

Ray Bagshaw
Mayor

Ben Pierce
Council Member

Susan Fortini
Council Member

John Dowless
Council President

Lee Chotas
Council Member

Richard Alan Horn
Council Member

CITY COUNCIL AGENDA
Regular Meeting
City Hall – Council Chamber
405 Larue Avenue, Edgewood, Florida
Tuesday, January 16, 2018
6:30 p.m.

WELCOME! We are very glad you have joined us for today's Council meeting. If you are not on the agenda, please complete an appearance form and hand it to the City Clerk. When you are recognized, state your name and address. The Council is pleased to hear relevant comments; however a five-minute limit has been set by Council. Large groups are asked to name a spokesperson. Robert's Rules of Order guide the conduct of the meeting. **PLEASE SILENCE ALL CELLULAR PHONES AND PAGERS DURING THE MEETING.** "THANK YOU" for participating in your City Government.

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. PRESENTATION

E. CONSENT AGENDA

1. Review and Approval of Minutes

- **(Pgs. 1-11)** December 19, 2017 City Council Meeting Minutes

(Items on the consent agenda are defined as routine in nature, therefore, do not warrant detailed discussion or individual action by the Council. Any member of the Council may remove any item from the consent agenda simply by verbal request prior to consideration of the consent agenda. The removed item(s) are moved to the end of New Business for discussion and consideration.)

F. ORDINANCES

G. PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

- **(Pgs. 12-17) ORDINANCE 2018-01** - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA TO EXTEND A TEMPORARY MORATORIUM WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF EDGEWOOD ON ACCEPTANCE, REVIEW, PROCESSING, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT, BUILDING PERMITS, SITE PLANS, ZONING APPROVALS, SPECIAL EXCEPTIONS, AND DEVELOPMENT ORDERS THAT WOULD ALLOW NEW DEVELOPMENT OR CHANGE OF EXISTING USES TO ANY OF THE FOLLOWING USES ON PROPERTIES WHICH ARE BOTH LOCATED WITHIN THE C-1, C-2 OR C-3 ZONING DISTRICTS AND ADJACENT TO ORANGE AVENUE, HOFFNER AVENUE, GATLIN AVENUE, HANSEL AVENUE, OR HOLDEN AVENUE: PUBLISHING PLANTS, SKATING RINKS, FROZEN FOOD LOCKERS, AMUSEMENT AND RECREATIONAL FACILITIES IN WHICH THE AMUSEMENT AND RECREATIONAL ACTIVITIES DO NOT OCUR WITHIN A FULLY ENCLOSED STRUCTURE (INCLUDING MINIATURE GOLF COURSES, GO-CART TRACKS, GOLF DRIVING RANGES, BASEBALL BATTING RANGES AND TRAMPOLINE CENTERS), MECHANICAL GARAGES, HEATING AND AIR CONDITIONING SALES AND SERVICE, WHOLESALE BAKERIES, SOFT DRINK BOTTLING, PRODUCTS TESTING (MATERIALS, EQUIPMENT, OR PRODUCTS), MACHINE SHOPS, MANUFACTURING, STORAGE AND WHOLESALE DISTRIBUTION WAREHOUSES, TRADE SHOPS (EXCEPT FOR CABINET MAKERS AND UPHOLSTERING) TIN SMITHS, RUG AND CARPET CLEANING, MATTRESS RENOVATIONS, ELECTRICAL SHOPS, ROOFING SHOPS, PLUMBING SHOPS, CAR WASHES, CONFECTIONARY MANUFACTURE, FURNITURE STRIPPING, GARMENT MANUFACTURING, VEHICULAR BODY AND PAINTING SHOPS, BUS REPAIR, CAB REPAIR, LIGHT TRUCK REPAIR, MEAT PROCESSING (INCLUDING STORAGE, CUTTING, AND DISTRIBUTION), WHOLESALE PRODUCTS DISTRIBUTION, WHOLESALE COMMERCIAL ESTABLISHMENTS THAT OCCUPY MORE THAN 50,000 SQUARE FEET, MACHINERY SALES, MACHINERY RENTAL, MACHINERY STORAGE, OUTDOOR STORAGE OF MERCHANDISE, OUTDOOR STORAGE OF PARTS OR OTHER EQUIPMENT, BUILDING MATERIAL STORAGE, CONTRACTORS' STORAGE AND EQUIPMENT YARDS (INCLUDING WELL DRILLING EQUIPMENT AND LAND CLEARING EQUIPMENT), MINIWAREHOUSES, MILK BOTTLING AND DISTRIBUTION PLANTS, ICE CREAM MANUFACTURING, CITRUS PROCESSING, WELDING SHOPS, COIN LAUNDRIES, THRIFT STORES, OPEN AIR FLEA MARKETS, AUCTIONS, RADIO BROADCASTING AND TELECASTING STATIONS STUDIOS AND OFFICES, NEW OR USED CAR OR BOAT SALES, ADOPTING FINDINGS OF FACT; DIRECTING STAFF TO CONTINUE TO STUDY AND DEVELOP LAND DEVELOPMENT CODE PROVISIONS AND OTHER RECOMMENDATIONS RELATED TO THE C-1, C-2 AND C-3 ZONING DISTRICTS; PROVIDING FOR EXPIRATION AND EXTENSION OF THE MORATORIUM; PROVIDING STANDARDS FOR RELIEF FROM THE APPLICATION OF THE MORATORIUM; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

(Pgs. 18-50) ORDINANCE 2018-02 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO SIGNS; REPEALING AND REPLACING CHAPTER 122 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES RELATING TO SIGNS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR A PURPOSE, DEFINITIONS, PERMITTING PROCESSES AND APPEALS FROM SIGN PERMIT DENIALS, PROHIBITED SIGNS, GENERAL REGULATIONS AND SPECIFIC STANDARDS OF ZONING DISTRICTS, SIGN LIGHTING AND ILLUMINATION, EXISTING SIGNS WHICH WILL BE NONCONFORMING AFTER ENACTMENT OF THIS ORDINANCE, REMOVAL OF SIGNS, SUBSTITUTION OF NON-COMMERCIAL SPEECH FOR COMMERCIAL SPEECH, CONTENT NEUTRALITY AS TO SIGN MESSAGE (VIEWPOINT), ILLEGAL SIGNS ON PUBLIC PROPERTY AND SAFETY CONSIDERATIONS; PROVIDING FOR

SEVERABILITY IN GENERAL; PROVIDING FOR SEVERABILITY WHERE LESS SPEECH RESULTS; PROVIDING FOR SEVERABILITY OF PROVISIONS PERTAINING TO PROHIBITED SIGNS; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

(Pgs. 51-53) ORDINANCE 2018-03 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, REQUESTING AND CONSENTING TO THE INCLUSION OF ALL OF THE INCORPORATED AREA OF THE CITY OF EDGEWOOD WITHIN A MUNICIPAL SERVICE TAXING UNIT DESIGNATED BY ORANGE COUNTY TO PROVIDE FIRE PROTECTION AND EMERGENCY RESCUE SERVICES; PROVIDING FOR ANNUAL RENEWAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

H. UNFINISHED BUSINESS

- **(Pg. 54)** Planning & Zoning Board Appointment

I. NEW BUSINESS

J. GENERAL INFORMATION (No action required)

K. CITIZEN COMMENTS

L. BOARDS & COMMITTEES

None.

M. STAFF REPORTS

City Attorney Smith:

Police Chief Freeburg:

- **(Pg.55)** Monthly Report

City Clerk Meeks:

N. MAYOR & COUNCIL REPORTS

- Mayor Bagshaw
- Council President Dowless
- Council Member Chotas
- Council Member Fortini
- Council Member Horn
- Council Member Pierce

O. ADJOURNMENT

UPCOMING MEETINGS:

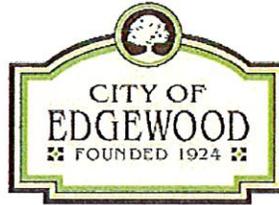
Monday, February 12, 2018.....Planning & Zoning Board Meeting (6:30 p.m.)
Tuesday, February 20, 2018.....Regular City Council Meeting (6:30 p.m.)

UPCOMING EVENT(s):

Tuesday, January 16, 2018 (12 Noon)– Monday, January 22, 2018 (12 Noon) Municipal Qualifying
Friday, January 19, 2018Third Friday Food Truck (6 p.m. – 9 p.m.)

You are welcome to attend and express your opinion. Please be advised that Section 286.0105, Florida Statutes state that if you decide to appeal a decision made with respect to any matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made. In accordance with the American Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should telephone the City Clerk at (407) 851-2920.





**CITY COUNCIL REGULAR MEETING
TUESDAY, DECEMBER 19, 2017
6:30 p.m.**

CALL TO ORDER

Council President Dowless called the regular City Council Meeting to order at 6:30 p.m. He gave the invocation and then led everyone in the Pledge of Allegiance.

OATH OF OFFICE

City Clerk Meeks administered the Oath of Office to Ben Pierce, who is completing the term of Council Member Pam Henley.

PRESENTATION

Mayor Bagshaw presented resident Richard McMillen with a certificate recognizing him for volunteering his time to be Santa Claus for the City's pet photos with Santa. Mayor Bagshaw also presented resident Les Slesnick with a certificate for him and his wife Ella Slesnick, in recognition of their time helping with the Santa Fly-in.

Council President Dowless gave kudos to Mayor Bagshaw and his wife Bonnie for their work in the recent special events held in the City, and for the lighting and decorating of City Hall and Bagshaw Park. Council President Dowless presented Mayor Bagshaw with gift cards for the Mayor and his wife. The recognitions and presentations were met with applause.

CONSENT AGENDA

1. Review and Approval of Minutes

- November 11, 2017 Visioning Workshop/Charrette Minutes
- November 21, 2017 City Council Meeting Minutes

Council Member Chotas made the Motion to approve both sets of minutes with a spelling correction; Second by Council Member Horn. Approved 5/0.

Following approval of the minutes, it was noted that Council Member Henley and family was in the audience. Council President Dowless asked Council Member Henley to come forward and he recognized her for her service to the City as a Council Member since 2011. He presented Council Member Henley

with a glass vase with an inscription noting her years as an Edgewood City Council Member, and thanking her for her years of service.

2. 2018 Vote Processing Equipment Use Agreement And Elections Services Contract For Municipal Elections - Orange County Supervisor of Election

Council Member Chotas made the Motion to approve the Vote Processing Equipment Use Agreement And Election Services Contract, as recommended by the City Clerk Meeks; Second by Council Member Fortini. Approved 5/0.

(Note: For anyone listening to the recording of this meeting, consideration of the Agreement was done further into the meeting)

ORDINANCES

- **ORDINANCE 2018-01** - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA TO EXTEND A TEMPORARY MORATORIUM WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF EDGEWOOD ON ACCEPTANCE, REVIEW, PROCESSING, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT, BUILDING PERMITS, SITE PLANS, ZONING APPROVALS, SPECIAL EXCEPTIONS, AND DEVELOPMENT ORDERS THAT WOULD ALLOW NEW DEVELOPMENT OR CHANGE OF EXISTING USES TO ANY OF THE FOLLOWING USES ON PROPERTIES WHICH ARE BOTH LOCATED WITHIN THE C-1, C-2 OR C-3 ZONING DISTRICTS AND ADJACENT TO ORANGE AVENUE, HOFFNER AVENUE, GATLIN AVENUE, HANSEL AVENUE, OR HOLDEN AVENUE: PUBLISHING PLANTS, SKATING RINKS, FROZEN FOOD LOCKERS, AMUSEMENT AND RECREATIONAL FACILITIES IN WHICH THE AMUSEMENT AND RECREATIONAL ACTIVITIES DO NOT OCUR WITHIN A FULLY ENCLOSED STRUCTURE (INCLUDING MINIATURE GOLF COURSES, GO-CART TRACKS, GOLF DRIVING RANGES, BASEBALL BATTING RANGES AND TRAMPOLINE CENTERS), MECHANICAL GARAGES, HEATING AND AIR CONDITIONING SALES AND SERVICE, WHOLESALE BAKERIES, SOFT DRINK BOTTLING, PRODUCTS TESTING (MATERIALS, EQUIPMENT, OR PRODUCTS), MACHINE SHOPS, MANUFACTURING, STORAGE AND WHOLESALE DISTRIBUTION WAREHOUSES, TRADE SHOPS (EXCEPT FOR CABINET MAKERS AND UPHOLSTERING) TIN SMITHS, RUG AND CARPET CLEANING, MATTRESS RENOVATIONS, ELECTRICAL SHOPS, ROOFING SHOPS, PLUMBING SHOPS, CAR WASHES, CONFECTIONARY MANUFACTURE, FURNITURE STRIPPING, GARMENT MANUFACTURING, VEHICULAR BODY AND PAINTING SHOPS, BUS REPAIR, CAB REPAIR, LIGHT TRUCK REPAIR, MEAT PROCESSING (INCLUDING STORAGE, CUTTING, AND DISTRIBUTION), WHOLESALE PRODUCTS DISTRIBUTION, WHOLESALE COMMERCIAL ESTABLISHMENTS THAT OCCUPY MORE THAN 50,000 SQUARE FEET, MACHINERY SALES, MACHINERY RENTAL, MACHINERY STORAGE, OUTDOOR STORAGE OF MERCHANDISE, OUTDOOR STORAGE OF PARTS OR OTHER EQUIPMENT, BUILDING MATERIAL STORAGE, CONTRACTORS' STORAGE AND EQUIPMENT YARDS (INCLUDING WELL DRILLING EQUIPMENT AND LAND CLEARING EQUIPMENT), MINIWAREHOUSES, MILK BOTTLING AND DISTRIBUTION PLANTS, ICE CREAM MANUFACTURING, CITRUS PROCESSING, WELDING SHOPS, COIN LAUNDRIES, THRIFT STORES, OPEN AIR FLEA MARKETS, AUCTIONS, RADIO BROADCASTING AND TELECASTING STATIONS STUDIOS AND OFFICES, NEW OR USED CAR OR BOAT SALES, ADOPTING FINDINGS OF FACT; DIRECTING STAFF TO CONTINUE TO STUDY AND DEVELOP LAND DEVELOPMENT CODE PROVISIONS AND OTHER RECOMMENDATIONS RELATED TO THE C-1, C-2 AND C-3 ZONING DISTRICTS;

PROVIDING FOR EXPIRATION AND EXTENSION OF THE MORATORIUM; PROVIDING STANDARDS FOR RELIEF FROM THE APPLICATION OF THE MORATORIUM; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Smith gave the first reading of Ordinance 2018-01 in title only.

City Clerk Meeks confirmed for Council President Dowless that John Moccio sent an email regarding the moratorium. She confirmed that a copy was sent to all Council Members and a copy was placed at their dais seat. City Clerk Meeks said business owner Sue Fulford also asked to speak.

At the Request of Council President Dowless City, Attorney Smith gave a brief history of the moratorium.

Public Comment

Sue Fulford- Business owner Fulford said she objected to the moratorium because she does not see what the moratorium has accomplished since August. She said she feels the market will dictate what will happen in the City and feels strongly that Council should vote no.

In response to Council President Dowless, Mayor Bagshaw said the owner of parcels recently purchased on Orange Avenue can have the same uses in place when the properties were purchased; however, they cannot change the footprint of the business. Mayor Bagshaw said if the parcel was non-conforming, they cannot bring in those businesses that are in the Moratorium Ordinance. Mayor Bagshaw said that properties are being sold along Orange Avenue indicating there is a lot of interest. He said the summary from the visioning team should be available in February. Mayor Bagshaw said he agrees that a decision will have to be made soon but the City would like to have the visioning summary to give Council some direction.

Council Member Chotas said he voted against the moratorium because there is no need. He said people have a right to utilize their land without being unduly burdened by the Government. He does not think a need has been articulated. He said he has always been in favor of rezoning along Orange Avenue. He said he will vote against the extension of the moratorium.

Council President Dowless made the Motion to approve the first reading of Ordinance 2018-01; Second by Council Member Horn.

The Motion was approved by the following roll call vote (4/1):

<i>Council Member Pierce</i>	<i>Favor</i>
<i>Council Member Horn</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>
<i>Council Member Fortini</i>	<i>Favor</i>

<i>Council Member Chotas Oppose</i>
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City Clerk Meeks announced that the second/final reading of Ordinance 2018-01 will be published in the Orlando Sentinel and will be heard in the January 16, 2018 City Council Meeting.

