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ORDINANCE NO.

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO SIGNS; REPEALING AND REPLACING CHAPTER 5, CHAPTER VI OF THE CITY OF EDGEWOOD CODE OF ORDINANCES RELATING TO SIGNS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR A PURPOSE, DEFINITIONS, PERMITTING PROCESSES AND APPEALS FROM SIGN PERMIT DENIALS; SIGNS, DECORATIONS, AND ARTWORK EXEMPT FROM PERMITTING; PROHIBITED SIGNS; GENERAL REGULATIONS AND SPECIFIC STANDARDS OF ZONING DISTRICTS; SIGN LIGHTING AND ILLUMINATION; EXISTING SIGNS WHICH WILL BE NONCONFORMING AFTER ENACTMENT OF THIS ORDINANCE; REMOVAL OF SIGNS, VARIANCES, SUBSTITUTION OF NON-COMMERCIAL SPEECH FOR COMMERCIAL SPEECH, CONTENT NEUTRALITY AS TO SIGN MESSAGE (VIEWPOINT), ILLEGAL SIGNS ON PUBLIC PROPERTY AND SAFETY CONSIDERATIONS; PROVIDING FOR SEVERABILITY IN GENERAL; PROVIDING FOR SEVERABILITY WHERE LESS SPEECH RESULTS; PROVIDING FOR SEVERABILITY OF PROVISIONS PERTAINING TO PROHIBITED SIGNS; PROVIDING FOR SEVERABILITY OF PROHIBITION ON BILLBOARDS; AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES AND THE LAND DEVELOPMENT CODE TO BE CONSISTENT WITH THE FIRST AMENDMENT OF THE CONSTITUTION AND WITH AMENDMENTS TO CHAPTER VII OF THE LAND DEVELOPMENT CODE, ADOPTED HEREIN; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

209 **WHEREAS**, the City Council finds and determines that the City has consistently
210 adopted and enacted severability provisions in connection with its Code provisions and
211 that the City Council wishes to ensure that severability provisions apply to its Code of
212 Ordinances, including its sign regulations; and

213 **WHEREAS**, the City Council finds and determines that off-site signs, also
214 known and commonly referred to as “billboards,” are not compatible with adjacent areas
215 and are not an approved land use within any of the City’s zoning districts; and

216 **WHEREAS**, the Planning and Zoning Commission, acting as the Local Planning
217 Agency, found and determined that this Ordinance is consistent with the City’s
218 Comprehensive Plan, and the City Council finds and determines that the following
219 amendments are consistent with all applicable policies of the City’s Comprehensive Plan;
220 and

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

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

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

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

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

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

251 **WHEREAS**, the City Council has determined that there have been several
252 judicial decisions where courts have not given full effect to severability clauses that
253 applied to sign regulations and where the courts have expressed uncertainty over whether
254 the legislative body intended that severability would apply to certain factual situations

255 despite the presumption that would ordinarily flow from the presence of a severability
256 clause; and

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

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

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

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

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

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

283 **WHEREAS**, the City Council is aware that billboard developers seeking to attack
284 a sign ordinance have often advanced an argument that the developer has a "vested" right
285 to erect the billboards described in their permit applications, and argue that if they are
286 successful in obtaining a judicial decision finding that the City's entire sign ordinance is
287 unconstitutional, it follows that they are entitled to build any sign described in the permit
288 applications submitted under the "unconstitutional" ordinance, and argue that this result
289 is mandated because when they applied for their permits there was no valid constitutional
290 ordinance in place; and

291 **WHEREAS**, the City Council desires to make it clear that billboards are not a
292 compatible land use within the City and that there can be no good faith reliance by any
293 prospective billboard developer under Florida "vested rights," or any other theory or law
294 in connection with the prospective erection or construction of billboards within the
295 jurisdictional limits of the City; and
296

297 **WHEREAS**, the City Council is mindful of the warnings from various studies
regarding the effect on traffic safety of electronic changeable message and tri-vision signs

