



Ray Bagshaw
Mayor

John Dowless
Council President

Pam Henley
Council Member

Neil Powell
Council Member

Susan Fortini
Council Member

Lee Chotas
Council Member

CITY COUNCIL AGENDA
Workshop
City Hall – Council Chamber
405 Larue Avenue, Edgewood, Florida
Tuesday – May 24, 2016
4:30 p.m.

City Council Workshop meetings are for information gathering and discussion purposes. The City Council will not vote on any issues at Workshop meetings. The Council reserves the right 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.

CALL TO ORDER

REVIEW & DISCUSSION (Workshop #3)

ORDINANCE 2016- -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; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.**

ADJOURNMENT

UPCOMING MEETINGS: (All meetings begin at 6:30 p.m.)

- Monday, June 13, 2016.....Planning & Zoning Board Meeting (6:30 p.m.)
- Tuesday, June 21, 2016.....City Council Regular Meeting (6:30 p.m.)

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.

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; 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

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

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

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

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

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

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

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

61 **WHEREAS**, the City Council finds and determines that the City has allowed
62 noncommercial speech to appear wherever commercial speech appears; and the City
63 Council desires to codify that practice through the specific inclusion of a substitution
64 clause that expressly allows noncommercial messages to be substituted for commercial
65 messages; and

66 **WHEREAS**, the City Council finds and determines that aesthetics is a valid basis
67 for zoning, and the regulation of the size of signs and the prohibition of certain types of
68 signs can be based upon aesthetic grounds alone as promoting the general welfare [*see*
69 *Merritt v. Peters*, 65 So.2d 861 (Fla. 1953); *Dade County v. Gould*, 99 So.2d 236 (Fla.
70 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5th Cir.
71 1970), *cert. dismissed*. 400 U.S. 878 (1970)]; and

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

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

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

82 **WHEREAS**, the Florida Constitution states that it shall be the policy of the State
83 to conserve and protect its scenic beauty, and the City Council finds and determines that
84 the prohibition of the construction of billboards and certain other sign types, as well as

85 the establishment and continuation of height, size and other standards for on-premise
86 signs, is consistent with this policy; and

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

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

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

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

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

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

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

123 **WHEREAS**, the City Council finds and determines that in order to reconfirm that
124 the billboard regulations meet constitutional scrutiny, it is appropriate to amend the
125 ordinance to emphasize the fact that noncommercial messages may be placed wherever
126 commercial messages appear, that commercial speech is not favored over noncommercial

127 speech, and that any on-site or off-site sign permitted or allowed by law is allowed to
128 contain noncommercial speech in lieu of any other speech; and

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

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

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

144 **WHEREAS**, the City Council finds and determines that municipalities may
145 separately classify offsite and on-site advertising signs in taking steps to minimize visual
146 pollution [*see City of Lake Wales v. Lamar Advertising Association of Lakeland, Florida*,
147 414 So.2d 1030, 1032 (Fla. 1982)]; and

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

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

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

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

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

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

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

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

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

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

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

199 **WHEREAS**, the City Council finds and determines that the City has consistently
200 adopted and enacted severability provisions in connection with its Code provisions and
201 that the City Council wishes to ensure that severability provisions apply to its Code of
202 Ordinances, including its sign regulations; and

203 **WHEREAS**, the Planning and Zoning Commission, acting as the Local Planning
204 Agency, found and determined that this Ordinance is consistent with the City's
205 Comprehensive Plan, and the City Council finds and determines that the following
206 amendments are consistent with all applicable policies of the City's Comprehensive Plan;
207 and

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

210 **WHEREAS**, the City Council finds and determines that the City’s sign
211 regulations are concerned with the secondary effects of speech including, but not limited
212 to, aesthetics and traffic safety, and that they are not intended to regulate viewpoints or
213 censor speech, and for those and other reasons that the foregoing provisions are not
214 subject to, or would not fail, a “prior restraint” analysis; and

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

218 **WHEREAS**, the City Council recognizes that frivolous challenges to its
219 provisions regulating signage might be advanced under the pretext that the City is
220 unconstitutionally restraining free speech, and the City Council desires to amend and
221 modify the Code to codify current practice and, to the fullest extent possible, ensure that
222 a prior restraint claim cannot be advanced in good faith against the City’s sign
223 regulations; and

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

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

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

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

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

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

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

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

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

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

278 **WHEREAS**, the City Council desires to make it clear that billboards are not a
279 compatible land use within the City and that there can be no good faith reliance by any
280 prospective billboard developer under Florida “vested rights,” or any other theory or law
281 in connection with the prospective erection or construction of billboards within the
282 jurisdictional limits of the City; and
283

284 **WHEREAS**, the City Council is mindful of the warnings from various studies
285 regarding the effect on traffic safety of electronic changeable message and tri-vision signs
286 discussed in the September 11, 2001 report sponsored by the Federal Highway
287 Administration entitled, *Research Review of Potential Safety Effects of Electronic*
288 *Billboards on Driver Attention and Distraction*, and therefore, wishes to clarify its
289 prohibition of these sign types. *See also, the 2009 study “Safety Impacts of the Emerging*
290 *Digital Display Technology for Outdoor Advertising Signs” prepared for the American*
291 *Associates of State Highway and Transportation Officials; Final Report, A Critical,*
292 *Comprehensive Review of Two Studies Recently Released By the Outdoor Advertising*
293 *Association of America*, prepared for: Maryland State Highway Administration, by Jerry
294 Wachtel, CPE, President, The Veridian Group, Inc., Berkeley, California October 18,
295 2007 (concluding that two traffic studies conducted by the outdoor advertising industry
seeming to indicate that electronic billboards posed no traffic safety concern were both

