

Regina Dunay
Chairwoman

Chris Rader
Co-Chair

Wade Fischer
Board Member

Ben Pierce
Board Member

Marion Rayburn
Board Member

PUBLIC NOTICE
PLANNING AND ZONING BOARD MEETING – November 13, 2017

WELCOME! We are very glad you have joined us for today's Planning and Zoning meeting. The Planning and Zoning Board is an advisory board to City Council comprised of citizen members who voluntarily and without compensation devote their time and talents to a variety of zoning and land development issues in the community. All P&Z recommendations are subject to final action by City Council. The results of today's meeting will be presented at the noted City Council meeting for approval of recommended actions. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. **CAUTION:** Untimely filing by any appellant shall result in an automatic denial of the appeal.

The Planning and Zoning Board as the Local Planning Agency for the City of Edgewood will meet at 405 Larue Avenue, Edgewood, Florida, to consider the items of business listed herein at the time and date indicated below.

Monday, November 13, 2017 at 6:30 pm

- Call To Order
- Pledge of Allegiance
- Roll Call and Determination of Quorum
- Approval of Minutes
 - None
- Unfinished Business
 - Sign Ordinance
- **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.

- Comments/Announcements

FUTURE MEETINGS: *(SCHEDULE CONTINGENT UPON SUBMITTAL OF ITEMS THAT REQUIRE CONSIDERATION OF THE PLANNING & ZONING BOARD AS THE LOCAL PLANNING AGENCY FOR THE CITY OF EDGEWOOD)*

- December 11, 2017
- January 8, 2017

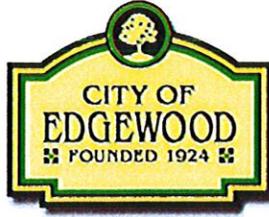
GENERAL RULES OF ORDER

The Board is pleased to hear non-repetitive comments related to business before the Board; however, a five (5) minute time limit per person has been set by the Board. Large groups are asked to name a spokesperson. If you wish to appear before the Board, please fill out an Appearance Request Registration Form and give it to the City Clerk. When recognized, state your name and speak directly into the microphone. The City is guided by ROBERTS RULES OF ORDER in governing the conduct of the meeting. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at 407-851-2920 at least 24 hours in advance of the meeting.

WE ASK THAT ALL ELECTRONIC DEVICES (IE. CELL PHONES, PAGERS) BE SILENCED DURING OUR MEETING!

Thank you for participating in your government!

APPEALS: According to Edgewood City Code Section 26-24 (2), "any person aggrieved by any recommendation of the Board acting either under its general powers or as a Board of Adjustment may file a notice of appeal to the City Council within seven (7) days after such recommendation is filed with the City Clerk.



Memo

To: Planning and Zoning Board Members
From: Sandy Repp, Administrative Assistant
Date: November 8, 2017
Re: Planning and Zoning Business Items

The following information is provided in your agenda packet for your review:

1. **Sign Ordinance Draft**
 - Included in the agenda packet is the revised and redlined version of the Sign Ordinance draft for your review.
 - Following this is a copy of the draft that that was included in the October 9, 2017 meeting for the purpose of comparison.

ORDINANCE NO. _____

Field Code Changed

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; ~~SIGNS, DECORATIONS, AND~~
10 ~~ARTWORK EXEMPT FROM PERMITTING;~~ PROHIBITED
11 SIGNS; GENERAL REGULATIONS AND SPECIFIC
12 STANDARDS OF ZONING DISTRICTS; SIGN LIGHTING AND
13 ILLUMINATION; EXISTING SIGNS WHICH WILL BE
14 NONCONFORMING AFTER ENACTMENT OF THIS
15 ORDINANCE; REMOVAL OF SIGNS, SUBSTITUTION OF NON-
16 COMMERCIAL SPEECH FOR COMMERCIAL SPEECH,
17 CONTENT NEUTRALITY AS TO SIGN MESSAGE
18 (VIEWPOINT), ILLEGAL SIGNS ON PUBLIC PROPERTY AND
19 SAFETY CONSIDERATIONS; PROVIDING FOR SEVERABILITY
20 IN GENERAL; PROVIDING FOR SEVERABILITY WHERE LESS
21 SPEECH RESULTS; PROVIDING FOR SEVERABILITY OF
22 PROVISIONS PERTAINING TO PROHIBITED SIGNS;
23 PROVIDING FOR CODIFICATION, CONFLICTS, AND
24 EFFECTIVE DATE.
25

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

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

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

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

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

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

40 WHEREAS, the City Council wishes to preserve the aesthetic beauty of the City
41 of Edgewood; and

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

44 **WHEREAS**, as far back as 1954, the United States Supreme Court recognized
45 that “the concept of the public welfare is broad and inclusive,” that the values it
46 represents are “spiritual as well as physical, aesthetic as well as monetary,” and that it is
47 within the power of the legislature “to determine that the community should be beautiful
48 as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled.”
49 Justice Douglas in *Berman v. Parker*, 348 U.S. 26, 33 (1954); and

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

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

54 **WHEREAS**, the City Council finds and determines that aesthetics is a valid basis
55 for zoning, and the regulation of the size of signs and the prohibition of certain types of
56 signs can be based upon aesthetic grounds alone as promoting the general welfare [see
57 *Merritt v. Peters*, 65 So.2d 861 (Fla. 1953); *Dade County v. Gould*, 99 So.2d 236 (Fla.
58 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5th Cir.
59 1970), *cert. dismissed*. 400 U.S. 878 (1970)]; and

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

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

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

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

78 **WHEREAS**, the City Council agrees with the courts that have recognized that
79 outdoor advertising signs tend to interrupt what would otherwise be the natural landscape
80 as seen from the highway, whether the view is untouched or altered by man, and that it
81 would be unreasonable and illogical to conclude that an area is too unattractive to justify
82 aesthetic improvement [see *E.B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d
83 1141 (5th Cir. 1970), *cert. denied*, 400 U.S. 878 (1970); *John Donnelly & Sons, Inc. v.*
84 *Outdoor Advertising Bd.*, 339 N.E. 2nd 709, 720 (Mass. 1975)]; and

85 **WHEREAS**, the City Council recognizes that billboards are a form of
86 advertisement designed to be seen without the exercise of choice or volition on the part of

87 the observer, unlike other forms of advertising that are ordinarily seen as a matter of
88 choice on the part of the observer [see *Packer v. Utah*, 285 U.S. 105 (1932); and *General*
89 *Outdoor Advertising Co. v. Department of Public Works*, 289 Mass. 149, 193 N.E. 99
90 (1935)], and the City Council acknowledges that the United States Supreme Court and
91 many federal courts have accepted legislative judgments and determinations that the
92 prohibition of billboards promotes traffic safety and the aesthetics of the surrounding area
93 [see *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 509-510 (1981); and *National*
94 *Advertising Co. v. City & County of Denver*, 912 F.2d 405, 409 (10th Cir. 1990); and
95 *Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1239 (D. Kan. 1999); and

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

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

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

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

115 **WHEREAS**, the City Council finds and determines that municipalities may
116 separately classify offsite and on-site advertising signs in taking steps to minimize visual
117 pollution [see *City of Lake Wales v. Lamar Advertising Association of Lakeland, Florida*,
118 414 So.2d 1030, 1032 (Fla. 1982)]; and

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

129 **WHEREAS**, the City Council finds and determines that a prohibition on the
130 erection of off-site outdoor advertising signs will reduce the number of driver distractions
131 and the number of aesthetic eyesores along the roadways and highways through the City
132 [see e.g., *E.B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1154 (5th
133 Cir. 1970), *cert. denied*, 400 U.S. 878 (1970)]; and

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

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

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

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

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

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

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

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

168 **WHEREAS**, the City Council recognizes that frivolous challenges to its
169 provisions regulating signage might be advanced under the pretext that the City is
170 unconstitutionally restraining free speech, and the City Council desires to amend and
171 modify the Code to codify current practice and, to the fullest extent possible, ensure that

172 a prior restraint claim cannot be advanced in good faith against the City's sign
173 regulations; and

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

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

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

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

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

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

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

210 **WHEREAS**, the City Council desires to prohibit certain narrowly defined signs
211 on vehicles not regularly used in the conduct of any business throughout the City since
212 there is ample record that these "vehicle signs," also known as "mobile billboards,"
213 promote visual blight, can roll into traffic on windy days, are a safety hazard for drivers

214 who must swerve around them, and use up valuable parking spaces intended for business
215 patrons; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

298 a result the City finds that machine and equipment signs should be allowed in all zoning
299 districts; and

300 **WHEREAS**, under current jurisprudence [*see, e.g., Ladue v. Gilleo*, 512 U.S. 43
301 (1994)], signs that allow property owners, especially residential homeowners, to freely
302 express a particular point of view on their own property should be reasonably
303 accommodated, and may be uniquely valuable; and

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

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

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

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

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

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

324 **SECTION TWO.** Chapter 122, "Signs," of the City of Edgewood Code of Ordinances
325 is hereby deleted in its entirety and replaced with a new Chapter 122, "Signs," as set forth
326 below:

327 **Chapter 122. Signs.**

328 **Sec. 122-1. Purpose.**

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

336 These sign regulations are especially intended to reach the secondary effects that may
337 adversely impact aesthetics and safety. In order to preserve and promote the City as a
338 desirable community in which to live, visit, and do business, a pleasing, visually

339 attractive environment is of primary importance. These sign regulations have been
340 prepared with the purpose of enhancing the visual environment of the City and promoting
341 its continued well-being, and are intended to:

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

376 **Sec. 122-2. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

512 *Safety sign:* See Warning signs.