ORDINANCE 2018-02 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO SIGNS; REPEALING AND REPLACING CHAPTER 122 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES RELATING TO SIGNS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR A PURPOSE, DEFINITIONS, PERMITTING PROCESSES AND APPEALS FROM SIGN PERMIT DENIALS, PROHIBITED SIGNS, GENERAL REGULATIONS AND SPECIFIC STANDARDS OF ZONING DISTRICTS, SIGN LIGHTING AND ILLUMINATION, EXISTING SIGNS WHICH WILL BE NONCONFORMING AFTER ENACTMENT OF THIS ORDINANCE, REMOVAL OF SIGNS, SUBSTITUTION OF NON-COMMERCIAL SPEECH FOR COMMERCIAL SPEECH, CONTENT NEUTRALITY AS TO SIGN MESSAGE (VIEWPOINT), ILLEGAL SIGNS ON PUBLIC PROPERTY AND SAFETY CONSIDERATIONS; PROVIDING FOR SEVERABILITY IN GENERAL; PROVIDING FOR SEVERABILITY WHERE LESS SPEECH RESULTS; PROVIDING FOR SEVERABILITY OF PROVISIONS PERTAINING TO PROHIBITED SIGNS; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

City Attorney Smith gave first reading of Ordinance 2018-02 in title only.

Public Comment

John Runner- Ron Jon's Automotive- Mr. Runner said he is not against putting up a new sign however, he wanted to know if Council is considering the height of the signs. He said the signs should be staggered in height. Mayor Bagshaw said there was an increase in height.

Planner Hardgrove referred to her Proposed Sign Regulation Overview dated December 6, 2017. She said the proposed sign regulation has three heights in signs; ground signs, low profile signs (i.e., monument sign up to 6' in height) and a tall profile sign with a maximum height of sixteen feet. She said the tall profile sign is like a pole sign except the pole is wider, giving it a more aesthetic appearance. The low profile sign can be eight feet high but must start on the ground. She said you can have a maximum of two feet of clearance between the ground and the sign face. The tall profile sign is up in the air (i.e., Brinkman sign). Planner Hardgrove confirmed the signs can be staggered. In response to Council President Dowless, Planner Hardgrove provided a summary of the signs that can be permitted. She explained large parcel signs, which are for shopping centers, are allowed. She summarized saying these are the three ground signs; low profile, tall profile and large parcel signs. Planner Hardgrove said the attached signs are wall signs, projecting signs and hanging signs. She said awning signs are different from the hanging signs. She said copy area has not changed and it is content neutral as to what can go on the sign. There were no changes made to the single occupant versus multi-occupants' sign, except for large parcel signs as they relates to an anchor tenant.

In response to Council President Dowless, Planner Hardgrove explained the allotted amount of signage on windows. Planner Hardgrove emphasized that the signage is based on the entire window area and not per window.

In response to Council President Dowless, Planner Hardgrove said the window signage is allowed up to twenty-five percent of the total window. The twenty-five percent does not count towards copy area.

Planner Hardgrove said the biggest change is the pole sign. She said the proposed Code allows for conversion or amortization. City Attorney Smith said the Ordinance provides for a twelve month amortization of your pole sign or you can convert. He confirmed that the only thing being amortized is the pole sign.

Council President Dowless asked City Clerk Meeks to explain the notice process given in 2011 to business owners, regarding their compliance with the 2002 sign ordinance. City Clerk Meeks explained that the Council President at that time was Council President Judy Beardslee, who directed staff to send a notice to business owners regarding compliance. City Clerk Meeks said business owners were contacted by email or U.S. Mail (300 +/-). Business owners were provided with a rendering of the required signage and asked to comply to avoid code enforcement. City Clerk Meeks said the letter was met with opposition and business owners came to a Council meeting to voice their concerns. She said Council decided to not enforce the Ordinance at that time, which led to consideration for changing signage requirements again.

In response to City Attorney Smith, Planner Hardgrove said that the change to wall signs is that you can only have one wall sign per business in addition to an awning sign. In response to Planner Hardgrove, City Attorney Smith said if you have more than one wall sign today, it is not amortized. He said all that is being amortized is the pole sign. Planner Hardgrove said currently there are only two wall profile signs that meet today's Code and they are located on the Brinkman and Stemberger properties.

Planner Hardgrove said Le Coq au Vin will be affected by the Ordinance. She explained the change that the Planning & Zoning Board did at the last minute. She said the minimum width of the pole structure (up to the sign face) must be a minimum of twelve inches. The Planning & Zoning Board did not think that the width was enough and wanted a minimum width of twenty percent, which put Le Coq au Vin out of compliance. Planner Hardgrove said the change was not their intent to create a non-compliant sign. The intent was that this would be a good example of a tall profile sign. Planner Hardgrove said Council would need to adjust the Ordinance for Le Coq au Vin's sign. City Attorney Smith directed everyone to the section of the proposed Code that affects Le Coq au Vin. He said that the added language was "the appearance of a single vertical support that is at least one fifth the width of the sign face or twelve (12) inches in width...".

Council Member Chotas said that you can use the original language before the change “the single vertical support that is at least twelve inches in width” and take out whichever is greater and take out one fifth the width of the sign face. Council agreed with Council Member Chotas’ suggested change.

Planner Hardgrove noted roof signs and referred to the Moose Lodge and said their sign is not considered to be a roof sign. She said there are several signs like this in the City.

In response to Council Member Chotas, City Attorney Smith said Mr. Moccio’s sign would still be amortized out. City Attorney Smith said Mr. Moccio’s sign is a low profile sign and is not a pole sign.

Council President Dowless asked if there was anyone else in the audience who wanted to speak to this Ordinance; there were none.

Council President Dowless noted the following:

Referring to page 20 of 33, lines 783/786 of the Ordinance provided in the agenda packet, Council President Dowless said these lines appear to be contradictory. City Attorney Smith explained what these lines are speaking to and why they are not contradictory.

Council Member Fortini made the Motion to approve the first reading of Ordinance 2018-02 with the agreed change to tall-profile signs; Second by Council Member Horn.

The Motion was approved by the following roll call vote (5/0):

<i>Council Member Chotas</i>	<i>Favor</i>
<i>Council Member Pierce</i>	<i>Favor</i>
<i>Council Member Horn</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>
<i>Council Member Fortini</i>	<i>Favor</i>

City Clerk Meeks announced that the second/final reading of Ordinance 2018-02 will be published in the Orlando Sentinel and will be heard in the January 16, 2018 City Council Meeting.

ORDINANCE 2018-03 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, REQUESTING AND CONSENTING TO THE INCLUSION OF ALL OF THE INCORPORATED AREA OF THE CITY OF EDGEWOOD WITHIN A MUNICIPAL SERVICE TAXING UNIT DESIGNATED BY ORANGE COUNTY TO PROVIDE FIRE PROTECTION AND EMERGENCY RESCUE SERVICES; PROVIDING FOR ANNUAL RENEWAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

City Attorney Smith gave the first reading of Ordinance 2018-03 in title only.

Public Comments

City Clerk Meeks confirmed for Council President Dowless there were no requests to address Ordinance 2018-03.

Mayor Bagshaw explained, if approved, an MSTU would be designated for the Fire & Rescue fee that the City pays the County. The Mayor explained this would lower the City's millage rate. City Attorney Smith noted that the County will have to approve the MSTU.

Council Member Chotas made the Motion to approve the first reading of Ordinance 2018-03; Second by Council Member Horn.

The Motion was approved by the following roll call vote (5/0):

<i>Council Member Chotas</i>	<i>Favor</i>
<i>Council Member Fortini</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>
<i>Council Member Horn</i>	<i>Favor</i>
<i>Council Member Pierce</i>	<i>Favor</i>

City Clerk announced that the second/final reading of Ordinance 2018-03 will be published in the Orlando Sentinel and will be heard in January 16, 2018 City Council Meeting.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)
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None.

UNFINISHED BUSINESS

None.

K. NEW BUSINESS

- Similar & Compatible Use – Dog Bar – Ellen Hardgrove, AICP

Planner Hardgrove explained the application requesting a dog bar. She said this use is not allowed by code so direction is needed by Council. She explained the two ways she analyzed the request. She summarized the memo she gave to Council in their agenda packet. She said if Council supports the proposal, the City would have to change their open container law. She said a bar by itself as not a permitted use in Edgewood. She said a bar with food is allowed.

Discussion was held regarding drinking within a building versus a covered area.

The applicants (Lainie Pekich and Paul Jaszczenski) addressed the Council. They said that because beer and wine will be served, regulations require the property has to be completely fenced in. The applicants explained the double protection of the facility and into different areas for different size dogs.

In response to Mayor Bagshaw, the applicants said the proposed site is at the corner of Orange and Mary Jess Road (5501 S. Orange Avenue). They said they will build a new structure. The explained the hours of operations will be different from Dan's Saw & Tool. Mr. Jaszczenski said he spoke with Dan and Dan said he would work with them on parking. Mr. Jaszczenski said the Dollar General parking lot is another possibility.

The applicants said the moratorium is not a deal killer but a concern. City Attorney Smith in response to Council Member Pierce, the "recreational activities" listed in Ordinance 2018-01 can be removed in the second reading. City Attorney Smith also confirmed that a bar is not part of the moratorium but would Council would need to change the Code to allow a bar. Mayor Bagshaw said he has a concern and would like to see a conceptual of the proposed plan.

Planner Hardgrove said she thinks the City may need to address doggy dining because of dogs and the Waterfront and VanBarry's. She noted that people sit outside these restaurants with their dogs.

Discussion was held regarding what type of district dog bars with concession stands would fall in. Planner Hardgrove said the City would need to develop some type of regulations and take to the Planning & Zoning Board for their consideration and recommendation to Council.

It was agreed that Planner Hardgrove would work with the applicants and then bring back to Council her recommendations.

- Similar & Compatible Use – Real Estate School – Ellen Hardgrove, AICP

Planner Hardgrove presented the request for a real estate school. Planner Hardgrove said the code does not have a definition for a school. She said this wording is not included in C-1 zoning district but said it is similar. Planner Hardgrove said staff recommends approval and recommended if Council agrees with her finding, to also find that schools listed as a special exception are not necessarily one of the conventional academic curriculums.

Public Comment

Ann Freeland (Property Manager with Edgewood Isle) – Ms. Freeland stated her reasons as to why she is a proponent for the school.

Council Member Fortini made the Motion to find that the use is similar and compatible to permitted C-1 uses, and that the determination is specific to real estate schools and not necessarily any other non-curriculum schools; Second by Council Member Pierce.

The Motion was approved by the following roll call vote (5/0):

<i>Council Member Chotas</i>	<i>Favor</i>
<i>Council Member Fortini</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>

<i>Council Member Horn</i>	<i>Favor</i>
<i>Council Member Pierce</i>	<i>Favor</i>

- Planning & Zoning Board Appointments – Mayor Bagshaw

Mayor Bagshaw explained the vacancy that will occur after December, as Wade Fischer is unable to continue serving on the Planning & Zoning Board. Mayor Bagshaw recommended Dr. Aileen Trivedi to take Wade Fischer's place on the Board and to serve through December 2019.

Council Member Pierce made the Motion to approve Mayor Bagshaw's recommendation; Second by Council President Dowless. Unanimously approved (5/0).

GENERAL INFORMATION (No action required)

At the request of Council President Dowless, City Clerk Meeks read the announcement of the March 13, 2018 election as follows: **PLEASE TAKE NOTICE** that the City of Edgewood, Florida will hold a general election on Tuesday, March 13, 2018 for the purpose of electing three council members; two for three-year terms and one for a two-year term. These are at-large seats. When more than one office is being voted on such as that of council seats, those candidates receiving the highest number of votes shall be deemed elected. Accordingly the three candidates receiving the highest number of votes for city council member shall be elected to serve. Candidates may qualify during the period beginning January 16, 2018 at 12 Noon and ending January 22, 2018 at 12 noon, at the Office of the City Clerk, 405 Larue Avenue, Edgewood, Florida.

CITIZEN COMMENTS

None.

BOARDS & COMMITTEES

None.

STAFF REPORTS

City Attorney Smith: None-

Police Chief Freeburg:

- Monthly Report

Chief Freeburg referred to his report to which there were no questions. Chief Freeburg said one hundred cards were sent out as a result of the Santa letters given at the Santa fly-in.

City Clerk Meeks:

City Clerk Meeks introduced Virginia Renteria Code Enforcement Officer who was in attendance. City Clerk Meeks noted a recent meeting held with FEMA. She said she and Chief Freeburg participated in the meeting. She said due to a conflict the Mayor was unable to stay for the entire meeting; however, he would be providing comments in his report. City Clerk Meeks concluded with wishing everyone a Merry Christmas.

MAYOR & COUNCIL REPORTS

- **Mayor Bagshaw-**

Mayor Bagshaw provided the following report:

- The City is in receipt of an Invoice from Crowder Gulf for their services related to Hurricane Irma. Mayor Bagshaw explained that the monitoring company, Landfall Strategies has not submitted their Invoice yet. He said the invoices need to be paid and noted the funds would come from reserve. He said the payments will require a budget amendment. Mayor Bagshaw said at minimum, the City will get reimbursed for 70% of their costs.
- The Mayor provided a brief report on his attendance in the meeting with FEMA.
- Requested that Council President John Dowless continue serving on MAC, which he is now the chair. Mayor Bagshaw pointed out that Council President Dowless also has representation on the MetroPlan Board. There were no objections to the recommendation.
- Updated on the status Gatlin/Holden Avenue project. The Mayor said the project is getting close to completion.
- Updated on status of Quiet Zones; noting that the last footer has been poured for the additional gate. He estimated the project will be wrapped up in February.
- Announced that thirty live oak trees will be delivered in the new year. Mayor Bagshaw said the trees are already spoken for.
- Reported that he will be meeting with Linda Chapin and Bob Francis to see what Orange County's intent is to clean up Orange Avenue.
- Announced that City Hall will be closed Christmas Day, the day after Christmas and New Year's day.
- **Council Member Chotas-**

Council Member Chotas said that Mayor Bagshaw did not highlight the quality of the work he did for the hurricane. Council Member Chotas also noted his agreement with the Mayor that Council President Dowless continue serving on MetroPlan and thanked him.

- **Council Member Pierce –**

No report.

- **Council Member Fortini –**

No report

- **Council Member Horn –**

Council Member Horn said the Santa fly-in was great! City Clerk Meeks thanked Council Member Horn for helping with crowd control during Santa's landing.

- **Council President Dowless –**

Council President Dowless said he will be serving on MetroPlan's search committee for a new Executive Director, due to Harry Barley's retirement announcement.

The Council meeting adjourned after Council reports however, reconvened due to an oversight of Resident Les Slesnick's request form to address the Council. Mr. Slesnick said the Santa fly-in was great and that staff did a great job. He said he saw Council Member Horn in attendance and encouraged other Council members to attend City events and support them. He noted a recent discussion with Realtor Bethann Baer and encouraged approving the doggy bar. Mr. Slesnick thanked everyone associated with the City for their work and commitment.

ADJOURNMENT

The Council meeting adjourned at 8:44 p.m. on the Motion of Council Member Chotas; Second by Council Member Horn.

John Dowless
Council President

Bea L. Meeks, MMC, CPM, CBTO
City Clerk

Approved in _____ City Council Meeting.

