

Ray Bagshaw
Mayor

John Dowless
Council President

Pamela Henley
Council Member

Neil Powell
Council Member

Dan Drummond
Council Member

Michael Hendrix
Council Member

AGENDA
JOINT WORKSHOP
CITY COUNCIL-PLANNING & ZONING BOARD
City Hall – Council Chamber
405 Larue Avenue, Edgewood, Florida
Wednesday, January 21, 2015
6:30 p.m.

Susan Lomas
Board Member

Marion Rayburn
Board Member

Chris Rader
Board Member

Regina Dunay
Chairwoman

Wade Fischer
Board Member

Workshop meetings are for information gathering and discussion purposes. No vote on any issues at Workshop meetings will be taken. The right is reserved to discuss additional items or delete items from the tentative agenda.

PLEASE SILENCE ALL CELLULAR PHONES AND PAGERS DURING THE WORKSHOP MEETING.
“THANK YOU” for participating in your City Government.

PRESENTATIONS

- Sign Code - Alissa Barber Torres, PhD, AICP and Tina Demostene, AICP
- Pgs. 1- 16 - Current Sign Code
Pgs. 17 - 54 - Proposed Sign Code

ADJOURNMENT

UPCOMING MEETINGS:

- February 3, 2015.....Joint Workshop (P&Z/City Council)
- February 9, 2015.....Planning & Zoning Board Meeting
- February 17, 2015..... City Council Meeting
- February 24, 2015..... Joint Workshop (P&Z/City Council)

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

Chapter 122 - SIGNS

FOOTNOTE(S):

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State Law reference— Authority to establish sign ordinances, F.S. § 166.0425; signs on state roads, F.S. § 335.14; outdoor advertisers, F.S. ch. 479.

Sec. 122-1. - Purpose and scope.

- (a) The regulations and requirements set forth herein shall be the minimum requirements to promote the public health, safety, general welfare, and aesthetics and to protect the character of all areas throughout the city.
- (b) It is intended that signs placed on land or on a building for the purpose of identification or for advertising a use conducted thereon or therein shall be deemed to be accessory and incidental to the subject land, building or use. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays in the demand for public attention. Therefore, the display of signs should be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement.
- (c) Signs commonly referred to as outdoor advertising, billboards or poster panels as defined herein as non-point-of-sale signs which advertise products or businesses not connected with the site on which they are located are prohibited in the city. The prohibition of billboard signs is deemed to be appropriate to the character and sound development of the city. It is intended that billboard signs be prohibited and that no additional signs defined herein as non-point-of-sale signs be permitted as a land use and that all existing signs be declared nonconforming signs as defined in section 122-5 of this chapter.

(Code 1985, § 19-1; Ord. No. 295, § 2, 5-21-1985)

Sec. 122-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advertising copy area means the advertising display surface area (copy area) of a sign encompassed within any regular geometric figure which would enclose all parts of the sign. The structural supports or members for the sign, whether they be poles, columns, pylons, or a building or a part thereof, shall be part of the sign but shall not be included in the advertising copy area.

Abandoned sign means a sign that advertises a business that is no longer doing business at that location and/or does not have an appropriate, current occupational license.

Beacon light means any light with one or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically.

Development means any development within all zoning districts within the corporate boundaries of the city.

Erect means to build, construct, attach, hang, paint, place, suspend or affix any type of sign as described herein.

Location means any real property, premises, building, structure, wall, vehicle, window or any place whatsoever upon which a sign is located.

Person means and includes any person, firm, partnership, association, corporation, company or organization, singular or plural, of any kind.

Public body means any government or governmental agency of the city, the county, the state, or of the United States of America.

Roofline means the juncture of the roof and the perimeter wall of the structure.

Semipublic body means any organization operating as a chartered nonprofit activity and serving a public purpose or service and shall include such organizations as noncommercial clubs, lodges, theatre groups, recreational and neighborhood associations, cultural organizations and fraternal, benevolent, charitable, eleemosynary, philanthropic, altruistic, civic, community, veteran, educational organizations or other organizations of like or similar nature.

Shopping center means a building or buildings where multiple occupancy is permitted and is actually used for individual stores and businesses using a common parking facility.

Signs means any surface, fabric, device, or display which bears lettered, pictorial or sculptured matter, including forms shaped to resemble any human, animal or product, designed to convey information visually and which is exposed to public view. The term "sign" shall include all structural members. A sign shall be construed to be a display area or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign. Included within the definition of signs are the following types of signs:

Awning sign means and consists of information painted on, or imprinted on, awnings. An "awning" is defined as a sheltering screen, extending over or before any place which has windows, doors, outside walks or the like, and providing shelter or protection against the weather.

Animated sign means any sign of which all or any part thereof revolves or moves in any fashion whatsoever; and any sign which contains or uses for illumination any light, lights or lighting device or devices which change color, flash or alternate, show movement or motion or create the illusion of motion, or change the appearance of said sign or any part thereof automatically.

Banner sign means any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institution or business shall not be considered banners for the purpose of this chapter.

Bench sign means a sign located on any part of the surface of a bench or seat.

Billboard sign means a non-point-of-sale sign as more specifically defined herein.

Building/shopping center identification sign means a sign that identifies the designated name of a building or group of buildings or shopping center which name is independent from the name of the occupant or occupants or services performed therein. This shall include but not be limited to office buildings and shopping centers.

Changeable copy sign means a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign. This shall also include the changing of copy on existing nonconforming billboards.

Community center sign means a sign for a church, club, community center or service center run by a not-for-profit organization for the benefit of others, and other similar facilities.

Construction sign means any sign giving the name or names of the owner, general contractor, architect, and financial institution responsible for construction on the site where the sign is placed, together with similar information included thereon pertaining to a building or project under construction upon lots or parcels of land where a building permit has been secured for construction of a building or project on such lot or parcel of land.

Directional sign means a sign that is placed at access drives and only directs motorists to the location of off-street parking areas.

Directory sign means a sign on which the names and locations or occupants of a building are given. This shall include but not be limited to office buildings and shopping centers.

Freestanding sign means any mobile or portable sign or sign structure, not structurally secured to the ground or to any other structure.

Ground sign means any freestanding sign mounted directly on a pedestal base or mounted directly on the ground without air space beneath as distinguished from the support of a pole or poles; or a sign supported by one or more poles no more than two feet in height. The sign shall be designed to incorporate similar shape, massing, color, size and building materials which are consistent with the architectural theme of the existing or proposed buildings on the premises.

Illuminated sign means any sign illuminated in any manner by an artificial light source.

Integral sign means memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials mounted on the face of a building.

Marquee sign means any sign attached to and made a part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Menu board sign means any sign which carries only the name of a restaurant and the current list and prices of foods or food preparations available in that restaurant.

Motor vehicle sign means a sign or advertising display mounted or painted on a motor vehicle.

Nonconforming sign means any sign which does not conform to the regulations of this chapter at the time of the adoption of the ordinance from which this chapter is derived and/or at the time of the adoption of the immediately preceding sign ordinance, or at the time that the property upon which the sign is located is annexed into the city.

Nonpoint-of-sale sign means a sign relating, in its subject matter, to commodities, accommodations, services or activities offered on premises other than the property upon which such sign is located.

Pedestal base means a fixed structural base that is located directly on the ground.

Point-of-sale sign means any sign which carries only the name of the firm, major enterprise, products, or services offered for sale on the premises, or a combination of these things.

Pole sign means any sign which is supported by structures or supports on or upon the ground and independent of support from any building.

Political sign means any sign erected to advocate the candidacy of a party or issues or individuals for elective office.

Projecting sign means any sign other than a wall sign affixed to any building or wall the leading edge of which extends beyond such building or wall.

Real estate sign means any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

Roof sign means any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

Snipe sign means any sign of any material whatsoever that is attached in any way to a utility pole, tree, fence post or any other similar object.

Temporary directional nonpoint-of-sale sign means any sign intended for display for a limited time which is located on private property which is different from the location to which people are directed by such sign. Included in this category are "For Sale" or "For Lease" signs, "Open House" and "Garage Sale" signs, and other similar type signs.

Wall sign means any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building, and which displays only one advertising surface.

Window sign means any sign placed inside, or printed or placed upon, a window facing the outside and which is intended to be seen from the exterior.

(Code 1985, § 19-2; Ord. No. 295, § 2, 5-21-1985; Ord. No. 2004-01, § 4, 11-16-2004; Ord. No. 2012-05, § 1, 10-16-2012)

Sec. 122-3. - Sign standards.

The following sign standards shall apply; only signs as described herein and not prohibited shall be permitted:

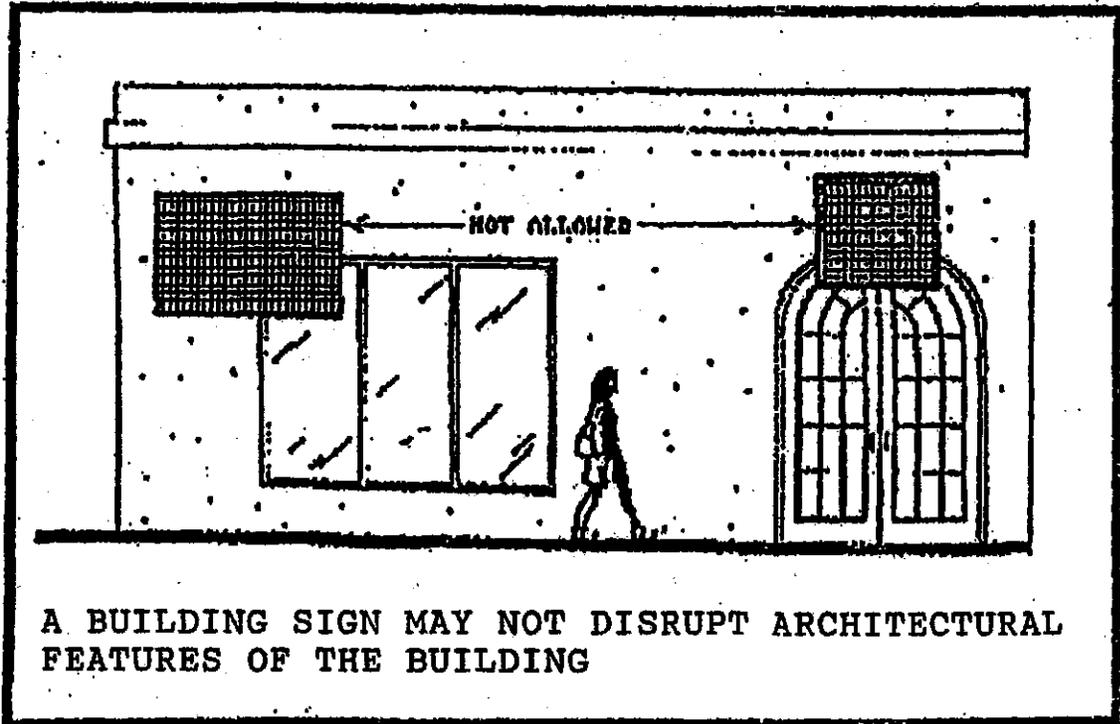
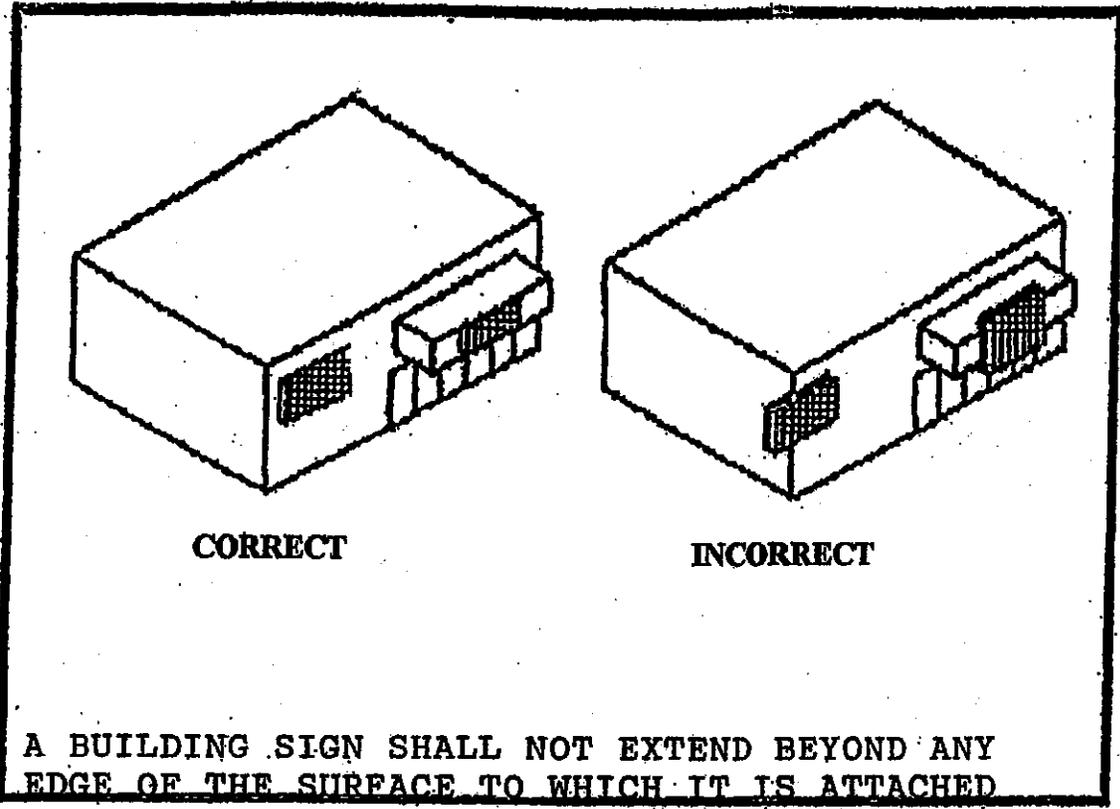
- (1) *Point-of-sale signs.* Point-of-sale signs shall only be erected upon improved property located in commercially zoned districts using the following standards:
- a. *Maximum allowable advertising copy area.* Unless otherwise specified, a maximum total advertising copy area of two square feet for each linear foot of building frontage shall be allowed. If the building has multiple frontage, an additional maximum advertising copy area of one square foot per additional linear foot of building frontage shall be allowed. If multiple frontages exist, the allowable copy area for each frontage must be utilized for that frontage to which it relates. In no event, however, shall there be more than a total maximum of 100 square feet of advertising copy area irrespective of the number of frontages.
 - b. *Building frontage.* For purposes of this chapter, the term "building frontage" shall mean only frontage on public rights-of-way and shall be that part of the building where lines perpendicular to a straight line connecting the corners of the building site intersect the building.
 - c. *Advertising copy area computation.* In computing copy area, standard mathematical forms for known shapes will be used. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape shall be used.
 - d. *Multiple-faced signs.* On any sign with more than one face, only the face or faces visible from any one direction at any one time will be counted; provided, however, that all faces of a multiple-faced sign shall be equal in size and contained within a common perimeter.
 - e. *Types and locations of allowed point-of-sale signs.* Only the following types of signs constructed in the following manner shall be conforming point-of-sale signs. All regulations shall relate to each building frontage as defined herein unless otherwise provided:
 1. *Awning signs.*
 2. *Building/shopping center identification signs.* Each building or group of buildings and shopping center which has a designated name shall be permitted an identification sign which may only identify the designated name of the building and shopping center. This shall be a point-of-sale ground or pole sign subject to the size and other requirements for such ground and pole signs.
 3. *Directory signs.* Directory signs may be allowed for office buildings, shopping centers and other similar multiple occupancy facilities as follows:
 - i. *Total sign area allowed.* A total sign area of four square feet per tenant is allowed.
 - ii. *General regulations.* General regulations for signs shall be as follows:
 - A. *Location and height.* The location and height requirements shall be the same as for all other pole and ground signs.
 - B. *Content.* Directory signs shall indicate only the name, address, location and occupation of the tenants.
 - C. *Combinations.* This sign may be placed on the same structure as the building/shopping center identification sign as provided elsewhere herein.
 4. *Freestanding signs.* Freestanding signs shall be included in the total copy area limits of this chapter and are subject to the following regulations:
 - i.