296 severely flawed in their methodology and thus unreliable in their conclusions. On page
297 13 of the report Veridian concludes that the outdoor advertising industry used
298 “misleading and inconsistent reporting [showed] evidence of bias [and there was]
299 evidence of internal errors and inconsistencies throughout the report”); *Traffic Safety*
300 *Evaluation of Video Advertising Signs*, by Alison Smiley et al., Transportation Research
301 record: Journal of the Transportation research Board, No. 1937, 2005 (a major study of
302 electronic signs in Toronto, which finds that “[o]n the basis of the eye fixation study and
303 the public survey data, it is apparent that video advertising can distract drivers
304 inappropriately and lead to individual crashes.”); *Research Review of Potential Safety*
305 *Effects of Electronic Billboards on Driver Attention and Distraction*, September 2001,
306 Federal Highway Administration, U.S. Department of Transportation (a summary of
307 existing research (as of 2001), on the subject of the safety of electronic signs and a call
308 for additional studies); *Milwaukee County Stadium Variable Message Sign Study:*
309 *Impacts of an Advertising Variable Message Sign on Freeway Traffic*, December 1994,
310 Wisconsin Department of Transportation (study of the dangers posed by an electronic
311 sign in Milwaukee along I-94, that concluded that “It is obvious that the variable message
312 sign has had an effect on traffic, most notably in the increase of the side swipe crash
313 rate”); and

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

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

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

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

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

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

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

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

336 **WHEREAS**, various signs that serve and function as signage for particular land
337 uses, such as drive-thru restaurants, are allowed some additional features in recognition

338 of the differing or special functions served by those land uses, but not based upon intent
339 to favor any particular viewpoint or control the subject matter of public discourse; and

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

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

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

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

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

363 **WHEREAS**, in narrowly drawing and tailoring provisions for regulating signage,
364 the City Council finds and determines that machinery and equipment signs, *i.e.*, those
365 signs that are integrated into machinery and equipment and that are visible from the street
366 are a necessary type of signage that are inextricably related to the machines and
367 equipment on which they appear and that it is impractical to prohibit such signs in
368 commerce without effectively prohibiting the associated machines and equipment, and as
369 a result the City finds that machine and equipment signs should be allowed in all zoning
370 districts; and

371 **WHEREAS**, under current jurisprudence [*see, e.g., Ladue v. Gilleo*, 512 U.S. 43
372 (1994)], signs that allow property owners, especially residential homeowners, to freely
373 express a particular point of view on their own property should be reasonably
374 accommodated, and may be uniquely valuable; and

375 **WHEREAS**, the City Council recognizes that under current jurisprudence its sign
376 regulations may be under-inclusive in their reach to serve the City’s interests in aesthetics
377 and traffic safety, while at the same time balancing the interests protected by the First
378 Amendment [*see, e.g., Members of City Council v. Taxpayers for Vincent*, 466 U.S. 789
379 (1984); *Codes, Sign Regulation After Ladue; Examining the Evolving Limits of First*
380 *Amendment Protection*, 74 Neb.L.Rev. 36 (1995)], and the City Council may from time

381 to time modify the sign regulations herein so as to provide additional limitations to
382 further serve the City's interests in aesthetics and/or traffic safety; and

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

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

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

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

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

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

398 **Chapter 122. Signs.**

399 **Sec. 122-1. Purpose.**

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

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

- 413 A. Encourage the effective use of signs as a means of communication in the City;
- 414 B. Improve pedestrian and traffic safety;
- 415 C. Minimize the possible adverse effect of signs on nearby public and private property;
- 416 D. Promote the integration of signage with architectural and landscape designs;
- 417 E. Lessen the visual clutter that may otherwise be caused by the proliferation,
418 improper placement, illumination, animation, excessive height and excessive size (area)
419 of signs, which compete for the attention of pedestrian and vehicular traffic;

- 420 F. Allow signs that are compatible with their surroundings and aid orientation, while
421 precluding the placement of signs that contribute to sign clutter or that conceal or obstruct
422 adjacent land uses or signs;
- 423 G. Encourage and allow signs that are appropriate to the zoning district in which they are
424 located and consistent with the category of use and function to which they pertain;
- 425 H. Establish sign size in relationship to the scale of the lot and building on which the
426 sign is to be placed or to which it pertains;
- 427 I. Preclude signs from conflicting with the principal permitted use of the site and
428 adjoining sites;
- 429 J. Regulate signs in a manner that will not interfere with, obstruct the vision of or distract
430 motorists, bicyclists or pedestrians;
- 431 K. Except to the extent expressly preempted by state or federal law, ensure that signs are
432 constructed, installed and maintained in a safe and satisfactory manner, and protect the
433 public from unsafe signs;
- 434 L. Preserve, conserve, protect and enhance the aesthetic quality and scenic beauty of the
435 City;
- 436 M. Protect property values by ensuring that sign types, as well as the number of signs
437 and their size, height, illumination, movement, and brightness are in harmony with
438 buildings, neighborhoods and conforming signs in the area;
- 439 N. Regulate the appearance and design of signs in a manner that promotes and enhances
440 the beautification of the City and that complements the natural surroundings in
441 recognition of the City's reliance on its natural resources and beautification efforts; and
- 442 O. Allow for traffic control devices consistent with national and State standards and
443 whose purpose is to promote highway safety and efficiency by providing for the orderly
444 movement of road users and pedestrians on streets and highways, and that notify road
445 users of regulations and provide warning and guidance needed for the safe, uniform and
446 efficient operation of all elements of the traffic stream.

447 **Sec. 122-2. Definitions.**

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

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

458 *Anchor tenant:* the major retail store(s) upon a multipl-occupant parcel that occupy
459 building square footage on-site with a minimum area of ten thousand (10,000) square
460 feet.

461 *Animated sign:* A sign which has any visible moving part, color change, flashing or
462 oscillating lights, visible mechanical movement of any description, or other apparent
463 visible movement achieved by any means that move, change, flash, osculate or visibly
464 alters in appearance. The term may include electronic changeable signs with optical
465 illusion of movement, color change, or change of lighting, to depict action or create a
466 special effect or scene; and signs using electronic ink, signs set in motion by movement
467 of the atmosphere, any sign set in motion by intentional movement by a person, any type
468 of screen using animated or scrolling displays, such as an LED (light emitting diode)
469 screen or any other type of video display.