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

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

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

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

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

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

536 *Snipe sign:* Any sign tacked, nailed, fastened, affixed to, painted, posted, pasted, glued or
537 otherwise attached to trees or other vegetation (living or dead), telephone poles, utility

538 poles, or fences, with the message appearing thereon not applicable to the owner of utility
539 poles or present use of the premises upon which the sign is located.

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

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

543 | *Tall-profile sign:* a freestanding sign that has a sign height no greater than sixteen (16)
544 feet and the bottom of the sign cabinet or sign face no lower than seven (7) feet above
545 ground and which has the appearance of a single vertical support that is at least twelve
546 inches in width or diameter, as applicable, and no more than one third (1/3) of the
547 width of the sign face. Vertical supports or support casings shall be constructed ~~on~~
548 non-corrosive material and shall be either be monotone or utilize brick or stone of a
549 single ~~earth-tone~~ color.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

616 8. A fully dimensioned site plan showing the lot frontage, building frontage of
617 each business establishment or occupant, if applicable, and the location of all
618 proposed signs. For freestanding signs and temporary signs, the site plan shall
619 show all parking areas, distance of signs from the right-of-way and property lines,

620 distance from existing signs located on adjacent within 30 feet of the property
621 line, and distance of signs and street corner visibility calculations.

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

624 10. Landscape plan, as applicable.

625 11. Signature of applicant.

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

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

633 D. Staff Review.

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

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

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

662 deficiencies are not cured within sixty calendar days. An application that is
663 withdrawn shall not be entitled to any refund of fees paid.

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

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

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

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

680 **122-5 Comprehensive Sign Plan Applications.**

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

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

- 686 1. Legal description of the property where the signs are proposed to be located;
- 687 2. Name, address, email address (if any) and telephone and facsimile number, if
688 any, of the owner of the property where the sign is proposed to be located;
- 689 3. The name of the owner(s) representative or agent and consultants, if any, with
690 mailing address, email address, telephone and facsimile, if any, number; and
691 completed affidavit to authorize agent form;
- 692 4. All street address(es) and parcel numbers of the parcel proposed for
693 development;
- 694 5. Ownership: A copy of a deed to all property on which signage is proposed to
695 be installed, a copy of a title insurance policy or an affidavit attesting to
696 ownership;
- 697 6. A signed and sealed survey of the property including the dimensions, acreage
698 and location of the property prepared by a registered land surveyor showing all
699 current structures/improvements;

- 700 7. A site plan drawn to a minimum scale of one inch equals fifty feet on an
701 overall sheet size not to exceed twenty-four inches by thirty-six inches and
702 including the following:
- 703 a. North arrow, scale (with bar scale) and date prepared;
 - 704 b. Location map;
 - 705 c. Show all property lines;
 - 706 e. Land areas expressed in square feet and acres;
 - 707 f. All required setbacks as measured from the property line;
 - 708 g. Location of all public and private easements and street rights-of-way
709 within and adjacent to the site;
 - 710 h. Location of all existing and proposed points of access;
 - 711 i. The footprint with dimensions of all existing and proposed buildings
712 and structures on the site;
 - 713 j. Sight visibility triangles consistent with Section 114-4(2) of the City of
714 Edgewood Code of Ordinances shown and labeled;
 - 715 k. Location of all existing and proposed sidewalks;
 - 716 l. Lot frontage on all street rights-of-way;
 - 717 m. The location of all proposed landscape material including size and
718 species;
 - 719 n. Location of all attached and freestanding including directional signage,
720 proposed and existing, indicating with labels if to be removed; and
 - 721 o. Location of the sign in relation to property lines, public rights-of-way,
722 easements, buildings and other signs on the premisesproperty;
 - 723 p. Signs located on adjacent property within fifty feet of any proposed
724 signs.
- 725 8. Sign Plan, to include:
- 726 a. Date prepared;
 - 727 b. Bar scale;
 - 728 c. To scale drawings, in color, of all proposed signage (attached,
729 freestanding, and directional signs) which include the following:
 - 730 i. dimensions, with dimensional arrows;
 - 731 ii. sign area in square feet;
 - 732 iii. height and width of sign and sign structure, measured in feet;
 - 733 iv. labels of all colors;
 - 734 v. surface area of the sign proposed;
 - 735 vi. text copy including the message of the sign;

- 736 vii. changeable copy, if proposed; and
737 viii. describe any illumination including the type, placement,
738 intensity, hours of illumination and system to automatically turn
739 off lighting when the business is closed, and sign area to be
740 illuminated.
- 741 d. Building elevation color drawings, to scale, for all sides of any building
742 with proposed and existing attached signage;
- 743 e. Master sign plan for shopping centers and office parks, to include all
744 signs;
- 745 f. Site data table, to include how all proposed signs (existing and new)
746 meet code requirements, with a calculation worksheet; and
- 747 g. Number, type, location and surface area of all existing signs on the
748 same property/premises and or building on which the sign is to be located.
- 749 9. Completed written responses as to how each of the Comprehensive Sign
750 Program criteria, set forth in Section 122-14 are met.

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

761 C. Application and design review. Upon determination that a Comprehensive Sign
762 Program application is complete, the City Planner, or designee, shall review the
763 application and determine whether the application demonstrates compliance with the
764 requirements of the comprehensive sign program set forth in Section 122-14. Within
765 twenty working days of completeness, the City Planner, or designee, may grant approval,
766 grant the approval subject to specified conditions or deny the application for
767 comprehensive sign program. The review period of twenty working days may be
768 extended by mutual consent of the applicant and the City Planner, or designee, to allow
769 revised materials to be submitted and reviewed for compliance with the requirements of
770 the comprehensive sign program. Revised materials shall be submitted within the
771 timeframe established by the City Planner, or designee, but no more than thirty working
772 days based on the extent of the deficiencies identified. If materials are not received within
773 that timeframe, the application shall be deemed denied. If the resubmission material is
774 submitted within the timeframe specified, the City Planner, or designee, shall determine
775 whether the resubmission materials demonstrate compliance with the comprehensive sign
776 program and shall either grant the approval, approve with conditions or deny the
777 application.

778 D. Effect of Comprehensive Sign Plan Approval. Comprehensive Sign Plan approval
779 authorizes only the particular signs approved and all signs approved in the
780 Comprehensive Sign Plan must be installed and any conditions met within six months of
781 issuance of a permit.

782 **Sec. 122-6. Appeals.**

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

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

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

796 D. The City Council shall render a decision at the public hearing meeting, or at the
797 discretion of the City Council, at the next regularly scheduled meeting following the
798 public hearing.

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

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

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

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

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

813 Notwithstanding anything contained in this Chapter to the contrary, any sign erected
814 pursuant to the provisions of this Chapter may, at the option of the owner, contain a non-
815 commercial sign message in lieu of a commercial sign message and the non-commercial
816 copy may be substituted at any time in place of the commercial copy provided that the
817 sign complies with the sign standards and other applicable requirements contained within
818 this Chapter.

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

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

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

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

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

827 B. Governmental right-of-way signs.

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

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

831 E. Traffic control devices.

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

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

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

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

842 The following types of signs are prohibited:

843 A. Abandoned signs

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

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

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

847 E. Billboards.

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

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

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

851 I. Pole signs.

852 J. Roof signs.

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

- 854 L. Signs erected by other than a governmental entity on or extending into publicly-
855 owned land, easements or rights-of-way.
- 856 M. Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.
- 857 N. Signs that have unshielded illuminating devices or which reflect lighting onto public
858 rights-of-way thereby creating a potential traffic or pedestrian hazard.
- 859 O. Animated signs or signs that appear to display motion in any way whatsoever,
860 including beacons.
- 861 P. Signs that obstruct, conceal, hide, or otherwise obscure from view any traffic control
862 device sign or official traffic signal.
- 863 Q. Snipe signs.
- 864 R. Obscene signs.
- 865 S. Hazardous signs.
- 866 T. Vehicle signs.
- 867 U. Any sign that is not specifically described or enumerated as permitted.
- 868 V. Signs attached to temporary structures.
- 869 **Sec. 122-11. General Standards.**
- 870 A. Distance requirements. Except as otherwise provided herein, no sign shall be located
871 within twenty feet of any side property line of a parcel and at least 20 feet from existing
872 public road curbs or pavement. No freestanding sign shall be located within fifty feet of
873 any other permanent freestanding sign.
- 874 B. Illuminated signs.
- 875 1. The light from any illuminated sign shall be shaded, shielded, or directed away
876 from adjoining street rights-of-way and properties.
- 877 2. No sign shall have blinking, flashing, or fluttering lights or other illumination
878 devices which have a changing light intensity, brightness, color, or direction.
- 879 3. No colored lights shall be used at any location or in any manner so as to be
880 confused with or construed as traffic-control devices.
- 881 4. Neither the direct nor the reflected light from primary light sources shall create
882 a traffic hazard to operators of motorized vehicles, bicycles or pedestrians.
- 883 C. Awnings. Awnings may be allowed a graphic element and/or text provided such
884 graphic and/or text does not exceed fifty percent of the awning surface area visible from
885 any right-of-way on which the graphic is placed.
- 886 D. Building and electrical code compliance. All signs shall comply with applicable
887 building and electrical code requirements.
- 888 E. Maintenance. All signs and sign structures shall be maintained and kept in good
889 repair free of chipped, flaking or faded paint, structural decay, mildew, rust, and stains.
- 890 F. Legibility. All copy shall be maintained so as to be legible and complete.