Each person engaged in the renting, leasing, owning or otherwise providing any freestanding sign shall be properly licensed as required by law and shall, prior to displaying each sign upon any business site, secure a permit for each sign from the city clerk.

- ii. The placement of a freestanding sign without a permit shall constitute usage and the issuance of a permit subsequent to removal of such illegal sign shall be subject to a 30-day waiting period.
 - iii. No freestanding sign shall be placed closer than 20 feet to the curb or pavement, whichever is closer. On corner lots, no such signs may be placed within the triangular area formed by the street right-of-way lines and a line connecting them at points 25 feet from the corner formed by the intersection of the street right-of-way lines, nor shall any freestanding sign be located closer than 50 feet to any other sign, no matter what type.
 - iv. The placement of a freestanding sign in a parking space which is required to meet the minimum parking requirements of the city shall be prohibited.
 - v. Freestanding signs, exclusive of the transportation mechanism, shall not exceed 40 square feet in area per face.
 - vi. All freestanding signs shall be limited to commercially zoned districts.
 - vii. There shall be a maximum of one freestanding sign per business location. The term "business location" shall mean each location where an occupational license is required.
 - viii. Each freestanding sign shall in some manner be secured so that only the person providing the sign shall have the capability of moving the sign in a normal manner.
 - ix. All incandescent bulbs in, on, or attached to any freestanding sign, shall be rated at not more than 75 watts. Flashing illumination shall be prohibited on freestanding signs. No more than ten spotflood bulbs per face of each trailer sign shall be permitted.
 - x. All wiring and fixtures must meet current electrical code standards. Permits and electrical inspections must also be obtained.
5. *Ground signs.* Ground signs shall not exceed 100 square feet in total advertising copy area (with no more than 72 square feet per face) and shall only be permitted when the lot upon which it is to be placed has a minimum of 50 linear feet of width on the side where the sign is to be placed. In addition, no ground sign shall be erected closer than 50 feet to any other ground sign. No part of any such sign (including the structure) shall extend beyond any right-of-way line, nor shall any part of such sign be closer than five feet to the curb or pavement, whichever is closer. All ground signs may extend up to eight feet above ground level to the tip of the sign. On corner lots, all signs within the triangular area formed by the street right-of-way lines and a line connecting them to a point 25 feet from the corner formed by the intersection of the street right-of-way lines shall have a minimum clearance of ten feet above finished grade level. Pole signs are prohibited, but notwithstanding any provisions to the contrary in this chapter, any pole sign legally permitted prior to the effective date of the ordinance from which this chapter is derived, shall be considered nonconforming

- signs and shall not be required to be removed until June 1, 2012. Any reference in this Code to pole signs shall mean pole signs permitted prior to May 2002. Ground signs meeting the allowable area requirements in place prior to the effective date of Ordinance No. 2002-04, which are properly permitted, shall be grandfathered in.
6. *Marquee signs.* Signs may be placed on the vertical faces or on top of a marquee, but no such sign shall project more than 12 inches above the marquee's upper edge or more than 12 inches out from the vertical face, nor extend beyond the marquee's perimeter, nor shall any part of such sign project below the bottom of the vertical face of the marquee.
 7. *Projecting signs.* Projecting signs may not project over public rights-of-way. No projecting sign or supporting structure shall project more than 48 inches from the wall of a building. No projecting sign or supporting structure shall extend above the top of a parapet wall.
 8. *Shopping center or multi-occupants signs.* In addition to the directory and building/shopping center identification signs permitted for shopping centers, each business location in the shopping center shall be permitted individual point of sale signs. The maximum allowable advertising copy area for all occupants in the total shopping center shall be based on two square feet of sign area for each linear foot of building frontage of the shopping center building. If the shopping center has multiple stories which are utilized for business locations, then the width of each additional story shall be utilized in calculating the building frontage. Each occupant (occupational license holder) shall then be allocated sign square footage based on their rental (or owned) square footage percentage of the total available square footage in the shopping center. In no event, however, may any one business location exceed a maximum of 100 square feet of total sign area.
 9. *Wall signs.* Wall signs may not project over any public right-of-way. No wall sign or supporting structure shall project more than 12 inches from the wall of a 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. Wall signs may not disrupt architectural features of the building (see Figure A in this section) and must be architecturally compatible and consistent with the building. This subsection applies to any rezoning, subdivision, special exception, building or other permit, or other development permit, as the term "development permit" is defined by general law, that is applied for after November 16, 2004, where the application seeks to construct, reconstruct, renovate, alter, or enlarge a land use, building or structure.

FIGURE A



Window signs. Temporary signs shall be permitted inside or upon a window and excluded from the maximum allowable copy area when used for less than 30 days to advertise special sales or events. Permanent window signs shall have their copy area included in the maximum allowable area defined in this chapter. The combined area of temporary and permanent window signs shall not exceed 35 percent of the window glass area of any side of the building.

- (2) *Other signs.* Unless otherwise specified, the following sign regulations and the sign standards contained in this section shall apply generally throughout the city:
- a. *Banner signs.* Banner signs may only be displayed as provided herein:
1. No banner sign shall be displayed unless a permit is issued by the city clerk, which permit will be issued upon a finding of the following facts:
 - i. That the banner sign is to be located on the premises owned or leased by the applicant; and
 - ii. That the banner sign or copy thereon does not violate any provisions of this chapter.
 2. Applications for banner sign permits under this section shall be submitted in writing to the city clerk and shall contain all pertinent information relating to the banner sign, including its size, copy and dates of display. All approvals or denials shall be in writing on, or accompanied by, one copy of the application. Approvals shall clearly state the dates the banner sign may be displayed and the information regarding an approved location within the following limits:
 - i. Banner signs may be permitted on a property for up to 30 consecutive calendar days provided that an applicant shall not be permitted to display banner signs on the same property more than 60 total days in a calendar year.
 - ii. Banner signs shall be limited to one banner sign on the property and may be mounted on a building or other appropriate support. If not mounted on a building, the banner sign must be at least 20 feet from adjacent property lines and not over 20 feet above the ground.
 - iii. Each banner sign shall be limited to a maximum of 40 square feet of copy area.
 - iv. All banner sign shall be maintained in good condition and shall be repaired or removed within 24 hours of notice that such action is required.
 3. Banner signs allowed under this section shall be exempt from the other building permit requirements.
 4. No streamers, pennants, flags, ribbons, spinners, wind-operated devices, or other prohibited devices shall be included or incorporated with the display of a banner sign approved under this section.
- b. *Community center signs.* One ground sign of a permanent nature, setting forth the name and services of a community center as defined herein, may be located on the site of the community center. Such sign shall not exceed 32 square feet in area.
- c. *Construction signs.* No more than one construction sign, not to exceed 72 square feet in size, may be erected on the site where the construction is being performed and shall be removed when the building or project has been completed, prior to issuance of the final

- certificate of occupancy; or within 15 days after construction operations have ceased, whichever is earlier. Construction signs shall be set back at least ten feet from all property lines in residential zoned districts.
- d. *Directional signs.* One private directional sign, not exceeding nine square feet in area, may be permitted at each access drive providing such sign only directs motorists to the location of off-street parking areas. No permit shall be required for this type of sign.
 - e. *Integral signs.* Individual letters and numerals comprising such signs shall not exceed 12 inches in height and the integral sign itself shall not exceed 12 square feet in area, which shall be excluded from the total allowable sign area.
 - f. *Menu board signs.* Menu board signs shall be permitted; provided, however, that said menu boards shall not exceed nine square feet in size and shall be attached to the restaurant building. The copy area shall be included in the total copy area limits of this section.
 - g. *Political signs.*
 1. Political signs shall be permitted in all residential districts under the following conditions: On each residential site, a maximum of two nonilluminated signs, not more than four square feet in area each, shall be permitted. Any such sign may only be installed by, or with the express consent of, the occupant of the premises or the owner of vacant property.
 2. Political signs shall be permitted in all other zoning districts, under the following conditions: On each property, nonilluminated signs, not to exceed 16 square feet in area each, provided that no sign larger than four square feet shall be located within 50 feet of any other political sign. On each unimproved or unoccupied property, the property owner shall be responsible for the placement and removal of political signs. On occupied property, the tenant shall be responsible for the placement and removal of political signs. Political signs installed on private property will be permitted for a period not to extend beyond 48 hours after the campaign issue has been decided. Signs erected pursuant to this section shall not be considered as part of the maximum allowable sign area for the premises upon which they are located. Political signs shall not be placed on public property, and any sign so located shall be removed immediately, as provided in section 122-8
 - h. *Public signs.* Governmental information or directional signs, historical markers, signs relating to national defense and security and other emergency signs, and ornamental signs of a permanent character displaying only the name of a commonly known and accepted name of a section of the city, deemed by the city council to be of a general public interest, may be located in any zoning district.
 - i. *Real estate signs.* Real estate signs with copy on either one or both sides shall be permitted in all zoning districts provided that only one sign may be erected for each street frontage of the parcel of property or unit offered for sale, lease or rent. No such sign shall exceed four square feet in area in residentially zoned districts. Multiple-listing strips and sold/rented/leased signs may be allowed when attached to a real estate sign. These shall be in addition to the above allowed sizes. Signs shall be removed after consummation of the sale, lease or rental. In addition to the above, open for inspection signs not exceeding four square feet in area may be allowed on property that is open for inspection, but only

at such time as a representative of the owner or broker is in attendance. Signs shall be located a minimum of 20 feet from adjoining property lines and a minimum of 20 feet from the curb or pavement, whichever is closer. (See also "temporary directional nonpoint-of-sale signs".) No permits shall be required for these signs.

- j. *Subdivision development signs.* Signs advertising a subdivision development of residential properties may be permitted providing the subdivision has been approved, platted, and under active development and sale. Such signs shall not exceed 128 square feet in area, including trim. Signs shall not be closer than 20 feet to a curb or pavement, whichever is closer, and at least 20 feet from any property under different ownership. The top of the sign shall not exceed 16 feet above ground level. Only two signs will be permitted in any one subdivision. Each sign shall be approved for a period of one year and, upon expiration of such approval, a renewal may be granted by the city council. All such signs must be immediately removed when the subdivision is not under active development and sale.
- k. *Subdivision and multiple-family residential signs.* One sign denoting only the name of a subdivision or multiple-family residential development with letters no more than 12 inches in height may be erected at each entranceway. In addition, one wall or ground sign may be located on the site of an apartment development provided it is not more than two square feet in area for each unit up to 16, for a maximum sign area of 32 square feet. However, such sign shall be no more than eight feet in height above established lot grade. Such sign shall indicate only facilities available on the immediate premises. When an apartment development is located on more than one street, one sign may be displayed on each such street.
- l. *Temporary signs.* A temporary sign announcing any public, charitable, educational, or religious event or function may be located on the premises of the sponsoring public or semipublic institution. Signs shall not exceed 24 square feet in area and, if ground-mounted, shall be no more than eight feet in height to the top of the sign, and shall not be illuminated. In all other respects, the use of temporary signs shall be subject to the same terms and conditions as provided for banner signs.
- m. *Temporary directional nonpoint-of-sale signs.* No temporary directional nonpoint-of-sale signs may remain for more than 72 hours at any one time. A permit cannot be renewed, nor can a permit be obtained for the same premises within a period of 15 days after the expiration of any previous permit. The overall dimensions of a temporary sign shall not exceed three feet vertically by four feet horizontally. Written authorization from the owner of the property upon which the sign is to be located must be submitted with the application for the permit. No permit fee shall be charged for these signs.

- (3) *Noncommercial signs.* All signs permitted by this chapter may similarly carry noncommercial messages so long as such message does not violate the terms of this chapter.

(Code 1985, § 19-3; Ord. No. 295, § 2, 5-21-1985; Ord. No. 311, §§ 1—4, 3-4-1986; Ord. No. 340, § 1, 7-19-1988; Ord. No. 2002-04, § 4, 5-7-2002; Ord. No. 2004-01, § 5, 11-16-2004; Ord. No. 2009-12, § 1, 12-15-2009; Ord. No. 2012-05, § 1, 10-16-2012)

Sec. 122-4. - Prohibited signs.

The following signs are prohibited and shall be removed immediately in accordance with section 122-8:

- (1) Signs which in any way simulate emergency vehicles, traffic control signs and devices, or directional, informational and warning signs which are erected or maintained by a public body or by any railroad, public utility or similar agency concerned with the protection of the public health or safety.
- (2) Any private sign placed on public property, unless authorized by the city council.
- (3) Motor vehicle signs, subject to the following exceptions:
 - a. Any vehicle parked on private property when parked within the confines of a building or in some other manner which provides for effective screening so as not to allow the sign or signs on the vehicle to be viewed from any public street.
 - b. Any vehicle upon which is placed a sign identifying the firm or its principal products if such vehicle is one which is operated during the normal course of business.
 - c. Buses, taxicabs and similar common carrier vehicles which are licensed or certified by any city or the Florida Public Service Commission.
- (4) Except as provided in subsection 122-3(2)a., any sign which incorporates or consists of banners, pennants, ribbons, flags, streamers, spinners or wind-operated devices.
- (5) Any advertisement which uses a series of two or more signs placed in a line parallel to the street or in a similar fashion, and carrying a single advertising message, part of which is contained on each sign.
- (6) Any sign which the city engineer determines obstructs the sightline at intersections and/or public or private driveways, or otherwise obstructs or hinders a vehicle driver's sight of road and/or other vehicles.
- (7) Snipe signs.
- (8) Any sign which incorporates a beacon light or lights as defined herein.
- (9) Animated signs; provided, however, that electronically-controlled message centers and signs which provide public service time, temperature and date which automatically change shall be excluded from this prohibition.
- (10) Billboards and nonpoint-of-sale signs.
- (11) Bench signs.
- (12) Roof signs.
- (13) Reserved.