470 *Attached sign:* A sign permanently attached to a building or structure that projects no
471 greater than six inches.

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

475 *Awning sign:* A sign incorporated or attached to an awning.

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

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

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

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

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

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

493 *Clearance:* The distance between the finished grade to the lowermost portion of the sign.

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

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

499 *Construction sign:* A temporary on-site sign identifying the ongoing construction activity
500 during the time that a building permit is active and prior to completion of the work for
501 which the permit was issued, and containing sign copy that is limited to the ongoing

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

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

506 *Copy area:* the entire area of the sign occupied by copy. Copy area or sign area is
507 measured by enclosing by one continuous perimeter line the extreme limits of the sign
508 which contains copy, including all ornamental attachments, insignias, symbols, logos,
509 trademarks, interconnecting links and the like, and any stripe, frame or border. Copy area
510 does not include the main support structure of the sign unless it contains copy. The
511 calculation for a double faced sign shall be the area of one (1) face only. The calculation
512 for wall signs, if permitted hereunder, comprises individual letters, numbers, symbols and
513 the like, where the exterior wall of the building upon which it is affixed acts as the
514 background of the sign, shall be calculated within the smallest regular geometric figure
515 needed to encompass the sign display.

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

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

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

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

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

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

541 *Monument sign:* means a free-standing sign, permanently installed or affixed to the
542 ground and generally having a low profile where the base of the sign structure is on the
543 ground or a maximum two feet above the lowest point of the ground adjacent to the sign
544 such that the sign has the appearance of a solid base.

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

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

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

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

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

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

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

562 *Pole sign:* A freestanding sign that is supported from the ground up by one (1) or more
563 poles, columns, uprights, braces or anchors; the definition of pole sign does not include
564 flags, temporary signs, warning signs, safety signs, traffic control device signs, statutory
565 signs, or parking space identifications signs.

566 *Portable sign:* a sign that is not permanently affixed to or planted in the ground or
567 permanently affixed to a structure utilizing standard construction procedures and
568 materials that will not deteriorate.

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

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

573 *Safety sign:* See Warning signs.

574 *Sign:* Any surface, fabric, device or display which bears lettered, pictorial or sculptured
575 matter, including forms shaped to resemble any human, animal or product designed to
576 convey information to the public and is visible from an abutting property, from a public
577 street, sidewalk or right-of-way, or from a body of water. For the purpose of this
578 development code, the term "sign" shall include all structural members including the
579 base. A sign shall be construed to form a single unit. In cases where matter is displayed in
580 a random or unconnected manner without organized relationship of the components, each
581 such component shall be considered a single sign. The term sign shall not include:
582 artwork, holiday or seasonal decorations, cemetery markers, machinery or equipment
583 signs, memorial signs or tablets.

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

587 *Sign height:* The vertical distance measured from the ground level beneath the sign to the
588 topmost point of the sign structure.

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

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

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

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

600 *Temporary sign:* a sign displayed before, during or after an event or occurrence
601 scheduled at a specific time and place which is not designed or intended to be placed
602 permanently.

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

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

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

623 *Window sign:* Any sign placed inside or upon a window facing the outside and which is
624 capable of being seen from the exterior through a window or other opening.

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

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

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

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

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

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

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

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

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

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

657 5. Address and legal description of the property upon which the sign is to be
658 located and include a parcel identification number and zoning district. The legal
659 address may be located on a certified boundary survey.

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

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

664 8. A fully dimensioned site plan showing the lot frontage, building frontage or
665 business establishment or occupant frontage, parking areas and location of all
666 existing and proposed signs. For freestanding signs and temporary signs, the site

667 plan shall show the distance from the right-of-way and property lines, and street
668 corner visibility calculations.

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

671 10. Landscape plan, as applicable.

672 11. Signature of applicant.

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

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

680 D. Staff Review.

681 1. The sign permit application shall be reviewed by the City Planner, or designee,
682 for a determination of whether the proposed sign meets the applicable
683 requirements of this Chapter, all other applicable ordinances and any applicable
684 zoning law. The review of the sign permit application shall be completed by the
685 City Planner, or designee, within ten business days following receipt of a
686 completed application and any applicable fees after the date of receipt. A sign
687 permit shall either be approved, approved with conditions (meaning legal
688 conditions existing in this Chapter such as dimensional requirements), or
689 disapproved, and the decision shall be reduced to writing. A disapproval shall
690 include or be accompanied by a statement of the reason(s) for the disapproval. In
691 the event that no decision is rendered within the period of time referenced herein,
692 the application shall be deemed denied and the applicant may appeal to the City
693 Council. Any appeal shall be heard and a decision rendered within the time
694 frames specified in this Chapter for appeals.

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

699 3. An application which is materially incomplete or which is not accompanied by
700 the required fee shall not be considered, and the time for review of the application
701 shall not commence until a complete application accompanied by the required fee
702 is filed with the City Planner, or designee. However, the City Planner, or
703 designee, shall keep a record of incomplete applications or any application not
704 accompanied by the correct fee, as required by applicable public record laws. In
705 addition, the City Planner, or designee, shall within ten business days of receipt of
706 such an application, provide the applicant a written explanation of the deficiencies
707 and ask that the deficiencies be remedied, explaining that the application cannot
708 proceed forward and that the application will be deemed withdrawn if the

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

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

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

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

719 c. In any of the foregoing cases, the applicant may elect in writing to
720 make no change to the application or obtain no approval that may be
721 required by another governmental agency. In such event, the City Planner,
722 or designee, shall make a decision on the application as submitted. In this
723 instance, if a decision is not made within ten business days of receipt of
724 the applicant's election to not change the application or obtain any
725 approval that may be required by another governmental agency, the
726 application shall be deemed denied.