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

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

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

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

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

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

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

911 B. On property zoned residential, ~~up to two temporary signs with up to six square feet~~
912 ~~each of copy area shall be allowed per parcel.:~~

913 1. ~~One~~ On property zoned other than residential, one temporary freestanding
914 sign with up to eighteenno greater than six square feet ofin copy area with sign
915 height no greater than three feet shall be allowed on the premises per parcel. at
916 any time.

Formatted: Indent: Left: 0.5"

917 2. ~~D. If In addition to the temporary sign is a free-standing sign, the maximum~~
918 height of any- allowed in sub-paragraph 1. above, one temporary freestanding sign
919 no greater than nine square feet in copy area with sign height no greater than six
920 feet shall be allowed on the premises during any period in which the property
921 upon which such sign shall be four feet on residential-zoned propertyis located is
922 listed for sale or six feet on non-residential-zoned property. No more than two
923 feet of airspace betweenlease.

924 3. In addition to the sign facesigns allowed in sub-paragraphs 1 and ground2,
925 above, two temporary freestanding signs no greater than six square feet in copy
926 area with sign height no greater than three feet shall be allowed on the premises
927 during any period beginning sixty days prior to any local, state, or federal election
928 and lasting until three days after such election.

Formatted: Indent: Left: 0.5"

929 C. EOn property zoned other than residential:

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

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

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

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

940 2. One temporary sign no greater than eighteen square feet in copy area with sign
941 height no greater than six feet shall be allowed on the premises during any period
942 in which any portion of the property upon which the sign is located is for sale or
943 lease or during any period in which any portion of the property is under
944 construction.

Formatted: Not Highlight

945 3. In addition to the signs allowed in sub-paragraphs 1 and 2, above, three
946 temporary signs no greater than six square feet in copy area with sign height no
947 greater than three feet shall be allowed on the premises during any period
948 beginning sixty days prior to any local, state, or federal election and lasting until
949 three days after such election.

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

952 ~~E~~. Temporary signs shall not be illuminated.

953 ~~G~~. Temporary signs shall be repaired or removed immediately if they become faded,
954 worn, broken, decayed, or otherwise fall into poor repair.

955 ~~H. Notwithstanding any prohibitions contained herein, pole signs, portable signs, and~~
956 ~~banner signs shall be allowed.~~

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

958 A. Residential.

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

960 a. One permanent freestanding sign up to sixty-four square feet of total
961 copy area and up to eight feet in height may be erected at each entrance
962 into a single-family subdivision or multi-family development. In lieu of

963 one sixty-four square foot sign, two permanent single-faced signs not
964 exceeding thirty-two square feet in total sign face area each may be
965 located at each entrance provided that such signs are placed in a
966 symmetrical manner, are located on opposite sides of the entrance to
967 which they are oriented, and will not conflict with the principal permitted
968 use of the site or adjoining sites. Such signs shall only be erected on
969 privately-owned property. All such signs shall be installed in a landscaped
970 and irrigated area consisting of shrubs and/or ground cover not less than
971 three feet in width around the entire base of the sign.

972 b. Governmental right-of-way signs.

973 B. Non-residential.

974 1. Unless otherwise specified, a maximum total copy area of two square feet for
975 each linear foot of building frontage or 100 square feet, whichever is less, shall be
976 allowed per parcel ~~abutting a single public right-of-way.~~

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

981 2. For parcels abutting multiple rights-of-way, an additional maximum total copy
982 area of one square foot for each linear foot of building frontage along each
983 additional right-of-way or 100 square feet, whichever is less, shall be allowed.
984 Any additional copy area allowed pursuant to this paragraph must be utilized
985 along and directed toward the additional public rights-of-way.

986 3. Subject to the maximum total copy area, the following signs shall be permitted
987 in all non-residential zoning districts:

988 a. Ground signs. Ground signs shall be permitted pursuant to the
989 following:

990 i. One low-profile sign or one tall-profile sign, consistent with the
991 definitions for same, shall be allowed along each public road right-
992 of-way the parcel abuts.

993 ii. On multi-occupant parcels at least five acres in size with at least
994 375 feet of parcel depth measured from the front property line to
995 the rear property line, one large parcel sign, consistent with the
996 definition for same, shall be allowed in lieu of the a low-profile or
997 tall-profile sign.

998 iii. On parcels abutting multiple public road rights-of-way, one
999 additional ground sign shall be allowed per secondary road
1000 frontage. The sign location along the secondary frontage shall be at
1001 least one hundred feet from the point of road intersection with the
1002 primary road, as measured along the right-of-way. The secondary
1003 frontage shall be the road with the lowest traffic count.

1004
1005
1006
1007
1008
1009
1010
1011
1012
1013
1014
1015
1016
1017
1018
1019
1020
1021
1022
1023
1024
1025
1026
1027
1028
1029
1030
1031
1032
1033
1034
1035
1036
1037
1038
1039
1040
1041
1042
1043
1044
1045
1046

iii. ~~Ground signs may consist of more than one sign panel provided all such sign panels are consolidated into one common sign cabinet or border and sign panels other than that of a building identification panel or signage of an anchor tenant have uniform shape and size. Ground signs may include multiple sign panels subject to the following:~~

1. No airspace shall exist between sign panels or sign cabinets;

2. Sign panels located on the same horizontal plane shall be of the same height and configured so that the top and bottom edge of each panel is aligned; and

3. When multiple sign panels are located on the same horizontal plane immediately above or below another row of multiple sign panels, all sign panels in such rows shall be of equal width and aligned so that the left and right edge of each panel is aligned.

b. Attached signs. The following attached signs shall be permitted:

i. One wall sign, one projecting sign, or one hanging sign shall be allowed ~~upon each~~ per principal building façade facing a public road right of way for each principal building located on a parcel; ~~such sign or signs allowed herein do not have to be located on the building façade facing the public road right of way but only one such sign shall be allowed per building façade.~~

1. No wall sign or supporting structure for a wall sign shall project more than twelve inches from the wall of a building nor over any public right-of-way. Wall signs may not disrupt architectural features of the building and must be architecturally compatible and consistent with the building. Further, no wall sign shall extend above the roofline except where an exterior parapet wall projects above the roofline, in which case such sign may extend to the top of such wall.

2. No projecting sign shall extend beyond three feet beyond the face of the building. No sign face of any projecting sign may be greater than six square feet in area. A projecting sign shall be hung at a ninety degree angle from the face of the building and the bottom of the projecting sign shall be at least seven feet above grade.

3. The edge of any hanging sign furthest from the building shall not extend beyond the edge of the roofline. No sign face of any hanging sign may be greater than six square feet in area. A hanging sign

1047 shall be hung either parallel to or at a ninety degree
1048 angle from the face of the building. The bottom of the
1049 hanging sign shall be at least seven feet above grade.

1050 ii. One awning sign shall be allowed per awning installed upon the
1051 principal buildings located upon the premises.

1052 c. One fuel pump sign with copy area no greater than two square feet
1053 located upon a functional and properly licensed fuel pump. Fuel pump
1054 signs shall not be included in the calculation of maximum total copy area.

1055 d. Governmental right-of-way signs.

1056 4. In addition to the maximum number of signs and total square footage allowed
1057 per parcel, each business location located ~~upon~~within a multiple-occupant
1058 ~~parcel~~building shall be permitted one attached sign consistent with Section 122-13
1059 B.3.b., located proximate to the primary entrance to such business location. Such
1060 multiple-occupant signage shall be subject to the following:

1061 a. The total maximum copy area available for such multiple-occupant
1062 signage per parcel shall be two square feet of copy area for each linear
1063 foot of building frontage of the ~~shopping center building~~. If the ~~shopping~~
1064 ~~center building~~ has multiple stories which are utilized for business
1065 locations, then the width of each additional story shall be utilized in
1066 calculating the building frontage. Each occupant of the building shall then
1067 be allocated sign square footage based on their rental (or owned) square
1068 footage percentage of the total available square footage in the ~~shopping~~
1069 ~~center building~~. In no event, however, may any one business location
1070 exceed a maximum of 100 square feet of total copy area except as
1071 otherwise authorized for an anchor tenant.

1072 ~~b. Additional attached signage shall be allowed for side facades of corner~~
1073 ~~occupants facing a road right of way in multiple-occupant buildings with~~
1074 ~~the maximum copy area equal to that allowed for the primary entrance~~
1075 ~~location. Sign area is not transferable between front and side facades.~~

1076 ~~eb.~~ Anchor tenants upon a multiple-occupant parcel shall be allowed an
1077 additional one square foot of copy area for each linear foot of building
1078 frontage of that portion of the building occupied by the anchor tenant over
1079 100 linear feet. Said additional copy area shall not exceed 200 square feet
1080 of copy area per anchor. The copy area allowed within this paragraph shall
1081 be wall signage, awning signage, or a combination thereof.