(Code 1985, § 19-4; Ord. No. 295, § 2, 5-21-1985; Ord. No. 340, § 2, 7-19-1988)

Sec. 122-5. - Nonconforming signs.

(a) *Period allowed to remain.*

- (1) Any sign which existed and was maintained on July 6, 1982, which was the date that the predecessor sign ordinance became effective, may be continued although such sign did not conform to all of the provisions contained therein and does not conform to all of the provisions contained herein, except as provided in subsection (b) of this section; provided that all such nonconforming signs and their supporting members shall be completely removed from the premises or brought into conformance not later than June 1, 1987. Further, any sign which existed and was maintained at the same time this chapter became effective and which became a nonconforming sign for the first time because of this chapter may be continued although such sign does not conform to all of the provisions contained herein, except as

provided in subsection (b) of this section; provided that all such nonconforming signs and their supporting members shall be completely removed from the premises or brought into conformance not later than June 1, 1990. Provided, however, that nothing herein shall be construed as permitting the continuance of any prohibited sign as defined in section 122-4 except for billboards that lawfully existed.

- (2) Any sign which lawfully existed on property annexed into the city limits may be continued although such sign does not conform to all of the provisions contained herein, except as provided in subsection (b) of this section; provided that all such nonconforming signs and their supporting members shall be completely removed from the premises or brought into conformance not later than June 1, 1990, and further providing that nothing herein shall be construed as permitting the continuance of any prohibited sign as defined in section 122-4 except for billboards that lawfully existed.
 - (3) Any sign which existed and was maintained on the date that Ord. No. 311 became effective (March 4, 1986) and which became a nonconforming sign for the first time because of that ordinance, may be continued although such sign does not conform to all of the provisions contained herein, except as provided in subsection (b) of this section; provided that all such nonconforming signs and their supporting members shall be completely removed from the premises or brought into conformance not later than March 1, 1991. Provided, however, that nothing herein shall be construed as permitting the continuation of any prohibited sign as defined in section 122-4 except for billboards that lawfully existed.
- (b) *Requirements.* No existing nonconforming sign shall be altered structurally, repaired, moved or have the wording changed unless brought in conformance with the requirements of this chapter; provided, however, that this restriction shall not apply to the change of copy on changeable copy signs. The term "repaired" shall mean repairs the cost of which is in excess of 50 percent of the replacement cost of the sign, such cost of repairs to include the cost of labor and materials.
- (c) *Unlawful signs.* No sign shall be considered to be a nonconforming sign if it was erected without the necessary permits and approvals having been obtained, or if the sign was erected contrary to the provisions or limitations of a building permit or this chapter. Any such sign shall be considered unlawful and shall be subject to all of the enforcement provisions of this chapter.

(Code 1985, § 19-5; Ord. No. 295, § 2, 5-21-1985; Ord. No. 311, § 5, 3-4-1986)

Sec. 122-6. - General requirements for all signs.

- (a) *Illumination of signs.* Any light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises or affect adversely the safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine directly on or into residential structures.
- (b) *Exposed sign structure.* No structure or framework may be exposed by removal of sign faces or advertising copy for a period in excess of 30 days.
- (c) *Maintenance.* All parts and supports of any sign shall be maintained, treated and/or painted so as to be safe, prevent rust or deterioration, and to maintain their appearance, except for nonconforming signs as provided in section 122-5. Any damaged sign must be repaired or replaced within 30 days from the date of damage. If not repaired within 30 days, the sign shall constitute a public nuisance.
- (d) *Permits displayed.* All signs requiring permits shall be marked with identification supplied by the city.

- (e) *Hazard.* The sign must not create a traffic or fire hazard and shall not interfere with the public safety of the citizens of the city.
- (f) *Weeds and debris.* Weeds and debris shall be kept out or cleared in the immediate area of all signs.
- (g) *Ingress and egress.* No sign shall be attached to or placed against a building in such a manner as to prevent ingress or egress through any door or window of any building, nor shall any sign obstruct or be attached to a fire escape.
- (h) *Owner's approval.* No sign shall be placed upon private property without the prior written consent of the property owner filed with the city clerk. Signs in violation of this subsection may be removed by the city without notice and held by the city at city hall where they may be claimed by the owners, or the city may enforce the chapter as elsewhere provided.
- (i) *Abandoned signs.* Abandoned signs shall be removed by the owner or lessee of the premises upon which a sign is located when the business which a sign advertises is no longer conducted on the premises or if the business does not have an occupational license. If the owner or lessee fails to remove the sign within 60 days from the termination of the business which was conducted on the premises or the termination of the valid occupational license, the city clerk shall order removal. Failure to do so will be a violation of this chapter and the enforcement provisions shall apply.
- (j) *Corner lots.* Except as elsewhere provided, on corner lots no signs may be placed within the triangular area formed by the street right-of-way lines and a line connecting them at points 25 feet from the corner formed by the intersection of the street right-of-way lines which would in any fashion obstruct the sightline at the corner intersection.
- (k) *Street address numbers.* All commercial, industrial, and professional development signs shall display the street address numbers. Street address numbers shall be between four inches and 12 inches in height. Street address numbers shall be in contrasting colors so as to be visible to an oncoming emergency vehicle. This subsection applies to any rezoning, subdivision, special exception, building or other permit, or other development permit, as the term "development permit" is defined by general law, that is applied for after November 16, 2004, where the application seeks to construct, reconstruct, renovate, alter, or enlarge a land use, building, or structure.
- (l) *Flagpoles.* Flagpole heights shall be between 20 feet and 35 feet in height above grade. When displaying the national flag, regulations as outlined by the 94th Congress (Public Law 94-344; 36 USC 171—178) and amendments thereto shall be followed. Flagpoles may not project over any public right-of-way. This subsection applies to any rezoning, subdivision, special exception, building or other permit, or other development permit, as the term "development permit" is defined by general law, that is applied for after November 16, 2004, where the application seeks to construct, reconstruct, renovate, alter, or enlarge a land use, building, or structure.

(Code 1985, § 19-6; Ord. No. 295, § 2, 5-21-1985; Ord. No. 2004-01, § 6, 11-16-2004)

Sec. 122-7. - Signs in all commercially zoned districts.

Unless otherwise provided for herein, all signs shall be located at least 20 feet from all adjoining property lines and at least 20 feet from existing curbs or pavement, whichever is closer.

(Code 1985, § 19-7; Ord. No. 295, § 2, 5-21-1985)

Sec. 122-8. - Penalties and enforcement.

- (a)

The erection, construction, relation or use of any sign not conforming to the provisions of this chapter is prohibited. The enforcement of this chapter shall include, but not be limited to, the following:

- (1) Fines as provided elsewhere in this Code;
 - (2) Enforcement in a court of competent jurisdiction;
 - (3) Removal of signs which shall be done pursuant to the following provisions: The city clerk shall order the removal of any sign erected and maintained on public or private property in violation of this chapter. The city clerk shall not order the removal of any sign erected and maintained on private property in violation of this chapter except upon five days written notice served personally, or by certified mail to the address reflected by county records, upon the owner or lessee of a sign and/or the owner of the subject property upon which the sign is located. For all temporary signs, this notice shall be 24 hours. Nor shall the city clerk order the removal of any nonconforming signs until the time period for which the signs are permitted to remain under this chapter has expired. Said notice shall describe the violations of this chapter, the alterations, repairs or action necessary to achieve compliance, the time period allowed to achieve compliance, and the right of appeal to the city council. The city may assess the cost and expense of the removal of signs which are in violation of this chapter or the building code of the city as a lien upon the real property upon which the sign sits and/or any other real or personal property of the owner or lessee of the sign, which liens shall be superior to all other private liens. Such liens shall be enforced as provided elsewhere in this city Code. This procedure does not apply to Code enforcement board proceedings;
 - (4) Proceedings by the code enforcement board.
- (b) In any action commenced in any court of competent jurisdiction by the city for the enforcement of this chapter or the removal of a sign, the violating party shall be responsible for all legal costs involved, including a reasonable attorney's fee, which cost and fees shall be a lien upon the property and which lien may be enforced as provided elsewhere in this Code.

(Code 1985, § 19-8; Ord. No. 295, § 2, 5-21-1985)

Sec. 122-9. - Sign permit required.

No person shall erect, alter, repair or relocate any sign without first obtaining a permit for such work from the city. No permit shall be issued until the city clerk determines that such work is in accordance with the requirements contained in this chapter. The fees charged for such permits shall be set as provided for elsewhere in this city Code.

- (1) *Drawing.* Every application shall be accompanied by a drawing of the proposed sign showing the location, height, size, and distance from other signs, where applicable, and all other information required to determine compliance.
- (2) *Exception, changeable copy sign.* The changing of advertising copy or message on signs which are specifically designed for the use of replaceable copy shall not require a building permit.

(Code 1985, § 19-9; Ord. No. 295, § 2, 5-21-1985)

Sec. 122-10. - Administration of chapter.

The following provisions shall govern the administration of this chapter:

- (1)

Compliance with other regulations. All signs as defined by this chapter shall be erected, altered and maintained in accordance with the provisions of this chapter and shall be designed and installed in compliance with the requirements of the building and electrical codes of the city.

- (2) *Enforcement.* The city council is hereby authorized to enforce all provisions of this chapter.
- (3) *Interpretation.* Where there is any ambiguity or dispute concerning the interpretation of this chapter, the decision of the city council shall prevail.
- (4) *Conflict with other regulations.* Where the provisions of this chapter are in conflict with any other ordinance or code, or parts of ordinances or codes, the most stringent provision shall govern.
- (5) *Code enforcement board.* Other provisions of this Code notwithstanding, the code enforcement board shall have concurrent authority to enforce the terms of this chapter pursuant to its own laws, rules and regulations.

(Code 1985, § 19-10; Ord. No. 295, § 2, 5-21-1985)

Sec. 122-11. - Variances.

Variances from the terms of this chapter shall be handled in the same manner as variances are handled for zoning matters in the city.

(Code 1985, § 19-11; Ord. No. 295, § 2, 5-21-1985)

repealed
code

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO SIGNS; REPEALING AND REPLACING CHAPTER 5, CHAPTER VI 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; SIGNS, DECORATIONS, AND ARTWORK EXEMPT FROM PERMITTING; 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, VARIANCES, 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 SEVERABILITY OF PROHIBITION ON BILLBOARDS; AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES AND THE LAND DEVELOPMENT CODE TO BE CONSISTENT WITH THE FIRST AMENDMENT OF THE CONSTITUTION AND WITH AMENDMENTS TO CHAPTER VII OF THE LAND DEVELOPMENT CODE, ADOPTED HEREIN; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

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

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

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

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

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

44 **WHEREAS**, the City Council finds that some signs, particularly large signs,
45 detract from the aesthetic beauty of the landscape; and

46 **WHEREAS**, the City Council wishes to preserve the aesthetic beauty of the City
47 of Edgewood; and

48 **WHEREAS**, the regulation of signage for purposes of aesthetics has long been
49 recognized as advancing the public welfare; and

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

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

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

60 **WHEREAS**, the City Council desires to delete sections, subsections, paragraphs,
61 subparagraphs, divisions, subdivisions, clauses, sentences, phrases, words, and provisions
62 of the existing ordinance which are obsolete, and/or which have not been enforced,
63 and/or which are not enforceable, and/or which are superfluous to the policies, objectives
64 and goals of the City's Comprehensive Plan, and/or which would be severable by a court
65 of competent jurisdiction; and

66 **WHEREAS**, the City Council finds and determines that the City has allowed
67 noncommercial speech to appear wherever commercial speech appears; and the City
68 Council desires to codify that practice through the specific inclusion of a substitution
69 clause that expressly allows noncommercial messages to be substituted for commercial
70 messages; and

71 **WHEREAS**, the City Council finds and determines that aesthetics is a valid basis
72 for zoning, and the regulation of the size of signs and the prohibition of certain types of
73 signs can be based upon aesthetic grounds alone as promoting the general welfare [*see*
74 *Merritt v. Peters*, 65 So.2d 861 (Fla. 1953); *Dade County v. Gould*, 99 So.2d 236 (Fla.
75 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5th Cir.
76 1970), *cert. dismissed*. 400 U.S. 878 (1970)]; and

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

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

82 **WHEREAS**, the City Council finds and determines that this ordinance will lessen
83 hazardous situations, as well as confusion and visual clutter otherwise caused by the
84 proliferation, improper placement, excessive height, excessive size, and distracting

85 characteristics of signs which compete for the attention of pedestrian and vehicular
86 traffic; and

87 **WHEREAS**, the Florida Constitution states that it shall be the policy of the State
88 to conserve and protect its scenic beauty, and the City Council finds and determines that
89 the prohibition of the construction of billboards and certain other sign types, as well as
90 the establishment and continuation of height, size and other standards for on-premise
91 signs, is consistent with this policy; and

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

95 **WHEREAS**, the City Council finds and determines that billboards detract from
96 the natural and manmade beauty of the City; and

97 **WHEREAS**, the City Council finds and determines that the preservation of the
98 City's scenic beauty promotes tourism by establishing a visual attractiveness for the City
99 and promoting its general economic and cultural development consistent with the City's
100 interest in beauty; and

101 **WHEREAS**, the City Council agrees with the American Society of Landscape
102 Architects' determination that billboards tend to deface nearby scenery, whether natural
103 or built, rural or urban; and

104 **WHEREAS**, the City Council agrees with the courts that have recognized that
105 outdoor advertising signs tend to interrupt what would otherwise be the natural landscape
106 as seen from the highway, whether the view is untouched or altered by man, and that it
107 would be unreasonable and illogical to conclude that an area is too unattractive to justify
108 aesthetic improvement [*see E.B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d
109 1141 (5th Cir. 1970), *cert. denied*, 400 U.S. 878 (1970); *John Donnelly & Sons, Inc. v.*
110 *Outdoor Advertising Bd.*, 339 N.E. 2nd 709, 720 (Mass. 1975)]; and