ORDINANCE NO. 2018-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA TO EXTEND A TEMPORARY MORATORIUM WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF EDGEWOOD ON ACCEPTANCE, REVIEW, PROCESSING, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT, BUILDING PERMITS, SITE PLANS, ZONING APPROVALS, SPECIAL EXCEPTIONS, AND DEVELOPMENT ORDERS THAT WOULD ALLOW NEW DEVELOPMENT OR CHANGE OF EXISTING USES TO ANY OF THE FOLLOWING USES ON PROPERTIES WHICH ARE BOTH LOCATED WITHIN THE C-1, C-2 OR C-3 ZONING DISTRICTS AND ADJACENT TO ORANGE AVENUE, HOFFNER AVENUE, GATLIN AVENUE, HANSEL AVENUE, OR HOLDEN AVENUE: PUBLISHING PLANTS, SKATING RINKS, FROZEN FOOD LOCKERS, AMUSEMENT AND RECREATIONAL FACILITIES IN WHICH THE AMUSEMENT AND RECREATIONAL ACTIVITIES DO NOT OCUR WITHIN A FULLY ENCLOSED STRUCTURE (INCLUDING MINIATURE GOLF COURSES, GO-CART TRACKS, GOLF DRIVING RANGES, BASEBALL BATTING RANGES AND TRAMPOLINE CENTERS), MECHANICAL GARAGES, HEATING AND AIR CONDITIONING SALES AND SERVICE, WHOLESALE BAKERIES, SOFT DRINK BOTTLING, PRODUCTS TESTING (MATERIALS, EQUIPMENT, OR PRODUCTS), MACHINE SHOPS, MANUFACTURING, STORAGE AND WHOLESALE DISTRIBUTION WAREHOUSES, TRADE SHOPS (EXCEPT FOR CABINET MAKERS AND UPHOLSTERING) TIN SMITHS, RUG AND CARPET CLEANING, MATTRESS RENOVATIONS, ELECTRICAL SHOPS, ROOFING SHOPS, PLUMBING SHOPS, CAR WASHES, CONFECTIONARY MANUFACTURE, FURNITURE STRIPPING, GARMENT MANUFACTURING, VEHICULAR BODY AND PAINTING SHOPS, BUS REPAIR, CAB REPAIR, LIGHT TRUCK REPAIR, MEAT PROCESSING (INCLUDING STORAGE, CUTTING, AND DISTRIBUTION), WHOLESALE PRODUCTS DISTRIBUTION, WHOLESALE COMMERCIAL ESTABLISHMENTS THAT OCCUPY MORE THAN 50,000 SQUARE FEET, MACHINERY SALES, MACHINERY RENTAL, MACHINERY STORAGE, OUTDOOR STORAGE OF MERCHANDISE, OUTDOOR STORAGE OF PARTS OR OTHER EQUIPMENT, BUILDING MATERIAL STORAGE, CONTRACTORS' STORAGE AND EQUIPMENT YARDS (INCLUDING WELL DRILLING EQUIPMENT AND LAND CLEARING EQUIPMENT), MINIWAREHOUSES, MILK BOTTLING AND DISTRIBUTION PLANTS, ICE CREAM MANUFACTURING, CITRUS PROCESSING, WELDING SHOPS, COIN LAUNDRIES, THRIFT STORES, OPEN AIR FLEA MARKETS, AUCTIONS, RADIO BROADCASTING AND TELECASTING STATIONS STUDIOS AND OFFICES, NEW OR USED CAR OR BOAT SALES, ADOPTING FINDINGS OF FACT; DIRECTING

STAFF TO CONTINUE TO STUDY AND DEVELOP LAND DEVELOPMENT CODE PROVISIONS AND OTHER RECOMMENDATIONS RELATED TO THE C-1, C-2 AND C-3 ZONING DISTRICTS; PROVIDING FOR EXPIRATION AND EXTENSION OF THE MORATORIUM; PROVIDING STANDARDS FOR RELIEF FROM THE APPLICATION OF THE MORATORIUM; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under Section 2(b), Art. VIII of the State Constitution, and Section 166.021, Florida Statutes, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City is engaged in the process of examining the future development and redevelopment of the Orange Avenue corridor; and

WHEREAS, the C-1, C-2 and C-3 zoning districts may contain certain permitted and special exception uses that are not consistent with the City and community's vision for future development and redevelopment along the Orange Avenue corridor; and

WHEREAS, the C-1, C-2 and C-3 zoning districts contain several permitted and special exception uses that are more industrial in character than the commercial intent of the existing zoning districts; and

WHEREAS, the City may consider adopting a new zoning district tailored to the Orange Avenue Corridor and the City and community's vision for future development and redevelopment; and

WHEREAS, the City has previously enacted a moratorium for a period of 180 days related to the uses described herein; and

WHEREAS, additional time is needed by the City to complete its visioning study and implement zoning changes within the area contemplated herein; and

WHEREAS, the City Council finds and determines that during the period in which the City examines the most appropriate uses and considers further action related to the Orange Avenue corridor, it is appropriate and necessary to extend the temporary moratorium to ensure that no additional properties be converted to uses or activities that may be inconsistent with future zoning activities; and

WHEREAS, This Ordinance is adopted in good faith, is not discriminatory against any property owner along the Orange Avenue Corridor, is of limited duration, and is appropriate to the development of the amendments of the City's Zoning Code; and

WHEREAS, the City Council finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Edgewood.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF EDGEWOOD, FLORIDA:

SECTION 1. RECITALS. The foregoing recitals are hereby ratified and fully incorporated herein by reference as legislative findings of the City Council of the City of Edgewood.

SECTION 2. EXTENSION OF TEMPORARY MORATORIUM. The moratorium enacted by Ordinance 2017-02 is hereby extended and shall continue to be applicable to the accepting, review, processing or approval of applications for development activities, including building permits, site plans, zoning approvals, special exceptions and development orders that would allow new development or change of uses to any of the uses described below. This moratorium shall only be applicable to properties that are both located within the C-1, C-2 or C-3 zoning district and located adjacent to Orange Avenue, Hoffner Avenue, Gatlin Avenue, Hansel Avenue or Holden Avenue. The uses to which this moratorium shall apply are as follows:

- publishing plants;
- skating rinks;
- frozen food lockers;
- amusement and recreational facilities such as, but not limited to, miniature golf courses, go cart tracks, golf driving ranges, baseball batting ranges and trampoline centers, where such amusement and recreational activities do not occur within a fully enclosed building;
- mechanical garages
- heating and air conditioning sales and service facilities;
- wholesale bakeries;
- soft drink bottling;
- testing of materials, equipment, and products;
- machine shops;
- manufacture of scientific, electrical, optical and precision instruments or equipment;
- manufacture of novelties and souvenirs;
- storage and wholesale distribution warehouses;
- trade shops (other than cabinet makers and upholsterers), tinsmiths, rug and carpet cleaning facilities, mattress renovation facilities, and electrical, roofing, plumbing, or welding shops;
- car washes;
- confectionary manufacturing facilities;
- furniture stripping;
- garment manufacturing;
- milk bottling and distribution plants;
- ice cream manufacturing facilities;
- citrus processing facilities;
- welding shops;
- miniwarehouses;
- open-air flea markets;
- auctions;
- radio broadcasting and telecasting stations, studios, and offices;

bus, cab, and light truck repair;
meat storage, cutting, and distribution facilities;
wholesale products distribution;
wholesale commercial establishments occupying more than 50,000 square feet;
machinery sales, rental, and storage lots;
outdoor storage of merchandise, parts or other equipment except as allowed by City of Edgewood Code of Ordinances, Section 134-376 (11) or Section 134-406(12);
building material storage and sales lots;
contractors' storage and equipment yards, including well drilling equipment and land clearing equipment;
coin laundries;
thrift stores selling donated merchandise;

SECTION 3. APPLICABILITY AND EXCEPTION RELATED TO EXISTING USES. Nothing herein shall be interpreted to cause a suspension or termination of a use identified in Section 2 which is lawfully existing as of the effective date of this Ordinance. Building permits shall be processed for properties upon which a use identified in Section 2 exists as of the date of this Ordinance for any work which does not increase the space utilized upon said property for a use identified in Section 2. Additionally, any property upon which a use identified in Section 2 lawfully exists as of the effective date of this Ordinance shall be allowed to change such use to any other use identified in Section 2 which is permitted by the current zoning for said property provided that such change of use does not increase the space utilized upon said property for a use identified in Section 2 or require special exception approvals.

SECTION 4. EXPIRATION OF THE TEMPORARY MORATORIUM. The temporary moratorium imposed by Section 2 of this Ordinance shall expire 180 days from the effective date of this ordinance, upon the effective date of an ordinance applying a new zoning district to properties subject to this moratorium, or upon the majority vote of the City Council, whichever occurs earliest. If the City requires additional time to complete the enactment of amending zoning regulations applicable to the property subject to this moratorium, the City Council may consider extending the moratorium through a subsequent ordinance providing the justification for the extension.

SECTION 5. RECOMMENDATIONS FOR LAND DEVELOPMENT CODE. City Staff is hereby directed to continue to examine the current land use regulations and make recommendations to the City Council and Planning and Zoning Commission related to updating the land use regulations applicable to properties located along the Orange Avenue Corridor and to make recommendations for any amendments to the land use regulations applicable to said properties within a reasonable time before the expiration of this moratorium.

SECTION 6. ADMINISTRATIVE RELIEF PROCEDURE.

(a) The City Council may authorize exceptions to the moratorium imposed by this Ordinance when it finds, based upon substantial competent evidence presented to it, that deferral of action on an application for permit, development order, or other official action of the City for

the duration of the moratorium would impose an extraordinary hardship on a landowner or petitioner.

(b) A request for an exception based upon extraordinary hardship shall be filed with the City Clerk, including a non-refundable fee of \$350.00 by the owner/petitioner, or the petitioner with the consent of the owner/petitioner, to cover processing and advertising costs, and shall include a recitation of the specific facts that are alleged to support the claim of extraordinary hardship.

(c) A public hearing on any request for an exception for extraordinary hardship shall be held by the City Council at the first regular meeting of the City Council that occurs after the expiration of the period for publication of notice of the request for an exception.

(d) Notice of filing of a request for an exception, and the date, time, and place of the hearing thereon shall be published once at least 7 days prior to the hearing in a newspaper of general circulation within the city limits of the City of Edgewood, Florida.

(e) In reviewing an application for an exception based upon a claim of extraordinary hardship, the City Council shall consider, at a minimum, the following criteria:

- (1) The extent to which the applicant has, prior to the effective date of this Ordinance, received a permit or approval to conduct a use subject to this moratorium.
- (2) The extent to which the applicant has, prior to the effective date of this Ordinance, made a substantial expenditure of money or resources in reliance upon a permits or approvals of the City of Edgewood directly associated with a use subject to this moratorium.
- (3) Whether the moratorium will expose the applicant to substantial monetary liability to third persons; or would leave the applicant completely unable, after a thorough review of alternative solutions, to earn a reasonable investment backed expectation on the real property that is affected by this Ordinance.

(f) At a minimum, the City Council shall consider the following non-exclusive factors under the criteria set forth in subsection (e) above:

- (1) The history of the property;
- (2) The history of the commercial, business or any use on the property; and
- (3) The location of the property.

(g) At the conclusion of the Public Hearing and after reviewing the evidence and testimony placed before it, the City Council shall act upon the request either to approve, deny, or approve in part and deny in part the request made by the applicant.

SECTION 7. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

SECTION 8. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED ON FIRST READING THIS 16th DAY OF December, 2017.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2018.

CITY OF EDGEWOOD, FLORIDA
CITY COUNCIL

John Dowless, Council President
ATTEST:

Bea Meeks, City Clerk

ORDINANCE NO. 2018-02

1
2
3 AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA,
4 RELATING TO SIGNS; REPEALING AND REPLACING
5 CHAPTER 122 OF THE CITY OF EDGEWOOD CODE OF
6 ORDINANCES RELATING TO SIGNS; PROVIDING
7 LEGISLATIVE FINDINGS; PROVIDING FOR A PURPOSE,
8 DEFINITIONS, PERMITTING PROCESSES AND APPEALS
9 FROM SIGN PERMIT DENIALS, PROHIBITED SIGNS,
10 GENERAL REGULATIONS AND SPECIFIC STANDARDS OF
11 ZONING DISTRICTS, SIGN LIGHTING AND ILLUMINATION,
12 EXISTING SIGNS WHICH WILL BE NONCONFORMING AFTER
13 ENACTMENT OF THIS ORDINANCE, REMOVAL OF SIGNS,
14 SUBSTITUTION OF NON-COMMERCIAL SPEECH FOR
15 COMMERCIAL SPEECH, CONTENT NEUTRALITY AS TO SIGN
16 MESSAGE (VIEWPOINT), ILLEGAL SIGNS ON PUBLIC
17 PROPERTY AND SAFETY CONSIDERATIONS; PROVIDING
18 FOR SEVERABILITY IN GENERAL; PROVIDING FOR
19 SEVERABILITY WHERE LESS SPEECH RESULTS; PROVIDING
20 FOR SEVERABILITY OF PROVISIONS PERTAINING TO
21 PROHIBITED SIGNS; PROVIDING FOR CODIFICATION,
22 CONFLICTS, AND EFFECTIVE DATE.
23

24 WHEREAS, the City Council of the City of Edgewood has determined the need
25 to update and revise its Code of Ordinances relative to signs; and

26 WHEREAS, the City Council wishes to ensure that the City's Code of
27 Ordinances as it relates to signs is in compliance with all constitutional and other legal
28 requirements; and

29 WHEREAS, the City Council wishes to continue to prohibit certain sign types,
30 including billboards; and

31 WHEREAS, the City Council finds and determines that certain types of signs,
32 particularly large signs, animated signs and flashing signs, create a safety hazard by
33 distracting motorists, pedestrians, and others; and

34 WHEREAS, the City Council wishes to protect the safety of motorists,
35 pedestrians, and others from distraction caused by signs; and

36 WHEREAS, the City Council finds that some signs, particularly large signs,
37 detract from the aesthetic beauty of the landscape; and

38 WHEREAS, the City Council wishes to preserve the aesthetic beauty of the City
39 of Edgewood; and

40 WHEREAS, the regulation of signage for purposes of aesthetics has long been
41 recognized as advancing the public welfare; and

42 WHEREAS, as far back as 1954, the United States Supreme Court recognized
43 that "the concept of the public welfare is broad and inclusive," that the values it

44 represents are “spiritual as well as physical, aesthetic as well as monetary,” and that it is
45 within the power of the legislature “to determine that the community should be beautiful
46 as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled.”
47 Justice Douglas in *Berman v. Parker*, 348 U.S. 26, 33 (1954); and

48 **WHEREAS**, the Florida Constitution provides that it shall be the policy of the
49 state to conserve and protect its scenic beauty; and

50 **WHEREAS**, the regulation of signage for purposes of aesthetics directly serves
51 the policy of this state by conserving and protecting its scenic beauty; and

52 **WHEREAS**, the City Council finds and determines that aesthetics is a valid basis
53 for zoning, and the regulation of the size of signs and the prohibition of certain types of
54 signs can be based upon aesthetic grounds alone as promoting the general welfare [*see*
55 *Merritt v. Peters*, 65 So.2d 861 (Fla. 1953); *Dade County v. Gould*, 99 So.2d 236 (Fla.
56 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5th Cir.
57 1970), *cert. dismissed*. 400 U.S. 878 (1970)]; and

58 **WHEREAS**, the City Council hereby finds and determines that anything beside
59 the street which tends to distract the driver of a motor vehicle directly affects traffic
60 safety, and that signs which divert the attention of the driver and occupants of motor
61 vehicles from the highway to objects away from it, may reasonably be found to increase
62 the danger of accidents, and agrees with the courts that have reached the same
63 determination [*see In re Opinion of the Justices*, 103 N.H. 268, 169 A.2d 762 (1961);
64 *Newman Signs, Inv. C. Hjelle*, 268 N.W. 2d 741 (N.D. 1978)]; and

65 **WHEREAS**, the City Council finds and determines that the size, height, and
66 other characteristics of signs can magnify their adverse impacts on both traffic safety and
67 aesthetics; and

68 **WHEREAS**, the City Council finds and determines that this ordinance will lessen
69 hazardous situations, as well as confusion and visual clutter otherwise caused by the
70 proliferation, improper placement, excessive height, excessive size, and distracting
71 characteristics of signs which compete for the attention of pedestrian and vehicular
72 traffic; and

73 **WHEREAS**, the City Council finds and determines that this ordinance will
74 enhance the attractiveness and economic well-being of the City as a place to live, visit,
75 and conduct business; and

76 **WHEREAS**, the City Council agrees with the courts that have recognized that
77 outdoor advertising signs tend to interrupt what would otherwise be the natural landscape
78 as seen from the highway, whether the view is untouched or altered by man, and that it
79 would be unreasonable and illogical to conclude that an area is too unattractive to justify
80 aesthetic improvement [*see E.B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d
81 1141 (5th Cir. 1970), *cert. denied*, 400 U.S. 878 (1970); *John Donnelly & Sons, Inc. v.*
82 *Outdoor Advertising Bd.*, 339 N.E. 2nd 709, 720 (Mass. 1975)]; and

83 **WHEREAS**, the City Council recognizes that billboards are a form of
84 advertisement designed to be seen without the exercise of choice or volition on the part of
85 the observer, unlike other forms of advertising that are ordinarily seen as a matter of
86 choice on the part of the observer [*see Packer v. Utah*, 285 U.S. 105 (1932); and *General*