1082 Sec. 122-14. Comprehensive Sign Program

1083 A. General principles.

1084 1. The intent of the Comprehensive Sign Program is to provide private property
1085 owners and businesses with flexibility to develop innovative, creative and
1086 effective signage and to improve the aesthetics of the City of Edgewood.

1087 2. The minimum sign standards established in this Chapter ensure that signage
1088 will not have an adverse impact on the aesthetics, community character and

1089 quality of life of the City of Edgewood. The city recognizes, however, that in
1090 many circumstances, there are innovative and creative alternatives to minimum
1091 standard signage which are desirable and attractive and will enhance community
1092 character and individual property values.

1093 3. The purpose of the Comprehensive Sign Program is to provide an alternative
1094 to minimum standard signage subject to flexibility criteria which ensure that
1095 alternative signage will not have an adverse impact on the aesthetics, community
1096 character and quality of life of the City of Edgewood.

1097 4. It is expected that the design quality of signs proposed under a Comprehensive
1098 Sign Program will be of a superior quality and creativity to those that might result
1099 through the normal sign permit process.

1100 B. Permitted signage.

1101 1. Signage which is proposed as part of a Comprehensive Sign Plan may deviate
1102 from the minimum sign standards in terms of types of signage allowed, number of
1103 signs per business or parcel of land, sign height, maximum area of a sign face per
1104 parcel of land and the total area of sign faces per business or parcel of land.

1105 2. A Comprehensive Sign Plan shall be approved pursuant to the provisions set
1106 out in Section 122-5, above.

1107 3. As part of a comprehensive sign program, the City Council, after
1108 recommendation by the Planning and Zoning Commission, Planner, or designee,
1109 shall review all sign types proposed for the development parcel to achieve
1110 compliance with these regulations. A Comprehensive Sign Plan for shopping
1111 centers, including all out parcels, and office complexes shall include all types of
1112 signs for all tenants/uses within the development parcel.

1113 C. Flexibility criteria.

1114 1. Architectural theme. The signs proposed in a Comprehensive Sign Plan shall
1115 be designed so as to be consistent with the architectural theme of the principal
1116 buildings proposed or developed on the parcel and shall be constructed of
1117 materials and colors which are similar to the materials and colors utilized in the
1118 principal buildings.

1119 2. Sign height. The height of all signs proposed through the comprehensive sign
1120 program shall relate to the height and design of the of the principal buildings
1121 located or proposed on the development parcel.

1122 3. Height, area, number and location of signs. The height, area, number and
1123 location of signs permitted through the comprehensive sign program shall be
1124 reviewed by the City Planner, or designee, based on the following criteria: overall
1125 size of site, relationship between the building setback and sign location, lot and
1126 building frontage, access and visibility to the site, intended traffic circulation
1127 pattern, scale and use of the project. Additionally, the maximum permitted sign
1128 area shall be based on the following formula when evaluated against the above
1129 criteria:

1130 a. Attached signs. The maximum copy area permitted for attached signage
1131 shall range from one percent up to a maximum of six percent of the
1132 building façade to which the sign is to be attached.

1133 b. —Freestanding signs. The maximum permitted copy area of all
1134 freestanding signs on a site shall not exceed three square feet per linear
1135 foot of building frontage.

1136 4. The comprehensive sign program shall also identify the color palette of letters
1137 and background, as well as text font.

1138 5. Property values. The signage proposed in a comprehensive sign program must
1139 not adversely impact the value of property in the immediate vicinity of the
1140 premises-~~parcel~~ proposed for development.

1141 6. Elimination of nonconforming signage. The signage proposed in a
1142 comprehensive sign program shall replace all existing nonconforming signage
1143 located on the premises-~~property~~.

1144 **Sec. 122-15. Nonconforming Signs.**

1145 A. Additions. No additions or enlargements shall be made to a nonconforming sign
1146 except those additions or enlargements that are required by law.

1147 B. A nonconforming sign that is modified by being moved, replaced or structurally
1148 altered shall be brought into conformance with this Chapter.

1149 C. Damaged signs.

1150 1. A nonconforming sign that is damaged shall not be repaired if the estimated
1151 cost to repair the sign exceeds fifty percent of replacement cost of the sign. A
1152 damaged nonconforming sign that cannot be repaired shall be removed within
1153 thirty days of the date the sign was damaged.

1154 2. Whenever a nonconforming sign is damaged and the estimated cost to repair
1155 the sign is fifty percent or less of its appraised value immediately prior to the date
1156 of destruction of the damaged sign, before the sign was damaged, it may be
1157 repaired and restored to the condition it was in before it was damaged and may
1158 continue to be used as a nonconforming sign, provided that such repairs and
1159 restoration are started within ninety days of the date the sign was damaged and are
1160 diligently pursued thereafter.

1161 3. Whenever repairs and restoration of a damaged nonconforming sign are not
1162 started within ninety days of the date the sign was damaged or are diligently
1163 pursued once started, the sign shall be deemed abandoned. An abandoned sign
1164 shall be removed as provided by this Chapter.

1165 D. Maintenance of nonconforming signs.

1166 1. No nonconforming sign shall be permitted to remain unless properly
1167 maintained. Proper maintenance shall include but not be limited to ensuring that
1168 all components of the sign, including structural and supporting components are
1169 free of rust, flaking or peeling paint, mildew, or decay. Upon determination by
1170 the City's Code Enforcement Special Magistrate that a nonconforming sign has

1171 not been maintained as required herein, the Code Enforcement Special Magistrate
1172 shall order the nonconforming sign to be removed or otherwise brought into
1173 compliance with the existing Code in addition to any other remedies ordered.
1174 Any nonconforming sign that is determined by the City to be an unsafe sign shall
1175 be removed as provided for by this Chapter.

1176 2. Nothing in this section shall be deemed to prevent the maintenance of any sign
1177 or manual changes of sign copy on a nonconforming sign.

1178 E. ~~Amortization~~Elimination of nonconforming signs.

1179 1. ~~Permanent signs~~Except as provided in paragraphs 2 and 3, below, properly
1180 permitted permanent signs lawfully conforming with all provisions of the City of
1181 Edgewood Code of Ordinances prior to _____ (effective date
1182 of Ordinance)at the time of erection which are made nonconforming by this
1183 Ordinance shall be allowed to remain subject to paragraphs AB through D, above.

1184 ~~2. Properly permitted ground signs, other than pole signs, that do not satisfy~~
1185 ~~paragraph 1, above, and which do not conform with this Ordinance shall be~~
1186 ~~allowed to remain subject to paragraphs A through D, above.~~

1187 ~~3. Except as otherwise provided by paragraph 2, above, permanent signs which~~
1188 ~~are not in compliance with the provisions of the City of Edgewood Code of~~
1189 ~~Ordinances as of _____ (effective date of Ordinance), including~~
1190 ~~pole signs. Pole signs, which were required to be removed by June 1, 2012~~
1191 ~~pursuant to Ordinance 2002-04, shall be removed or brought into compliance with~~
1192 ~~the provisions of this Chapter no later than _____ (date), or as~~
1193 ~~required by no later than December 31, 2018. If any of the events described in~~
1194 ~~paragraphs A through D above, whichever occurs earliest. Signs covered by~~
1195 ~~Section B through D, above, should occur prior to December 31, 2018, the pole~~
1196 ~~sign shall be removed or brought into compliance with this Chapter upon such~~
1197 ~~occurrence. Off-site signs which are the subject of Section 70.20, Florida~~
1198 ~~Statutes, shall not be subject to this paragraph.~~

1199 Provided that the maximum number of ground signs is not exceeded on the
1200 subject parcel and sight visibility triangles required by Section 114-4(2) are
1201 maintained, a sign conforming to all provisions of this Chapter other than
1202 location requirements may be constructed in the same location of the existing
1203 pole sign. A sign permit, in addition to any necessary building permits, shall
1204 be required to replace an existing pole sign as provided herein.

1205 3. Phased conformity of sign panels. Signs with sign panels not in compliance
1206 with Section 122-13 B.3.iii. shall comply with the following when new sign
1207 panels are installed:

1208 a. No airspace shall exist between a sign panel or sign cabinet installed in
1209 or upon a low profile sign or tall profile sign after the effective date of this
1210 Chapter and any other adjacent sign panel or sign cabinet, whether
1211 existing or newly installed; such signs may be retrofitted by installation of
1212 materials aesthetically consistent with the sign structure to cover or fill
1213 any such airspace between sign panels or sign cabinets.

Formatted: Indent: Left: 0.56"

1214 b. Sign panels installed on the same horizontal plane after the effective
1215 date of this Chapter shall, as to every other sign panel on the same
1216 horizontal plane installed after the effective date of this Chapter, be the
1217 same height and configured so that the top and bottom edges of each such
1218 panel is aligned; and

1219 c. When multiple sign panels are installed on the same horizontal plane
1220 immediately above or below another row of multiple sign panels, all sign
1221 panels installed in such rows after the effective date of this Chapter shall
1222 be of equal width and aligned so that the left and right edge of each panel
1223 installed after the effective date of this Chapter is aligned.