298
299 discussed in the September 11, 2001 report sponsored by the Federal Highway
300 Administration entitled, *Research Review of Potential Safety Effects of Electronic*
301 *Billboards on Driver Attention and Distraction*, and therefore, wishes to clarify its
302 prohibition of these sign types. *See also, the 2009 study “Safety Impacts of the Emerging*
303 *Digital Display Technology for Outdoor Advertising Signs” prepared for the American*
304 *Associates of State Highway and Transportation Officials; Final Report, A Critical,*
305 *Comprehensive Review of Two Studies Recently Released By the Outdoor Advertising*
306 *Association of America*, prepared for: Maryland State Highway Administration, by Jerry
307 Wachtel, CPE, President, The Veridian Group, Inc., Berkeley, California October 18,
308 2007 (concluding that two traffic studies conducted by the outdoor advertising industry
309 seeming to indicate that electronic billboards posed no traffic safety concern were both
310 severely flawed in their methodology and thus unreliable in their conclusions. On page
311 13 of the report Veridian concludes that the outdoor advertising industry used
312 “misleading and inconsistent reporting [showed] evidence of bias [and there was]
313 evidence of internal errors and inconsistencies throughout the report”); *Traffic Safety*
314 *Evaluation of Video Advertising Signs*, by Alison Smiley et al., Transportation Research
315 record: Journal of the Transportation research Board, No. 1937, 2005 (a major study of
316 electronic signs in Toronto, which finds that “[o]n the basis of the eye fixation study and
317 the public survey data, it is apparent that video advertising can distract drivers
318 inappropriately and lead to individual crashes.”); *Research Review of Potential Safety*
319 *Effects of Electronic Billboards on Driver Attention and Distraction*, September 2001,
320 Federal Highway Administration, U.S. Department of Transportation (a summary of
321 existing research (as of 2001), on the subject of the safety of electronic signs and a call
322 for additional studies); *Milwaukee County Stadium Variable Message Sign Study:*
323 *Impacts of an Advertising Variable Message Sign on Freeway Traffic*, December 1994,
324 Wisconsin Department of Transportation (study of the dangers posed by an electronic
325 sign in Milwaukee along I-94, that concluded that “It is obvious that the variable message
326 sign has had an effect on traffic, most notably in the increase of the side swipe crash
rate”); and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

376 **WHEREAS**, in narrowly drawing and tailoring provisions for regulating signage,
377 the City Council finds and determines that machinery and equipment signs, *i.e.*, those
378 signs that are integrated into machinery and equipment and that are visible from the street
379 are a necessary type of signage that are inextricably related to the machines and
380 equipment on which they appear and that it is impractical to prohibit such signs in
381 commerce without effectively prohibiting the associated machines and equipment, and as
382 a result the City finds that machine and equipment signs should be allowed in all zoning
383 districts; and

384 **WHEREAS**, under current jurisprudence [*see, e.g., Ladue v. Gilleo*, 512 U.S. 43
385 (1994)], signs that allow property owners, especially residential homeowners, to freely
386 express a particular point of view on their own property should be reasonably
387 accommodated, and may be uniquely valuable; and

388 **WHEREAS**, the City Council intends to expressly provide that property owners
389 may display at least one sign for free expression at all times; and

390 **WHEREAS**, the City Council recognizes that under current jurisprudence its sign
391 regulations may be under-inclusive in their reach to serve the City’s interests in aesthetics
392 and traffic safety, while at the same time balancing the interests protected by the First
393 Amendment [*see, e.g., Members of City Council v. Taxpayers for Vincent*, 466 U.S. 789
394 (1984); *Codes, Sign Regulation After Ladue; Examining the Evolving Limits of First*
395 *Amendment Protection*, 74 Neb.L.Rev. 36 (1995)], and the City Council may from time
396 to time modify the sign regulations herein so as to provide additional limitations to
397 further serve the City’s interests in aesthetics and/or traffic safety; and

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

401 **WHEREAS**, the City Council finds and determines that sign types described
402 herein are related in other ways to the functions they serve and the properties to which
403 they relate [*see Bond, Making Sense of Billboard Law; Justifying Prohibitions and*
404 *Exemptions*, 88 Mich.L.Rev., 2481 (1980)]; and