87 *Outdoor Advertising Co. v. Department of Public Works*, 289 Mass. 149, 193 N.E. 99
88 (1935)], and the City Council acknowledges that the United States Supreme Court and
89 many federal courts have accepted legislative judgments and determinations that the
90 prohibition of billboards promotes traffic safety and the aesthetics of the surrounding area
91 [see *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 509-510 (1981); and *National*
92 *Advertising Co. v. City & County of Denver*, 912 F.2d 405, 409 (10th Cir. 1990); and
93 *Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1239 (D. Kan. 1999)]; and

94 **WHEREAS**, the City Council finds and determines that by confirming in its
95 ordinance that noncommercial messages are allowed wherever commercial messages are
96 permitted, the City will continue to overcome any constitutional objection that its
97 ordinance impermissibly favors commercial speech over noncommercial speech [see
98 *Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1236-1237 (D. Kan. 1999);
99 and

100 **WHEREAS**, the City Council finds and determines that the City has allowed
101 noncommercial speech to appear wherever commercial speech appears; and the City
102 Council desires to codify that practice through the specific inclusion of a substitution
103 clause that expressly allows noncommercial messages to be substituted for commercial
104 messages; and

105 **WHEREAS**, the City Council finds and determines that various arguments have
106 been advanced in recent years that the permitting of signs is subject to “prior restraint”
107 scrutiny under the First Amendment; and

108 **WHEREAS**, the City Council wishes to follow the Court’s advice in the recent
109 Eleventh Circuit opinion of *Granite State Outdoor Advertising v. The City of St.*
110 *Petersburg*, 348 F.3d 1278, 1282-1253 (11th Cir. 2003), that although time limits for sign
111 permit reviews and appeals are not mandatory in a content neutral sign ordinance, time
112 limits are advisable to avoid a “prior restraint” challenge; and

113 **WHEREAS**, the City Council finds and determines that municipalities may
114 separately classify offsite and on-site advertising signs in taking steps to minimize visual
115 pollution [see *City of Lake Wales v. Lamar Advertising Association of Lakeland, Florida*,
116 414 So.2d 1030, 1032 (Fla. 1982)]; and

117 **WHEREAS**, the City Council recognizes that on-site business signs are
118 considered to be part of the business itself, as distinguished from off-site outdoor
119 advertising signs, and finds and determines that it is well-recognized that the unique
120 nature of outdoor advertising and the nuisances fostered by billboard signs justify the
121 separate classification of such structures for the purposes of governmental regulation and
122 restrictions [see *E.B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1153
123 (5th Cir. 1970), *cert. denied*, 400 U.S. 878, 91 S.Ct. 12, 27 L.Ed. 2d 35 (1970), quoting
124 *United Advertising Corp. v. Borough of Raritan*, 11N.J. 144, 93 A.2d 362, 365 (1952);
125 *Clear Channel Outdoor, Inc. v. City of Los Angeles*, 340 F.3d 810, 814 (9th Cir. 2003)];
126 and

127 **WHEREAS**, the City Council finds and determines that a prohibition on the
128 erection of off-site outdoor advertising signs will reduce the number of driver distractions
129 and the number of aesthetic eyesores along the roadways and highways through the City

130 [see e.g., *E.B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1154 (5th
131 Cir. 1970), *cert. denied*, 400 U.S. 878 (1970)]; and

132 **WHEREAS**, more than a hundred Florida communities have adopted ordinances
133 prohibiting the construction of billboards in their communities in order to achieve
134 aesthetic, beautification, traffic safety, and/or other related goals; and

135 **WHEREAS**, the City Council finds and determines that the continued prohibition
136 of billboards as set forth herein will improve the beauty of the City, foster overall
137 improvement to the aesthetic and visual appearance of the City, preserve and keep open
138 areas for beautification on public property adjoining the public roadways, increase the
139 visibility, readability and/or effectiveness of on-site signs by reducing and/or diminishing
140 the visual clutter of off-site signs, enhance the City as an attractive place to live and/or
141 work, reduce blighting influences, and improve traffic safety by reducing driver
142 distractions; and

143 **WHEREAS**, the City Council finds and determines that the business of outdoor
144 advertising in the form of off-site signs, commonly known as billboards, is not now an
145 approved use within the City or any of its zoning districts; and

146 **WHEREAS**, the City Council finds and determines that the prohibition on
147 portable signs reasonably advances the governmental goal of protecting the aesthetic
148 environment of the City [see *Harnish v. Manatee County*, 783 F.2d 1535 (11th Cir. 1986);
149 and *Don's Porta Signs, Inc. v. City of Clearwater*, 829 F.2d 1051 (11th Cir. 1987), *cert.*
150 *denied*, 485 U.S. 981 (1988)]; and

151 **WHEREAS**, the Planning and Zoning Commission, acting as the Local Planning
152 Agency, found and determined that this Ordinance is consistent with the City's
153 Comprehensive Plan, and the City Council finds and determines that the following
154 amendments are consistent with all applicable policies of the City's Comprehensive Plan;
155 and

156 **WHEREAS**, the City Council finds and determines that the following
157 amendments will not result in incompatible land uses; and

158 **WHEREAS**, the City Council finds and determines that the City's sign
159 regulations are concerned with the secondary effects of speech including, but not limited
160 to, aesthetics and traffic safety, and that they are not intended to regulate viewpoints or
161 censor speech, and for those and other reasons that the foregoing provisions are not
162 subject to, or would not fail, a "prior restraint" analysis; and

163 **WHEREAS**, the City Council finds and determines that there are not delays in
164 the City in connection with the permitting of signs, and there are not delays in the City in
165 connection with appeals from adverse permitting decisions involving signs; and

166 **WHEREAS**, the City Council recognizes that frivolous challenges to its
167 provisions regulating signage might be advanced under the pretext that the City is
168 unconstitutionally restraining free speech, and the City Council desires to amend and
169 modify the Code to codify current practice and, to the fullest extent possible, ensure that
170 a prior restraint claim cannot be advanced in good faith against the City's sign
171 regulations; and

172 **WHEREAS**, the City Council finds and determines that the City has consistently
173 adopted and enacted severability provisions in connection with its Code provisions and
174 that the City Council wishes to ensure that severability provisions apply to its Code of
175 Ordinances, including its sign regulations; and

176 **WHEREAS**, the City Council finds and determines that the Code’s severability
177 clauses were adopted with the intent of upholding and sustaining as much of the City’s
178 regulations, including its sign regulations, as possible in the event that any portion thereof
179 (including any section, sentence, clause or phrase) be held invalid or unconstitutional by
180 any court of competent jurisdiction; and

181 **WHEREAS**, the City Council finds and determines that under Florida law,
182 whenever a portion of a statute or ordinance is declared unconstitutional the remainder of
183 the act will be permitted to stand provided (1) the unconstitutional provisions can be
184 separated from the remaining valid provisions, (2) the legislative purpose expressed in
185 the valid provisions can be accomplished independently of those which are void, (3) the
186 good and the bad features are not so inseparable in substance that it can be said that the
187 legislative body would have passed the one without the other, and (4) an act complete in
188 itself remains after the invalid provisions are stricken [*see, e.g., Waldrup v. Dugger*, 562
189 So.2d 687 (Fla. 1990)]; and

190 **WHEREAS**, the City Council has determined that there have been several
191 judicial decisions where courts have not given full effect to severability clauses that
192 applied to sign regulations and where the courts have expressed uncertainty over whether
193 the legislative body intended that severability would apply to certain factual situations
194 despite the presumption that would ordinarily flow from the presence of a severability
195 clause; and

196 **WHEREAS**, the City Council is aware that the failure of some courts to uphold
197 severability clauses has led to an increase in litigation by developers seeking to strike
198 down sign ordinances in their entirety so as to argue that the developers’ applications to
199 erect billboards and signs must be granted; and

200 **WHEREAS**, the City Council desires that the prohibition on billboards continue
201 in effect regardless of the invalidity or unconstitutionality of any, or even all other,
202 provisions of the City’s sign regulations, other ordinance or Code provisions, or other
203 laws, for any reason(s) whatsoever; and

204 **WHEREAS**, the City Council desires that there be an ample record that it intends
205 that each prohibited sign type continue in effect regardless of the invalidity or
206 unconstitutionality of any, or even all other, provisions of the City’s sign regulations,
207 other ordinance or Code provisions, or other laws, for any reason(s) whatsoever; and

208 **WHEREAS**, the City Council desires to prohibit certain narrowly defined signs
209 on vehicles not regularly used in the conduct of any business throughout the City since
210 there is ample record that these “vehicle signs,” also known as “mobile billboards,”
211 promote visual blight, can roll into traffic on windy days, are a safety hazard for drivers
212 who must swerve around them, and use up valuable parking spaces intended for business
213 patrons; and

214 **WHEREAS**, the City Council desires that there be an ample record that it intends
215 that the height and size limitations on freestanding and other signs continue in effect
216 regardless of the invalidity or unconstitutionality of any, or even all, other provisions of
217 the City’s sign regulations, other ordinance or Code provisions, or other laws, for any
218 reason(s) whatsoever; and

219 **WHEREAS**, the City Council wishes to continue to restrict the height and size of
220 free-standing signs, other than statutory signs and traffic control device signs as identified
221 or described in the Manual on Uniform Traffic Control Devices; and

222 **WHEREAS**, the City Council is aware that billboard developers seeking to attack
223 a sign ordinance have often advanced an argument that the developer has a “vested” right
224 to erect the billboards described in their permit applications, and argue that if they are
225 successful in obtaining a judicial decision finding that the City’s entire sign ordinance is
226 unconstitutional, it follows that they are entitled to build any sign described in the permit
227 applications submitted under the “unconstitutional” ordinance, and argue that this result
228 is mandated because when they applied for their permits there was no valid constitutional
229 ordinance in place; and

230 **WHEREAS**, the City Council desires to make it clear that billboards are not a
231 compatible land use within the City and that there can be no good faith reliance by any
232 prospective billboard developer under Florida “vested rights,” or any other theory or law
233 in connection with the prospective erection or construction of billboards within the
234 jurisdictional limits of the City; and

235 **WHEREAS**, the City Council has determined that the purpose and intent
236 provisions of its signage regulations should be even more detailed than they are now so
237 as to further describe the beneficial aesthetic and other effects of the City’s sign
238 regulations, and to reaffirm that the sign regulations are concerned with the secondary
239 effects of speech and are not designed to censor speech or regulate the viewpoint of the
240 speaker; and

241 **WHEREAS**, the City Council desires to delete sections, subsections, paragraphs,
242 subparagraphs, divisions, subdivisions, clauses, sentences, phrases, words, and provisions
243 of the existing ordinance which are obsolete, and/or which have not been enforced,
244 and/or which are not enforceable, and/or which are superfluous to the policies, objectives
245 and goals of the City’s Comprehensive Plan, and/or which would be severable by a court
246 of competent jurisdiction; and

247 **WHEREAS**, the City Council finds and determines that public policy and the
248 public interest favor the eventual elimination of nonconforming uses; and

249 **WHEREAS**, the City Council wishes to ensure that the City’s Code of
250 Ordinances relative to signs is in compliance with all constitutional and other legal
251 requirements; and

252 **WHEREAS**, the City Council wishes to continue to assure that billboards are
253 effectively prohibited as a sign-type within the City; and

254 **WHEREAS**, the City Council wishes to assure that animated signs and flashing
255 signs are effectively prohibited as sign-types within the City; and

256 **WHEREAS**, the City Council wishes to assure that snipe signs are effectively
257 prohibited as a sign-type within the City; and

258 **WHEREAS**, the City Council wishes to assure that animated signs are effectively
259 prohibited as a sign-type within the City; and

260 **WHEREAS**, limitations on and regulations regarding various types of signs are
261 also related to the zoning for the properties on which they are located and/or the land use
262 of the properties on which the sign-types and signs are located; and

263 **WHEREAS**, various signs that serve and function as signage for particular land
264 uses, such as drive-thru restaurants, are allowed some additional features in recognition
265 of the differing or special functions served by those land uses, but not based upon intent
266 to favor any particular viewpoint or control the subject matter of public discourse; and

267 **WHEREAS**, in narrowly drawing and tailoring provisions for regulating signage,
268 the City Council finds and determines that the exercise of its police power for such
269 regulation should not extend to objects such as temporary holiday/seasonal decorations
270 and stringlighting, all which are not typically associated with or considered signage; and

271 **WHEREAS**, in narrowly drawing and tailoring provisions for regulating signage,
272 the City Council finds and determines that certain temporary sign-types for temporary
273 banners play an important role in commerce and special activities and events in the City,
274 and are necessary, but that the potential for contributing to visual clutter that can occur
275 through violations of durational and dimensional criteria should be controlled and/or
276 monitored by content-neutral permitting as necessary to preclude abuse that adversely
277 affects traffic, building, and pedestrian safety, and aesthetics; and

278 **WHEREAS**, the City has heretofore disallowed fixed signage in its public rights-
279 of- way, and such public property has not historically been used for free expression and
280 communication by the public; and

281 **WHEREAS**, the City continues to disallow signage in its public rights-of-way;
282 and

283 **WHEREAS**, in narrowly drawing and tailoring provisions for regulating signage,
284 the City Council finds and determines that warning and safety signs are necessary to warn
285 of a dangerous condition or situation that might not be readily apparent or that poses a
286 threat of serious injury (*e.g.*, “gas line”, “high voltage,” “condemned building,” etc.) and
287 that such sign-types are a necessary type of signage related to the premises on which they
288 are located and have no effective substitute; and

289 **WHEREAS**, in narrowly drawing and tailoring provisions for regulating signage,
290 the City Council finds and determines that machinery and equipment signs, *i.e.*, those
291 signs that are integrated into machinery and equipment and that are visible from the street
292 are a necessary type of signage that are inextricably related to the machines and
293 equipment on which they appear and that it is impractical to prohibit such signs in
294 commerce without effectively prohibiting the associated machines and equipment, and as
295 a result the City finds that machine and equipment signs should be allowed in all zoning
296 districts; and

297 **WHEREAS**, under current jurisprudence [*see, e.g., Ladue v. Gilleo*, 512 U.S. 43
298 (1994)], signs that allow property owners, especially residential homeowners, to freely
299 express a particular point of view on their own property should be reasonably
300 accommodated, and may be uniquely valuable; and

301 **WHEREAS**, the City Council recognizes that under current jurisprudence its sign
302 regulations may be under-inclusive in their reach to serve the City’s interests in aesthetics
303 and traffic safety, while at the same time balancing the interests protected by the First
304 Amendment [*see, e.g., Members of City Council v. Taxpayers for Vincent*, 466 U.S. 789
305 (1984); *Codes, Sign Regulation After Ladue; Examining the Evolving Limits of First*
306 *Amendment Protection*, 74 Neb.L.Rev. 36 (1995)], and the City Council may from time
307 to time modify the sign regulations herein so as to provide additional limitations to
308 further serve the City’s interests in aesthetics and/or traffic safety; and

309 **WHEREAS**, the City Council finds and determines that limitations on various
310 types of signs are also related to the zoning districts for the properties on which they are
311 located; and

312 **WHEREAS**, the City Council finds and determines that the sign prohibitions and
313 regulations adopted herein still allow adequate alternative means of communications; and

314 **WHEREAS**, alternative methods of communications in lieu of signs exist
315 through vehicular navigational systems, guidebooks, newspapers, radio, television,
316 telephone and the internet; and

317 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
318 **THE CITY OF EDGEWOOD, FLORIDA, AS FOLLOWS:**

319 **SECTION ONE.** The findings set forth in the recitals above are hereby adopted as
320 legislative findings of the City Council pertaining to this Ordinance.

321 **SECTION TWO.** Chapter 122, “Signs,” of the City of Edgewood Code of Ordinances
322 is hereby deleted in its entirety and replaced with a new Chapter 122, “Signs,” as set forth
323 below:

324 **Chapter 122. Signs.**

325 **Sec. 122-1. Purpose.**

326 The purpose of this Chapter is to promote the public health, safety and general welfare
327 through reasonable, consistent and non-discriminatory sign regulations. No part of these
328 regulations shall be construed to favor commercial speech over non-commercial speech,
329 nor restrict speech on the basis of content, viewpoint or message. Also, these sign
330 regulations reduce signage conflicts, promote traffic and pedestrian safety and increase
331 the aesthetic value and economic viability of the City by classifying and regulating the
332 location, size, type and number of signs and related matters in a content-neutral manner.