727 **122-5 Comprehensive Sign Plan Applications.**

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

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

733 1. Legal description of the property where the signs are proposed to be located;

734 2. Name, address, email address (if any) and telephone and facsimile number, if
735 any, of the owner of the property where the sign is proposed to be located;

736 3. The name of the owner(s) representative or agent and consultants, if any, with
737 mailing address, email address, telephone and facsimile, if any, number; and
738 completed affidavit to authorize agent form;

739 4. All street address(es) and parcel numbers of the parcel proposed for
740 development;

741 5. Ownership: A copy of a deed to all property on which signage is proposed to
742 be installed, a copy of a title insurance policy or an affidavit attesting to
743 ownership;

744 6. A signed and sealed survey of the property including the dimensions, acreage
745 and location of the property prepared by a registered land surveyor showing all
746 current structures/improvements;

- 747 7. A site plan drawn to a minimum scale of one inch equals fifty feet on an
748 overall sheet size not to exceed twenty-four inches by thirty-six inches and
749 including the following:
- 750 a. North arrow, scale (with bar scale) and date prepared;
 - 751 b. Location map;
 - 752 c. Show all property lines;
 - 753 e. Land areas expressed in square feet and acres;
 - 754 f. All required setbacks as measured from the property line;
 - 755 g. Location of all public and private easements and street rights-of-way
756 within and adjacent to the site;
 - 757 h. Location of all existing and proposed points of access;
 - 758 i. The footprint with dimensions of all existing and proposed buildings
759 and structures on the site;
 - 760 j. Sight visibility triangles consistent with Section 114-4(2) of the City of
761 Edgewood Code of Ordinances shown and labeled;
 - 762 k. Location of all existing and proposed sidewalks;
 - 763 l. Lot frontage on all street rights-of-way;
 - 764 m. The location of all proposed landscape material including size and
765 species;
 - 766 n. Location of all attached and freestanding including directional signage,
767 proposed and existing, indicating with labels if to be removed; and
 - 768 o. Location of the sign in relation to property lines, public rights-of-way,
769 easements, buildings and other signs on the property;
 - 770 p. Signs located on adjacent property within fifty feet of any proposed
771 signs.
- 772 8. Sign Plan, to include:
- 773 a. Date prepared;
 - 774 b. Bar scale;
 - 775 c. To scale drawings, in color, of all proposed signage (attached,
776 freestanding, and directional signs) which include the following:
 - 777 i. dimensions, with dimensional arrows;
 - 778 ii. sign area in square feet;
 - 779 iii. height and width of sign and sign structure, measured in feet;
 - 780 iv. labels of all colors;
 - 781 v. surface area of the sign proposed;
 - 782 vi. text copy including the message of the sign;

783 vii. changeable copy, if proposed; and
784 viii. describe any illumination including the type, placement,
785 intensity, hours of illumination and system to automatically turn
786 off lighting when the business is closed, and sign area to be
787 illuminated.

788 d. Building elevation color drawings, to scale, for all sides of any building
789 with proposed and existing attached signage;

790 e. Master sign plan for shopping centers and office parks, to include all
791 signs;

792 f. Site data table, to include how all proposed signs (existing and new)
793 meet code requirements, with a calculation worksheet; and

794 g. Number, type, location and surface area of all existing signs on the
795 same property and or building on which the sign is to be located.

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

798 B. An application which is materially incomplete or which is not accompanied by the
799 required fee shall not be considered, and the time for review of the application shall not
800 commence until a complete application accompanied by the required fee is filed with the
801 City Planner, or designee. However, the City Planner, or designee, shall keep a record of
802 incomplete applications or any application not accompanied by the correct fee, as
803 required by applicable public record laws. In addition, the City Planner, or designee, shall
804 within 10 business days of receipt of such an application, provide the applicant a written
805 explanation of the deficiencies and ask that the deficiencies be remedied, explaining that
806 the application cannot proceed forward and that the application will be deemed
807 withdrawn if the deficiencies are not cured within sixty calendar days.

808 C. Application and design review. Upon determination that a Comprehensive Sign
809 Program application is complete, the City Planner, or designee, shall review the
810 application and determine whether the application demonstrates compliance with the
811 requirements of the comprehensive sign program set forth in Section 122-14. Within
812 twenty working days of completeness, the City Planner, or designee, may grant approval,
813 grant the approval subject to specified conditions or deny the application for
814 comprehensive sign program. The review period of twenty working days may be
815 extended by mutual consent of the applicant and the City Planner, or designee, to allow
816 revised materials to be submitted and reviewed for compliance with the requirements of
817 the comprehensive sign program. Revised materials shall be submitted within the
818 timeframe established by the City Planner, or designee, but no more than thirty working
819 days based on the extent of the deficiencies identified. If materials are not received within
820 that timeframe, the application shall be deemed denied. If the resubmission material is
821 submitted within the timeframe specified, the City Planner, or designee, shall determine
822 whether the resubmission materials demonstrate compliance with the comprehensive sign
823 program and shall either grant the approval, approve with conditions or deny the
824 application.

825 D. Effect of Comprehensive Sign Plan Approval. Comprehensive Sign Plan approval
826 authorizes only the particular signs approved and all signs approved in the
827 Comprehensive Sign Plan must be installed and any conditions met within six months of
828 issuance of a permit.

829 **Sec. 122-6. Appeals.**

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

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

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

843 D. The City Council shall render a decision at the public hearing meeting, or at the
844 discretion of the City Council, at the next regularly scheduled meeting following the
845 public hearing.

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

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

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

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

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

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

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

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

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

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

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

874 B. Decals or insignia normally associated with equipment, machinery, or vehicles which
875 are affixed to or painted on equipment, machinery, or vehicles.