1224 4. Temporary signs, including window signs, shall be brought into compliance
1225 with the provisions of this Chapter within thirty days of _____
1226 (effective date of ordinance); no later than February 28, 2018.

1227 45. Nothing provided herein shall limit the authority of the City of Edgewood to
1228 require removal or remove unsafe signs, abandoned signs, signs erected without
1229 permits, or signs unlawfully located on City property.

1230 56. Sign permit application fees shall be waived for any application made within
1231 twelve months of _____ (effective date of Ordinance) prior to
1232 December 31, 2018 to bring any existing non-conforming sign into compliance
1233 with this Ordinance.

1234 7. A party adversely affected by this Section 122-15 may petition the City
1235 Council for relief from its strict application as follows:

1236 a. A petition for relief shall 1) state the specific subsection or subsections
1237 claimed to adversely affect the party, 2) identify the sign or signs at issue,
1238 3) state the date of construction of the sign or signs at issue, 4) include a
1239 copy of all permits related to the sign or signs at issue or a statement as to
1240 why copies of such permits are not available, 5) include the cost or
1241 approximate cost of the sign or signs when originally constructed or a
1242 statement as to why such cost or approximation of cost cannot be
1243 provided, 6) include an estimate of the depreciated value of the sign
1244 structure, 7) provide an estimate of the cost to modify the sign or signs in a
1245 manner consistent with this Chapter or state the reasons why the sign or
1246 signs cannot be modified in a manner consistent with this Chapter, 8)
1247 provide an estimate of the cost to replace the sign or signs in a manner
1248 consistent with this Chapter, 9) include a statement of the relief requested;
1249 and 10) include a non-refundable filing fee in the amount of \$250.00.

1250 b. Upon receipt of a petition for relief, the City shall schedule a public
1251 hearing before the City Council. Any pending action by the City related to
1252 the sign or signs at issue in the petition shall be abated until after the
1253 hearing and determination on the petition by the City Council;

1254
1255
1256

1257
1258
1259
1260
1261
1262
1263
1264
1265
1266
1267
1268
1269
1270
1271
1272
1273
1274
1275
1276
1277
1278
1279
1280
1281
1282
1283
1284
1285
1286
1287
1288
1289
1290
1291
1292
1293
1294
1295
1296
1297
1298
1299
1300

c. At the hearing on the petition, the City Council shall consider all competent, substantial evidence presented and shall, at a minimum, consider the following factors:

- i. the age of the sign or signs at issue;
- ii. the condition of the sign or signs at issue;
- iii. the value of the sign structure or structures at issue;
- iv. any other value claimed intrinsic to the sign or signs at issue;
- v. the adverse impact claimed by the petitioner and how such impacts would be caused by strict application of this Section 122-15;
- vi. how strict application of this Section 122-15 would deprive the petitioner of rights enjoyed by similarly situated parties subject to this Chapter;
- vii. the available methods and estimated costs of bringing the sign or signs into compliance with this Chapter;
- viii. the available methods; estimated costs; and potential impacts of mitigating any nonconformities in ways that may not fully comply with the terms of this Chapter;

d. 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 for relief made by the applicant.

← - - - Formatted: Space Before: 0 pt, After: 0 pt

Sec. 122-16. Removal of Signs.

A. General. Signs installed in violation of this Chapter shall be removed or brought into compliance with the requirements of this Chapter. The sign owner, the owner of the property on which the sign is placed and the sign contractor shall each be held responsible for adherence to this Chapter and any other applicable laws or regulations. This Chapter may be enforced through code enforcement proceedings or by any equitable or legal remedy available to the City.

B. Immediate removal of unsafe signs. If the City finds that when any sign is in violation of this Chapter or other applicable regulations or State law or and by reason of its violation presents an immediate and serious danger to the public, the City may, without prior written notice, order the immediate removal or repair of the sign within a specified period. The City may remove or authorize others to remove the sign in the event that the owner for such sign cannot be found or if that person, after notification, refuses to repair or remove it. The owner of the building, structure, or premises on which the sign is located, are jointly and severally liable for the cost of removing such sign. The City shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign.

C. Removal of signs erected without a permit. The City may remove or order the removal, without prior written notice, of any sign erected without a sign permit required by this Chapter.

1301 D. Removal of signs on City property. Any sign installed or placed on City property,
1302 except in conformance with the requirements of this Chapter, shall be forfeited to the
1303 City and confiscated. The City shall have the right to recover from the owner or person
1304 placing such sign the cost of removal and disposal of such sign.

1305 E. Abandoned signs. Abandoned signs shall be removed by the owner or lessee of the
1306 premises upon which a sign is located when the business which a sign advertises is no
1307 longer conducted on the premises or if the business does not have an occupational
1308 license. The owner or lessee of the premises shall not be required to remove an
1309 abandoned sign during any period in which removal of such sign would conflict with
1310 legal proceedings related to the property on which the abandoned sign is located.

1311 **Sec. 122-17. Conflicting Requirements.**

1312 These sign regulations shall not be construed to permit the erection, placement, or
1313 maintenance of any sign at any place or in any manner unlawful under any other City
1314 Code provision or other applicable law. In any case where a part of these sign regulations
1315 conflicts with a provision of any zoning, building, fire, safety, health ordinance or other
1316 code, the provision that establishes a stricter standard for the protection of the public
1317 health and safety shall prevail.

1318 **Sec. 122-18. Severability.**

1319 A. General. If any part, section, subsection, paragraph, subparagraph, sentence, phrase,
1320 clause, term, or word of this Chapter, this Code, or any adopting ordinance is declared
1321 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,
1322 the declaration of such unconstitutionality shall not affect any other part, section,
1323 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1324 Chapter.

1325 B. Severability where less speech results. Without diminishing or limiting in any way
1326 the declaration of severability set forth above in Paragraph A., or elsewhere in this
1327 Chapter, Code, or any adopting ordinance, if any part, section, subsection, paragraph,
1328 subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared
1329 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,
1330 the declaration of such unconstitutionality shall not affect any other part, section,
1331 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1332 Chapter, even if such severability would result in a situation where there would be less
1333 speech, whether by subjecting previously exempt signs to permitting or otherwise.

1334 C. Severability of provisions pertaining to prohibited signs. Without diminishing or
1335 limiting in any way the declaration of severability set forth above in Paragraph A., or
1336 elsewhere in this Chapter, Code, or any adopting ordinance, if any part, section,
1337 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1338 Chapter or any other law is declared unconstitutional by the valid judgment or decree of
1339 any court of competent jurisdiction, the declaration of such unconstitutionality shall not
1340 affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase,
1341 clause, term, or word of this Chapter that pertains to prohibited signs, including
1342 specifically those signs and sign-types prohibited and not allowed under section 122-10
1343 of this Chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph,

1344 sentence, phrase, clause, term, or word of section 122-10 is declared unconstitutional by
1345 the valid judgment or decree of any court of competent jurisdiction, the declaration of
1346 such unconstitutionality shall not affect any other part, section, subsection, paragraph,
1347 subparagraph, sentence, phrase, clause, term, or word of section 122-10.

1348 D. Severability of prohibition on billboards. If any part, section, subsection, paragraph,
1349 subparagraph, sentence, phrase, clause, term, or word of this Chapter and/or any other
1350 Code provisions and/or laws are declared invalid or unconstitutional by the valid
1351 judgment or decree of any court of competent jurisdiction, the declaration of such
1352 unconstitutionality shall not affect the prohibition on billboards as contained in this
1353 Chapter and Code.

1354 **SECTION THREE. Codification.** It is the intent of the City Council of the City of
1355 Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted
1356 broad and liberal authority in codifying the provisions of this Ordinance.

1357
1358 **SECTION FOUR. Effective date.** This Ordinance shall take effect immediately upon
1359 adoption as provided by the Charter of the City of Edgewood.

1360
1361 PASSED ON FIRST READING THIS _____ DAY OF _____, 2017.

1362
1363 PASSED AND ADOPTED THIS _____ DAY OF _____, 2017.

1364
1365
1366 CITY OF EDGEWOOD, FLORIDA
1367 CITY COUNCIL

1368
1369
1370 _____
1371 John Dowless, Council President

1372
1373 ATTEST:
1374 _____
1375 Bea Meeks, City Clerk

1376

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) that either has 1) a solid appearing base located on the ground with no more
471 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 inches in width or diameter, as applicable, and no more than one third (1/3) of the width
544 of the sign face. Vertical supports or support casings shall be constructed of non-
545 corrosive material and shall be either be monotone or utilize brick or stone of a single
546 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 property;
- 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 property 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 City Planner, or designee, shall review the
760 application and determine whether the application demonstrates compliance with the
761 requirements of the comprehensive sign program set forth in Section 122-14. Within
762 twenty working days of completeness, the City Planner, or designee, may grant approval,
763 grant the approval subject to specified conditions or deny the application for
764 comprehensive sign program. The review period of twenty working days may be
765 extended by mutual consent of the applicant and the City Planner, or designee, to allow
766 revised materials to be submitted and reviewed for compliance with the requirements of
767 the comprehensive sign program. Revised materials shall be submitted within the
768 timeframe established by the City Planner, or designee, but no more than thirty working
769 days based on the extent of the deficiencies identified. If materials are not received within
770 that timeframe, the application shall be deemed denied. If the resubmission material is
771 submitted within the timeframe specified, the City Planner, or designee, shall determine
772 whether the resubmission materials demonstrate compliance with the comprehensive sign
773 program and shall either grant the approval, approve with conditions or deny the
774 application.