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

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

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

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

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

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

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

425 **Chapter 122. Signs.**

426 **Sec. 122-1. Purpose.**

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

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

- 440 A. Encourage the effective use of signs as a means of communication in the City;
- 441 B. Improve pedestrian and traffic safety;
- 442 C. Minimize the possible adverse effect of signs on nearby public and private property;
- 443 D. Promote the integration of signage with architectural and landscape designs;
- 444 E. Lessen the visual clutter that may otherwise be caused by the proliferation,
445 improper placement, illumination, animation, excessive height and excessive size (area)
446 of signs, which compete for the attention of pedestrian and vehicular traffic;
- 447 F. Allow signs that are compatible with their surroundings and aid orientation, while
448 precluding the placement of signs that contribute to sign clutter or that conceal or obstruct
449 adjacent land uses or signs;
- 450 G. Encourage and allow signs that are appropriate to the zoning district in which they are
451 located and consistent with the category of use and function to which they pertain;
- 452 H. Curtail the size and number of signs and sign messages to the minimum reasonably
453 necessary to identify a residential or business location and the nature of any such
454 business;
- 455 I. Establish sign size in relationship to the scale of the lot and building on which the sign
456 is to be placed or to which it pertains;
- 457 J. Preclude signs from conflicting with the principal permitted use of the site and
458 adjoining sites;
- 459 K. Regulate signs in a manner that will not interfere with, obstruct the vision of or
460 distract motorists, bicyclists or pedestrians;
- 461 L. Except to the extent expressly preempted by state or federal law, ensure that signs are
462 constructed, installed and maintained in a safe and satisfactory manner, and protect the
463 public from unsafe signs;

464 M. Preserve, conserve, protect and enhance the aesthetic quality and scenic beauty of the
465 City;

466 N. Protect property values by ensuring that sign types, as well as the number of signs and
467 their size, height, illumination, movement, and brightness are in harmony with buildings,
468 neighborhoods and conforming signs in the area;

469 O. Regulate the appearance and design of signs in a manner that promotes and enhances
470 the beautification of the City and that complements the natural surroundings in
471 recognition of the City's reliance on its natural resources and beautification efforts; and

472 P. Allow for traffic control devices consistent with national and State standards and
473 whose purpose is to promote highway safety and efficiency by providing for the orderly
474 movement of road users and pedestrians on streets and highways, and that notify road
475 users of regulations and provide warning and guidance needed for the safe, uniform and
476 efficient operation of all elements of the traffic stream.

477 **Sec. 122-2. Definitions.**

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

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

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

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

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

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

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

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

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

514 *Changeable copy sign*: A sign that is designed so that characters, letters or illustrations
515 can be manually changed or rearranged without altering the sign face.

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

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

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

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

527 *Copy*: The linguistic or graphic content of a sign.

528 *Copy area*: The advertising display surface area of a sign encompassed within any regular
529 geometric figure which would enclose all parts of the copy. The structural supports or
530 members for the sign, whether they be poles, columns, pylons, or a building or a part
531 thereof, shall be part of the sign but shall not be included in the calculation of copy area.

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

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

540 *Electronic changeable message sign*: A sign that uses changing lights or an electronic
541 medium to form an image, picture, or message of any kind, whether the image, picture, or
542 message is moving or stationary, wherein the sequence of the messages and the rate of
543 change are electronically programmed and can be modified by electronic processes.
544 Electronic changeable signs include LED signs (light emitting diode technology or other
545 similar semiconductor technology), OLED signs (transmissive, organic light emitting

546 diodes), LEP signs (light emitting polymer), OEL signs (organic electro luminescence),
547 or any similar technology.

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

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

557 *Free expression sign:* A sign, communicating information or views of concern to the
558 owner of the sign, or containing any other non-commercial message, that is otherwise
559 lawful.

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

562 *Garage or Yard Sale sign:* Any on-site temporary sign pertaining to the sale of personal
563 property in, at or upon any residentially-zoned property. Garage or yard sales shall
564 include but not be limited to all such sales, and shall include the advertising of the
565 holding of any such sale, or other offering to make any sale, whether made under any
566 name such as garage sale, lawn sale, yard sale, front yard sale, back yard sale, attic sale,
567 rummage sale, patio sale, moving sale or any similar designation.

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

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

574 *Menu sign:* A fully enclosed or otherwise protected from the elements on-site sign,
575 including but not limited to a box, shadow box or cabinet, attached to a wall or
576 freestanding, which is used solely for the purpose of displaying restaurant menus.

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

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

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

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

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

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

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

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

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

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

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

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

610 *Safety sign:* See Warning signs.

611 *Sidewalk sign:* Any freestanding single or double faced sign which is designed to be
612 placed upon, but not permanently installed or affixed to the ground, sidewalks or
613 pavement.

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

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

627 *Sign height:* The vertical distance measured from the average finished lot grade beneath
628 the sign to the topmost point of the sign structure.

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

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

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

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

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

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

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

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

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

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

667 A. No sign shall be erected, structurally altered or relocated, without paying the
668 appropriate fee as set by resolution of the City Council and obtaining a City sign permit.

