decoration not advertising a product, service or establishment.

(13) Streamers, pennants and flags.

(14) Proposed development sign.

(15) Temporary “A” frame signs.