111 **WHEREAS**, the City Council recognizes that billboards are a form of
112 advertisement designed to be seen without the exercise of choice or volition on the part of
113 the observer, unlike other forms of advertising that are ordinarily seen as a matter of
114 choice on the part of the observer [*see Packer v. Utah*, 285 U.S. 105 (1932); and *General*
115 *Outdoor Advertising Co. v. Department of Public Works*, 289 Mass. 149, 193 N.E. 99
116 (1935)], and the City Council acknowledges that the United States Supreme Court and
117 many federal courts have accepted legislative judgments and determinations that the
118 prohibition of billboards promotes traffic safety and the aesthetics of the surrounding area
119 [*see Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 509-510 (1981); and *National*
120 *Advertising Co. v. City & County of Denver*, 912 F.2d 405, 409 (10th Cir. 1990); and
121 *Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1239 (D. Kan. 1999)]; and

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

128 **WHEREAS**, the City Council finds and determines that in order to reconfirm that
129 the billboard regulations meet constitutional scrutiny, it is appropriate to amend the
130 ordinance to emphasize the fact that noncommercial messages may be placed wherever
131 commercial messages appear, that commercial speech is not favored over noncommercial
132 speech, and that any on-site or off-site sign permitted or allowed by law is allowed to
133 contain noncommercial speech in lieu of any other speech; and

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

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

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

149 **WHEREAS**, the City Council finds and determines that municipalities may
150 separately classify offsite and on-site advertising signs in taking steps to minimize visual
151 pollution [*see City of Lake Wales v. Lamar Advertising Association of Lakeland, Florida*,
152 414 So.2d 1030, 1032 (Fla. 1982)]; and

153 **WHEREAS**, the City Council recognizes that on-site business signs are
154 considered to be part of the business itself, as distinguished from off-site outdoor
155 advertising signs, and finds and determines that it is well-recognized that the unique
156 nature of outdoor advertising and the nuisances fostered by billboard signs justify the
157 separate classification of such structures for the purposes of governmental regulation and
158 restrictions [*see E.B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1153
159 (5th Cir. 1970), *cert. denied*, 400 U.S. 878, 91 S.Ct. 12, 27 L.Ed. 2d 35 (1970), quoting
160 *United Advertising Corp. v. Borough of Raritan*, 11N.J. 144, 93 A.2d 362, 365 (1952);
161 *Clear Channel Outdoor, Inc. v. City of Los Angeles*, 340 F.3d 810, 814 (9th Cir. 2003)];
162 and

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

168 **WHEREAS**, the City Council finds and determines that billboard signs are public
169 nuisances given their adverse impact on both traffic safety and aesthetics; and

170 **WHEREAS**, the City Council finds and determines that billboards are a traffic
171 hazard and impair the beauty of the surrounding area, and the prohibition of the
172 construction of billboards will reduce these harms [*see Outdoor Systems, Inc. v. Cite of*
173 *Lenexa*, 67 F.Supp.2d 1231, 1239 (D. Kan. 1999)]; and

174 **WHEREAS**, the City Council finds and determines that the presence of
175 billboards along the federal interstate and the federal-aid primary highway systems have
176 prevented public property in other jurisdictions from being used for beautification
177 purposes due to view zones established by state administrative rule; and

178 **WHEREAS**, Scenic America, Inc. recommends improvements in the scenic
179 character of a community's landscape and appearance by prohibiting the construction of
180 billboards, and by setting height, size and other standards for on-premise signs [*see*
181 *Scenic America's Seven Principles for Scenic Conservation, Principle #5*]; and

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

185 **WHEREAS**, Vermont, Alaska, Maine, and Hawaii have prohibited the
186 construction of billboards in their states and are now billboard-free in an effort to
187 promote aesthetics and their natural scenic beauty; and

188 **WHEREAS**, the City Council finds and determines that in order to preserve,
189 protect and promote the safety and general welfare of the residents of the City, it is
190 necessary to continue to regulate off-site advertising signs, commonly known as billboard
191 signs or billboards, so as to prohibit the construction of billboards in all zoning districts,
192 and to provide that the foregoing provisions shall be severable; and

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

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

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

209 **WHEREAS**, the City Council finds and determines that A-frame signs are
210 portable signs which, like other portable signs which normally are heavier than other
211 temporary signs, can pose a safety hazard; and

212 **WHEREAS**, to stimulate the economic growth of the businesses in the City's
213 Downtown Edgewood Zoning District, Downtown Edgewood Special District,
214 Edgewood Westside District, Edgewood Avenue Special District and Cultural Corridor
215 District, to encourage pedestrian, as opposed to vehicular travel, and to improve
216 marketing and awareness of the offerings of businesses in these districts, it is desirable to
217 allow A-frame signs in said districts under certain conditions and restrictions to reduce
218 visual blight and ensure pedestrian and vehicular safety; and

219 **WHEREAS**, the City Council finds and determines that the City has consistently
220 adopted and enacted severability provisions in connection with its Code provisions and
221 that the City Council wishes to ensure that severability provisions apply to its Code of
222 Ordinances, including its sign regulations; and

223 **WHEREAS**, the City Council finds and determines that off-site signs, also
224 known and commonly referred to as "billboards," are not compatible with adjacent areas
225 and are not an approved land use within any of the City's zoning districts; and

226 **WHEREAS**, the Planning and Zoning Commission, acting as the Local Planning
227 Agency, found and determined that this Ordinance is consistent with the City's
228 Comprehensive Plan, and the City Council finds and determines that the following
229 amendments are consistent with all applicable policies of the City's Comprehensive Plan;
230 and

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

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

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

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

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

252 **WHEREAS**, the City Council finds and determines that under Florida law,
253 whenever a portion of a statute or ordinance is declared unconstitutional the remainder of
254 the act will be permitted to stand provided (1) the unconstitutional provisions can be

255 separated from the remaining valid provisions, (2) the legislative purpose expressed in
256 the valid provisions can be accomplished independently of those which are void, (3) the
257 good and the bad features are not so inseparable in substance that it can be said that the
258 legislative body would have passed the one without the other, and (4) an act complete in
259 itself remains after the invalid provisions are stricken [*see, e.g., Waldrup v. Dugger*, 562
260 So.2d 687 (Fla. 1990)]; and

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

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

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

275
276 **WHEREAS**, the City Council desires that there be an ample record that it intends
277 that each prohibited sign-type continue in effect regardless of the invalidity or
278 unconstitutionality of any, or even all other, provisions of the City's sign regulations,
279 other ordinance or Code provisions, or other laws, for any reason(s) whatsoever; and

280 **WHEREAS**, the City Council desires to prohibit certain narrowly defined signs
281 on vehicles not regularly used in the conduct of any business be prohibited throughout the
282 City since there is ample record that these "vehicle signs," also known as "mobile
283 billboards," promote visual blight, can roll into traffic on windy days, are a safety hazard
284 for drivers who must swerve around them, and use up valuable parking spaces intended
285 for business patrons; and

286
287 **WHEREAS**, the City Council desires that there be an ample record that it intends
288 that the height and size limitations on free-standing and other signs continue in effect
289 regardless of the invalidity or unconstitutionality of any, or even all other provisions of
290 the City's sign regulations, other ordinance or Code provisions, or other laws, for any
291 reason(s) whatsoever; and

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

295 **WHEREAS**, the City Council is aware that billboard developers seeking to attack
296 a sign ordinance have often advanced an argument that the developer has a "vested" right
297 to erect the billboards described in their permit applications, and argue that if they are
298 successful in obtaining a judicial decision finding that the City's entire sign ordinance is

299 unconstitutional, it follows that they are entitled to build any sign described in the permit
300 applications submitted under the “unconstitutional” ordinance, and argue that this result
301 is mandated because when they applied for their permits there was no valid constitutional
302 ordinance in place; and

303 **WHEREAS**, the City Council desires to make it clear that billboards are not a
304 compatible land use within the City and that there can be no good faith reliance by any
305 prospective billboard developer under Florida “vested rights,” or any other theory or law
306 in connection with the prospective erection or construction of billboards within the
307 jurisdictional limits of the City; and
308

309 **WHEREAS**, the City Council is mindful of the warnings from various studies
310 regarding the effect on traffic safety of electronic changeable message and tri-vision signs
311 discussed in the September 11, 2001 report sponsored by the Federal Highway
312 Administration entitled, *Research Review of Potential Safety Effects of Electronic*
313 *Billboards on Driver Attention and Distraction*, and therefore, wishes to clarify its
314 prohibition of these sign types. *See also, the 2009 study “Safety Impacts of the Emerging*
315 *Digital Display Technology for Outdoor Advertising Signs” prepared for the American*
316 *Associates of State Highway and Transportation Officials; Final Report, A Critical,*
317 *Comprehensive Review of Two Studies Recently Released By the Outdoor Advertising*
318 *Association of America*, prepared for: Maryland State Highway Administration, by Jerry
319 Wachtel, CPE, President, The Veridian Group, Inc., Berkeley, California October 18,
320 2007 (concluding that two traffic studies conducted by the outdoor advertising industry
321 seeming to indicate that electronic billboards posed no traffic safety concern were both
322 severely flawed in their methodology and thus unreliable in their conclusions. On page
323 13 of the report Veridian concludes that the outdoor advertising industry used
324 “misleading and inconsistent reporting [showed] evidence of bias [and there was]
325 evidence of internal errors and inconsistencies throughout the report”); *Traffic Safety*
326 *Evaluation of Video Advertising Signs*, by Alison Smiley et al., Transportation Research
327 record: Journal of the Transportation research Board, No. 1937, 2005 (a major study of
328 electronic signs in Toronto, which finds that “[o]n the basis of the eye fixation study and
329 the public survey data, it is apparent that video advertising can distract drivers
330 inappropriately and lead to individual crashes.”); *Research Review of Potential Safety*
331 *Effects of Electronic Billboards on Driver Attention and Distraction*, September 2001,
332 Federal Highway Administration, U.S. Department of Transportation (a summary of
333 existing research (as of 2001), on the subject of the safety of electronic signs and a call
334 for additional studies); *Milwaukee County Stadium Variable Message Sign Study:*
335 *Impacts of an Advertising Variable Message Sign on Freeway Traffic*, December 1994,
336 Wisconsin Department of Transportation (study of the dangers posed by an electronic
337 sign in Milwaukee along I-94, that concluded that “It is obvious that the variable message
338 sign has had an effect on traffic, most notably in the increase of the side swipe crash
339 rate”); and

340 **WHEREAS**, the City Council has determined that the purpose and intent
341 provisions of its signage regulations should be even more detailed than they are now so
342 as to further describe the beneficial aesthetic and other effects of the City’s sign
343 regulations, and to reaffirm that the sign regulations are concerned with the secondary

344 effects of speech and are not designed to censor speech or regulate the viewpoint of the
345 speaker; and

346 **WHEREAS**, the City Council wishes to ensure that the City's Code of
347 Ordinances relative to signs is in compliance with all constitutional and other legal
348 requirements; and

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

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

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

355 **WHEREAS**, the City Council wishes to assure that wind signs are effectively
356 prohibited as a sign-type within the City; and

357 **WHEREAS**, the City Council wishes to assure that revolving and rotating signs
358 are effectively prohibited as a sign-type within the City; and

359 **WHEREAS**, allowing exemptions for certain signage, and based upon the
360 function served by the sign (e.g., warning signs, directional signs, real estate signs,
361 warning and safety signs, machinery and equipment signs, and garage/yard sale signs;
362 and other sign types described by function herein) is preferred to requiring permits for all
363 such signs or alternatively, banning all such signs; and

364 **WHEREAS**, sign types described herein are related in other ways to the
365 functions they serve and the properties to which they relate [*see* Bond, Making Sense of
366 Billboard Law: Justifying Prohibitions and Exemptions, 88 Mich.L.Rev.2482 (1980)];
367 and

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

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

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

380 **WHEREAS**, in narrowly drawing and tailoring provisions for regulating signage,
381 the City Council finds and determines that certain temporary sign-types for temporary
382 banners play an important role in commerce and special activities and events in the City,
383 and are necessary, but that the potential for contributing to visual clutter that can occur
384 through violations of durational and dimensional criteria should be controlled and/or

385 monitored by content-neutral permitting as necessary to preclude abuse that adversely
386 affects traffic, building, and pedestrian safety, and aesthetics; and

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

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

392 **WHEREAS**, in narrowly drawing and tailoring provisions for regulating signage,
393 the City Council finds and determines that temporary construction signs that function to
394 identify ongoing construction activity during the time that a building permit is active and
395 prior to completion of the work provides important directional information to contractors,
396 subcontractors, suppliers, material, men and laborers providing and/or delivering
397 materials and/or services and are a necessary type of signage related to the premises on
398 which they are located, contribute to safety of workers, and nearby traffic and
399 pedestrians, and have no effective substitute; and

400 **WHEREAS**, in narrowly drawing and tailoring provisions for regulating signage,
401 the City Council finds and determines that directional signs and directory signs for
402 identification purposes are necessary to identify premises and/or occupants and provide
403 an indispensable means for guiding pedestrians and vehicular traffic, as well as
404 emergency services such as fire, ambulance and rescue services, and thereby provide for
405 the health and safety of persons in the City, and that such sign-types are a necessary type
406 of signage related to the premises on which they are located and have no effective
407 substitute; and

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

414 **WHEREAS**, in narrowly drawing and tailoring provisions for regulating signage,
415 the City Council finds and determines that machinery and equipment signs, *i.e.*, those
416 signs that are integrated into machinery and equipment and that are visible from the street
417 are a necessary type of signage that are inextricably related to the machines and
418 equipment on which they appear and that it is impractical to prohibit such signs in
419 commerce without effectively prohibiting the associated machines and equipment, and as
420 a result the City finds that machine and equipment signs should be allowed in all zoning
421 districts; and

422 **WHEREAS**, the City Council recognizes that under current jurisprudence [*see*,
423 *e.g.*, *Linmark Associates v. Town of Willingboro*, 431 U.S.79 (1977)], on-site real estate
424 signs, such as "for sale" signs should be allowed without imposing specific time
425 limitations, given the important role and unique function that real estate signs, such as
426 "for sale" signs, perform on the premises where they are located, for which there is no

427 effective substitute, and considering that real property does not always sell within a
428 specific time period; and

429 **WHEREAS**, under current jurisprudence [*see, e.g., Ladue v. Gilleo*, 512 U.S. 43
430 (1994)], signs that allow property owners, especially residential homeowners, to freely
431 express a particular point of view on their own property should be reasonably
432 accommodated, and may be uniquely valuable; and