775 D. Effect of Comprehensive Sign Plan Approval. Comprehensive Sign Plan approval
776 authorizes only the particular signs approved and all signs approved in the
777 Comprehensive Sign Plan must be installed and any conditions met within six months of
778 issuance of a permit.

779 **Sec. 122-6. Appeals.**

780 A. Whenever it is alleged that there has been an error in any order, action, decision,
781 determination, or requirement by the City Planner, or designee, in the enforcement and
782 application of any provision contained within this Chapter pertaining to sign permits

783 (including any allegation that an administrative official has failed to act within applicable
784 time frames), the aggrieved party may file a written appeal.

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

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

793 D. The City Council shall render a decision at the public hearing meeting, or at the
794 discretion of the City Council, at the next regularly scheduled meeting following the
795 public hearing.

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

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

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

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

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

810 Notwithstanding anything contained in this Chapter to the contrary, any sign erected
811 pursuant to the provisions of this Chapter may, at the option of the owner, contain a non-
812 commercial sign message in lieu of a commercial sign message and the non-commercial
813 copy may be substituted at any time in place of the commercial copy provided that the
814 sign complies with the sign standards and other applicable requirements contained within
815 this Chapter.

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

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

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

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

- 822 A. A sign, other than a window sign, located entirely inside the premises of a building or
823 enclosed space.
- 824 B. Governmental right-of-way signs.
- 825 C. Decals or insignia normally associated with equipment, machinery, or vehicles which
826 are affixed to or painted on equipment, machinery, or vehicles.
- 827 D. Temporary on-site signs erected pursuant to and in accordance with Section 122-12.
- 828 E. Traffic control devices.
- 829 F. For 911 and emergency response purposes, street address signs with copy between
830 four inches and twelve inches in height located in a place that is clearly visible from the
831 right-of-way.
- 832 G. Window signs that do not exceed twenty-five percent of the total window area of all
833 windows visible from a right-of-way.
- 834 H. Up to three Flags located so the flag when fully extended is at least ten feet from the
835 front property line and at least twenty feet from side property lines mounted on hardware
836 permanently attached to a structure or upon a pole not exceeding thirty-five feet in height
837 and permanently anchored within the ground with concrete.
- 838 **Sec. 122-10. Prohibited Signs.**
- 839 The following types of signs are prohibited:
- 840 A. Abandoned signs
- 841 B. Balloons, cold air inflatables, streamers, and pennants.
- 842 C. Banner signs except as expressly allowed in Section 122-12 herein.
- 843 D. Bench signs, other than the identification of the transit company or its route schedule.
- 844 E. Billboards.
- 845 F. Electronic changeable message signs unless otherwise specifically allowed herein.
- 846 G. Pavement markings, except street addresses and vehicle directional arrows.
- 847 H. Portable signs except as expressly authorized in Section 122-12 herein.
- 848 I. Pole signs.
- 849 J. Roof signs.
- 850 K. Signs in or upon any lake or other body of water.
- 851 L. Signs erected by other than a governmental entity on or extending into publicly-
852 owned land, easements or rights-of-way.
- 853 M. Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.
- 854 N. Signs that have unshielded illuminating devices or which reflect lighting onto public
855 rights-of-way thereby creating a potential traffic or pedestrian hazard.
- 856 O. Animated signs or signs that appear to display motion in any way whatsoever,
857 including beacons.

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

860 Q. Snipe signs.

861 R. Obscene signs.

862 S. Hazardous signs.

863 T. Vehicle signs.

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

865 V. Signs attached to temporary structures.

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

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

871 B. Illuminated signs.

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

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

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

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

880 C. Awnings. Awnings may be allowed a graphic element and/or text provided such
881 graphic and/or text does not exceed fifty percent of the awning surface area visible from
882 any right-of-way on which the graphic is placed.

883 D. Building and electrical code compliance. All signs shall comply with applicable
884 building and electrical code requirements.

885 E. Maintenance. All signs and sign structures shall be maintained and kept in good
886 repair free of chipped, flaking or faded paint, structural decay, mildew, rust, and stains.

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

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

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

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

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

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

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

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

908 B. On property zoned residential:

909 1. One temporary freestanding sign no greater than six square feet in copy area
910 with sign height no greater than three feet shall be allowed per parcel at any time.

911 2. In addition to the sign allowed in sub-paragraph 1, above, one temporary
912 freestanding sign no greater than nine square feet in copy area with sign height no
913 greater than six feet shall be allowed per parcel during any period in which the
914 property upon which such sign is located is listed for sale or lease.

915 3. In addition to the signs allowed in sub-paragraphs 1 and 2, above, two
916 temporary freestanding signs no greater than six square feet in copy area with sign
917 height no greater than three feet shall be allowed during any period beginning
918 sixty days prior to any local, state, or federal election and lasting until three days
919 after such election.

920 C. On property zoned other than residential:

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

923 a. any banner sign may not be displayed on any property for more than
924 thirty consecutive days;

925 b. any banner sign may not be displayed on any property for more than
926 sixty cumulative days in a calendar year;

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

931 2. One temporary sign no greater than eighteen square feet in copy area with sign
932 height no greater than six feet shall be allowed during any period in which any
933 portion of the property upon which the sign is located is for sale or lease or during
934 any period in which any portion of the property is under construction.

935 3. In addition to the signs allowed in sub-paragraphs 1 and 2, above, three
936 temporary signs no greater than six square feet in copy area with sign height no
937 greater than three feet shall be allowed during any period beginning sixty days
938 prior to any local, state, or federal election and lasting until three days after such
939 election.

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

942 E. Temporary signs shall not be illuminated.

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

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

946 A. Residential.

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

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

960 b. Governmental right-of-way signs.

961 B. Non-residential.

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

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

969 2. For parcels abutting multiple rights-of-way, an additional maximum total copy
970 area of one square foot for each linear foot of building frontage along each
971 additional right-of-way or 100 square feet, whichever is less, shall be allowed.
972 Any additional copy area allowed pursuant to this paragraph must be utilized
973 along and directed toward the additional public rights-of-way.

974 3. Subject to the maximum total copy area, the following signs shall be permitted
975 in all non-residential zoning districts:

976 a. Ground signs. Ground signs shall be permitted pursuant to the
977 following:

978 i. One low-profile sign or one tall-profile sign, consistent with the
979 definitions for same, shall be allowed along each public road right-
980 of-way the parcel abuts.

981 ii. On multi-occupant parcels at least five acres in size with at least
982 375 feet of parcel depth measured from the front property line to
983 the rear property line, one large parcel sign, consistent with the
984 definition for same, shall be allowed in lieu of the a low-profile or
985 tall-profile sign.

986 iii. On parcels abutting multiple public road rights-of-way, one
987 additional ground sign shall be allowed per secondary road
988 frontage. The sign location along the secondary frontage shall be at
989 least one hundred feet from the point of road intersection with the
990 primary road, as measured along the right-of-way. The secondary
991 frontage shall be the road with the lowest traffic count.

992 iii. Ground signs may include multiple sign panels subject to the
993 following:

994 1. No airspace shall exist between sign panels or sign
995 cabinets;

996 2. Sign panels located on the same horizontal plane shall
997 be of the same height and configured so that the top and
998 bottom edge of each panel is aligned; and

999 3. When multiple sign panels are located on the same
1000 horizontal plane immediately above or below another row
1001 of multiple sign panels, all sign panels in such rows shall be
1002 of equal width and aligned so that the left and right edge of
1003 each panel is aligned.

1004 b. Attached signs. The following attached signs shall be permitted:

1005 i. One wall sign, one projecting sign, or one hanging sign shall be
1006 allowed per building façade facing a public road right of way for
1007 each principal building located on a parcel; such sign or signs
1008 allowed herein do not have to be located on the building façade
1009 facing the public road right of way.

1010 1. No wall sign or supporting structure for a wall sign
1011 shall project more than twelve inches from the wall of a
1012 building nor over any public right-of-way. Wall signs
1013 may not disrupt architectural features of the building
1014 and must be architecturally compatible and consistent
1015 with the building. Further, no wall sign shall extend
1016 above the roofline except where an exterior parapet
1017 wall projects above the roofline, in which case such
1018 sign may extend to the top of such wall.

1019 2. No projecting sign shall extend beyond three feet
1020 beyond the face of the building. No sign face of any
1021 projecting sign may be greater than six square feet in
1022 area. A projecting sign shall be hung at a ninety degree
1023 angle from the face of the building and the bottom of
1024 the projecting sign shall be at least seven feet above
1025 grade.

1026 3. The edge of any hanging sign furthest from the
1027 building shall not extend beyond the edge of the
1028 roofline. No sign face of any hanging sign may be
1029 greater than six square feet in area. A hanging sign
1030 shall be hung either parallel to or at a ninety degree
1031 angle from the face of the building. The bottom of the
1032 hanging sign shall be at least seven feet above grade.

