

ORDINANCE NO. 2011-02

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, RELATING TO SIGNAGE BY REVISING THE LAND DEVELOPMENT CODE, APPENDIX A, MELBOURNE BEACH CODE OF ORDINANCES; MAKING FINDINGS; AMENDING SECTION 7A-52(c), RELATING TO SIGN SIZE IN THE 6-B AND 7-C ZONING DISTRICTS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR THE REPEAL OF INCONSISTENT RESOLUTIONS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, erection of signage is a form of development pursuant to Part II, Chapter 163, Florida Statutes, relating to growth management and pursuant to Melbourne Beach Land Development Code;

WHEREAS, Objective 1 of the Future Land Use Element of the Town's Comprehensive Plan provides:

Objective 1.0: Ensure that new construction, new development, expansion, and/or redevelopment, within existing neighborhoods maintains the scale and character of existing structures;

WHEREAS, the Town's Planning and Zoning Board, sitting as the Local Planning Agency, finds that this Ordinance will assist in keeping signage development in the Town's commercial zoning district in proper scale and balance with new and existing structures in the 6-B and 7-C zoning districts;

WHEREAS, Objective 12.0 and Policies 12.1 and 12.2 of the Future Land Use Element of the Town's Comprehensive Plan provide:

Objective 12.0: Improve the aesthetics of the major commercial area within the Town.

Policy 12.1: Continue to consider appropriate methods of improving the visual impact of the Ocean Avenue Corridor on the Town and adjoining properties; identify public improvements to be made; identify sources of funding; and encourage further voluntary improvements to existing facilities by the property owners.

Policy 12.2: Continue to review, analyze, enforce, amend the sign ordinance, as determined to be necessary.

WHEREAS, the Town's Planning and Zoning Board, sitting as the Local Planning Agency, finds that this Ordinance represents an appropriate method of amending the sign ordinance to improve the visual impact of the Ocean Avenue Corridor on the Town and adjoining properties to the Corridor;

WHEREAS, the Town's Planning and Zoning Board, sitting as the Local Planning Agency, finds that this Ordinance will improve the aesthetics of the 6-B and 7-C zoning districts, which are a part of the major commercial area within the Town;

WHEREAS, the Town of Melbourne Beach Planning and Zoning Board, sitting as both the Planning and Zoning Board and the

Local Planning Agency, has found and determined that this Ordinance is in the best interest of the public health, safety, aesthetics, and welfare, and is consistent with the applicable provisions of the Town's adopted Comprehensive Plan, and in particular Future Land Use Element Objective 1.0 and 12.0 and Policies 12.1 and 12.2; and

WHEREAS, the Town Commission adopts the findings of the Local Planning Agency as its own,

BE IT ENACTED BY THE TOWN OF MELBOURNE BEACH, FLORIDA:

SECTION 1. That Section 7A-52(c), Appendix A, of the Town Code of the Town of Melbourne Beach, Florida, is hereby amended to read as follows:

§ 7A-52. SIGNS.

* * *

(c) Business districts (6-B, 7-C).

(1) Permitted signs and size regulations:

a. One attached sign per business establishment excluding signs installed, affixed, or painted on windows or doors. Attached signs shall not exceed 10% of the total surface area of the front of the building to which the sign is attached or ~~exceed 24~~ 100 square feet in total surface area, whichever amount shall be less ~~except that buildings with over 30 linear feet of frontage may add an additional six square feet of sign~~

~~for each ten linear feet of frontage over the 30 feet.~~
Measurement of fronts of buildings will include false fronts and
any mansard roof frontage. ~~Attached signs for special exception~~
~~uses shall be limited to a maximum of 24 square feet.~~ Signs
shall not extend above the roof line for buildings with a flat
roof or above the eave line for buildings with a sloped roof.
Where multiple business occupy a building the cumulative total
of attached signs shall not exceed 10 percent of the surface
area of the front of the building or 100 square feet, whichever
amount shall be less.

b. One freestanding sign per building structure. Where there is more than one business in the same building structure, each business may advertise on the same sign but the total sign area may not exceed 45 square feet. However, a freestanding sign for each business is permitted provided these signs can be placed 50 feet from the freestanding or shingle sign of a neighboring business but must not exceed 32 square feet.

c. One shingle sign not to exceed 12 square feet per business establishment is permitted in lieu of the freestanding sign in front.

d. All business establishments are permitted one shingle sign at the rear of each establishment, provided said sign does not exceed 12 square feet.

e. Freestanding signs in the 6-B, 7-C and 8-B zoning districts shall be monument style signs. The sign shall be constructed of materials that are architecturally compatible with the primary building on the site. The sign shall not have internal lighting. Spot lights illuminating the sign shall be shielded so that the source of light is not visible to vehicular traffic or pedestrians. Shingle signs are not permitted for special exceptions. To the extent of any inconsistency in this section with other sections, with regard to special exceptions this sub-paragraph supersedes other provisions in this section.

(2) Sign regulations.

a. Sign setbacks and additional information (See division (e)).

b. Nonconforming signs (See division (f)).

c. Sign exceptions (See division (g)).

d. Prohibited signs (See division (h)).

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SECTION 2. Severability/Interpretation Clause.

(a) In the event that any term, provision, clause, sentence or section of this Ordinance shall be held by a court

of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) In interpreting the provisions of this Ordinance, the following rules and symbols shall apply:

(1) Words underlined are additions to existing text.

(2) Words ~~stricken through~~ are deletions from existing text.

(3) Asterisks (* * *) indicates a deletion from the Ordinance of text existing in the Code of Ordinances. It is intended that the text in the Code of Ordinance denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

SECTION 3. Ordinances and Resolutions in Conflict. All ordinances or resolutions or parts thereof that may be determined to be in conflict herewith, except portions of the Comprehensive Plan, are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall become effective upon adoption.

PASSED by the Town Commission of the Town of Melbourne Beach on first reading on the 18th day of May, 2011, and ADOPTED by the Town Commission of the Town of Melbourne Beach, Florida, on final reading on the 15th day of June, 2011.

TOWN OF MELBOURNE BEACH, FLORIDA

By: _____
Jean Marshall, Vice Mayor

ATTEST:

(TOWN SEAL)

Rhonda Danielle,
Town Clerk