876 C. Temporary on-site signs that do not exceed six square feet on residential zoned
877 parcels.

878 D. Temporary on-site signs that do not exceed eighteen square feet on commercial zoned
879 parcels.

880 E. Traffic control devices.

881 F. For 911 and emergency response purposes, street address signs, which shall be located
882 in a place that is clearly visible from the right-of-way.

883 G. Window signs that do not exceed twenty percent of the area of any window. In no
884 case shall the cumulative area of all window signs on any façade exceed thirty-six square
885 feet.

886 H. Flags mounted on hardware permanently attached to a structure or upon a pole not
887 exceeding thirty-five feet in height and permanently anchored within the ground with
888 concrete.

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

890 The following types of signs are prohibited:

891 A. Abandoned signs

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

893 C. Banner signs

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

895 E. Billboards.

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

897 G. Pavement markings, except street addresses.

898 H. Portable signs.

899 I. Pole Signs

900 J. Roof signs.

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

- 902 L. Signs erected by other than a governmental entity on publicly-owned land, easements
903 or rights-of-way.
- 904 M. Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.
- 905 M. Signs that have unshielded illuminating devices or which reflect lighting onto public
906 rights-of-way thereby creating a potential traffic or pedestrian hazard.
- 907 N. Animated signs or signs that appear to display motion in any way whatsoever,
908 including beacons.
- 909 O. Signs that obstruct, conceal, hide, or otherwise obscure from view any traffic control
910 device sign or official traffic signal.
- 911 P. Snipe signs.
- 912 Q. Obscene signs.
- 913 R. Hazardous signs.
- 914 S. Vehicle signs.
- 915 T. Any sign that is not specifically described or enumerated as permitted.
- 916 U. Signs attached to temporary structures.

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

- 918 A. Distance requirements. Except as otherwise provided herein, no sign shall be located
919 within twenty feet of any side property line of a parcel and no sign shall be located within
920 ten feet of any public right-of-way. No freestanding sign shall be located within fifty feet
921 of any other freestanding sign.
- 922 B. Illuminated signs.
 - 923 1. The light from any illuminated sign shall be shaded, shielded, or directed away
924 from adjoining street rights-of-way and properties.
 - 925 2. No sign shall have blinking, flashing, or fluttering lights or other illumination
926 devices which have a changing light intensity, brightness, color, or direction.
 - 927 3. No colored lights shall be used at any location or in any manner so as to be
928 confused with or construed as traffic-control devices.
 - 929 4. Neither the direct nor the reflected light from primary light sources shall create
930 a traffic hazard to operators of motorized vehicles, bicycles or pedestrians.
 - 931 5. The light which illuminates a sign shall be shaded, shielded, or directed so that
932 no structure, including sign supports or awnings, are illuminated by such lighting.
- 933 C. Gasoline price signs. Gasoline price display signs shall be placed in the vicinity of the
934 pump islands and shall not extend above any pump island canopy or they shall be
935 attached to the primary freestanding sign for the property. If attached to the freestanding
936 sign, the area of the gasoline price display sign shall be counted toward the allowable
937 area for the freestanding sign. A gasoline price display sign may be changed manually or
938 electronically.

939 D. Awnings. Awnings may be allowed a graphic element and/or text in addition to the
940 permitted attached sign area provided such graphic and/or text does not exceed twenty
941 percent of the awning surface area on which the graphic is placed or sixteen square feet,
942 whichever is less.

943 E. Building and electrical code compliance. All signs shall comply with applicable
944 building and electrical code requirements.

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

947 G. Legibility. All copy area shall be maintained so as to be legible and complete.

948 H. Sight visibility triangles. All signs shall comply with all sight visibility triangle
949 requirements under the provisions of Section 114-4(2) of the City of Edgewood Code of
950 Ordinances.

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

954 J. Number of signs. For the purpose of determining the number of signs, a single sign
955 shall be construed to be a sign that has its copy area on one side and contains elements
956 organized, related and composed to form a single unit. A sign with sign copy area on both
957 sides shall be construed as a single sign provided both copy areas are not more than three
958 feet apart at their closest point, and that they describe an internal angle between the copy
959 area planes extended to no more than thirty degrees.

960 K. No limitation based on message content. Notwithstanding any other provision of this
961 Chapter, no sign shall be subject to any limitation based on the content of the message
962 contained on such sign.

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

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

966 A. Temporary signs shall be removed within three days after the date upon which the
967 sign has fulfilled its purpose (e.g., the scheduled event or occurrence has concluded).
968 However, in cases where the temporary sign is advertising products or services for sale
969 on the premises, the temporary sign may only be erected during the time period when a
970 person may actually purchase the products or services on the premises.

971 B. On property zoned residential, up to three temporary signs with up to six square feet
972 each of copy area shall be allowed per parcel.

973 C. On property zoned other than residential, one temporary sign, other than a banner
974 sign, with up to eighteen square feet of copy area or one banner sign with up to thirty-six
975 square feet shall be allowed.

976 D. If the temporary sign is a ground sign, the maximum height of any such sign shall be
977 four feet on residential zoned property or six feet on non-residential zoned property.

978 E. Temporary signs must be at least five feet from any right-of-way and at least ten feet
979 from the side and rear property lines.

980 F. Temporary signs shall not be illuminated.

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

983 H. Notwithstanding any provision to the contrary herein, temporary signs may be pole
984 signs, portable signs, and banner signs in addition to any other sign type expressly
985 permitted in this Chapter.

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

987 A. Residential. One permanent freestanding sign up to sixty-four square feet of total sign
988 face area and up to eight feet in height may be erected at each entrance into a single-
989 family subdivision or multi-family development. In lieu of one sixty-four square foot
990 sign, two permanent single-faced signs not exceeding thirty-two square feet in total sign
991 face area each may be located at each entrance provided that such signs are placed in a
992 symmetrical manner, are located on opposite sides of the entrance to which they are
993 oriented, and will not conflict with the principal permitted use of the site or adjoining
994 sites. Such signs shall only be erected on privately-owned property. All such signs shall
995 be installed in a landscaped and irrigated area consisting of shrubs and/or ground cover
996 not less than three feet in width around the entire base of the sign.