333 These sign regulations are especially intended to reach the secondary effects that may
334 adversely impact aesthetics and safety. In order to preserve and promote the City as a
335 desirable community in which to live, visit, and do business, a pleasing, visually
336 attractive environment is of primary importance. These sign regulations have been
337 prepared with the purpose of enhancing the visual environment of the City and promoting
338 its continued well-being, and are intended to:

- 339 A. Encourage the effective use of signs as a means of communication in the City;
- 340 B. Improve pedestrian and traffic safety;
- 341 C. Minimize the possible adverse effect of signs on nearby public and private property;
- 342 D. Promote the integration of signage with architectural and landscape designs;
- 343 E. Lessen the visual clutter that may otherwise be caused by the proliferation, improper
- 344 placement, illumination, animation, excessive height and excessive size (area) of signs,
- 345 which compete for the attention of pedestrian and vehicular traffic;
- 346 F. Allow signs that are compatible with their surroundings and aid orientation, while
- 347 precluding the placement of signs that contribute to sign clutter or that conceal or obstruct
- 348 adjacent land uses or signs;
- 349 G. Encourage and allow signs that are appropriate to the zoning district in which they are
- 350 located and consistent with the category of use and function to which they pertain;
- 351 H. Establish sign size in relationship to the scale of the lot and building on which the
- 352 sign is to be placed or to which it pertains;
- 353 I. Preclude signs from conflicting with the principal permitted use of the site and
- 354 adjoining sites;
- 355 J. Regulate signs in a manner that will not interfere with, obstruct the vision of or distract
- 356 motorists, bicyclists or pedestrians;
- 357 K. Except to the extent expressly preempted by state or federal law, ensure that signs are
- 358 constructed, installed and maintained in a safe and satisfactory manner, and protect the
- 359 public from unsafe signs;
- 360 L. Preserve, conserve, protect and enhance the aesthetic quality and scenic beauty of the
- 361 City;
- 362 M. Protect property values by ensuring that sign types, as well as the number of signs
- 363 and their size, height, illumination, movement, and brightness are in harmony with
- 364 buildings, neighborhoods and conforming signs in the area;
- 365 N. Regulate the appearance and design of signs in a manner that promotes and enhances
- 366 the beautification of the City and that complements the natural surroundings in
- 367 recognition of the City's reliance on its natural resources and beautification efforts; and
- 368 O. Allow for traffic control devices consistent with national and State standards and
- 369 whose purpose is to promote highway safety and efficiency by providing for the orderly
- 370 movement of road users and pedestrians on streets and highways, and that notify road
- 371 users of regulations and provide warning and guidance needed for the safe, uniform and
- 372 efficient operation of all elements of the traffic stream.

373 **Sec. 122-2. Definitions.**

374 *Abandoned sign:* A sign which for a period of a least 90 days no longer correctly relates
 375 to a bona fide business, lessee, owner, or activity conducted on the premises where the
 376 sign is displayed; and/or a sign that has been damaged when repairs and restoration are
 377 not started within 90 days of the date the damage occurred, or when repairs are not
 378 diligently pursued, once started.

379 *Alter*: To make a change to a sign or sign structure, including but not limited to, changes
380 in size, sign copy area to signs other than manual changeable copy signs, height,
381 projection, illumination, shape, materials, placement and location on a site. Altering a
382 sign does not include ordinary maintenance, repair or repainting an existing sign surface
383 provided the sign copy area is not increased.

384 *Anchor tenant*: the major store(s) upon a multiple-occupant parcel that occupies building
385 square footage on-site with a minimum area of ten thousand (10,000) square feet.

386 *Animated sign*: A sign which has any visible moving part, color change, flashing or
387 oscillating lights, visible mechanical movement of any description, or other apparent
388 visible movement achieved by any means that move, change, flash, oscillate or visibly
389 alters in appearance. The term may include, but is not limited to, electronic changeable
390 signs with optical illusion of movement, color change, or change of lighting, to depict
391 action or create a special effect or scene; and signs using electronic ink, signs set in
392 motion by wind or other movement of the atmosphere, any sign set in motion by
393 intentional movement by a person, any type of screen using animated or scrolling
394 displays, such as an LED (light emitting diode) screen or any other type of video display.

395 *Attached sign*: A sign permanently attached to a building or structure.

396 *Awning*: A shelter projecting from and supported by the exterior wall of a building
397 constructed of rigid or non-rigid materials on a supporting framework that may include a
398 type that can be retracted, folded or collapsed against the wall of a supporting building.

399 *Awning sign*: A sign incorporated into an awning.

400 *Banner*: A sign applied to cloth, plastic, paper, fabric or other light pliable material of
401 any kind either with or without frames; and which is suspended, mounted or attached
402 across its longest side to buildings or attached at two ends to building, poles or natural
403 elements.

404 *Beacon*: A stationary or revolving light which flashes or projects illumination, single
405 color or multicolored, in any manner which has the effect of attracting or diverting
406 attention, except, however, this term does not include any kind of lighting device which
407 is required or necessary under the safety regulations of the Federal Aviation
408 Administration or other similar agency. This definition does not apply to any similar
409 type of lighting device contained entirely within a structure and which does not project
410 light to the exterior of the structure.

411 *Bench sign*: A sign on an outdoor bench.

412 *Billboard*: Any off-site sign or sign structure.

413 *Building frontage*: The vertical side of a building which faces a public right-of-way and
414 is built to the principle plane.

415 *Changeable copy sign*: A non-electronic sign, or portion thereof, that is designed so that
416 characters, letters or illustrations can be manually changed or rearranged without altering
417 the sign face.

418 *Clearance*: The distance between the finished grade to the lowermost portion of the sign
419 cabinet or face.

420 *Cold air inflatable sign:* A balloon-type sign with a blower (fan) system which runs to
421 keep the sign inflated.

422 *Commercial message:* Any sign wording, logo, or other representation or image that
423 directly or indirectly names, advertises, or calls attention to a product, service, sale or
424 sales event or other commercial activity.

425 *Construction sign:* A temporary on-site sign identifying the ongoing construction activity
426 during the time that a building permit is active and prior to completion of the work for
427 which the permit was issued, and containing sign copy that is limited to the ongoing
428 construction activity and identifying the contractor, professionals and/or any
429 subcontractor engaged to perform construction activity on the site.

430 *Copy:* The combination of individual letters, numbers, symbols, depictions and the like,
431 which are intended to inform, direct or otherwise transmit information.

432 *Copy area:* the entire area of the sign occupied by copy. Copy area is measured by
433 enclosing by one continuous perimeter line the extreme limits of the sign which contains
434 copy, including all ornamental attachments, insignias, symbols, logos, trademarks,
435 interconnecting links and the like, and any stripe, frame or border. Copy area does not
436 include the main support structure of the sign unless it contains copy. The calculation for
437 a double faced sign shall be the area of one (1) face only. When signs are enclosed in a
438 cabinet or border, the internal perimeter of such cabinet or border will be used to
439 calculate copy area.

440 *Electronic changeable message sign:* A sign that uses changing lights or an electronic
441 medium to form an image, picture, or message of any kind, whether the image, picture, or
442 message is moving or stationary, wherein the sequence of the messages and the rate of
443 change are electronically programmed and can be modified by electronic processes.
444 Electronic changeable signs include LED signs (light emitting diode technology or other
445 similar semiconductor technology), OLED signs (transmissive, organic light emitting
446 diodes), LEP signs (light emitting polymer), OEL signs (organic electro luminescence),
447 or any similar technology.

448 *Erect:* To construct, assemble, attach, hang, place, suspend, affix or alter a sign. Does not
449 include ordinary maintenance, repair or repainting of an existing sign surface provided
450 the copy area is not increased.

451 *Fuel pump sign:* A sign located upon or integrated into a fuel pump.

452 *Flag:* A piece of fabric of distinctive design that is displayed hanging free from a staff,
453 halyard, structure, or flag pole. Flags are not banners.

454 *Freestanding sign:* Any sign supported by structures or supports that are placed on or
455 anchored in the ground and that are independent of any building or other structure.

456 *Governmental right-of-way signs:* a sign erected by a governmental agency upon a public
457 right-of-way.

458 *Ground sign:* a free-standing sign placed in or upon the ground.

459 *Hanging sign:* An attached sign that hangs or projects below the underside of an
460 awning, canopy, arcade, eave, overhang, or other covering that projects outward from
461 the face of a building.

462 *Illuminated sign:* A sign illuminated by an internal light source or an external light
463 source primarily designed to illuminate the sign.

464 *Large parcel sign:* a freestanding sign with sign height no greater than sixteen feet with a
465 solid appearing base located on the ground with no airspace between the base and the
466 sign cabinet. Large parcel signs are only allowed upon multi-occupant parcels at least
467 five acres in size that have a parcel depth of at least 375 feet measured from the front
468 property line to the rear property line.

469 *Low-profile sign:* A freestanding sign with a sign height no greater than eight and one
470 half (8 ½) feet that either has 1) a solid appearing base located on the ground with no
471 more than two feet of airspace between the base and the sign cabinet or sign face or 2) is
472 supported by one or more vertical supports with no more than two feet of airspace
473 between the ground or base and the bottom of the sign cabinet or sign face.

474 *Maintenance:* The repairing or repainting of a portion of a sign or sign structure when
475 neither the sign size nor copy area are altered; or manually changing changeable copy or
476 renewing the copy for signs which have been made unusable by ordinary wear provided
477 neither the sign size nor copy area are altered.

478 *Multi-occupant parcel:* A tax parcel that contains two or more distinct occupants
479 internally separated by firewalls or demising walls, or in separate buildings.

480 *Non-commercial message:* Any message that is not a commercial message.

481 *Nonconforming sign:* Any sign that was lawful when it was erected but does not meet the
482 requirements of this Chapter at the time of its effective date.

483 *Off-site sign:* A sign that identifies activities conducted or products or services that are
484 not available on the premises on which the sign is located.

485 *On-site sign:* A sign that (1) is located on the premises to which the sign pertains (2)
486 identifies an activity conducted or products or services available on the premises where
487 the sign is located, (3) displays a non-commercial message or (4) is any combination of
488 the first 3.

489 *Permanent sign:* Any sign which, when installed, is intended for permanent use. For the
490 purposes of this Chapter, any sign with an intended use in excess of 90 days from the date
491 of installation shall be deemed a permanent sign unless otherwise indicated elsewhere in
492 this Chapter.

493 *Person:* Any person or persons, individual or groups of individuals, company, firm,
494 corporation, partnership, organization or association.

495 *Pole sign:* A freestanding sign that is supported from the ground up by one or more
496 vertical supports and which does not meet the definition of a low-profile sign or tall-
497 profile sign. The definition of pole sign does not include flags, traffic control device
498 signs, or parking space identifications signs.

499 *Portable sign:* a sign that is not permanently affixed to or planted in the ground or
500 permanently affixed to a permanent structure utilizing standard construction procedures
501 and materials that will not deteriorate.

502 *Premises:* A lot together with all buildings and structures if any.

503 *Projecting sign:* An attached sign permanently affixed to a building or other structure in
504 such a manner that the sign face is not parallel with the wall or structural component to
505 which it is attached.

506 *Roof signs:* Any sign erected, constructed and maintained wholly upon or above the edge
507 of the roof eave of any building with the principal support along or atop the roof
508 structure.

509 *Safety sign:* See Warning signs.

510 *Sign:* Any surface, fabric, device or display which bears lettered, pictorial or sculptured
511 matter, including forms shaped to resemble any human, animal or product designed to
512 convey information to the public and is visible from an abutting property, from a public
513 street, sidewalk or right-of-way, or from a body of water. For the purpose of this
514 development code, the term "sign" shall include all structural members including the
515 base. A sign shall be construed to form a single unit. In cases where matter is displayed in
516 a random or unconnected manner without organized relationship of the components, each
517 such component shall be considered a single sign. The term sign shall not include:
518 holiday or seasonal decorations, merchandise displays located within a building,
519 cemetery markers, or machinery or equipment signs.

520 *Sign cabinet:* a frame or external structure that encloses the edges of one or more sign
521 panels.

522 *Sign face:* The part of the sign that is or can be used to identify, display, advertise,
523 communicate information, or for visual representation which attracts or intends to attract
524 the attention of the public for any purpose.

525 *Sign height:* The vertical distance measured from the natural contour of the parcel to the
526 topmost point of the sign structure.

527 *Sign panel:* A single surface upon which copy is printed which can be installed in a sign
528 cabinet or attached to a sign structure.

529 *Sign structure:* Any structure which is designed specifically for the purpose of supporting
530 a sign, has supported, or is capable of supporting a sign. This definition shall include any
531 decorative covers, braces, wires, supports, or components attached to or placed around
532 the sign structure.

533 *Snipe sign:* Any sign tacked, nailed, fastened, affixed to, painted, posted, pasted, glued or
534 otherwise attached to trees or other vegetation (living or dead), telephone poles, utility
535 poles, or fences, with the message appearing thereon not applicable to the owner of utility
536 poles or present use of the premises upon which the sign is located.

537 *Statutory sign:* A sign required by any statute of the State of Florida or the United States.

538 *Street address sign:* Any sign denoting the street address of the premises on which it is
539 attached or located.

540 *Tall-profile sign:* a freestanding sign that has a sign height no greater than sixteen (16)
541 feet and the bottom of the sign cabinet or sign face no lower than seven (7) feet above
542 ground and which has the appearance of a single vertical support that is at least twelve
543 (12) inches in width and no more than one third (1/3) of the width of the sign face.
544 Vertical supports or support casings shall be constructed of durable non-corrosive
545 material, permanently affixed to the ground and sign face or sign cabinet and shall be
546 either be monotone or utilize brick or stone of a single color.

547 *Temporary sign:* a sign which is not designed, constructed, or intended to be placed for a
548 period of sixty days or fewer.

549 *Traffic control device sign:* Any sign located within the right-of-way that is used as a
550 traffic control device and that is described and identified in the Manual on Uniform
551 Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator
552 as the National Standard. A traffic control device sign includes those signs that are
553 classified and defined by their function as regulatory signs (that give notice of traffic laws
554 or regulations), warning signs (that give notice of a situation that might not readily be
555 apparent), and guide signs (that show route designations, directions, distances, services,
556 points of interest, and other geographical, recreational, or cultural information). Some
557 traffic control device signs may be portable.

558 *Vehicle sign:* One or more signs on any vehicle or trailer which have a total sign area in
559 excess of ten square feet, when the vehicle or trailer is not regularly used in the conduct
560 of the business or activity advertised on the vehicle, and (a) is visible from a street right-
561 of-way within 100 feet of the vehicle, and (b) is parked for more than five consecutive
562 hours within 100 feet of any street right-of-way; for the purposes of this definition, a
563 vehicle shall not be considered "regularly used in the conduct of the business or activity"
564 if the vehicle is used primarily for advertising.

565 *Wall sign:* An attached sign permanently affixed to a building or other structure in such
566 a manner that the sign face is flush against and parallel with the wall or structural
567 component to which it is attached.

568 *Warning sign or safety sign:* A sign that provides warning of a dangerous condition or
569 situation that might not be readily apparent or that poses a threat of serious injury (e.g.,
570 gas line, high voltage, condemned building, etc.) or that provides warning of a violation
571 of law (e.g., no trespassing, no hunting allowed, etc.).

572 *Window sign:* Any sign attached to, suspended behind, placed or painted upon, the
573 window or glass door of a building, which is intended for viewing from the exterior of
574 the building.

575 **Sec. 122-3. Permits and Fees**

576 A. No sign shall be erected, structurally altered or relocated, without paying the
577 appropriate fee as set by resolution of the City Council and obtaining a City sign permit.
578 This requirement applies to all signs, except those specifically exempted by this Chapter
579 and any signs lawfully existing on the date of adoption of this Chapter, which shall be
580 subject to Section 122-15 regarding nonconforming signs. The sign permit and fee is in
581 addition to any building permit and fee required to be obtained pursuant to the Florida
582 Building Code.

583 B. No sign permit shall be issued for the display of a prohibited sign.

584 C. A sign lawfully displayed may be repainted, or have ordinary and customary repairs
585 performed, including replacement of plastic or glass panels, without a new sign permit;
586 however, if such sign is to be structurally altered in any manner, relocated or its sign copy
587 area increased, a new sign permit shall be required and the altered sign must meet all
588 requirements of this Chapter, the Code of Ordinances, and the Florida Building Code.

589 **Sec. 122-4. Permit Applications.**

590 A. Applications for a sign permit shall be made in writing upon forms furnished by the
591 City. The applicant shall furnish the following information on or with the sign permit
592 application form. City staff has the authority to require additional information on the
593 form application that is not inconsistent with this Chapter.