433 **WHEREAS**, the City Council finds and determines that free expression signs are
434 sufficient to allow for political speech unrelated to particular candidates or ballot issues;
435 and

436 **WHEREAS**, the City Council intends to expressly provide that property owners
437 may display at least one sign for free expression at all times, and to expressly provide that
438 property owners may maintain signs displaying their support or opposition to political
439 candidates and ballot issues before the election to which they pertain; and

440 **WHEREAS**, the City Council recognizes that under current jurisprudence
441 election signs are generally accorded a higher level of protection under the First
442 Amendment than any other classification or type of speech, for which there is no
443 effective substitute; and

444 **WHEREAS**, the City Council recognizes that durational limitations on election
445 signs, sometimes referred to as political signs, are constitutionally problematic when the
446 limitations affect the posting of election signs prior to the election concerning the
447 candidate or ballot issue to which they pertain, but durational limits requiring the removal
448 of election signs following such election are generally permissible, and there is no
449 effective substitute [*see, e.g., Election Signs and Time Limits, Evolving Voices in Land*
450 *Use Law*, 3 Wash. U.J.L. & Poly 379 (2000)]; and

451 **WHEREAS**, the City Council finds and determines that the exceptions and/or
452 exemptions for real estate signs, free expression signs, political signs, and certain other
453 sign types are not intended to diminish or lessen the City's interests in aesthetics or traffic
454 safety, but the same are adopted in recognition of the useful functions and practical needs
455 served by such signage in the City's commerce and/or in the political freedom that is
456 accorded its citizens to freely express their points of view and political desires; and

457 **WHEREAS**, the City Council recognizes that under current jurisprudence its sign
458 regulations may be under-inclusive in their reach to serve the City's interests in aesthetics
459 and traffic safety, while at the same time balancing the interests protected by the First
460 Amendment [*see, e.g., Members of City Council v. Taxpayers for Vincent*, 466 U.S. 789
461 (1984); *Codes, Sign Regulation After Ladue; Examining the Evolving Limits of First*
462 *Amendment Protection*, 74 Neb.L.Rev. 36 (1995)], and the City Council may from time
463 to time modify the sign regulations herein so as to provide additional limitations to
464 further serve the City's interests in aesthetics and/or traffic safety; and

465 **WHEREAS**, the City Council finds and determines that the regulations regarding
466 the height, size, number for signage and the required setbacks for signage, adopted
467 herein, are based upon the sign types and sign functions; and

468 **WHEREAS**, the City Council finds and determines that sign types described
469 herein are related in other ways to the functions they serve and the properties to which

470 they relate [*see Bond, Making Sense of Billboard Law; Justifying Prohibitions and*
471 *Exemptions*, 88 Mich.L.Rev., 2481 (1980)]; and

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

475 **WHEREAS**, the City Council finds and determines that various signs that serve
476 and function as signage for particular land uses, such as drive-thru restaurants, are
477 allowed some additional features in recognition of the differing or special functions
478 served by those land uses, but such features are not based upon any intent to favor any
479 particular viewpoint or control the subject matter of public discourse; and

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

482 **WHEREAS**, alternative method of communications in lieu of signs exist through
483 vehicular navigational systems, guidebooks, newspapers, radio, television, telephone and
484 the internet; and

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

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

489
490 **SECTION TWO.** Chapter 122, "Signs," of the City of Edgewood Code of Ordinances
491 is hereby deleted in its entirety and replaced with a new Chapter 122, "Signs," as set forth
492 below:

493 **Chapter 122. Signs.**

494
495 **Sec. 122-1. Purpose.**

496
497 The purpose of this Chapter is to promote the public health, safety and general welfare
498 through reasonable, consistent and non-discriminatory sign regulations. No part of these
499 regulations shall be construed to favor commercial speech over non-commercial speech,
500 nor restrict speech on the basis of content, viewpoint or message. Also, these sign
501 regulations reduce signage conflicts, promote traffic and pedestrian safety and increase
502 the aesthetic value and economic viability of the City by classifying and regulating the
503 location, size, type and number of signs and related matters in a content-neutral manner.

504
505 These sign regulations are especially intended to reach the secondary effects that may
506 adversely impact aesthetics and safety. In order to preserve and promote the City as a
507 desirable community in which to live, vacation and do business, a pleasing, visually
508 attractive environment is of primary importance. These sign regulations have been
509 prepared with the purpose of enhancing the visual environment of the City and promoting
510 its continued well-being, and are intended to:

511
512 A. Encourage the effective use of signs as a means of communication in the

- 513 City;
- 514
- 515 B. Improve pedestrian and traffic safety;
- 516
- 517 C. Minimize the possible adverse effect of signs on nearby public and private
- 518 property;
- 519
- 520 D. Promote the integration of signage with architectural and landscape designs;
- 521
- 522 E. Lessen the visual clutter that may otherwise be caused by the proliferation,
- 523 improper placement, illumination, animation, excessive height and
- 524 excessive size (area) of signs, which compete for the attention of pedestrian
- 525 and vehicular traffic;
- 526
- 527 F. Allow signs that are compatible with their surroundings and aid orientation,
- 528 while precluding the placement of signs that contribute to sign clutter or that
- 529 conceal or obstruct adjacent land uses or signs;
- 530
- 531 G. Encourage and allow signs that are appropriate to the zoning district in
- 532 which they are located and consistent with the category of use and function
- 533 to which they pertain;
- 534
- 535 H. Curtail the size and number of signs and sign messages to the minimum
- 536 reasonably necessary to identify a residential or business location and the
- 537 nature of any such business;
- 538
- 539 I. Establish sign size in relationship to the scale of the lot and building on
- 540 which the sign is to be placed or to which it pertains;
- 541
- 542 J. Categorize signs based upon the function that they serve and tailor the
- 543 regulation of signs based upon their function;
- 544
- 545 K. Preclude signs from conflicting with the principal permitted use of the site
- 546 and adjoining sites;
- 547
- 548 L. Regulate signs in a manner that will not interfere with, obstruct the vision of
- 549 or distract motorists, bicyclists or pedestrians;
- 550
- 551 M. Except to the extent expressly preempted by state or federal law, ensure that
- 552 signs are constructed, installed and maintained in a safe and
- 553 satisfactory manner, and protect the public from unsafe signs;
- 554
- 555 N. Preserve, conserve, protect and enhance the aesthetic quality and scenic
- 556 beauty of the City;
- 557

- 558 O. Protect property values by ensuring that sign types, as well as the number of
559 signs and their size, height, illumination, movement, and brightness are in
560 harmony with buildings, neighborhoods and conforming signs in the area;
561
- 562 P. Regulate the appearance and design of signs in a manner that promotes and
563 enhances the beautification of the City and that complements the natural
564 surroundings in recognition of the City's reliance on its natural resources
565 and beautification efforts; and
566
- 567 Q. Allow for traffic control devices consistent with national and State standards
568 and whose purpose is to promote highway safety and efficiency by
569 providing for the orderly movement of road users and pedestrians on streets
570 and highways, and that notify road users of regulations and provide warning
571 and guidance needed for the safe, uniform and efficient operation of all
572 elements of the traffic stream.
573

574 **Sec. 122-2. Definitions.**
575

576 Abandoned sign: A sign which for a period of a least 90 days no longer correctly relates
577 to a bona fide business, lessee, owner, or activity conducted on the premises where the
578 sign is displayed; and/or the sign has been damaged, and repairs and restoration are not
579 started within 90 days of the date the sign was damaged, or repairs are not diligently
580 pursued, once started.

581 Advertising: Sign copy intended to aid, directly or indirectly, in the sale, use or
582 promotion of a product, service, commodity, entertainment or real or personal property.

583 A-frame sign: A portable sign that may be double or single faced, with the base of the
584 sign being the supporting structure and the connecting point(s) located at the top. A-
585 frame signs may be easily moved from place to place.

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

591 Animated sign: A sign which has any visible moving part, color change, flashing or
592 osculating lights, visible mechanical movement of any description, or other apparent
593 visible movement achieved by any means that move, change, flash, osculate or visibly
594 alters in appearance. The term may include electronic changeable signs with optical
595 illusion of movement, color change, or change of lighting, to depict action or create a
596 special effect or scene; and signs using electronic ink, signs set in motion by movement
597 of the atmosphere, any sign set in motion by intentional movement by a person, any type
598 of screen using animated or scrolling displays, such as an LED (light emitting diode)
599 screen or any other type of video display.

- 600 Awning: A shelter projecting from and supported by the exterior wall of a building
601 constructed of rigid or non-rigid materials on a supporting framework that may include a
602 type that can be retracted, folded or collapsed against the wall of a supporting building.
- 603 Awning sign: A sign that is painted on, printed on, or attached flat against the surface of
604 an awning.
- 605 Banner: A temporary sign applied to cloth, plastic, paper, fabric or other light pliable
606 material of any kind either with or without frames; and which is suspended, mounted or
607 attached across its longest side to buildings, poles or natural elements at two ends.
- 608 Beacon: A stationary or revolving light which flashes or projects illumination, single
609 color or multicolored, in any manner which has the effect of attracting or diverting
610 attention, expect, however, this term does not include any kind of lighting device which
611 is required or necessary under the safety regulations of the Federal Aviation
612 Administration or other similar agency. This definition does not apply to any similar
613 type of lighting device contained entirely within a structure and which does not project
614 light to the exterior of the structure.
- 615 Bench sign: A sign on an outdoor bench.
- 616 Billboard: A freestanding off-site sign or sign structure.
- 617 Business occupant: A business or corporate entity occupying space intended for the use
618 and occupancy of single business or corporate entity.
- 619 Business days: The days Monday through Friday excluding any holidays on which
620 Maitland City Hall is closed.
- 621 Canopy: A roof-like structure with no walls that is attached or not attached to an adjacent
622 structure. A canopy is not a marquee.
- 623 Canopy sign: A sign that is placed on or integrated into fabric or other material that is an
624 integral part of a canopy.
- 625 Changeable copy sign: A sign that is designed so that characters, letters or illustrations
626 can be manually changed or rearranged without altering the sign face.
- 627 City information sign: signs announcing official City business, including meeting
628 information, workshops, elections, emergency and disaster notices, directions, warnings
629 and Amber alerts; official City Leisure Services programs and event announcements,
630 including classes, athletics, cultural partner special events and other events;
- 631 Clearance: The distance between the finished grade to the lowermost portion of the sign.
- 632 Cold air inflatable sign: A balloon-type sign with a blower (fan) system which runs to
633 keep the sign inflated.
- 634 Commercial message: Any sign wording, logo, or other representation or image that
635 directly or indirectly names, advertises, or calls attention to a product, service, sale or
636 sales event or other commercial activity.
- 637 Construction sign: A temporary on-site sign identifying the ongoing construction activity
638 during the time that a building permit is active and prior to completion of the work for
639 which the permit was issued, and containing sign copy that is limited to the ongoing

640 construction activity and identifying the contractor, professionals and/or any
641 subcontractor engaged to perform construction activity on the site.

642 Copy: The linguistic or graphic content of a sign.

643 Directional sign: An attached or freestanding on-site non-commercial sign directing the
644 movement of pedestrian or vehicular traffic on the premises where it is located. These
645 signs may use words such as "entrance," "exit," "caution," "no parking," "one way only,"
646 "no trespassing," and the like, or arrows or similar graphics.

647 Directory sign: A non-commercial sign that lists the names and locations of occupants or
648 the use of a building, limited to multi-tenant buildings and a development made up of a
649 group of buildings.

650 Election sign: A temporary on-site sign erected or displayed with the permission of the
651 property owner or tenant, for the purpose of expressing support for or opposition to a
652 candidate or stating a position regarding an issue upon which the voters of the City shall
653 vote.

654 Electronic changeable sign: A sign that uses changing lights or an electronic medium to
655 form an image, picture, or message of any kind, whether the image, picture, or message is
656 moving or stationary, wherein the sequence of the messages and the rate of change are
657 electronically programmed and can be modified by electronic processes. Electronic
658 changeable signs include LED signs (light emitting diode technology or other similar
659 semiconductor technology), OLED signs (transmissive, organic light emitting diodes),
660 LEP signs (light emitting polymer), OEL signs (organic electro luminescence), or any
661 similar technology.

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

665 Fixed aerial sign: Any aerial advertising medium that is tethered to the ground or any
666 object that is on the ground.

667 Flag: A piece of fabric of distinctive design that is displayed hanging free from a staff
668 halyard or mounting hardware permanently affixed to a building or attached to a flag pole
669 permanently anchored in the ground to which it is attached, used as an ornamental flag or
670 as a symbol of the United States, a nation, state, local government or other political
671 subdivision, corporation, business, organization or a person. Flags are not banners.

672 Flashing sign: Any directly or indirectly illuminated sign that exhibits changing natural
673 or artificial light or color effects by any means whatsoever.

674 Free expression sign: A sign, communicating information or views of concern to the
675 owner of the sign, or containing any other non-commercial message, that is otherwise
676 lawful.

677 Freestanding sign: Any sign that is not attached to any building, such as monument
678 signs. The definition of a "freestanding sign" does not include a portable sign.

679 Garage or Yard Sale or Garage-Yard Sign: Any on-site temporary sign pertaining to the
680 sale of personal property in, at or upon any residentially-zoned property. Garage or yard

681 sales shall include but not be limited to all such sales, and shall include the advertising of
682 the holding of any such sale, or other offering to make any sale, whether made under any
683 name such as garage sale, lawn sale, yard sale, front yard sale, back yard sale, attic sale,
684 rummage sale, patio sale, moving sale or any similar designation.

685 Ground sign: Any sign that is defined as a freestanding sign.

686 Holiday and seasonal decorations: Decorations that do not communicate informational
687 messages apart from recognizing legal or other recognized holidays or to a season of the
688 year and are not considered signage.

689 Illuminated sign: A sign illuminated by an internal light source or an external light
690 source primarily designed to illuminate the sign.

691 Machinery and equipment sign: Any sign that is integral to the machinery or equipment
692 and that identifies the manufacturer of the machinery or equipment that is placed on the
693 machinery or equipment at the factory at the time of manufacture. Machinery and
694 equipment signs are not vehicle signs as defined herein.

695 Maintenance: The repairing or repainting, provided the sign copy area is not increased,
696 of a portion of a sign or sign structure, periodically manually changing changeable copy
697 or renewing the copy provided there are no sign copy area changes for signs which have
698 been made unusable by ordinary wear.

699 Marquee: A permanent roofed structure that is attached to or supported by a building and
700 extending more than two (2) feet from the building, generally designed and constructed to
701 provide protection from the weather.