997 B. Non-residential.

998 A. Unless otherwise specified, a maximum total copy area of two square feet for each
999 linear foot of building frontage or 100 square feet, whichever is less, shall be allowed per
1000 parcel abutting a single public right-of-way.

1001 B. For parcels abutting multiple rights-of-way, an additional maximum total copy area of
1002 one square foot for each linear foot of building frontage along the additional rights-of-
1003 way. Any additional copy area allowed pursuant to this paragraph must be utilized along
1004 and directed toward the additional public rights-of-way. In no event, however, shall the
1005 total maximum total copy area exceed 100 square feet per parcel, regardless of number of
1006 frontages.

1007 C. The following signs shall be permitted in all nonresidential zoning districts:

1008 1. Monument signs. Monument signs shall be permitted pursuant to the
1009 following:

1010 a. One monument sign with a height no greater than eight feet shall be
1011 allowed along each public right-of-way the parcel abuts.

1012 b. On parcels abutting multiple public rights-of-way, additional allowed
1013 monument signs must be located at least twenty-five feet from any

1014 intersection with the right-of-way upon which the first monument sign is
1015 located.

1016 c. Monument signs may include up to four lines of zip track for manual
1017 changeable messages provided it does not exceed twenty-five percent of
1018 the copy area and the zip track and letter colors are coordinated with the
1019 color of the sign.

1020 d. Monument signs may consist of more than one sign panel provided all
1021 such sign panels are consolidated into one common integrated sign
1022 structure.

1023 e. Sign panels other than that of a building identification panel or signage
1024 or an anchor occupant panel or signage shall have uniform shape, size, and
1025 background color.

1026 f. Landscaping at least three feet in height that is viable in all seasons,
1027 shall totally surround the base of the sign.

1028 2. Attached signs. The following attached signs shall be permitted:

1029 a. One wall sign shall be allowed along each public right-of-way the
1030 parcel abuts. No wall sign or supporting structure shall project more than
1031 twelve inches from the wall of a building nor over any public right-of-
1032 way. Further, no wall sign shall extend above the roofline except where an
1033 exterior parapet wall projects above the roofline, in which case such sign
1034 may extend to the top of such wall. Wall signs may not disrupt
1035 architectural features of the building and must be architecturally
1036 compatible and consistent with the building.

1037 b. One awning sign per awning installed upon the principal buildings
1038 located upon the premises.

1039 3. In addition to the maximum total square footage allowed per parcel, each
1040 business location located upon a multiple-occupant parcel shall be permitted one
1041 wall sign or one awning sign located proximate to the primary entrance to such
1042 business location. Such multiple-occupant signage shall be subject to the
1043 following:

1044 a. The total maximum copy area available for such multiple-occupant
1045 signage per parcel shall be two square feet of copy area for each linear
1046 foot of building frontage of the shopping center. If the shopping center has
1047 multiple stories which are utilized for business locations, then the width of
1048 each additional story shall be utilized in calculating the building frontage.
1049 Each occupant of the building shall then be allocated sign square footage
1050 based on their rental (or owned) square footage percentage of the total
1051 available square footage in the shopping center. In no event, however, may
1052 any one business location exceed a maximum of 100 square feet of total
1053 sign area.

1054 b. Additional wall signage shall be allowed for side facades of corner
1055 occupants facing a road right-of-way in multiple-occupant buildings with

1056 the maximum copy area equal to that allowed for the primary entrance
1057 location. Sign area is not transferable between front and side facades.

1058 c. Anchor occupants upon a multiple-occupant parcel shall be allowed an
1059 additional one square foot of copy area for each linear foot of building
1060 frontage of that portion of the building occupied by the anchor occupant
1061 over 100 linear feet. Said additional copy area shall not exceed 200 square
1062 feet of copy area per anchor. The copy area allowed within this paragraph
1063 shall be wall signage, awning signage, or a combination thereof.

1064 **Sec. 122-14. Comprehensive Sign Program**

1065 A. General principles.

1066 1. The intent of the Comprehensive Sign Program is to provide private property
1067 owners and businesses with flexibility to develop innovative, creative and
1068 effective signage and to improve the aesthetics of the City of Edgewood.

1069 2. The minimum sign standards established in this Chapter ensure that signage
1070 will not have an adverse impact on the aesthetics, community character and
1071 quality of life of the City of Edgewood. The city recognizes, however, that in
1072 many circumstances, there are innovative and creative alternatives to minimum
1073 standard signage which are desirable and attractive and will enhance community
1074 character and individual property values.

1075 3. The purpose of the Comprehensive Sign Program is to provide an alternative
1076 to minimum standard signage subject to flexibility criteria which ensure that
1077 alternative signage will not have an adverse impact on the aesthetics, community
1078 character and quality of life of the City of Edgewood.

1079 B. Permitted signage.

1080 1. Signage which is proposed as part of a Comprehensive Sign Plan may deviate
1081 from the minimum sign standards in terms of types of signage allowed, number of
1082 signs per business or parcel of land, maximum area of a sign face per parcel of
1083 land and the total area of sign faces per business or parcel of land.

1084 2. A Comprehensive Sign Plan shall be approved pursuant to the provisions
1085 set out in Section 122-5, above.

1086 3. As part of a comprehensive sign program, the City Planner, or designee, shall
1087 review all sign types proposed for the development parcel to achieve compliance
1088 with these regulations. A Comprehensive Sign Plan for shopping centers,
1089 including all out parcels, and office complexes shall include all types of signs for
1090 all tenants/uses within the development parcel.