594 1. Name, address, email address (if any) and telephone number of the person
595 making application for the permit. If the applicant is anyone other than the
596 property owner, the applicant shall provide notarized authorization from the
597 property owner permitting the installation of the sign.

598 2. Name, address, email address (if any) and telephone number of the property
599 owner. If the owner is an entity other than an individual, list the contact person's
600 name and contact information.

601 3. Name, address, email address (if any) and telephone number of the business
602 tenant, if applicable. If the tenant is an entity other than an individual, list the
603 contact person's name and contact information.

604 4. Name, address, email address (if any) telephone and license number of the
605 contractor, if applicable. If the contractor is an entity other than an individual, list
606 the contact person's name.

607 5. Address and legal description of the property upon which the sign is to be
608 located and include a parcel identification number and zoning district.

609 6. Lot frontage for each street and public right-of-way.

610 7. The type of sign, square footage, design, area, height, location and fully
611 dimensioned elevation drawing of all signs proposed to be erected on the
612 premises.

613 8. A fully dimensioned site plan showing the lot frontage, building frontage of
614 each business establishment or occupant, if applicable, and the location of all
615 proposed signs. For freestanding signs and temporary signs, the site plan shall
616 show all parking areas, distance of signs from the right-of-way and property lines,
617 distance from existing signs located on adjacent within 30 feet of the property
618 line, and distance of signs and street corner visibility calculations.

619 9. Number, type, location and sign copy area and height of all existing signs on
620 the same premises.

621 10. Landscape plan, as applicable.

622 11. Signature of applicant.

623 B. Any permit issued under this Chapter shall be void if no substantial physical action is
624 taken in accordance with the sign permit, any permit conditions and the applicable
625 requirements of this Chapter within 180 days following the date of its issuance.

626 C. Any sign permit issued pursuant to this Chapter shall remain in effect as long as the
627 sign is maintained in compliance with the approved sign permit as well as all applicable
628 provisions of this Chapter and the applicant did not misrepresent or falsify any
629 information provided in the application.

630 D. Staff Review.

631 1. The sign permit application shall be reviewed by the City Planner, or designee,
632 for a determination of whether the proposed sign meets the applicable
633 requirements of this Chapter, all other applicable ordinances and any applicable
634 zoning law. The review of the sign permit application shall be completed by the
635 City Planner, or designee, within ten business days following receipt of a
636 completed application and any applicable fees after the date of receipt. A sign
637 permit shall either be approved, approved with conditions (meaning legal
638 conditions existing in this Chapter such as dimensional requirements), or
639 disapproved, and the decision shall be reduced to writing. A disapproval shall
640 include or be accompanied by a statement of the reason(s) for the disapproval. In
641 the event that no decision is rendered within the period of time referenced herein,
642 the application shall be deemed denied and the applicant may appeal to the City
643 Council. Any appeal shall be heard and a decision rendered within the time
644 frames specified in this Chapter for appeals.

645 2. For the purposes of calculating compliance with the ten business day deadline
646 herein, for a decision upon an application, the decision shall be deemed made
647 when deposited in the mail, transmitted electronically, or hand delivered to the
648 applicant.

649 3. An application which is materially incomplete or which is not accompanied by
650 the required fee shall not be considered, and the time for review of the application
651 shall not commence until a complete application accompanied by the required fee
652 is filed with the City Planner, or designee. However, the City Planner, or
653 designee, shall keep a record of incomplete applications or any application not
654 accompanied by the correct fee, as required by applicable public record laws. In
655 addition, the City Planner, or designee, shall within ten business days of receipt of
656 such an application, provide the applicant a written explanation of the deficiencies
657 and ask that the deficiencies be remedied, explaining that the application cannot
658 proceed forward and that the application will be deemed withdrawn if the
659 deficiencies are not cured within sixty calendar days. An application that is
660 withdrawn shall not be entitled to any refund of fees paid.

661 4. As exceptions to the foregoing, the ten business day deadline for approval
662 shall not apply (that is, the time shall be suspended) to the following:

663 a. If the applicant is required to make any change to the application in
664 order to obtain an unconditional approval, the time shall be suspended for
665 a period of up to sixty days while the applicant makes such change.

666 b. If an applicant is required to obtain an approval from any other
667 governmental agency, the time shall be suspended until such approval is
668 obtained.

669 c. In any of the foregoing cases, the applicant may elect in writing to
670 make no change to the application or obtain no approval that may be
671 required by another governmental agency. In such event, the City Planner,
672 or designee, shall make a decision on the application as submitted. In this
673 instance, if a decision is not made within ten business days of receipt of
674 the applicant's election to not change the application or obtain any
675 approval that may be required by another governmental agency, the
676 application shall be deemed denied.

677 **122-5 Comprehensive Sign Plan Applications.**

678 The procedures for review and approval of applications for a Comprehensive Sign Plan
679 as allowed by Section 122-14 are as follows.

680 A. Information required for all applications. All applications for Comprehensive Sign
681 Program approval shall include the following information in hard copy and a .pdf
682 version:

- 683 1. Legal description of the property where the signs are proposed to be located;
- 684 2. Name, address, email address (if any) and telephone and facsimile number, if
685 any, of the owner of the property where the sign is proposed to be located;
- 686 3. The name of the owner(s) representative or agent and consultants, if any, with
687 mailing address, email address, telephone and facsimile, if any, number; and
688 completed affidavit to authorize agent form;
- 689 4. All street address(es) and parcel numbers of the parcel proposed for
690 development;
- 691 5. Ownership: A copy of a deed to all property on which signage is proposed to
692 be installed, a copy of a title insurance policy or an affidavit attesting to
693 ownership;
- 694 6. A signed and sealed survey of the property including the dimensions, acreage
695 and location of the property prepared by a registered land surveyor showing all
696 current structures/improvements;
- 697 7. A site plan drawn to a minimum scale of one inch equals fifty feet on an
698 overall sheet size not to exceed twenty-four inches by thirty-six inches and
699 including the following:
 - 700 a. North arrow, scale (with bar scale) and date prepared;
 - 701 b. Location map;
 - 702 c. Show all property lines;
 - 703 e. Land areas expressed in square feet and acres;
 - 704 f. All required setbacks as measured from the property line;

- 705 g. Location of all public and private easements and street rights-of-way
- 706 within and adjacent to the site;
- 707 h. Location of all existing and proposed points of access;
- 708 i. The footprint with dimensions of all existing and proposed buildings
- 709 and structures on the site;
- 710 j. Sight visibility triangles consistent with Section 114-4(2) of the City of
- 711 Edgewood Code of Ordinances shown and labeled;
- 712 k. Location of all existing and proposed sidewalks;
- 713 l. Lot frontage on all street rights-of-way;
- 714 m. The location of all proposed landscape material including size and
- 715 species;
- 716 n. Location of all attached and freestanding including directional signage,
- 717 proposed and existing, indicating with labels if to be removed; and
- 718 o. Location of the sign in relation to property lines, public rights-of-way,
- 719 easements, buildings and other signs on the premises;
- 720 p. Signs located on adjacent property within fifty feet of any proposed
- 721 signs.
- 722 8. Sign Plan, to include:
- 723 a. Date prepared;
- 724 b. Bar scale;
- 725 c. To scale drawings, in color, of all proposed signage (attached,
- 726 freestanding, and directional signs) which include the following:
- 727 i. dimensions, with dimensional arrows;
- 728 ii. sign area in square feet;
- 729 iii. height and width of sign and sign structure, measured in feet;
- 730 iv. labels of all colors;
- 731 v. surface area of the sign proposed;
- 732 vi. text copy including the message of the sign;
- 733 vii. changeable copy, if proposed; and
- 734 viii. describe any illumination including the type, placement,
- 735 intensity, hours of illumination and system to automatically turn
- 736 off lighting when the business is closed, and sign area to be
- 737 illuminated.
- 738 d. Building elevation color drawings, to scale, for all sides of any building
- 739 with proposed and existing attached signage;

- 740 e. Master sign plan for shopping centers and office parks, to include all
- 741 signs;
- 742 f. Site data table, to include how all proposed signs (existing and new)
- 743 meet code requirements, with a calculation worksheet; and
- 744 g. Number, type, location and surface area of all existing signs on the
- 745 same premises and or building on which the sign is to be located.

746 9. Completed written responses as to how each of the Comprehensive Sign
 747 Program criteria, set forth in Section 122-14 are met.

748 B. An application which is materially incomplete or which is not accompanied by the
 749 required fee shall not be considered, and the time for review of the application shall not
 750 commence until a complete application accompanied by the required fee is filed with the
 751 City Planner, or designee. However, the City Planner, or designee, shall keep a record of
 752 incomplete applications or any application not accompanied by the correct fee, as
 753 required by applicable public record laws. In addition, the City Planner, or designee, shall
 754 within 10 business days of receipt of such an application, provide the applicant a written
 755 explanation of the deficiencies and ask that the deficiencies be remedied, explaining that
 756 the application cannot proceed forward and that the application will be deemed
 757 withdrawn if the deficiencies are not cured within sixty calendar days.

758 C. Application and design review. Upon determination that a Comprehensive Sign
 759 Program application is complete, the Planning and Zoning Board shall conduct a hearing
 760 and make a recommendation to the City Council for approval, approval with conditions,
 761 or denial of the application. Upon receipt of a recommendation from the Planning and
 762 Zoning Board, the City Council shall conduct a hearing and approve, approve with
 763 conditions, or deny the application.

764 D. Effect of Comprehensive Sign Plan Approval. Comprehensive Sign Plan approval
 765 authorizes only the particular signs approved and all signs approved in the
 766 Comprehensive Sign Plan must be installed and any conditions met within six months of
 767 issuance of a permit.

768 **Sec. 122-6. Appeals.**

769 A. Whenever it is alleged that there has been an error in any order, action, decision,
 770 determination, or requirement by the City Planner, or designee, in the enforcement and
 771 application of any provision contained within this Chapter pertaining to sign permits
 772 (including any allegation that an administrative official has failed to act within applicable
 773 time frames), the aggrieved party may file a written appeal.

774 B. The written appeal, together with any appeal fee as may be set by resolution of the
 775 City Council, shall be filed with the City Clerk, or designee, within thirty days of the date
 776 of the determination, action, decision and/or alleged error. The written appeal shall
 777 describe the alleged error and the applicable provisions of the Chapter pertaining to the
 778 City Planner, or designee's, order, decision, requirement or failure to act.

779 C. The City Council shall hold a hearing within forty-five days following receipt of the
 780 written appeal, not counting the day of receipt and not counting any non-business days,
 781 which falls upon the first, or the forty-fifth day after the date of receipt.

782 D. The City Council shall render a decision at the public hearing meeting, or at the
783 discretion of the City Council, at the next regularly scheduled meeting following the
784 public hearing.

785 E. If the City Council does not render a decision within the time frame referenced above,
786 the appeal shall be deemed denied.

787 F. Failure to appeal the decision of the City Planner, or designee, to deny a sign
788 application shall not be deemed a failure to exhaust administrative remedies. The
789 applicant may choose to proceed directly to a judicial action once the sign application has
790 been denied by the City Planner, or designee.

791 G. Once a decision is appealed to the City Council, the City Planner, or designee, shall
792 take no further action on the matter pending the City Council's decision, except for
793 unsafe signs that shall present an immediate and serious danger to the public in which
794 case the City may pursue any proper legal remedy available to it.

795 H. All decisions shall be mailed, transmitted electronically or hand delivered to the
796 applicant. The City shall keep a record of the date of mailing, electronic transmittal or
797 hand delivery.

798 **Sec. 122-7. Substitution of non-commercial speech for commercial speech.**

799 Notwithstanding anything contained in this Chapter to the contrary, any sign erected
800 pursuant to the provisions of this Chapter may, at the option of the owner, contain a non-
801 commercial sign message in lieu of a commercial sign message and the non-commercial
802 copy may be substituted at any time in place of the commercial copy provided that the
803 sign complies with the sign standards and other applicable requirements contained within
804 this Chapter.

805 **Sec. 122-8. Content neutrality as to sign message.**

806 Notwithstanding anything in this Chapter to the contrary, no sign or sign structure shall
807 be subject to any limitation based upon the content of the message contained on such sign
808 or displayed on such sign structure.

809 **Sec. 122-9. Exemptions from Sign Permitting.**

810 The following signs are exempt from permitting under this Chapter 122:

811 A. A sign, other than a window sign, located entirely inside the premises of a building or
812 enclosed space.

813 B. Governmental right-of-way signs.

814 C. Decals or insignia normally associated with equipment, machinery, or vehicles which
815 are affixed to or painted on equipment, machinery, or vehicles.

816 D. Temporary on-site signs erected pursuant to and in accordance with Section 122-12.

817 E. Traffic control devices.

818 F. For 911 and emergency response purposes, street address signs with copy between
819 four inches and twelve inches in height located in a place that is clearly visible from the
820 right-of-way.

821 G. Window signs that do not exceed twenty-five percent of the total window area of all
822 windows visible from a right-of-way.

823 H. Up to three Flags located so the flag when fully extended is at least ten feet from the
824 front property line and at least twenty feet from side property lines mounted on hardware
825 permanently attached to a structure or upon a pole not exceeding thirty-five feet in height
826 and permanently anchored within the ground with concrete.

827 **Sec. 122-10. Prohibited Signs.**

828 The following types of signs are prohibited:

829 A. Abandoned signs

830 B. Balloons, cold air inflatables, streamers, and pennants.

831 C. Banner signs except as expressly allowed in Section 122-12 herein.

832 D. Bench signs, other than the identification of the transit company or its route schedule.

833 E. Billboards.

834 F. Electronic changeable message signs unless otherwise specifically allowed herein.

835 G. Pavement markings, except street addresses and vehicle directional arrows.

836 H. Portable signs except as expressly authorized in Section 122-12 herein.

837 I. Pole signs.

838 J. Roof signs.

839 K. Signs in or upon any lake or other body of water.

840 L. Signs erected by other than a governmental entity on or extending into publicly-
841 owned land, easements or rights-of-way.

842 M. Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.

843 N. Signs that have unshielded illuminating devices or which reflect lighting onto public
844 rights-of-way thereby creating a potential traffic or pedestrian hazard.

845 O. Animated signs or signs that appear to display motion in any way whatsoever,
846 including beacons.

847 P. Signs that obstruct, conceal, hide, or otherwise obscure from view any traffic control
848 device sign or official traffic signal.

849 Q. Snipe signs.

850 R. Obscene signs.

851 S. Hazardous signs.

852 T. Vehicle signs.

853 U. Any sign that is not specifically described or enumerated as permitted.

854 V. Signs attached to temporary structures.

855 **Sec. 122-11. General Standards.**

856 A. Distance requirements. Except as otherwise provided herein, no sign shall be located
857 within twenty feet of any side property line of a parcel and at least 20 feet from existing
858 public road curbs or pavement. No freestanding sign shall be located within fifty feet of
859 any other permanent freestanding sign.

860 B. Illuminated signs.

861 1. The light from any illuminated sign shall be shaded, shielded, or directed away
862 from adjoining street rights-of-way and properties.

863 2. No sign shall have blinking, flashing, or fluttering lights or other illumination
864 devices which have a changing light intensity, brightness, color, or direction.

865 3. No colored lights shall be used at any location or in any manner so as to be
866 confused with or construed as traffic-control devices.

867 4. Neither the direct nor the reflected light from primary light sources shall create
868 a traffic hazard to operators of motorized vehicles, bicycles or pedestrians.

869 C. Awnings. Awnings may be allowed a graphic element and/or text provided such
870 graphic and/or text does not exceed fifty percent of the awning surface area visible from
871 any right-of-way on which the graphic is placed and provided the maximum copy area for
872 the premises is not exceeded.

873 D. Building and electrical code compliance. All signs shall comply with applicable
874 building and electrical code requirements.

875 E. Maintenance. All signs and sign structures shall be kept consistent with the issued
876 permit and maintained and kept in good repair free of chipped, flaking or faded paint,
877 structural decay, mildew, rust, and stains.

878 F. Legibility. All copy shall be maintained so as to be legible and complete.

879 G. Sight visibility triangles. All signs shall comply with all sight visibility triangle
880 requirements under the provisions of Section 114-4(2) of the City of Edgewood Code of
881 Ordinances.

882 H. Safety considerations. In addition to any requirements of this Chapter, code, or other
883 law, signs shall not be erected, maintained, and placed in such as way as to pose a safety
884 hazard.