702 Menu board: A sign placed at the beginning of a drive-up service lane of a food service
703 establishment that includes a two-way speaker system for taking food orders.

704 Menu display sign: A fully enclosed or otherwise protected from the elements on-site
705 sign, including but not limited to a box, shadow box or cabinet, attached to a wall or
706 freestanding, which is used solely for the purpose of displaying restaurant menus. A
707 menu display sign may be used for a restaurant without drive-through service and for
708 transient lodging facilities that have restaurant facilities open to the general public in
709 addition to the registered guests. Menu display sign structures shall be limited to one (1)
710 per establishment.

711 Mobile billboard advertising sign: Any vehicle or wheeled conveyance that carries,
712 conveys, pulls, or transports any sign or billboard for the exclusive purpose of
713 advertising.

714 Monopole sign: A freestanding on site ground sign consisting of a single vertical pole.
715 The definition of a "monopole sign" includes a pylon sign.

716 Monument sign: A freestanding, on-site ground sign that has a solid supporting base or
717 the appearance of a solid supporting base, or on poles less than two feet in height on the
718 ground equal or greater than the width of the sign face and generally made of stone,
719 masonry or concrete, with no separations between the sign and base and which is of a
720 finished or decorative-type construction.

- 721 Nameplate sign or occupant identification sign: An attached wall sign indicating the
722 name and/or profession or address of a person or persons residing on the premises where
723 the sign is located or legally occupying the premises where the sign is located.
- 724 Neon sign: A sign manufactured utilizing neon tubing, which is visible to the viewer.
- 725 Neon tubing: Electric discharge, cold cathode tubing manufactured into shapes that form
726 letters, parts of letters, skeleton tubing, outline lighting and other decorative elements or
727 art forms, in various colors and diameters and filled with inert gases.
- 728 Non-commercial message: Any message that is not a commercial message.
- 729 Nonconforming sign: Any sign that was lawful when it was erected but does not meet
730 the requirements of this Article at the time of its effective date.
- 731 Off-site sign: A sign that identifies activities conducted or products or services that are
732 not available on the premises on which the sign is located.
- 733 On-site sign: A sign that (1) is located on the premises to which the sign pertains (2)
734 identifies an activity conducted or products or services available on the premises where
735 the sign is located, (3) displays a non-commercial message or (4) is any combination of
736 the first 3.
- 737 Open house real estate signs: Signs advertising an open house viewing at a residential
738 property.
- 739 Pennant string: A string of small flag-like pieces of plastic or paper attached to any staff,
740 cord, or building at only one or two edges, the remainder hanging loosely.
- 741 Permanent sign: Any sign which, when installed, is intended for permanent use. For the
742 purposes of this Article, any sign with an intended use in excess of 90 days from the date
743 of installation shall be deemed a permanent sign unless otherwise indicated elsewhere in
744 this Article.
- 745 Person: Any person or persons, individual or groups of individuals, company, firm,
746 corporation, partnership, organization or association.
- 747 Pole sign: A freestanding sign that is supported from the ground up by one (1) or more
748 poles, columns, uprights, braces or anchors more than two feet in height; the definition of
749 pole sign does not include flags, temporary signs, warning signs, safety signs, traffic
750 control device signs, statutory signs, parking space identifications signs or, canopy signs
751 or awning signs.
- 752 Portable sign: A sign, except a motor vehicle sign, that is not permanently affixed to a
753 building, structure or the ground and designed to be moved from place to place. A
754 portable sign may fall within the definition of other types of signs, yet still be a portable
755 sign. For purposes of this definition, a cold air inflatable sign, mobile billboard
756 advertising sign, and A-frame sign, shall be considered to be portable signs.
- 757 Premises: A lot together with all buildings and structures if any.
- 758 Projecting sign: A sign attached to a building or other structure extending in whole or in
759 part more than 12 inches beyond the surface of the portion of the building to which it is
760 attached.

761 Real Estate Sign: A temporary sign advertising the sale, rental or lease of the premises or
762 part of the premises on which the sign is displayed temporarily. For purposes of this
763 Article, an open house or a model home sign shall be considered a real estate sign.

764 Roof signs: Any sign erected, constructed and maintained wholly upon the roof of any
765 building with the principal support on the roof structure.

766 Safety sign: See Warning signs.

767 Sign: Any written and/or illustrated device or display including structural or supporting
768 elements, consisting of letters, numbers, symbols, pictures, illustrations, announcements,
769 decorations, emblems, cut-outs, insignias, trademarks or demonstrations, banner, flag,
770 pennant string, attached balloon, streamers, spinners, or ribbons, that is designed to
771 convey information to the public. Wall murals, life-scenes and artwork that do not
772 communicate informational messages, apart from any artistic or aesthetic enjoyment, are
773 not signs.

774 Sign copy: The message or image conveyed by a sign.

775 Sign copy area: The surface area of a sign upon which the sign copy is displayed.

776 Sign face: The sum of the surfaces of the sign copy area as seen from one (1) plane or
777 elevation.

778 Sign height: The vertical distance measured from the average finished grade beneath the
779 sign to the topmost point of the sign structure.

780 Sign structure: Any construction designed to support or to provide a surface for a sign,
781 and including any marquee, canopy or awning.

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

786 Special event: An event as defined by Section 14 of the Edgewood Code of Ordinances.

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

788 Street address sign: Any sign denoting the street address of the premises on which it is
789 attached or located.

790 Suspended sign: A sign attached to and located below a canopy or similar structure.

791 Temporary sign: Any sign, banner, valance or display constructed of cloth, canvas, light
792 fabric, cardboard, wallboard or other light materials, with or without frames, intended to
793 be displayed for a period of time not to exceed 90 days, or as otherwise authorized by this
794 Article. Certain temporary signs require permitting by the City while others do not.

795 Traffic control device sign: Any sign located within the right-of-way that is used as a
796 traffic control device and that is described and identified in the Manual on Uniform
797 Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator
798 as the National Standard. A traffic control device sign includes those signs that are
799 classified and defined by their function as regulatory signs (that give notice of traffic laws
800 or regulations), warning signs (that give notice of a situation that might not readily be

801 apparent), and guide signs (that show route designations, directions, distances, services,
802 points of interest, and other geographical, recreational, or cultural information). Some
803 traffic control device signs may be portable.

804 Vehicle sign: A sign on a truck, vehicle, or trailer which displays an advertisement or
805 business identification of its owner for the purpose of providing transportation for owners
806 or employees of the business advertised on the vehicle.

807 Wall sign/attached sign: A sign that is attached to and extends no more than 12 inches
808 from a wall or painted on a wall of a building.

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

813 Wind Sign: A sign that uses objects or a series of fabric, paper, plastic, or other similar
814 material fastened in such a manner as to move upon being subjected to pressure by wind,
815 and shall include, ribbons, spinners, streamers or captive balloons; however, the term
816 wind sign shall not include flags.

817 Window sign: A temporary or permanent sign mounted, attached to, placed upon or
818 painted on a window of a building that is viewable from the outside of the building.

819

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

821

822 A. No sign shall be erected, structurally altered or relocated, without paying the
823 appropriate fee as set by resolution of the City Council and obtaining a City sign permit.
824 This requirement applies to all signs, except those specifically exempted by this Chapter
825 and any signs lawfully existing on the date of adoption of this Chapter, which shall be
826 subject to Sections 122-20 through 122-24 regarding nonconforming signs. The sign
827 permit and fee is in addition to any building permit and fee required to be obtained
828 pursuant to the Florida Building Code.

829

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

831

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

837

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

839

840 A. Applications for a sign permit shall be made in writing upon forms furnished by the
841 City. The applicant shall furnish the following information on or with the sign permit
842 application form. City staff has the authority to require additional information on the
843 form application that is not inconsistent with this Article.

- 844 1. Name, address and telephone number of the person making application for the permit.
845 If the applicant is anyone other than the property owner, the applicant shall provide
846 notarized authorization from the property owner permitting the installation of the sign.
- 847 2. Name, address and telephone number of the property owner. If the owner is an entity
848 other than an individual, list the contact person's name and contact information.
- 849 3. Name, address and telephone number of the business tenant, if applicable. If the tenant
850 is an entity other than an individual, list the contact person's name and contact
851 information.
- 852 4. Name, address, telephone and license number of the contractor, if applicable. If the
853 contractor is an entity other than an individual, list the contact person's name.
- 854 5. Address and legal description of the property upon which the sign is to be located and
855 include a parcel identification number and zoning district. The legal address may be
856 located on a certified boundary survey.
- 857 6. Lot frontage on all streets and public rights-of-way.
- 858 7. Indicate in feet and inches the location of the sign in relation to property lines, public
859 rights-of-way, easements, buildings and other signs on the property.
- 860 8. Freestanding signs shall require a current boundary survey or site-plan drawn to scale
861 showing the sign dimensions and elevation, sign height, dimensions of the sign's copy
862 area and any illumination type, placement, intensity and hours of illumination.
- 863 9. Three copies of the plans, specifications, calculations and details, signed and sealed by
864 an engineer or architect licensed in Florida, specifications documenting compliance with
865 applicable provisions of the Florida Building Code. If the sign is illuminated, the sign
866 company must provide a statement stating that the sign illumination does not exceed 300
867 foot candles.
- 868 10. Number, type, location and sign copy area and height of all existing signs on the
869 same premises.
- 870 11. Landscape plan, as applicable.
- 871 12. Signature of applicant.
- 872 B. Unless a Master Sign Plan is required pursuant to Section 5-113, the City Planner or
873 designee shall determine if the permit application complies with all applicable
874 requirements of this Article and all other applicable laws, ordinances and regulations. If
875 the City Planner or designee determines that the permit application complies with all
876 applicable requirements of this Article and all other applicable laws, ordinances and
877 regulations, the City Planner or designee shall issue a sign permit.
- 878 C. Any permit issued under this Article shall be void if no substantial physical action is
879 taken in accordance with the sign permit, any permit conditions and the applicable
880 requirements of this Article within 180 days following the date of its issuance.
- 881 D. Any sign permit issued pursuant to this Article shall remain in effect as long as the
882 sign is maintained in compliance with the approved sign permit as well as all applicable

883 provisions of this Article and the applicant did not misrepresent or falsify any
884 information provided in the application.

885

886 E. Staff Review.

887

888 1. The sign permit application shall be reviewed by the City Planner or designee for a
889 determination of whether the proposed sign meets the applicable requirements of this
890 Article, all other applicable ordinances and any applicable zoning law. The review of the
891 sign permit application shall be completed by the City Planner or designee within 10
892 business days following receipt of a completed application and any applicable fees after
893 the date of receipt. A sign permit shall either be approved, approved with conditions
894 (meaning legal conditions existing in this Article such as dimensional requirements), or
895 disapproved, and the decision shall be reduced to writing. A disapproval shall include or
896 be accompanied by a statement of the reason(s) for the disapproval. In the event that no
897 decision is rendered within the period of time referenced herein the application shall be
898 deemed denied and the applicant may appeal to the BZA. Any appeal shall be heard and a
899 decision rendered within the time frames specified in this Article for appeals.

900 2. For the purposes of calculating compliance with the 10 business day deadline herein,
901 for a decision upon an application, the decision shall be deemed made when deposited in
902 the mail, transmitted electronically, or hand delivered to the applicant.

903 3. An application which is materially incomplete or which is not accompanied by the
904 required fee shall not be deemed accepted, and the time for review of the application shall
905 not commence until a complete application accompanied by the required fee is filed with
906 the City Planner or designee. However, the City Planner or designee shall keep a record
907 of incomplete applications or any application not accompanied by the correct fee, as
908 required by applicable public record laws. In addition, the City Planner or designee shall
909 within 10 business days of receipt of such an application, provide the applicant a written
910 explanation of the deficiencies and ask that the deficiencies be remedied, explaining that
911 the application cannot proceed forward and that the application will be deemed
912 withdrawn if the deficiencies are not cured within sixty calendar days.

913 4. As exceptions to the foregoing, the 10 business day deadline for approval shall not
914 apply (that is, the time shall be suspended) for the following:

915 a. If the applicant is required to make any change to the application in order to obtain an
916 unconditional approval, the time shall be suspended while the applicant makes such
917 change.

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

920 c. In any of the foregoing cases, the applicant may elect in writing to make no change to
921 the application, or obtain no approval that may be required by another governmental
922 agency. In such event, the City Planner or designee shall make a decision on the
923 application as submitted. In this instance, if a decision is not made within 10 business
924 days of receipt of the applicant's election to not change the application or obtain any

925 approval that may be required by another governmental agency, the application shall be
926 deemed denied.

927

928 **Sec. 122-4. Appeals.**

929

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

935 B. The written appeal, together with any appeal fee as may be set by resolution of the
936 City Council, shall be filed with the City Planner within 30 days of the date of the
937 determination, action, decision and/or alleged error. The written appeal shall describe the
938 alleged error and the applicable provisions of the Article pertaining to the City Planner or
939 designee's order, decision, requirement or failure to act.

940 C. The Board of Zoning Adjustment (BZA) shall hold a hearing within 45 days
941 following receipt of the written appeal, not counting the day of receipt and not counting
942 any non-business days, which falls upon the first, or the 45th day after the date of receipt.

943 D. The (BZA) shall render a decision at the public hearing meeting, or at the discretion
944 of the BZA, at the next regularly scheduled meeting following the public hearing.

945 E. If the BZA does not render a decision within the time frame referenced above, the
946 appeal shall be deemed denied.

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

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

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

958 I. Any person or persons, or any board, taxpayer, department, or bureau of the City
959 jointly or severally aggrieved by any decision of the BZA regarding an appeal of any
960 order, requirement, decision, or determination made by the zoning administrator in the
961 administration or enforcement of the zoning code may appeal said decision directly to
962 City Council by filing a notice of appeal with the City Clerk within thirty (30) days of the
963 rendition of the board's decision. A hearing before City Council on the appeal will then
964 be scheduled and placed on a future City Council meeting agenda.

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966 **Sec. 122-5. Substitution of non-commercial speech for commercial speech.**

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

Sec. 122-6. Content neutrality as to sign message.

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

Sec. 122-7. Exemptions from Sign Permitting.

The following exempt signs do not require a sign permit but may require a permit pursuant to the Florida Building Code. The number of exempt signs and an exempt sign's copy area shall not be calculated in a lot or premises' total allowable number of signs and sign copy area. However, these exemptions in no way waive any applicable limitation or restriction on the number, size, height, setback, placement or duration of such signs regulated by this Chapter or any limitation or restriction under any other applicable law or regulation.

A. All signs (except window signs which shall be subject to the provisions of this Chapter) located entirely inside the premises of a building or enclosed space and which are not readily visible from the exterior of the enclosed space or premises.