1091 C. Flexibility criteria.

1092 1. Architectural theme. The signs proposed in a Comprehensive Sign Plan shall
1093 be designed so as to be consistent with the architectural theme of the principal
1094 buildings proposed or developed on the parcel and shall be constructed of
1095 materials and colors which are similar to the materials and colors utilized in the
1096 principal buildings.

- 1097 2. Sign height. The height of all signs proposed through the comprehensive sign
1098 program shall relate to the height and design of the of the principal buildings
1099 located or proposed on the development parcel.
- 1100 3. Height, area, number and location of signs. The height, area, number and
1101 location of signs permitted through the comprehensive sign program shall be
1102 reviewed by the City Planner, or designee, based on the following criteria: overall
1103 size of site, relationship between the building setback and sign location, lot and
1104 building frontage, access and visibility to the site, intended traffic circulation
1105 pattern, scale and use of the project. Additionally, the maximum permitted sign
1106 area shall be based on the following formula when evaluated against the above
1107 criteria:
- 1108 a. Attached signs. The maximum copy area permitted for attached signage
1109 shall range from one percent up to a maximum of six percent of the
1110 building façade to which the sign is to be attached.
- 1111 b. Freestanding signs. The maximum permitted copy area of all
1112 freestanding signs on a site shall not exceed three square feet per linear
1113 foot of building frontage.
- 1114 4. Property values. The signage proposed in a comprehensive sign program must
1115 not adversely impact the value of property in the immediate vicinity of the parcel
1116 proposed for development.
- 1117 5. Elimination of nonconforming signage. The signage proposed in a
1118 comprehensive sign program shall replace all existing nonconforming signage
1119 located on the property.

1120 **Sec. 122-15. Nonconforming Signs.**

- 1121 A. Additions. No additions or enlargements shall be made to a nonconforming sign
1122 except those additions or enlargements that are required by law.
- 1123 B. A nonconforming sign that is modified by being moved, replaced or structurally
1124 altered shall be brought into conformance with this Chapter.
- 1125 C. Damaged signs.
- 1126 1. A nonconforming sign that is damaged shall not be repaired if the estimated
1127 cost to repair the sign exceeds fifty percent of its appraised value immediately
1128 prior to the date of destruction of the damaged sign; "appraised value" shall mean
1129 either the appraised value for property tax purposes, updated as necessary by the
1130 increase in consumer price index since the date of last valuation, or the valuation
1131 determined by a professionally recognized appraiser. A damaged nonconforming
1132 sign that cannot be repaired shall be removed within thirty days of the date the
1133 sign was damaged.
- 1134 2. Whenever a nonconforming sign is damaged and the estimated cost to repair
1135 the sign is fifty percent or less of its appraised value immediately prior to the date
1136 of destruction of the damaged sign, before the sign was damaged, it may be
1137 repaired and restored to the condition it was in before it was damaged and may
1138 continue to be used as a nonconforming sign, provided that such repairs and

1139 restoration are started within ninety days of the date the sign was damaged and are
1140 diligently pursued thereafter.

1141 3. Whenever repairs and restoration of a damaged nonconforming sign are not
1142 started within ninety days of the date the sign was damaged or are diligently
1143 pursued once started, the sign shall be deemed abandoned. An abandoned sign
1144 shall be removed as provided by this Chapter.

1145 D. Maintenance of nonconforming signs.

1146 1. No nonconforming sign shall be permitted to remain unless properly
1147 maintained. Proper maintenance shall include but not be limited to ensuring that
1148 all components of the sign, including structural and supporting components are
1149 free of rust, flaking or peeling paint, mildew, or decay. Upon determination by
1150 the City's Code Enforcement Special Magistrate that a nonconforming sign has
1151 not been maintained as required herein, the Code Enforcement Special Magistrate
1152 shall order the nonconforming sign to be removed or otherwise brought into
1153 compliance with the existing Code in addition to any other remedies ordered.
1154 Any nonconforming sign that is determined by the City to be an unsafe sign shall
1155 be removed as provided for by this Chapter.

1156 2. Nothing in this section shall be deemed to prevent the maintenance of any sign
1157 or manual changes of sign copy on a nonconforming sign.

1158 E. Amortization of nonconforming signs.

1159 1. Permanent signs lawfully conforming with all provisions of the City of
1160 Edgewood Code of Ordinances prior to _____ (effective date
1161 of Ordinance) made nonconforming by this Ordinance shall be brought into
1162 compliance no later than _____ (3 years from effective
1163 date of Ordinance).

1164 2. Permanent signs, other than lawfully non-conforming billboards, not in
1165 compliance with provisions of the City of Edgewood Code of Ordinances prior to
1166 _____ (effective date of Ordinance) shall be
1167 brought into compliance with the provisions of this Chapter no later than
1168 _____ (6 months from effective date of Ordinance).

1169 g. Subject to the following exceptions, pole signs for which more than
1170 two feet of any pole is exposed to view shall be prohibited. The bottoms
1171 of poles may be screened from view by architectural elements that
1172 completely surround that portion of the poles located behind such
1173 architectural elements or irrigated landscaping that provides a completely
1174 opaque screen to that portion of the poles located behind the landscaping.
1175 Architectural or landscape screening of poles shall be at least 1/3 of the
1176 width of the sign face. Architectural screening shall be consistent with the
1177 architectural style of principal structure located on the parcel. All exposed
1178 poles shall be metal, painted black and free of chipping paint, faded paint
1179 and rust.

1180 i. Pole signs in existence as of _____ (effective
1181 date of ordinance) shall be allowed to remain, notwithstanding any

1182 other provision herein regarding lawful nonconforming uses,
1183 provided that no more than six feet of any pole is exposed to view
1184 and provided such signs comply with all other provisions of this
1185 ordinance. The bottoms of poles may be screened from view by
1186 architectural elements that completely surround that portion of the
1187 poles located behind such architectural elements. Architectural
1188 screening of poles shall be at least one third of the width of the
1189 sign face. All exposed poles shall be metal, painted black and free
1190 of chipping paint, faded paint and rust.