669 This requirement applies to all signs, except those specifically exempted by this Chapter
670 and any signs lawfully existing on the date of adoption of this Chapter, which shall be
671 subject to Sections 122-20 through 122-24 regarding nonconforming signs. The sign
672 permit and fee is in addition to any building permit and fee required to be obtained
673 pursuant to the Florida Building Code.

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

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

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

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

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

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

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

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

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

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

702 7. Engineering scaled site plan indicating in feet and inches the location of the
703 sign in relation to property lines, public rights-of-way, easements, buildings and
704 other signs on the property

705 8. Freestanding signs shall additionally require a current boundary survey or site-
706 plan drawn to scale showing the sign dimensions and elevation, sign height,
707 dimensions of the sign's area and copy area and any illumination type, placement,
708 intensity and hours of illumination.

- 709 9. Three paper copies and a .pdf version of the sign plans, specifications,
710 calculations and details, signed and sealed by an engineer or architect licensed in
711 Florida, specifications documenting compliance with applicable provisions of the
712 Florida Building Code. If the sign is illuminated, the sign company must provide
713 a statement stating that the sign illumination does not exceed 300 foot candles.
- 714 10. Number, type, location and sign copy area and height of all existing signs on
715 the same premises.
- 716 11. Landscape plan, as applicable.
- 717 12. Signature of applicant.
- 718 B. Any permit issued under this Chapter shall be void if no substantial physical action is
719 taken in accordance with the sign permit, any permit conditions and the applicable
720 requirements of this Chapter within 180 days following the date of its issuance.
- 721 C. Any sign permit issued pursuant to this Chapter shall remain in effect as long as the
722 sign is maintained in compliance with the approved sign permit as well as all applicable
723 provisions of this Chapter and the applicant did not misrepresent or falsify any
724 information provided in the application.
- 725 D. Staff Review.
- 726 1. The sign permit application shall be reviewed by the City Planner, or designee,
727 for a determination of whether the proposed sign meets the applicable
728 requirements of this Chapter, all other applicable ordinances and any applicable
729 zoning law. The review of the sign permit application shall be completed by the
730 City Planner, or designee, within 10 business days following receipt of a
731 completed application and any applicable fees after the date of receipt. A sign
732 permit shall either be approved, approved with conditions (meaning legal
733 conditions existing in this Chapter such as dimensional requirements), or
734 disapproved, and the decision shall be reduced to writing. A disapproval shall
735 include or be accompanied by a statement of the reason(s) for the disapproval. In
736 the event that no decision is rendered within the period of time referenced herein,
737 the application shall be deemed denied and the applicant may appeal to the BZA.
738 Any appeal shall be heard and a decision rendered within the time frames
739 specified in this Chapter for appeals.
- 740 2. For the purposes of calculating compliance with the 10 business day deadline
741 herein, for a decision upon an application, the decision shall be deemed made
742 when deposited in the mail, transmitted electronically, or hand delivered to the
743 applicant.
- 744 3. An application which is materially incomplete or which is not accompanied by
745 the required fee shall not be deemed accepted, and the time for review of the
746 application shall not commence until a complete application accompanied by the
747 required fee is filed with the City Planner, or designee. However, the City
748 Planner, or designee, shall keep a record of incomplete applications or any
749 application not accompanied by the correct fee, as required by applicable public
750 record laws. In addition, the City Planner, or designee, shall within 10 business
751 days of receipt of such an application, provide the applicant a written explanation

752 of the deficiencies and ask that the deficiencies be remedied, explaining that the
753 application cannot proceed forward and that the application will be deemed
754 withdrawn if the deficiencies are not cured within sixty calendar days. An
755 application that is withdrawn shall not be entitled to any refund of fees paid.

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

758 a. If the applicant is required to make any change to the application in
759 order to obtain an unconditional approval, the time shall be suspended for
760 a period of up to 60 days while the applicant makes such change.

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

764 c. In any of the foregoing cases, the applicant may elect in writing to
765 make no change to the application, or obtain no approval that may be
766 required by another governmental agency. In such event, the City Planner,
767 or designee, shall make a decision on the application as submitted. In this
768 instance, if a decision is not made within 10 business days of receipt of the
769 applicant's election to not change the application or obtain any approval
770 that may be required by another governmental agency, the application
771 shall be deemed denied.

772 **122-5 Comprehensive Sign Plan Applications.**

773 The procedures for review and approval of applications for a Comprehensive Sign Plan
774 as allowed by Section are as follows.