B. Statutory signs, traffic control device signs, or signs required by law, administrative order or judicial order erected by public employees performing official duties.

C. One on-site temporary garage-yard sale sign may be displayed along each public street abutting the premises. However, the sign shall only be displayed on the parcel of land upon which the garage-yard sale is taking place and shall not be placed in the right-of-way. A temporary garage-yard sale sign shall not exceed 4 square feet in sign area and 3 feet in height. A temporary garage-yard sale sign may not be displayed for a period longer than 3 days during any calendar month and shall be removed upon the conclusion of the garage-yard sale or 3 day period, whichever occurs first.

D. For each parcel within the City, one temporary on-site real estate signs may be displayed along each public street abutting the premises but shall not be placed in the right-of-way and shall be removed immediately upon the sale, lease or rent of the real estate that was offered for sale, lease or rent. Temporary real estate signs shall not exceed 6 square feet in sign copy area and 3 feet in height for residential zoned properties, and 32 square feet in sign copy area and 12 feet in height for non-residential zoned properties. When more than 1 dwelling unit or non-residential space on a parcel of

1013 land is for sale, lease or rent, there may be 1 additional temporary window real estate sign
1014 located at each such unit or space for sale, lease or rent and shall be subject to regulations
1015 herein regarding window signs.

1016
1017 E. Street address signs.

1018
1019 F. Nameplate or occupant identification signs. For each residence, business or other
1020 occupancy within the City, 1 attached wall nameplate sign may be displayed. For
1021 residences, the nameplate or occupant identification signs shall not exceed 2 square feet
1022 in total sign area. For any non-residential use, the nameplate or occupant identification
1023 sign shall not exceed 4 square feet in total sign area.

1024
1025 G. No permit shall be required for changing the copy of a sign, as long as the sign copy
1026 is not increased and/or no changes are made to the sign's height, size, location, or
1027 structural design or electrical elements.

1028
1029 H. Flags and flagpoles as regulated by Section 122-16 of this Chapter.

1030
1031 J. One or more window signs may be displayed on windows. On parcels that are in
1032 residential use, the temporary window sign(s) shall not exceed an aggregate of 3 square
1033 feet in total sign area.

1034
1035 K. Signs on buses, taxicabs, and similar common carriers that are licensed or certified by
1036 a governmental entity, and vehicle signs (except mobile billboard signs that are
1037 prohibited under this Chapter).

1038 L. Signs incorporated onto machinery and equipment by a manufacturer or distributor
1039 that identify the manufacturer, or product dispensed by the machine or equipment.

1040 M. Temporary on-site construction signs may be displayed, if necessary, more than 90
1041 days but shall be removed before or at the date the construction is no longer active. One
1042 sign shall be allowed on each parcel within the City. Temporary on-site construction
1043 signs shall not exceed 6 square feet in sign area and 4 feet in height for residential zoned
1044 properties, and 32 square feet in sign area and 12 feet in height for non-residential zoned
1045 properties.

1046
1047 N. Stringlighting and holiday and seasonal decorations.

1048
1049 O. One temporary valet parking station sign no more than 6 square feet in total sign area,
1050 and not more than 4 feet in height, shall be allowed on each non-residential parcel where
1051 the valet station is located. The temporary valet parking station sign shall only be visible
1052 during hours that the valet is operating, and shall be located on the same parcel as the
1053 valet station. Temporary valet parking station signs shall not be included in total signage
1054 area calculations.

1055

1056 P. In addition to any other sign allowed herein, one on-site free expression sign may be
1057 displayed along each public street abutting the premises but shall not be placed in the
1058 right-of-way. The free expression sign shall not exceed 6 square feet in total sign area and
1059 may be displayed as an attached sign, window sign or as a freestanding sign. If displayed
1060 as a freestanding sign, the freestanding sign shall not exceed 4 feet in height.

1061
1062 Q. For each parcel within the City, one on-site election sign for each candidate and each
1063 issue may be displayed along each public street abutting the premises but shall not be
1064 placed in the right-of-way. An election sign may be displayed as an attached sign or as a
1065 freestanding sign. On residentially zoned parcels, the election sign shall not exceed 6
1066 square feet in sign area; and, if the election sign is displayed as a freestanding sign on the
1067 parcel, the election sign shall not exceed 4 feet in height. On parcels that are not zoned
1068 residential, the election sign shall not exceed 32 square feet in sign area; and, if the
1069 election sign is displayed as a freestanding sign on the parcel, the election sign shall not
1070 exceed 12 feet in height. An election sign shall be removed within 7 calendar days
1071 following the election to which it pertains.

1072
1073 R. On-site parking space number or identification signs, not exceeding one square foot of
1074 sign face per sign, shall be allowed on each parcel having multiple parking spaces on-site.
1075 One such sign shall be allowed for each parking space. The maximum height for a
1076 freestanding or attached wall sign shall be 6 feet unless otherwise required by applicable
1077 law.

1078
1079 S. Warning signs and safety signs, not exceeding 4 square feet in sign area, shall be
1080 allowed in all zoning districts. The maximum height for these signs shall be 6 feet unless
1081 otherwise required by applicable law.

1082
1083 T. On-site non-commercial directional signs provided such signs do not exceed 8
1084 square feet.

1085
1086 U. On-site non-commercial directory signs provided such signs do not exceed 8 square
1087 feet.

1088
1089 V. On-site home occupation signs as regulated under the Code of Ordinances.

1090
1091 **Sec. 122-8. Prohibited Signs.**

1092
1093 Unless otherwise specifically provided herein, the following signs and sign-types are
1094 inconsistent with the purpose and intent of this Article and are therefore prohibited. Any
1095 permanent sign or sign-type that was lawfully in existence prior to the date of adoption of
1096 this ordinance that is among the prohibited signs and sign-types listed below shall be
1097 deemed a nonconforming sign subject to the provisions of Section 134-38 of the Code of
1098 Ordinances.

1099 A. Animated signs.

1100 B. Electronic changeable signs except when required as traffic control device signs or as
1101 otherwise specifically allowed by the Code of Ordinances or Land Development Code.

- 1102 C. Billboards.
- 1103 D. Off-site signs.
- 1104 E. Permanent banners, wind signs, ribbons, spinners, streamers or captive balloons or
1105 other inflatable signs or devices and fixed aerial signs.
- 1106 F. Any sign which, or any part of which, is in motion by any mechanical, electrical or
1107 human powered means.
- 1108 G. Any sign displaying flashing, undulating, swinging, rotating, revolving or scrolling
1109 lights; alternating or intermittent lights or lights of changing degrees of intensity,
1110 brightness, or color or move or appear to move.
- 1111 H. Any sign that emits sparks, fire, sound, vapor, smoke, odor, particles or gaseous
1112 matter.
- 1113 I. Any sign or exterior illumination sign that is not shielded so that the source of light
1114 (light bulb) can be seen from any abutting street or property or building other than the
1115 building or property to which the sign is related.
- 1116 J. Any sign constructed or maintained by an entity or person which, by reason of its size,
1117 location, movement, coloring or manner of illumination may be confused with or
1118 construed as a traffic control device or which hides from view any traffic control device.
- 1119 K. Any sign erected by an entity or person in or on or over any public right-of-way, or
1120 other public property, except where otherwise permitted under this Article.
- 1121 L. Any sign located in a manner that could impede traffic on any street, alley, sidewalk,
1122 bikeway or other pedestrian or vehicular travel way.
- 1123 M. Any sign other than a traffic control device sign is a copy or imitation of a traffic
1124 control device sign and which is located on or adjacent to the right-of-way of any road,
1125 street, or highway.
- 1126 N. Any sign that is wholly or partially illuminated by flashing or intermittent lights,
1127 rotary beacon lights, strobe lights or similar devices.
- 1128 O. Portable signs.
- 1129 P. Any sign that obstructs the sightline at private drives and/or public rights-of-way as
1130 determined by Section 5-107 of this Article.
- 1131 Q. Temporary signs except those allowed by this Article.
- 1132 R. Snipe signs.
- 1133 T. Signs that display any statement, word, character, or illustration of any obscene nature,
1134 as defined by Chapter 847, Florida Statutes.
- 1135 U. Mobile billboard signs consistently or repeatedly parked for more than 24 consecutive
1136 hours at a fixed location on any street or visible within 100 feet of any street.
- 1137 V. Signs, other than those erected by a federal, state and/or local government, pursuant to
1138 federal or Florida law, within any waterway within the City.

1139 W. Signs attached to a dock, tie pole, or pier, other than building address numbering or
1140 safety signs.

1141 X. Abandoned signs.

1142 Y. Bench signs larger than 12 square inches.

1143 Z. Pennant strings.

1144 AA. Pole signs that exceed five (5) feet in sign height.

1145

1146 **Sec. 122-9. Compliance with Florida Building Code.** It shall be unlawful for any
1147 person or business or the person in charge of the business to erect, construct, alter or
1148 maintain a sign which must be constructed, altered, or maintained in accordance with the
1149 Florida Building Code, without first obtaining a building permit from the City. The
1150 requirement of a building permit under the Florida Building Code is separate and
1151 independent of the requirement for a sign permit under this Chapter.

1152

1153 **Sec. 122-10. Sign copy area calculations.**

1154

1155 Sign copy area square footage shall be calculated using standard geometry formulas for
1156 common shapes. Common shapes shall include squares, rectangles, trapezoids, circles,
1157 and triangles. In the case of irregular shapes, the total sign area will be the area of the
1158 smallest common shape that encompasses the various components of the sign.
1159 The supporting structure or bracing of a sign bearing no sign copy shall not be counted as
1160 a part of the sign copy area. Signs with 3 or more sign faces or with 2 sign faces not
1161 computed as a single sign pursuant to Section 122-11 below shall have a sign copy area
1162 that is the sum of all the sign faces.

1163

1164 **Sec. 122-11. Number of signs.**

1165

1166 For the purpose of determining the number of signs, a single sign shall be construed to be
1167 a sign that has its copy area on one side and contains elements organized, related and
1168 composed to form a single unit. A sign with sign copy area on both sides shall be
1169 construed as a single sign provided both copy areas are not more than 3 feet apart at their
1170 closest point, and that they describe an internal angle between the copy area planes
1171 extended to no more than 30 degrees.

1172

1173 **Sec. 122-12. Sign location and setbacks.**

1174

1175 A. Freestanding signs shall not be located within any side or rear lot line required setback
1176 nor closer than 5 feet to any street right-of-way line unless otherwise provided by this
1177 Chapter.

1178

1179 B. A sign shall not be located in the sight clearance triangle defined as a triangular area
1180 of property located at the corner of two intersecting roads with the two street sides of the
1181 triangle each being 25 feet in length from the point of intersection and the third side being
1182 a line connecting the ends of the 2 other sides.

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C. If a driveway intersects a public right-of-way, no sign shall obstruct sight lines at elevations between 2.5 feet and 10 feet high within a triangular area of property on both sides of a driveway formed by the intersection of each side of the driveway and the public right-of-way line with two sides of each triangle being 10 feet in length from the point of intersection and the third side being a line connecting the ends of the 2 other sides.

Sec. 122-13. Sign lighting.

A. Any external lighting used to illuminate signs shall be shielded such that the light source (light bulb) cannot be seen from abutting roads or properties.

B. Sign lighting shall not be designed or located to cause confusion with traffic lights.

C. Illumination of signs by floodlights or spotlights is permissible if none of the light emitted shines directly onto an adjoining property or into the eyes of the pedestrians, cyclists or motorists using or entering public rights-of-way.

D. Illuminated signs shall have luminance no greater than 300 foot candles.

E. Illuminated signs shall not have lighting mechanisms that project more than 18 inches perpendicularly from any surface.

F. Illumination of signs shall be constant in intensity and color and shall not consist of flashing, animated or changing lights.

G. No unshielded light source may be visible from the edge of the public right-of-way at a height of 6 feet.

Sec. 122-14. Maximum sign number and copy area.

When the maximum number of signs and the maximum allowable copy area is specified, the maximum number of signs shall not be exceeded even though the maximum allowable copy area is not used. However, signs exempted from this Chapter, menu boards, menu display signs, signs integral to gas pumps, and temporary signs shall not be calculated in determining the maximum number and area of signs permitted on a premises.

Sec. 122-15. Window signs.

Window signs shall not exceed twenty-five percent of the area of a window on which said sign is located, and the total area of all window signs shall not exceed twenty-five percent of the building's window area. Such signage shall include permanently-affixed window signs, neon signs, fixtures suspended behind and within 3 feet of the window or any other sign displayed that is readily visible from the exterior of the building.

1229 **Sec. 122-16. Flags.**

1230

1231 A. Flag size on all residential zoned lots shall not exceed 24 square feet. Flag size on all
1232 non-residential zoned lots shall not exceed 40 square feet.

1233 B. Flags shall be attached to a flag pole or mounting hardware permanently affixed to a
1234 building or attached to a flag pole permanently anchored in the ground.

1235 C. The maximum number of flags strings shall not exceed a combined total of three (3)
1236 per lot.

1237

1238 **Sec. 122-17. Banner signs.**

1239

1240 Banner signs may only be displayed as provided herein:

1241

1242 1. No banner sign shall be displayed unless a permit is issued by the city clerk,
1243 which permit will be issued upon a finding of the following facts:

1244

1245 i. That the banner sign is to be located on the premises owned or leased by
1246 the applicant; and

1247

1248 ii. That the banner sign or copy thereon does not violate any provisions of
1249 this chapter.

1250

1251 2. Applications for banner sign permits under this section shall be submitted in
1252 writing to the city clerk and shall contain all pertinent information relating to the
1253 banner sign, including its size, copy and dates of display. All approvals or denials
1254 shall be in writing on, or accompanied by, one copy of the application. Approvals
1255 shall clearly state the dates the banner sign may be displayed and the information
1256 regarding an approved location within the following limits:

1257

1258 i. Banner signs may be permitted on a property for up to 30 consecutive
1259 calendar days provided that an applicant shall not be permitted to display
1260 banner signs on the same property more than 60 total days in a calendar
1261 year.

1262

1263 ii. Banner signs shall be limited to one banner sign on the property and
1264 may be mounted on a building or other appropriate support. If not
1265 mounted on a building, the banner sign must be at least 20 feet from
1266 adjacent property lines and not over 20 feet above the ground.

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1268 iii. Each banner sign shall be limited to a maximum of 40 square feet of
1269 copy area.

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iv. All banner sign shall be maintained in good condition and shall be repaired or removed within 24 hours of notice that such action is required.

3. Banner signs allowed under this section shall be exempt from the other building permit requirements.

4. No streamers, pennants, flags, ribbons, spinners, wind-operated devices, or other prohibited devices shall be included or incorporated with the display of a banner sign approved under this section.