885 I. Number of signs. For the purpose of determining the number of signs, a single sign
886 shall be construed to be a sign that has its copy area on one side and contains elements
887 organized, related and composed to form a single unit. A sign with sign copy area on both
888 sign faces shall be construed as a single sign provided the sign faces are not more than
889 three feet apart at their closest point, and that they describe an internal angle between the
890 sign faces of no more than thirty degrees.

891 J. No limitation based on message content. Notwithstanding any other provision of this
892 Chapter, no sign shall be subject to any limitation based on the content of the message
893 contained on such sign.

894 **Sec. 122-12. Supplemental Temporary Sign Standards.**

895 In addition to any other applicable provision of this article and code, the following
896 minimum standards shall apply to all temporary signs:

897 A. Temporary signs shall be removed within three days after the date upon which the
898 sign has fulfilled its purpose (e.g., a scheduled event or occurrence has concluded).

899 B. On property zoned residential:

900 1. One temporary freestanding sign no greater than six square feet in copy area
901 with sign height no greater than three feet shall be allowed on the premises at any
902 time.

903 2. In addition to the sign allowed in sub-paragraph 1, above, one temporary
904 freestanding sign no greater than nine square feet in copy area with sign height no
905 greater than six feet shall be allowed on the premises during any period in which
906 the property upon which such sign is located is listed for sale or lease.

907 3. In addition to the signs allowed in sub-paragraphs 1 and 2, above, two
908 temporary freestanding signs no greater than six square feet in copy area with sign
909 height no greater than three feet shall be allowed on the premises during any
910 period beginning ninety days prior to any local, state, or federal election and
911 lasting until three days after such election.

912 C. On property zoned other than residential:

913 1. One temporary banner sign no greater than forty square feet in copy area
914 attached to a building and subject to the following conditions:

915 a. any banner sign may not be displayed on any premises for more than
916 thirty consecutive days;

917 b. any banner sign may not be displayed on any premises for more than
918 sixty cumulative days in a calendar year;

919 c. prior to display of any banner sign, the party erecting such sign must
920 provide notice to the City Clerk's office on a form provided by the City
921 including at a minimum, the property address, dates the banners sign will
922 displayed, and dimensions of the banner sign.

923 2. One temporary sign no greater than eighteen square feet in copy area with sign
924 height no greater than six feet shall be allowed on the premises during any period
925 in which any portion of the property upon which the sign is located is for sale or
926 lease or during any period in which any portion of the property is under
927 construction.

928 3. In addition to the signs allowed in sub-paragraphs 1 and 2, above, one
929 temporary signs no greater than eighteen square feet each in copy area with sign
930 height no greater than six feet and two signs no greater than six square feet in
931 copy and sign height no greater than three feet shall be allowed on the premises
932 during any period beginning ninety days prior to any local, state, or federal
933 election and lasting until three days after such election.

934 D. Temporary signs must be at least five feet from any right-of-way and at least ten feet
935 from the side and rear property lines.

936 E. Temporary signs shall not be illuminated.

937 F. Temporary signs shall be repaired or removed immediately if they become faded,
938 worn, broken, decayed, or otherwise fall into poor repair.

939 **Sec. 122-13. Signs Subject to Permitting.**

940 A. Residential.

941 The following signs shall be permitted in all residential zoning districts:

942 a. One permanent freestanding sign up to sixty-four square feet of total
943 copy area and up to eight feet in height may be erected at each entrance
944 into a single-family subdivision or multi-family development. In lieu of
945 one sixty-four square foot sign, two permanent single-faced signs not
946 exceeding thirty-two square feet in total sign face area each may be
947 located at each entrance provided that such signs are placed in a
948 symmetrical manner, are located on opposite sides of the entrance to
949 which they are oriented, and will not conflict with the principal permitted
950 use of the site or adjoining sites. Such signs shall only be erected on
951 privately-owned property. All such signs shall be installed in a landscaped
952 and irrigated area consisting of shrubs and/or ground cover not less than
953 three feet in width around the entire base of the sign. Notwithstanding the
954 above, existing permanent freestanding signs located at the entrance into a
955 single-family subdivision or multi-family development are hereby
956 grandfathered and may be replaced with new signage of the same
957 dimensions and in the same footprint of such existing signage.

958 b. Governmental right-of-way signs.

959 B. Non-residential.

960 1. Unless otherwise specified, a maximum total copy area of two square feet for
961 each linear foot of building frontage or 100 square feet, whichever is less, shall be
962 allowed per parcel.

963 2. Multi-occupant parcels at least five acres in size with at least 375 feet of parcel
964 depth measured from the front property line to the rear property line shall be
965 allowed a maximum total copy area of two square feet for each linear foot of
966 building frontage or 200 square feet, whichever is less.

- 967 3. For parcels abutting multiple rights-of-way, an additional maximum total copy
968 area of one square foot for each linear foot of building frontage along each
969 additional right-of-way or 100 square feet, whichever is less, shall be allowed.
970 Any additional copy area allowed pursuant to this paragraph must be utilized
971 along and directed toward the additional public rights-of-way.
- 972 4. Subject to the maximum total copy area, the following signs shall be permitted
973 in all non-residential zoning districts:
- 974 a. Ground signs. Ground signs shall be permitted pursuant to the
975 following:
- 976 i. One low-profile sign or one tall-profile sign, consistent with the
977 definitions for same, shall be allowed along each public road right-
978 of-way the parcel abuts.
- 979 ii. On multi-occupant parcels at least five acres in size with at least
980 375 feet of parcel depth measured from the front property line to
981 the rear property line, one large parcel sign, consistent with the
982 definition for same, shall be allowed in lieu of a low-profile or tall-
983 profile sign.
- 984 iii. On parcels abutting multiple public road rights-of-way, one
985 additional ground sign shall be allowed per secondary road
986 frontage. The sign location along the secondary frontage shall be at
987 least one hundred feet from the point of road intersection with the
988 primary road, as measured along the right-of-way. The secondary
989 frontage shall be the road with the lowest traffic count.
- 990 iv. Ground signs may include multiple sign panels subject to the
991 following:
- 992 1. No airspace shall exist between sign panels or sign
993 cabinets;
- 994 2. Sign panels located on the same horizontal plane shall
995 be of the same height and configured so that the top and
996 bottom edge of each panel is aligned; and
- 997 3. When multiple sign panels are located on the same
998 horizontal plane immediately above or below another row
999 of multiple sign panels, all sign panels in such rows shall be
1000 of equal width and aligned so that the left and right edge of
1001 each panel is aligned.
- 1002 b. Attached signs. The following attached signs shall be permitted:
- 1003 i. One wall sign, one projecting sign, or one hanging sign shall be
1004 allowed per principal building façade facing a public road right of
1005 way for each principal building located on a parcel; such sign or
1006 signs allowed herein do not have to be located on the building
1007 façade facing the public road right of way but only one such sign
1008 shall be allowed per building façade.

- 1009 1. No wall sign or supporting structure for a wall sign
1010 shall project more than twelve inches from the wall of a
1011 building nor over any public right-of-way. Wall signs
1012 may not disrupt architectural features of the building
1013 and must be architecturally compatible and consistent
1014 with the building. Further, no wall sign shall extend
1015 above the roofline except where an exterior parapet
1016 wall projects above the roofline, in which case such
1017 sign may extend to the top of such wall.
- 1018 2. No projecting sign shall extend beyond three feet
1019 beyond the face of the building. No sign face of any
1020 projecting sign may be greater than six square feet in
1021 area. A projecting sign shall be hung at a ninety degree
1022 angle from the face of the building and the bottom of
1023 the projecting sign shall be at least seven feet above
1024 grade.
- 1025 3. The edge of any hanging sign furthest from the
1026 building shall not extend beyond the edge of the
1027 roofline. No sign face of any hanging sign may be
1028 greater than six square feet in area. A hanging sign
1029 shall be hung either parallel to or at a ninety degree
1030 angle from the face of the building. The bottom of the
1031 hanging sign shall be at least seven feet above grade.
- 1032 ii. One awning sign shall be allowed per awning installed upon the
1033 principal buildings located upon the premises.
- 1034 c. One fuel pump sign with copy area no greater than two square feet
1035 located upon a functional and properly licensed fuel pump. Fuel pump
1036 signs shall not be included in the calculation of maximum total copy area.
- 1037 d. Governmental right-of-way signs.
- 1038 5. In addition to the maximum number of signs and total square footage allowed
1039 per parcel, each business location located within a multiple-occupant building
1040 shall be permitted one attached sign consistent with Section 122-13 B.3.b.,
1041 located proximate to the primary entrance to such business location. Such
1042 multiple-occupant signage shall be subject to the following:
- 1043 a. The total maximum copy area available for such multiple-occupant
1044 signage per parcel shall be two square feet of copy area for each linear
1045 foot of building frontage of the building. If the building has multiple
1046 stories which are utilized for business locations, then the width of each
1047 additional story shall be utilized in calculating the building frontage. Each
1048 occupant of the building shall then be allocated sign square footage based
1049 on their rental (or owned) square footage percentage of the total available
1050 square footage in the building. In no event, however, may any one

1051 business location exceed a maximum of 100 square feet of total copy area
1052 except as otherwise authorized for an anchor tenant.

1053 b. Anchor tenants upon a multiple-occupant parcel shall be allowed an
1054 additional one square foot of copy area for each linear foot of building
1055 frontage of that portion of the building occupied by the anchor tenant over
1056 100 linear feet. Said additional copy area shall not exceed 200 square feet
1057 of copy area per anchor. The copy area allowed within this paragraph shall
1058 be wall signage, awning signage, or a combination thereof.

1059 **Sec. 122-14. Comprehensive Sign Program**

1060 A. General principles.

1061 1. The intent of the Comprehensive Sign Program is to provide private property
1062 owners and businesses with flexibility to develop innovative, creative and
1063 effective signage and to improve the aesthetics of the City of Edgewood.

1064 2. The minimum sign standards established in this Chapter ensure that signage
1065 will not have an adverse impact on the aesthetics, community character and
1066 quality of life of the City of Edgewood. The city recognizes, however, that in
1067 many circumstances, there are innovative and creative alternatives to minimum
1068 standard signage which are desirable and attractive and will enhance community
1069 character and individual property values.

1070 3. The purpose of the Comprehensive Sign Program is to provide an alternative
1071 to minimum standard signage subject to flexibility criteria which ensure that
1072 alternative signage will not have an adverse impact on the aesthetics, community
1073 character and quality of life of the City of Edgewood.

1074 4. It is expected that the design quality of signs proposed under a Comprehensive
1075 Sign Program will be of a superior quality and creativity to those that might result
1076 through the normal sign permit process.

1077 B. Permitted signage.

1078 1. Signage which is proposed as part of a Comprehensive Sign Plan may deviate
1079 from the minimum sign standards in terms of types of signage allowed, number of
1080 signs per business or parcel of land, sign height, maximum area of a sign face per
1081 parcel of land and the total area of sign faces per business or parcel of land.

1082 2. A Comprehensive Sign Plan shall be approved pursuant to the provisions set
1083 out in Section 122-5, above.

1084 3. As part of a comprehensive sign program, the City Council, after
1085 recommendation by the Planning and Zoning Board, shall review all sign types
1086 proposed for the development parcel to achieve compliance with these
1087 regulations. A Comprehensive Sign Plan for shopping centers, including all out
1088 parcels, and office complexes shall include all types of signs for all tenants/uses
1089 within the development parcel.

1090 C. Flexibility criteria.

- 1091 1. Architectural theme. The signs proposed in a Comprehensive Sign Plan shall
 1092 be designed so as to be consistent with the architectural theme of the principal
 1093 buildings proposed or developed on the parcel and shall be constructed of
 1094 materials and colors which are similar to the materials and colors utilized in the
 1095 principal buildings.
- 1096 2. Sign height. The height of all signs proposed through the comprehensive sign
 1097 program shall relate to the height and design of the of the principal buildings
 1098 located or proposed on the development parcel.
- 1099 3. Height, area, number and location of signs. The height, area, number and
 1100 location of signs permitted through the comprehensive sign program shall be
 1101 reviewed by the City Planner, or designee, based on the following criteria: overall
 1102 size of site, relationship between the building setback and sign location, lot and
 1103 building frontage, access and visibility to the site, intended traffic circulation
 1104 pattern, scale and use of the project. The maximum permitted copy area of all
 1105 signs on the premises shall not exceed three square feet per linear foot of building
 1106 frontage.
- 1107 4. The comprehensive sign program shall also identify the color palette of letters
 1108 and background, as well as text font.
- 1109 5. Property values. The signage proposed in a comprehensive sign program must
 1110 not adversely impact the value of property in the immediate vicinity of the
 1111 premises proposed for development.
- 1112 6. Elimination of nonconforming signage. The signage proposed in a
 1113 comprehensive sign program shall replace all existing nonconforming signage
 1114 located on the premises.

1115 **Sec. 122-15. Nonconforming Signs.**

- 1116 A. Additions. No additions or enlargements shall be made to a nonconforming sign
 1117 except those additions or enlargements that are required by law.
- 1118 B. A nonconforming sign that is modified by being moved, replaced or structurally
 1119 altered shall be brought into conformance with this Chapter.
- 1120 C. Damaged signs.
- 1121 1. A nonconforming sign that is damaged shall not be repaired if the estimated
 1122 cost to repair the sign exceeds fifty percent of replacement cost of the sign. A
 1123 damaged nonconforming sign that cannot be repaired shall be removed within
 1124 thirty days of the date the sign was damaged.
- 1125 2. Whenever a nonconforming sign is damaged and the estimated cost to repair
 1126 the sign is fifty percent or less of its appraised value immediately prior to the date
 1127 of destruction of the damaged sign, before the sign was damaged, it may be
 1128 repaired and restored to the condition it was in before it was damaged and may
 1129 continue to be used as a nonconforming sign, provided that such repairs and
 1130 restoration are started within ninety days of the date the sign was damaged and are
 1131 diligently pursued thereafter.

1132 3. Whenever repairs and restoration of a damaged nonconforming sign are not
1133 started within ninety days of the date the sign was damaged or are diligently
1134 pursued once started, the sign shall be deemed abandoned. An abandoned sign
1135 shall be removed as provided by this Chapter.

1136 D. Maintenance of nonconforming signs.

1137 1. No nonconforming sign shall be permitted to remain unless properly
1138 maintained. Proper maintenance shall include but not be limited to ensuring that
1139 all components of the sign, including structural and supporting components are
1140 free of rust, flaking or peeling paint, mildew, or decay. Upon determination by
1141 the City's Code Enforcement Special Magistrate that a nonconforming sign has
1142 not been maintained as required herein, the Code Enforcement Special Magistrate
1143 shall order the nonconforming sign to be removed or otherwise brought into
1144 compliance with the existing Code in addition to any other remedies ordered.
1145 Any nonconforming sign that is determined by the City to be an unsafe sign shall
1146 be removed as provided for by this Chapter.

1147 2. Nothing in this section shall be deemed to prevent the maintenance of any sign
1148 or manual changes of sign copy on a nonconforming sign.

1149 E. Elimination of nonconforming signs.

1150 1. Except as provided in paragraphs 2 and 3, below, properly permitted
1151 permanent signs lawfully conforming with all provisions of the City of Edgewood
1152 Code of Ordinances at the time of erection which are made nonconforming by this
1153 Ordinance shall be allowed to remain subject to paragraphs B through D, above.

1154 2. Pole signs, which were required to be removed by June 1, 2012 pursuant to
1155 Ordinance 2002-04, shall be removed or brought into compliance with this
1156 Chapter, no later than January 31, 2019. If any of the events described in
1157 paragraphs B through D, above, should occur prior to January 31, 2019, the pole
1158 sign shall be removed or brought into compliance with this Chapter upon such
1159 occurrence. Off-site signs which are the subject of Section 70.20, Florida
1160 Statutes, shall not be subject to this paragraph.

1161 Provided that the maximum number of ground signs is not exceeded on the
1162 subject parcel and sight visibility triangles required by Section 114-4(2) are
1163 maintained, a sign conforming to all provisions of this Chapter other than
1164 location requirements may be constructed in the same location of the existing
1165 pole sign. A sign permit, in addition to any necessary building permits, shall
1166 be required to replace an existing pole sign as provided herein.

1167 3. Phased conformity of sign panels. Signs with sign panels not in compliance
1168 with Section 122-13 B.3.iii. shall comply with the following when new sign
1169 panels are installed:

1170 a. No airspace shall exist between a sign panel or sign cabinet installed in
1171 or upon a low profile sign or tall profile sign after the effective date of this
1172 Chapter and any other adjacent sign panel or sign cabinet, whether
1173 existing or newly installed; such signs may be retrofitted by installation of

1174 materials aesthetically consistent with the sign structure to cover or fill
1175 any such airspace between sign panels or sign cabinets.