1033 ii. One awning sign shall be allowed per awning installed upon the
1034 principal buildings located upon the premises.

1035 c. One fuel pump sign with copy area no greater than two square feet
1036 located upon a functional and properly licensed fuel pump. Fuel pump
1037 signs shall not be included in the calculation of maximum total copy area.

1038 d. Governmental right-of-way signs.

1039 4. In addition to the maximum number of signs and total square footage allowed
1040 per parcel, each business location located within a multiple-occupant building
1041 shall be permitted one attached sign consistent with Section 122-13 B.3.b.,
1042 located proximate to the primary entrance to such business location. Such
1043 multiple-occupant signage shall be subject to the following:

1044 a. The total maximum copy area available for such multiple-occupant
1045 signage per parcel shall be two square feet of copy area for each linear
1046 foot of building frontage of the building. If the building has multiple
1047 stories which are utilized for business locations, then the width of each

1048 additional story shall be utilized in calculating the building frontage. Each
1049 occupant of the building shall then be allocated sign square footage based
1050 on their rental (or owned) square footage percentage of the total available
1051 square footage in the building. In no event, however, may any one
1052 business location exceed a maximum of 100 square feet of total copy area
1053 except as otherwise authorized for an anchor tenant.

1054 b. Anchor tenants upon a multiple-occupant parcel shall be allowed an
1055 additional one square foot of copy area for each linear foot of building
1056 frontage of that portion of the building occupied by the anchor tenant over
1057 100 linear feet. Said additional copy area shall not exceed 200 square feet
1058 of copy area per anchor. The copy area allowed within this paragraph shall
1059 be wall signage, awning signage, or a combination thereof.

1060 **Sec. 122-14. Comprehensive Sign Program**

1061 A. General principles.

1062 1. The intent of the Comprehensive Sign Program is to provide private property
1063 owners and businesses with flexibility to develop innovative, creative and
1064 effective signage and to improve the aesthetics of the City of Edgewood.

1065 2. The minimum sign standards established in this Chapter ensure that signage
1066 will not have an adverse impact on the aesthetics, community character and
1067 quality of life of the City of Edgewood. The city recognizes, however, that in
1068 many circumstances, there are innovative and creative alternatives to minimum
1069 standard signage which are desirable and attractive and will enhance community
1070 character and individual property values.

1071 3. The purpose of the Comprehensive Sign Program is to provide an alternative
1072 to minimum standard signage subject to flexibility criteria which ensure that
1073 alternative signage will not have an adverse impact on the aesthetics, community
1074 character and quality of life of the City of Edgewood.

1075 4. It is expected that the design quality of signs proposed under a Comprehensive
1076 Sign Program will be of a superior quality and creativity to those that might result
1077 through the normal sign permit process.

1078 B. Permitted signage.

1079 1. Signage which is proposed as part of a Comprehensive Sign Plan may deviate
1080 from the minimum sign standards in terms of types of signage allowed, number of
1081 signs per business or parcel of land, maximum area of a sign face per parcel of
1082 land and the total area of sign faces per business or parcel of land.

1083 2. A Comprehensive Sign Plan shall be approved pursuant to the provisions set
1084 out in Section 122-5, above.

1085 3. As part of a comprehensive sign program, the City Planner, or designee, shall
1086 review all sign types proposed for the development parcel to achieve compliance
1087 with these regulations. A Comprehensive Sign Plan for shopping centers,
1088 including all out parcels, and office complexes shall include all types of signs for
1089 all tenants/uses 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. Additionally, the maximum permitted sign
1105 area shall be based on the following formula when evaluated against the above
1106 criteria:

1107 a. Attached signs. The maximum copy area permitted for attached signage
1108 shall range from one percent up to a maximum of six percent of the
1109 building façade to which the sign is to be attached.

1110 b. Freestanding signs. The maximum permitted copy area of all
1111 freestanding signs on a site shall not exceed three square feet per linear
1112 foot of building frontage.

1113 4. The comprehensive sign program shall also identify the color palette of letters
1114 and background, as well as text font.

1115 5. Property values. The signage proposed in a comprehensive sign program must
1116 not adversely impact the value of property in the immediate vicinity of the parcel
1117 proposed for development.

1118 6. Elimination of nonconforming signage. The signage proposed in a
1119 comprehensive sign program shall replace all existing nonconforming signage
1120 located on the property.

1121 **Sec. 122-15. Nonconforming Signs.**

1122 A. Additions. No additions or enlargements shall be made to a nonconforming sign
1123 except those additions or enlargements that are required by law.

1124 B. A nonconforming sign that is modified by being moved, replaced or structurally
1125 altered shall be brought into conformance with this Chapter.

1126 C. Damaged signs.

1127 1. A nonconforming sign that is damaged shall not be repaired if the estimated
1128 cost to repair the sign exceeds fifty percent of replacement cost of the sign. A
1129 damaged nonconforming sign that cannot be repaired shall be removed within
1130 thirty days of the date the sign was damaged.

1131 2. Whenever a nonconforming sign is damaged and the estimated cost to repair
1132 the sign is fifty percent or less of its appraised value immediately prior to the date
1133 of destruction of the damaged sign, before the sign was damaged, it may be
1134 repaired and restored to the condition it was in before it was damaged and may
1135 continue to be used as a nonconforming sign, provided that such repairs and
1136 restoration are started within ninety days of the date the sign was damaged and are
1137 diligently pursued thereafter.

1138 3. Whenever repairs and restoration of a damaged nonconforming sign are not
1139 started within ninety days of the date the sign was damaged or are diligently
1140 pursued once started, the sign shall be deemed abandoned. An abandoned sign
1141 shall be removed as provided by this Chapter.

1142 D. Maintenance of nonconforming signs.

1143 1. No nonconforming sign shall be permitted to remain unless properly
1144 maintained. Proper maintenance shall include but not be limited to ensuring that
1145 all components of the sign, including structural and supporting components are
1146 free of rust, flaking or peeling paint, mildew, or decay. Upon determination by
1147 the City's Code Enforcement Special Magistrate that a nonconforming sign has
1148 not been maintained as required herein, the Code Enforcement Special Magistrate
1149 shall order the nonconforming sign to be removed or otherwise brought into
1150 compliance with the existing Code in additional to any other remedies ordered.
1151 Any nonconforming sign that is determined by the City to be an unsafe sign shall
1152 be removed as provided for by this Chapter.

1153 2. Nothing in this section shall be deemed to prevent the maintenance of any sign
1154 or manual changes of sign copy on a nonconforming sign.

1155 E. Elimination of nonconforming signs.

1156 1. Except as provided in paragraphs 2 and 3, below, properly permitted
1157 permanent signs lawfully conforming with all provisions of the City of Edgewood
1158 Code of Ordinances at the time of erection which are made nonconforming by this
1159 Ordinance shall be allowed to remain subject to paragraphs B through D, above.

1160 2. Pole signs, which were required to be removed by June 1, 2012 pursuant to
1161 Ordinance 2002-04, shall be removed, brought into compliance with this Chapter,
1162 or modified as provided below no later than December 31, 2018. If any of the
1163 events described in paragraphs B through D, above, should occur prior to
1164 December 31, 2018, the pole sign shall be removed or brought into compliance
1165 with this Chapter upon such occurrence. Off-site signs which are the subject of
1166 Section 70.20, Florida Statutes, shall not be subject to this paragraph.

1167 a. Provided that the maximum number of ground signs is not exceeded on
1168 the subject parcel and sight visibility triangles required by Section 114-
1169 4(2) are maintained, existing pole signs may be modified or retrofitted as
1170 follows:

1171 i. Existing pole signs may be lowered in such a manner that no
1172 more than two feet of airspace exists between the sign cabinet or

1173 sign face and either the ground or a solid appearing base no greater
1174 than two feet in height constructed on the ground; or

1175 ii. Existing pole signs may be retrofitted in such a manner that all
1176 poles are encased so as to give the appearance of a single vertical
1177 support that is at least twelve inches in width or diameter, as
1178 applicable. Vertical supports or support casings shall be
1179 constructed of non-corrosive material and shall be either be
1180 monotone or utilize brick or stone of a single color.

1181 Existing pole signs lowered or retrofitted as provided above shall not be
1182 relocated or have any other nonconformity expanded or enlarged and
1183 shall remain subject paragraphs B through D, above, unless all
1184 nonconformities are corrected by the modification. A sign permit, in
1185 addition to any necessary building permits, shall be required to modify
1186 an existing pole sign as provided herein.

1187 b. Provided that the maximum number of ground signs is not exceeded on
1188 the subject parcel and sight visibility triangles required by Section 114-
1189 4(2) are maintained, a sign conforming to all provisions of this Chapter
1190 other than location requirements may be constructed in the same location
1191 of the existing pole sign. A sign permit, in addition to any necessary
1192 building permits, shall be required to replace an existing pole sign as
1193 provided herein.