Sec. 122-18. Signs on or over public property.

No person shall erect a sign on or over any public right-of-way.

Sec. 122-19. Zoning District Specific Regulations.

A. In addition to all other applicable regulations contained in the Code of Ordinances, signs located within commercial, professional office and industrial zoning districts shall comply with the following:

1. General Requirements.

Total sign copy area for all signs permitted in this section shall not exceed 100 square feet.

2. Requirements by type of sign.

i. Freestanding signs.

a. One (1) on-site freestanding sign shall be permitted per lot or outparcel along each public street abutting the premises.

b. Freestanding sign copy area shall not exceed 100 square feet of copy area for a freestanding sign or 60 percent of the width of the building frontage, whichever is less.

c. Freestanding signs shall not exceed eight (8) feet in sign height.

ii. Wall signs.

a. One (1) wall sign shall be permitted on the ground floor of a building for each business occupant with direct access to the outside of the building.

b. Total wall signs copy area may not exceed 60 square feet or 60 percent of the width of the building frontage, whichever is less.

c. No wall sign shall extend above the wall of the building to which the sign is attached.

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iii. Awning/Canopy signs.

- a. Awning/canopy sign copy area shall not exceed 16 square feet.
- b. A minimum clearance of nine (9) feet shall be maintained between the bottom of an awning/canopy and any pedestrian walkway.
- c. The supporting structure of an awning or canopy may not encroach into or over a public street right-of-way.
- d. The awning/canopy copy area shall be counted as a part of the total allowable area for wall signs and toward the total copy area permitted.

iv. Suspended signs.

- a. One (1) suspended sign is permitted at a location immediately adjacent to the use the sign is associated with, but it may not be located over or in a public right-of-way.
- b. Suspended signs shall be mounted perpendicular to the building façade and shall maintain a minimum clearance of nine (9) feet between the bottom of the sign and the pedestrian walkway.
- c. Suspended signs of four (4) square feet or less in area shall not be counted in the total sign copy area. Suspended signs exceeding four (4) square feet in area shall be counted in the total aggregate sign copy area permitted.

v. Marquee signs.

- a. One (1) marquee sign, not to exceed 16 square feet of copy area, may be erected to or hung from a marquee.
- b. Signs hung from a marquee shall have a minimum clearance of nine (9) feet above the finished grade of a sidewalk.
- c. Signs shall not extend outside the perimeter of the marquee.
- d. The copy area of a marquee sign shall be counted as part of the total allowable copy area for wall signs and toward the total copy area permitted.

vi. Projecting signs.

- a. One (1) projecting sign is permitted per business occupant with direct access to the outside of the building.
- b. The copy area of a projecting sign shall not exceed 16 square feet.
- c. A projecting sign may extend not more than four (4) feet beyond the wall of the building to which it is attached.

1347 d. A minimum clearance of nine feet above the finished grade of a
1348 pedestrian walkway, and no projecting sign shall impede
1349 pedestrian movement or cause a safety hazard.

1350 e. Projecting sign copy area shall be counted as a part of the total
1351 allowable area for wall signs and toward the total copy area
1352 permitted.

1353 vii. Restaurant menu display signs.

1354 a. Each restaurant shall be allowed one attached menu display sign
1355 of no more than six (6) square feet of sign copy area that is located
1356 at the entrance or service window of a restaurant as well as two (2)
1357 freestanding drive-through menu boards.

1358 b. Drive-through menu boards shall be placed so as to be viewed
1359 from the drive-through lane and shall contain only a listing of
1360 products offered for sale by the business with prices and may
1361 provide a mechanism for viewing and ordering products offered on
1362 the drive-through menu boards.

1363 c. Drive-through menu boards shall have copy area not exceeding
1364 32 square feet each. The top of the signs and their surrounding or
1365 supporting framings/structures shall not exceed eight (8) feet above
1366 ground level.

1367 d. Drive-through menu board lettering shall be no larger than
1368 necessary in order to be read from a vehicle located in the drive-
1369 through lane.

1370 e. Drive-in restaurants may have one additional attached sign, not
1371 exceeding six (6) square feet in total sign area, per drive-in stall or
1372 bay.

1373 f. Drive-through menu boards and menu display signs shall not be
1374 included in the total aggregate sign number and copy area
1375 permitted for the lot or premises.

1376 viii. Motor vehicle service stations and convenience stores with fuel
1377 operations.

1378 a. Corporate stripes, logos, and designs, proposed for the principal
1379 structure or the canopy over the fuel operations, shall be counted as
1380 part of the overall permitted sign copy area.

1381 b. No additional sign copy area is permitted for canopies over fuel
1382 operations; however, permitted wall sign copy area for the
1383 principal structure may be transferred to the canopy.

1384 3. Prohibited signs.

1385 Except for those signs expressly permitted within this section, all signs not
1386 otherwise exempt from permitting are prohibited within commercial, professional
1387 office, institutional and industrial zoning districts.

1388 B. In addition to all other applicable regulations contained in the Code of Ordinances,
1389 signs located within residential zoning districts shall comply with the following:

1390 1. General Requirements.

1391 i. Residential subdivision signs are permitted at the entrance of the
1392 subdivision. Entrance signs shall not exceed 25 square feet of sign copy area per sign.
1393 Total entrance signage shall not exceed a total copy area of 50 square feet.

1394 ii. No sign shall exceed five (5) feet in sign height.

1395 2. Requirements by sign type.

1396 i. Real Estate signs.

1397 a. One (1) real estate sign may be permitted per parcel for sale or
1398 lease. However, such signs shall be placed on the property for sale
1399 and not in the right-of-way.

1400 b. The total sign copy area shall not exceed six (6) square feet.
1401 Total sign copy area includes the primary for sale or lease sign and
1402 any associated rider signs.

1403 c. Hanging-style real estate sign post height shall not exceed six (6)
1404 feet and wood or steel frame or yard-type signs shall not exceed
1405 three (3) feet in height.

1406 d. Signs shall be removed upon the sale or lease of the property.

1407 3. Prohibited signs.

1408 Except for those signs expressly permitted within this section, all signs not
1409 otherwise exempt from permitting are prohibited within residential zoning districts.
1410 Internally illuminated signs are prohibited within this zone.

1411
1412 **Sec. 122-20. Additions.**

1413
1414 No additions or enlargements shall be made to a nonconforming sign except those
1415 additions or enlargements that are required by law.

1416
1417 **Sec. 122-21. Modifications.**

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1419 A nonconforming sign that is modified by being moved, replaced or structurally altered
1420 shall be brought into conformance with this Chapter.

1421
1422 **Sec. 122-22. Damage.**

1423
1424 A. A nonconforming sign that is damaged shall not be repaired if the estimated cost to
1425 repair the sign exceeds 50 percent of its appraised value immediately prior to the date of
1426 destruction of the damaged sign; "appraised value" shall mean either the appraised value
1427 for property tax purposes, updated as necessary by the increase in consumer price index
1428 since the date of last valuation, or the valuation determined by a professionally

1429 recognized appraiser. A damaged nonconforming sign that cannot be repaired shall be
1430 removed within 30 days of the date the sign was damaged.

1431

1432 B. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign
1433 is 50 percent or less of its appraised value immediately prior to the date of destruction of
1434 the damaged sign, before the sign was damaged, it may be repaired and restored to the
1435 condition it was in before it was damaged and may continue to be used as a
1436 nonconforming sign, provided that such repairs and restoration are started within 90 days
1437 of the date the sign was damaged and are diligently pursued thereafter.

1438

1439 C. Whenever repairs and restoration of a damaged nonconforming sign are not started
1440 within 90 days of the date the sign was damaged or are diligently pursued once started,
1441 the sign shall be deemed abandoned. An abandoned sign shall be removed as provided
1442 by this Chapter.

1443

1444 **Sec. 122-23. Maintenance.**

1445

1446 A. No nonconforming sign shall be permitted to remain unless properly maintained.
1447 Proper maintenance shall include but not be limited to ensuring that all components of the
1448 sign, including structural and supporting components are free of rust, flaking or peeling
1449 paint, mildew, or decay. Upon determination by the City's Code Enforcement Special
1450 Magistrate that a nonconforming sign has not been maintained as required herein, the
1451 Code Enforcement Special Magistrate shall order the nonconforming sign to be removed
1452 or otherwise brought into compliance with the existing Code in addition to any other
1453 remedies ordered. Any nonconforming sign that is determined by the City to be an
1454 unsafe sign shall be removed as provided for by this Chapter.

1455

1456 B. Nothing in this section shall be deemed to prevent the maintenance of any sign or
1457 manual changes of sign copy on a nonconforming sign.

1458

1459 **Sec. 122-24. Limitations.**

1460

1461 The casual, illegal, or temporary use of any sign shall not be sufficient to establish the
1462 existence of a non-conforming use or to create any rights in the continuance of such use.

1463

1464 **Sec. 122-25. General.**

1465

1466 Signs installed in violation of this Chapter shall be removed or brought into compliance
1467 with the requirements of this Chapter. The sign owner, the owner of the property on
1468 which the sign is placed and the sign contractor shall each be held responsible for
1469 adherence to this Chapter and any other applicable laws or regulations. This Chapter may
1470 be enforced through code enforcement proceedings or by any equitable or legal remedy
1471 available to the City.

1472

1473 **Sec. 122-26. Immediate removal of unsafe signs.**

1474

1475 If the City finds that when any sign is in violation of this Chapter or other applicable
1476 regulations or State law or and by reason of its violation presents an immediate and
1477 serious danger to the public, the City may, without prior written notice, order the
1478 immediate removal or repair of the sign within a specified period. The City may remove
1479 or authorize others to remove the sign in the event that the owner for such sign cannot be
1480 found or if that person, after notification, refuses to repair or remove it. The owner of the
1481 building, structure, or premises on which the sign is located, are jointly and severally
1482 liable for the cost of removing such sign. The City shall have the right to recover from the
1483 owner or person placing such sign the cost of removal and disposal of such sign.

1484

1485 **Sec. 122-27. Removal of abandoned signs.**

1486

1487 The owner of an abandoned sign shall remove the abandoned sign within 30 days of the
1488 date of the City's order to remove the sign. A sign need not be removed when a successor
1489 tenant, or business or property owner, agrees to maintain the sign as provided in this
1490 Chapter, by filing a letter of intent with the City no later than 30 days after receiving
1491 notice to do so from the City.

1492

1493 **Sec. 122-28. Removal of signs erected without a permit.**

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1495 The City may remove or order the removal, without prior written notice, of any sign
1496 erected without a sign permit required by this Chapter.

1497

1498 **Sec. 122-29. Removal of signs on public property.**

1499

1500 Any sign installed or placed on public property, except in conformance with the
1501 requirements of this Chapter, shall be forfeited to the City and confiscated. The City shall
1502 have the right to recover from the owner or person placing such sign the cost of removal
1503 and disposal of such sign.

1504

1505 **Sec. 122-30. Safety Considerations.**

1506

1507 In addition to any requirements of this Chapter, code, or other law, signs shall not be
1508 erected, maintained, and placed in such as way as to pose a safety hazard.

1509

1510 **Sec. 122-31. Conflicting Requirements.**

1511

1512 These sign regulations shall not be construed to permit the erection, placement, or
1513 maintenance of any sign at any place or in any manner unlawful under any other City
1514 Code provision or other applicable law. In any case where a part of these sign regulations
1515 conflicts with a provision of any zoning, building, fire, safety, health ordinance or other
1516 code, the provision that establishes a stricter standard for the protection of the public
1517 health and safety shall prevail.

1518

1519 **Sec. 122-32. Severability.**

1520

1521 A. General.

1522

1523 If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term,
1524 or word of this Chapter, this Code, or any adopting ordinance is declared unconstitutional
1525 by the valid judgment or decree of any court of competent jurisdiction, the declaration of
1526 such unconstitutionality shall not affect any other part, section, subsection, paragraph,
1527 subparagraph, sentence, phrase, clause, term, or word of this Chapter.

1528

1529 B. Severability where less speech results.

1530

1531 Without diminishing or limiting in any way the declaration of severability set forth above
1532 in section 122-32 A., or elsewhere in this Chapter, Code, or any adopting ordinance, if
1533 any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or
1534 word of this Chapter is declared unconstitutional by the valid judgment or decree of any
1535 court of competent jurisdiction, the declaration of such unconstitutionality shall not affect
1536 any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause,
1537 term, or word of this Chapter, even if such severability would result in a situation where
1538 there would be less speech, whether by subjecting previously exempt signs to permitting
1539 or otherwise.

1540

1541 C. Severability of provisions pertaining to prohibited signs.

1542

1543 Without diminishing or limiting in any way the declaration of severability set forth above
1544 in section 122-32 A., or elsewhere in this Chapter, Code, or any adopting ordinance, if
1545 any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or
1546 word of this Chapter or any other law is declared unconstitutional by the valid judgment
1547 or decree of any court of competent jurisdiction, the declaration of such
1548 unconstitutionality shall not affect any other part, section, subsection, paragraph,
1549 subparagraph, sentence, phrase, clause, term, or word of this Chapter that pertains to
1550 prohibited signs, including specifically those signs and sign-types prohibited and not
1551 allowed under section 122-8 of this Chapter. Furthermore, if any part, section, subsection,
1552 paragraph, subparagraph, sentence, phrase, clause, term, or word of section 122-8 is
1553 declared unconstitutional by the valid judgment or decree of any court of competent
1554 jurisdiction, the declaration of such unconstitutionality shall not affect any other part,
1555 section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of
1556 section 122-8.

1557

1558 D. Severability of prohibition on billboards.

1559

1560 If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term,
1561 or word of this Chapter and/or any other Code provisions and/or laws are declared invalid
1562 or unconstitutional by the valid judgment or decree of any court of competent
1563 jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on
1564 billboards as contained in this Chapter and Code.

1565

1566 **SECTION THREE. Codification.** It is the intent of the City Council of the City of
1567 Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted
1568 broad and liberal authority in codifying the provisions of this Ordinance.

1569
1570 **SECTION FOUR. Effective date.** This Ordinance shall take effect immediately upon
1571 adoption as provided by the Charter of the City of Edgewood.

1572
1573 PASSED ON FIRST READING THIS _____ DAY OF _____, 2014.

1574
1575 PASSED AND ADOPTED THIS _____ DAY OF _____, 2014.

1576

1577

1578

CITY OF EDGEWOOD, FLORIDA

1579

CITY COUNCIL

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1581

1582

John Dowless, Council President

1583 ATTEST:

1584

1585

1586

Bea Meeks, City Clerk

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