1176 b. Sign panels installed on the same horizontal plan after the effective
1177 date of this Chapter shall, as to every other sign panel on the same
1178 horizontal plane installed after the effective date of this Chapter, be the
1179 same height and configured so that the top and bottom edges of each such
1180 panel is aligned; and

1181 c. When multiple sign panels are installed on the same horizontal plane
1182 immediately above or below another row of multiple sign panels, all sign
1183 panels installed in such rows after the effective date of this Chapter shall
1184 be of equal width and aligned so that the left and right edge of each panel
1185 installed after the effective date of this Chapter is aligned.

1186 4. Temporary signs, including window signs, shall be brought into compliance
1187 with the provisions of this Chapter no later than March 31, 2018.

1188 5. Nothing provided herein shall limit the authority of the City of Edgewood to
1189 require removal or remove unsafe signs, abandoned signs, signs erected without
1190 permits, or signs unlawfully located on City property.

1191 6. Sign permit application fees shall be waived for any application made prior to
1192 July 31, 2018 to bring any existing non-conforming sign into compliance with this
1193 Ordinance.

1194 7. A party adversely affected by this Section 122-15 may petition the City
1195 Council for relief from its strict application as follows:

1196 a. A petition for relief shall 1) state the specific subsection or subsections
1197 claimed to adversely affect the party, 2) identify the sign or signs at issue,
1198 3) state the date of construction of the sign or signs at issue, 4) include a
1199 copy of all permits related to the sign or signs at issue or a statement as to
1200 why copies of such permits are not available, 5) include the cost or
1201 approximate cost of the sign or signs when originally constructed or a
1202 statement as to why such cost or approximation of cost cannot be
1203 provided, 6) include an estimate of the depreciated value of the sign
1204 structure, 7) provide an estimate of the cost to modify the sign or signs in a
1205 manner consistent with this Chapter or state the reasons why the sign or
1206 signs cannot be modified in a manner consistent with this Chapter, 8)
1207 provide an estimate of the cost to replace the sign or signs in a manner
1208 consistent with this Chapter, 9) include a statement of the relief requested;
1209 and 10) include a non-refundable filing fee in the amount of \$250.00.

1210 b. Upon receipt of a petition for relief, the City shall schedule a public
1211 hearing before the City Council. Any pending action by the City related to
1212 the sign or signs at issue in the petition shall be abated until after the
1213 hearing and determination on the petition by the City Council;
1214
1215
1216

- 1217 c. At the hearing on the petition, the City Council shall consider all
1218 competent, substantial evidence presented and shall, at a minimum,
1219 consider the following factors:
- 1220 i. the age of the sign or signs at issue;
 - 1221 ii. the condition of the sign or signs at issue;
 - 1222 iii. the value of the sign structure or structures at issue;
 - 1223 iv. any other value claimed intrinsic to the sign or signs at issue;
 - 1224 v. the adverse impact claimed by the petitioner and how such
1225 impacts would be caused by strict application of this Section 122-
1226 15;
 - 1227 vi. how strict application of this Section 122-15 would deprive the
1228 petitioner of rights enjoyed by similarly situated parties subject to
1229 this Chapter;
 - 1230 vii. the available methods and estimated costs of bringing the sign
1231 or signs into compliance with this Chapter;
 - 1232 viii. the available methods; estimated costs; and potential impacts
1233 of mitigating any nonconformities in ways that may not fully
1234 comply with the terms of this Chapter;
 - 1235
- 1236 d. At the conclusion of the public hearing and after reviewing the
1237 evidence and testimony placed before it, the City Council shall act upon
1238 the request either to approve, deny, or approve in part and deny in part
1239 the request for relief made by the applicant.
1240

1241 **Sec. 122-16. Removal of Signs.**

- 1242 A. General. Signs installed in violation of this Chapter shall be removed or brought into
1243 compliance with the requirements of this Chapter. The sign owner, the owner of the
1244 property on which the sign is placed and the sign contractor shall each be held
1245 responsible for adherence to this Chapter and any other applicable laws or regulations.
1246 This Chapter may be enforced through code enforcement proceedings or by any equitable
1247 or legal remedy available to the City.
- 1248 B. Immediate removal of unsafe signs. If the City finds that when any sign is in
1249 violation of this Chapter or other applicable regulations or State law or and by reason of
1250 its violation presents an immediate and serious danger to the public, the City may,
1251 without prior written notice, order the immediate removal or repair of the sign within a
1252 specified period. The City may remove or authorize others to remove the sign in the event
1253 that the owner for such sign cannot be found or if that person, after notification, refuses to
1254 repair or remove it. The owner of the building, structure, or premises on which the sign is
1255 located, are jointly and severally liable for the cost of removing such sign. The City shall
1256 have the right to recover from the owner or person placing such sign the cost of removal
1257 and disposal of such sign.
- 1258 C. Removal of signs erected without a permit. The City may remove or order the
1259 removal, without prior written notice, of any sign erected without a sign permit required
1260 by this Chapter.

1261 D. Removal of signs on City property. Any sign installed or placed on City property,
1262 except in conformance with the requirements of this Chapter, shall be forfeited to the
1263 City and confiscated. The City shall have the right to recover from the owner or person
1264 placing such sign the cost of removal and disposal of such sign.

1265 E. Abandoned signs. Abandoned signs shall be removed by the owner or lessee of the
1266 premises upon which a sign is located when the business which a sign advertises is no
1267 longer conducted on the premises or if the business does not have an occupational
1268 license. The owner or lessee of the premises shall not be required to remove an
1269 abandoned sign during any period in which removal of such sign would conflict with
1270 legal proceedings related to the property on which the abandoned sign is located.

1271 **Sec. 122-17. Conflicting Requirements.**

1272 These sign regulations shall not be construed to permit the erection, placement, or
1273 maintenance of any sign at any place or in any manner unlawful under any other City
1274 Code provision or other applicable law. In any case where a part of these sign regulations
1275 conflicts with a provision of any zoning, building, fire, safety, health ordinance or other
1276 code, the provision that establishes a stricter standard for the protection of the public
1277 health and safety shall prevail.

1278 **Sec. 122-18. Severability.**

1279 A. General. If any part, section, subsection, paragraph, subparagraph, sentence, phrase,
1280 clause, term, or word of this Chapter, this Code, or any adopting ordinance is declared
1281 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,
1282 the declaration of such unconstitutionality shall not affect any other part, section,
1283 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1284 Chapter.

1285 B. Severability where less speech results. Without diminishing or limiting in any way
1286 the declaration of severability set forth above in Paragraph A., or elsewhere in this
1287 Chapter, Code, or any adopting ordinance, if any part, section, subsection, paragraph,
1288 subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared
1289 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,
1290 the declaration of such unconstitutionality shall not affect any other part, section,
1291 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1292 Chapter, even if such severability would result in a situation where there would be less
1293 speech, whether by subjecting previously exempt signs to permitting or otherwise.

1294 C. Severability of provisions pertaining to prohibited signs. Without diminishing or
1295 limiting in any way the declaration of severability set forth above in Paragraph A., or
1296 elsewhere in this Chapter, Code, or any adopting ordinance, if any part, section,
1297 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1298 Chapter or any other law is declared unconstitutional by the valid judgment or decree of
1299 any court of competent jurisdiction, the declaration of such unconstitutionality shall not
1300 affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase,
1301 clause, term, or word of this Chapter that pertains to prohibited signs, including
1302 specifically those signs and sign-types prohibited and not allowed under section 122-10
1303 of this Chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph,

1304 sentence, phrase, clause, term, or word of section 122-10 is declared unconstitutional by
1305 the valid judgment or decree of any court of competent jurisdiction, the declaration of
1306 such unconstitutionality shall not affect any other part, section, subsection, paragraph,
1307 subparagraph, sentence, phrase, clause, term, or word of section 122-10.

1308 D. Severability of prohibition on billboards. If any part, section, subsection, paragraph,
1309 subparagraph, sentence, phrase, clause, term, or word of this Chapter and/or any other
1310 Code provisions and/or laws are declared invalid or unconstitutional by the valid
1311 judgment or decree of any court of competent jurisdiction, the declaration of such
1312 unconstitutionality shall not affect the prohibition on billboards as contained in this
1313 Chapter and Code.

1314 **SECTION THREE. Codification.** It is the intent of the City Council of the City of
1315 Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted
1316 broad and liberal authority in codifying the provisions of this Ordinance.
1317

1318 **SECTION FOUR. Effective date.** This Ordinance shall take effect immediately upon
1319 adoption as provided by the Charter of the City of Edgewood.
1320

1321 PASSED ON FIRST READING THIS 19th DAY OF December, 2017.
1322

1323 PASSED AND ADOPTED THIS _____ DAY OF _____, 2018.
1324

1325
1326 CITY OF EDGEWOOD, FLORIDA
1327 CITY COUNCIL
1328

1329
1330 _____
John Dowless, Council President
1331

1332 ATTEST:
1333

1334 _____
Bea Meeks, City Clerk
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ORDINANCE NO. 2018-03

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, REQUESTING AND CONSENTING TO THE INCLUSION OF ALL OF THE INCORPORATED AREA OF THE CITY OF EDGEWOOD WITHIN A MUNICIPAL SERVICE TAXING UNIT DESIGNATED BY ORANGE COUNTY TO PROVIDE FIRE PROTECTION AND EMERGENCY RESCUE SERVICES; PROVIDING FOR ANNUAL RENEWAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Orange County, Florida, is authorized pursuant to Section 125.01, Florida Statutes, and Section 33-188, Orange County Code, to create or identify a municipal service benefit unit within which Orange County imposes and collects assessments for fire protection and emergency rescue services within incorporated areas of Orange County; and

WHEREAS, Section 125.01, Florida Statutes, provides any municipality or portion thereof may be included in a municipal service taxing unit provided the municipality consents to same; and

WHEREAS, a municipality's consent to the inclusion of its territory within a municipal service taxing unit by the enactment of ordinance of the governing body of the municipality; and

WHEREAS, the City Council of the City of Edgewood has determined that the inclusion of the incorporated area of Edgewood within such municipal service benefit unit by Orange County within which Orange County imposes and collects assessments for the purpose of providing fire protection and emergency rescue services is in the best interest of the residents and property owners within the incorporated area of Edgewood.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA THAT:

(Note: strikethrough text indicates deletions, underline text indicates additions, ellipses (***) identify text that remains unchanged and that is not reprinted herein)

SECTION 1. The provisions set forth in the recitals to this Ordinance (whereas clauses) are hereby adopted by the City Council as the legislative findings and intent pertaining to this Ordinance.

44 SECTION 2. Chapter 26 – Fire Protection and Prevention, Section 26-2 Orange County
45 Municipal Taxing Unit – Fire Protection and Emergency Rescue Services Facilities and Program
46 is hereby created as follows:

47
48 Sec. 26-2. Orange County Municipal Service Taxing Unit – Fire Rescue Services Facilities
49 and Programs.

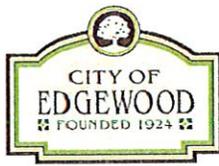
50
51 (1) The City Council requests and consents to the inclusion of all of the incorporated area
52 of the City of Edgewood, as it may be amended from time to time, within an identified
53 municipal taxing unit created or identified by Orange County for the sole and exclusive
54 purpose of subjecting the properties therein to taxation for the provision of Orange
55 County fire protection and emergency rescue services, facilities, and programs within
56 the territorial jurisdiction within the City of Edgewood, including the enforcement of
57 County ordinances pertaining to the fire-rescue related services, including the Fire
58 Prevention Code and Orange County Local Amendments thereto. The City of
59 Edgewood’s participation in such municipal service taxing unit is contingent upon the
60 County adopting an ordinance including the City of Edgewood in such municipal
61 service taxing unit.

62 (2) Request and consent of the City Council given to Orange County herein shall be
63 deemed given in advance for each fiscal year hereafter and shall be automatically
64 renewed for each succeeding fiscal year unless such request and consent is subsequently
65 withdrawn as provided herein. Request and consent shall be irrevocable for any fiscal
66 year in which the subject fire rescue service assessments are levied by Orange County
67 within the incorporated area of Edgewood. Edgewood may only withdraw such consent
68 for any subsequent fiscal year by adopting an ordinance abandoning its consent and
69 providing a certified copy of such ordinance to the county prior to May 1 preceding the
70 fiscal year for which consent is being withdrawn.

71
72 SECTION 3. CONFLICTS. All other ordinances or parts of ordinances in conflict with
73 any of the provisions of this ordinance are hereby repealed to the extent of the conflict.
74

75 SECTION 4. SEVERABILITY. If any section, sentence, phrase, word or portion of
76 this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall
77 not be held to invalidate or impair the validity, force or effect of any other section, sentence,
78 phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or
79 unconstitutional.
80

81 SECTION 5. CODIFICATION. It is the intent of the City Council of the City of
82 Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted broad
83 and liberal authority in codifying the provision of this Ordinance.
84
85



From the desk of the City Clerk....

Bea L. Meeks, MMC, CPM, CBTO

TO: Mayor Bagshaw, Council President Dowless, Council Members Chotas, Fortini, Horn and Pierce

CC: Police Chief Freeburg and City Attorney Smith

DATE: January 11, 2018

RE: Planning & Zoning Board Appointment.

You may recall in the December City Council meeting you approved the appointment of Dr. Aileen Trivedi to the Planning & Zoning Board. In my memo to Council I also requested the reappointment of Marian Rayburn however, there was an oversight and the appointment was not made. Below is the Planning & Zoning Board's membership chart revealing the terms of all the members. Approval of Marian Rayburn's reappointment to the Board will run through December 31, 2019.

MEMBERS	DATE OF APPOINTMENT	TERM EXPIRES
BEN PIERCE	Appointed 4/19/2016 Sworn in 5/9/2016	Complete term of Wade Fischer --Appointed to 12/31/2018
DAVID GRAGG	Appointed 11/21/2017	Complete the term of Ben Pierce - to 12/31/2018
MARIAN RAYBURN	Sworn-in 5/12 Reappointed 2-18-2014	12/31/12 REAPPOINTED TO 12/31/2017
REGINA DUNAY	9/18/07 Reappointed 4/19/2016	12/31/12 REAPPOINTED TO 12/31/2015 Reappointed to 12/31/2018
CHRIS RADER	Appointed 8/19/2014 Reappointed 4/19/2016	Complete term of Jon Van Vorhis-2015 Reappointed to 12/31/2018
Aileen Trivedi	Appointed 12/19/2017	12/31/2019

RECOMMENDATION: Approve the recommendation to reappoint Marian Rayburn to the Planning & Zoning Board.

Edgewood Police Department

City Council Report

December 8, 2017-January 7, 2018

Residential Burglaries	1
Commercial Burglaries	0
Auto Burglaries	1
Theft	4
Assault/Battery	2
Sexual Battery	0
Homicides	0
Robbery	0
Traffic Accident	18
Traffic Citations	72
Red Light Citations	110
Traffic Warnings	192
Felony Arrests	6
Misdemeanor Arrests	3
Warrant Arrests	3
Traffic Arrests	2
DUI Arrests	0

Department Highlights:

- On January 4, 2018 there was a vehicle burglary in the Camelot Condominium Complex. During the burglary, the complex caught the incident on camera and were able to provide the Edgewood Police Department the suspect vehicle license plate thanks to a camera being placed at the complex's entrance. The recent placement of this camera has helped the Police Department with multiple investigations.
- On January 5, 2018 there was a burglary to an unoccupied residence off of Jessamine Lane. During the burglary the glass back door was broken and used as the point of entry and the front door was left ajar. Multiple electronics and miscellaneous items were taken from the residence. During the investigation, multiple blood swabs and latent finger prints were taken and submitted to Florida Department of Law Enforcement for analysis.
- During the last month, the Edgewood Police Department has made two arrests for sex offenders who have failed to register their address as required. One of these sex offenders has been living in a house in the City of Edgewood.
- This month two of the newest Officers the Edgewood Police Department hired, were released from the Field Training Program and are now patrolling the City.
- Since the last Council Meeting, the Edgewood Police Department has participated in Toys for Tots, and the Santa Fly In, as well as started rallying for Law Enforcement Torch Run support.

If you have any additional questions

Contact Chief John Freeburg

jfreeburg@edgewood-fl.gov

Cell phone: 407-467-2433