1191 ii. Pole signs subject to this paragraph in existence as of
1192 _____ (effective date of ordinance) shall be
1193 allowed to be retrofitted to comply with this paragraph provided
1194 such retrofitting occurs within six months of
1195 _____ (effective date of ordinance).

1196 3. Temporary signs shall be brought into compliance with the provisions of this
1197 Chapter within thirty days of _____ (effective date of
1198 ordinance).

1199 4. Nothing provided herein shall limit the authority of the City of Edgewood to
1200 require removal or remove unsafe signs, abandoned signs, signs erected without
1201 permits, or signs unlawfully located on City property.

1202

1203 **Sec. 122-16. Removal of Signs.**

1204 A. General. Signs installed in violation of this Chapter shall be removed or brought into
1205 compliance with the requirements of this Chapter. The sign owner, the owner of the
1206 property on which the sign is placed and the sign contractor shall each be held
1207 responsible for adherence to this Chapter and any other applicable laws or regulations.
1208 This Chapter may be enforced through code enforcement proceedings or by any equitable
1209 or legal remedy available to the City.

1210 B. Immediate removal of unsafe signs. If the City finds that when any sign is in
1211 violation of this Chapter or other applicable regulations or State law or and by reason of
1212 its violation presents an immediate and serious danger to the public, the City may,
1213 without prior written notice, order the immediate removal or repair of the sign within a
1214 specified period. The City may remove or authorize others to remove the sign in the event
1215 that the owner for such sign cannot be found or if that person, after notification, refuses to
1216 repair or remove it. The owner of the building, structure, or premises on which the sign is
1217 located, are jointly and severally liable for the cost of removing such sign. The City shall
1218 have the right to recover from the owner or person placing such sign the cost of removal
1219 and disposal of such sign.

1220 C. Removal of signs erected without a permit. The City may remove or order the
1221 removal, without prior written notice, of any sign erected without a sign permit required
1222 by this Chapter.

1223 D. Removal of signs on City property. Any sign installed or placed on City property,
1224 except in conformance with the requirements of this Chapter, shall be forfeited to the

1225 City and confiscated. The City shall have the right to recover from the owner or person
1226 placing such sign the cost of removal and disposal of such sign.

1227 E. Abandoned signs. Abandoned signs shall be removed by the owner or lessee of the
1228 premises upon which a sign is located when the business which a sign advertises is no
1229 longer conducted on the premises or if the business does not have an occupational
1230 license.

1231 **Sec. 122-17. Conflicting Requirements.**

1232 These sign regulations shall not be construed to permit the erection, placement, or
1233 maintenance of any sign at any place or in any manner unlawful under any other City
1234 Code provision or other applicable law. In any case where a part of these sign regulations
1235 conflicts with a provision of any zoning, building, fire, safety, health ordinance or other
1236 code, the provision that establishes a stricter standard for the protection of the public
1237 health and safety shall prevail.

1238 **Sec. 122-18. Severability.**

1239 A. General. If any part, section, subsection, paragraph, subparagraph, sentence, phrase,
1240 clause, term, or word of this Chapter, this Code, or any adopting ordinance is declared
1241 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,
1242 the declaration of such unconstitutionality shall not affect any other part, section,
1243 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1244 Chapter.

1245 B. Severability where less speech results. Without diminishing or limiting in any way
1246 the declaration of severability set forth above in Paragraph A., or elsewhere in this
1247 Chapter, Code, or any adopting ordinance, if any part, section, subsection, paragraph,
1248 subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared
1249 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,
1250 the declaration of such unconstitutionality shall not affect any other part, section,
1251 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1252 Chapter, even if such severability would result in a situation where there would be less
1253 speech, whether by subjecting previously exempt signs to permitting or otherwise.

1254 C. Severability of provisions pertaining to prohibited signs. Without diminishing or
1255 limiting in any way the declaration of severability set forth above in Paragraph A., or
1256 elsewhere in this Chapter, Code, or any adopting ordinance, if any part, section,
1257 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1258 Chapter or any other law is declared unconstitutional by the valid judgment or decree of
1259 any court of competent jurisdiction, the declaration of such unconstitutionality shall not
1260 affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase,
1261 clause, term, or word of this Chapter that pertains to prohibited signs, including
1262 specifically those signs and sign-types prohibited and not allowed under section 122-10
1263 of this Chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph,
1264 sentence, phrase, clause, term, or word of section 122-10 is declared unconstitutional by
1265 the valid judgment or decree of any court of competent jurisdiction, the declaration of
1266 such unconstitutionality shall not affect any other part, section, subsection, paragraph,
1267 subparagraph, sentence, phrase, clause, term, or word of section 122-10.

1268 D. Severability of prohibition on billboards. If any part, section, subsection, paragraph,
1269 subparagraph, sentence, phrase, clause, term, or word of this Chapter and/or any other
1270 Code provisions and/or laws are declared invalid or unconstitutional by the valid
1271 judgment or decree of any court of competent jurisdiction, the declaration of such
1272 unconstitutionality shall not affect the prohibition on billboards as contained in this
1273 Chapter and Code.

1274 **SECTION THREE. Codification.** It is the intent of the City Council of the City of
1275 Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted
1276 broad and liberal authority in codifying the provisions of this Ordinance.
1277

1278 **SECTION FOUR. Effective date.** This Ordinance shall take effect immediately upon
1279 adoption as provided by the Charter of the City of Edgewood.
1280

1281 PASSED ON FIRST READING THIS _____ DAY OF _____, 2016.
1282

1283 PASSED AND ADOPTED THIS _____ DAY OF _____, 2016.
1284

1285
1286 CITY OF EDGEWOOD, FLORIDA
1287 CITY COUNCIL
1288

1289 _____
1290 John Dowless, Council President
1291

1291 ATTEST:
1292

1293 _____
1294 Bea Meeks, City Clerk
1295
1296