1194 3. Phased conformity of sign panels. Signs with sign panels not in compliance
1195 with Section 122-13 B.3.iii. shall comply with the following when new sign
1196 panels are installed:

1197 a. No airspace shall exist between a sign panel or sign cabinet installed
1198 after the effective date of this Chapter and any other adjacent sign panel or
1199 sign cabinet, whether existing or newly installed; such signs may be
1200 retrofitted by installation of materials aesthetically consistent with the sign
1201 structure to cover or fill any such airspace between sign panels or sign
1202 cabinets.

1203 b. Sign panels installed on the same horizontal plan after the effective
1204 date of this Chapter shall, as to every other sign panel on the same
1205 horizontal plane installed after the effective date of this Chapter, be the
1206 same height and configured so that the top and bottom edges of each such
1207 panel is aligned; and

1208 c. When multiple sign panels are installed on the same horizontal plane
1209 immediately above or below another row of multiple sign panels, all sign
1210 panels installed in such rows after the effective date of this Chapter shall
1211 be of equal width and aligned so that the left and right edge of each panel
1212 installed after the effective date of this Chapter is aligned.

1213 4. Temporary signs, including window signs, shall be brought into compliance
1214 with the provisions of this Chapter no later than February 28, 2018.

- 1215 5. Nothing provided herein shall limit the authority of the City of Edgewood to
1216 require removal or remove unsafe signs, abandoned signs, signs erected without
1217 permits, or signs unlawfully located on City property.
- 1218 6. Sign permit application fees shall be waived for any application made prior to
1219 December 31, 2018 to bring any existing non-conforming sign into compliance
1220 with this Ordinance.
- 1221 7. A party adversely affected by this Section 122-15 may petition the City
1222 Council for relief from its strict application as follows:
1223
- 1224 a. A petition for relief shall 1) state the specific subsection or subsections
1225 claimed to adversely affect the party, 2) identify the sign or signs at issue,
1226 3) state the date of construction of the sign or signs at issue, 4) include a
1227 copy of all permits related to the sign or signs at issue or a statement as to
1228 why copies of such permits are not available, 5) include the cost or
1229 approximate cost of the sign or signs when originally constructed or a
1230 statement as to why such cost or approximation of cost cannot be
1231 provided, 6) include an estimate of the depreciated value of the sign
1232 structure, 7) provide an estimate of the cost to modify the sign or signs in a
1233 manner consistent with this Chapter or state the reasons why the sign or
1234 signs cannot be modified in a manner consistent with this Chapter, 8)
1235 provide an estimate of the cost to replace the sign or signs in a manner
1236 consistent with this Chapter, 9) include a statement of the relief requested;
1237 and 10) include a non-refundable filing fee in the amount of \$250.00.
1238
- 1239 b. Upon receipt of a petition for relief, the City shall schedule a public
1240 hearing before the City Council. Any pending action by the City related to
1241 the sign or signs at issue in the petition shall be abated until after the
1242 hearing and determination on the petition by the City Council;
1243
- 1244 c. At the hearing on the petition, the City Council shall consider all
1245 competent, substantial evidence presented and shall, at a minimum,
1246 consider the following factors:
1247 i. the age of the sign or signs at issue;
1248 ii. the condition of the sign or signs at issue;
1249 iii. the value of the sign structure or structures at issue;
1250 iv. any other value claimed intrinsic to the sign or signs at issue;
1251 v. the adverse impact claimed by the petitioner and how such
1252 impacts would be caused by strict application of this Section 122-
1253 15;
1254 vi. how strict application of this Section 122-15 would deprive the
1255 petitioner of rights enjoyed by similarly situated parties subject to
1256 this Chapter;
1257 vii. the available methods and estimated costs of bringing the sign
1258 or signs into compliance with this Chapter;

1259 viii. the available methods; estimated costs; and potential impacts
1260 of mitigating any nonconformities in ways that may not fully
1261 comply with the terms of this Chapter;

1262
1263 d. At the conclusion of the public hearing and after reviewing the
1264 evidence and testimony placed before it, the City Council shall act upon
1265 the request either to approve, deny, or approve in part and deny in part
1266 the request for relief made by the applicant.

1267
1268 **Sec. 122-16. Removal of Signs.**

1269 A. General. Signs installed in violation of this Chapter shall be removed or brought into
1270 compliance with the requirements of this Chapter. The sign owner, the owner of the
1271 property on which the sign is placed and the sign contractor shall each be held
1272 responsible for adherence to this Chapter and any other applicable laws or regulations.
1273 This Chapter may be enforced through code enforcement proceedings or by any equitable
1274 or legal remedy available to the City.

1275 B. Immediate removal of unsafe signs. If the City finds that when any sign is in
1276 violation of this Chapter or other applicable regulations or State law or and by reason of
1277 its violation presents an immediate and serious danger to the public, the City may,
1278 without prior written notice, order the immediate removal or repair of the sign within a
1279 specified period. The City may remove or authorize others to remove the sign in the event
1280 that the owner for such sign cannot be found or if that person, after notification, refuses to
1281 repair or remove it. The owner of the building, structure, or premises on which the sign is
1282 located, are jointly and severally liable for the cost of removing such sign. The City shall
1283 have the right to recover from the owner or person placing such sign the cost of removal
1284 and disposal of such sign.

1285 C. Removal of signs erected without a permit. The City may remove or order the
1286 removal, without prior written notice, of any sign erected without a sign permit required
1287 by this Chapter.

1288 D. Removal of signs on City property. Any sign installed or placed on City property,
1289 except in conformance with the requirements of this Chapter, shall be forfeited to the
1290 City and confiscated. The City shall have the right to recover from the owner or person
1291 placing such sign the cost of removal and disposal of such sign.

1292 E. Abandoned signs. Abandoned signs shall be removed by the owner or lessee of the
1293 premises upon which a sign is located when the business which a sign advertises is no
1294 longer conducted on the premises or if the business does not have an occupational
1295 license. The owner or lessee of the premises shall not be required to remove an
1296 abandoned sign during any period in which removal of such sign would conflict with
1297 legal proceedings related to the property on which the abandoned sign is located.

1298 **Sec. 122-17. Conflicting Requirements.**

1299 These sign regulations shall not be construed to permit the erection, placement, or
1300 maintenance of any sign at any place or in any manner unlawful under any other City
1301 Code provision or other applicable law. In any case where a part of these sign regulations

1302 conflicts with a provision of any zoning, building, fire, safety, health ordinance or other
1303 code, the provision that establishes a stricter standard for the protection of the public
1304 health and safety shall prevail.

1305 **Sec. 122-18. Severability.**

1306 A. General. If any part, section, subsection, paragraph, subparagraph, sentence, phrase,
1307 clause, term, or word of this Chapter, this Code, or any adopting ordinance is declared
1308 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,
1309 the declaration of such unconstitutionality shall not affect any other part, section,
1310 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1311 Chapter.

1312 B. Severability where less speech results. Without diminishing or limiting in any way
1313 the declaration of severability set forth above in Paragraph A., or elsewhere in this
1314 Chapter, Code, or any adopting ordinance, if any part, section, subsection, paragraph,
1315 subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared
1316 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,
1317 the declaration of such unconstitutionality shall not affect any other part, section,
1318 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1319 Chapter, even if such severability would result in a situation where there would be less
1320 speech, whether by subjecting previously exempt signs to permitting or otherwise.

1321 C. Severability of provisions pertaining to prohibited signs. Without diminishing or
1322 limiting in any way the declaration of severability set forth above in Paragraph A., or
1323 elsewhere in this Chapter, Code, or any adopting ordinance, if any part, section,
1324 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1325 Chapter or any other law is declared unconstitutional by the valid judgment or decree of
1326 any court of competent jurisdiction, the declaration of such unconstitutionality shall not
1327 affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase,
1328 clause, term, or word of this Chapter that pertains to prohibited signs, including
1329 specifically those signs and sign-types prohibited and not allowed under section 122-10
1330 of this Chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph,
1331 sentence, phrase, clause, term, or word of section 122-10 is declared unconstitutional by
1332 the valid judgment or decree of any court of competent jurisdiction, the declaration of
1333 such unconstitutionality shall not affect any other part, section, subsection, paragraph,
1334 subparagraph, sentence, phrase, clause, term, or word of section 122-10.

1335 D. Severability of prohibition on billboards. If any part, section, subsection, paragraph,
1336 subparagraph, sentence, phrase, clause, term, or word of this Chapter and/or any other
1337 Code provisions and/or laws are declared invalid or unconstitutional by the valid
1338 judgment or decree of any court of competent jurisdiction, the declaration of such
1339 unconstitutionality shall not affect the prohibition on billboards as contained in this
1340 Chapter and Code.

1341 **SECTION THREE. Codification.** It is the intent of the City Council of the City of
1342 Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted
1343 broad and liberal authority in codifying the provisions of this Ordinance.
1344

1345 **SECTION FOUR. Effective date.** This Ordinance shall take effect immediately upon
1346 adoption as provided by the Charter of the City of Edgewood.

1347
1348 PASSED ON FIRST READING THIS _____ DAY OF _____, 2017.

1349
1350 PASSED AND ADOPTED THIS _____ DAY OF _____, 2017.

1351
1352

CITY OF EDGEWOOD, FLORIDA
CITY COUNCIL

1353

1354

1355

John Dowless, Council President

1356
1357

ATTEST:

1358
1359

Bea Meeks, City Clerk

1360
1361

1362
1363