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

- 778 1. Legal description of the property where the signs are proposed to be located;
- 779 2. Name, address, email address (if any) and telephone and facsimile number, if
780 any, of the owner of the property where the sign is proposed to be located;
- 781 3. The name of the owner(s) representative or agent and consultants, if any, with
782 mailing address, email address, telephone and facsimile, if any, number; and
783 completed affidavit to authorize agent form;
- 784 4. All street address(es) and parcel numbers of the parcel proposed for
785 development;
- 786 5. Ownership: A copy of a deed to all property on which signage is proposed to
787 be installed, a copy of a title insurance policy or an affidavit attesting to
788 ownership;
- 789 6. A signed and sealed survey of the property including the dimensions, acreage
790 and location of the property prepared by a registered land surveyor showing all
791 current structures/improvements;

- 792 7. A site plan drawn to a minimum scale of one inch equals 50 feet on an overall
793 sheet size not to exceed 24 inches by 36 inches and including the following:
- 794 a. North arrow, scale (with bar scale) and date prepared;
 - 795 b. Location map;
 - 796 c. Show all property lines;
 - 797 e. Land areas expressed in square feet and acres;
 - 798 f. All required setbacks as measured from the property line;
 - 799 g. Location of all public and private easements and street rights-of-way
800 within and adjacent to the site;
 - 801 h. Location of all existing and proposed points of access;
 - 802 i. The footprint with dimensions of all existing and proposed buildings
803 and structures on the site;
 - 804 j. Sight visibility triangles consistent with Section 114-4(2) of the City of
805 Edgewood Code of Ordinances shown and labeled;
 - 806 k. Location of all existing and proposed sidewalks;
 - 807 l. Lot frontage on all street rights-of-way;
 - 808 m. The location of all proposed landscape material including size and
809 species;
 - 810 n. Location of all attached and freestanding including directional signage,
811 proposed and existing, indicating with labels if to be removed; and
 - 812 o. Location of the sign in relation to property lines, public rights-of-way,
813 easements, buildings and other signs on the property;
 - 814 p. Signs located on adjacent property within 50 feet of any proposed
815 signs.
- 816 8. Sign Plan, to include:
- 817 a. Date prepared;
 - 818 b. Bar scale;
 - 819 c. To scale drawings, in color, of all proposed signage (attached,
820 freestanding, and directional signs) which include the following:
 - 821 i. dimensions, with dimensional arrows;
 - 822 ii. sign area in square feet;
 - 823 iii. height and width of sign and sign structure, measured in feet;
 - 824 iv. labels of all colors;
 - 825 v. surface area of the sign proposed;
 - 826 vi. text copy including the message of the sign;

- 827 vii. changeable copy, if proposed; and
- 828 viii. describe any illumination including the type, placement, intensity,
829 hours of illumination and system to automatically turn off lighting when
830 the business is closed, and sign area to be illuminated.
- 831 d. Building elevation color drawings, to scale, for all sides of any building
832 with proposed and existing attached signage;
- 833 e. Master sign plan for shopping centers and office parks, to include all
834 signs;
- 835 f. Site data table, to include how all proposed signs (existing and new)
836 meet code requirements, with a calculation worksheet; and
- 837 g. Number, type, location and surface area of all existing signs on the
838 same property and or building on which the sign is to be located.
- 839 9. Completed written responses as to how each of the Comprehensive Sign
840 Program criteria, set forth in Section 122-14 are met.
- 841 B. An application which is materially incomplete or which is not accompanied by the
842 required fee shall not be deemed accepted, and the time for review of the application shall
843 not commence until a complete application accompanied by the required fee is filed with
844 the City Planner, or designee. However, the City Planner, or designee, shall keep a record
845 of incomplete applications or any application not accompanied by the correct fee, as
846 required by applicable public record laws. In addition, the City Planner, or designee, shall
847 within 10 business days of receipt of such an application, provide the applicant a written
848 explanation of the deficiencies and ask that the deficiencies be remedied, explaining that
849 the application cannot proceed forward and that the application will be deemed
850 withdrawn if the deficiencies are not cured within sixty calendar days.
- 851 C. Application and design review. Upon determination that a Comprehensive Sign
852 Program application is complete, the City Planner, or designee, shall review the
853 application and determine whether the application demonstrates compliance with the
854 requirements of the comprehensive sign program set forth in Section 122-14. Within
855 twenty working days of completeness, the City Planner, or designee, may grant approval,
856 grant the approval subject to specified conditions or deny the application for
857 comprehensive sign program. The review period of twenty working days may be
858 extended by mutual consent of the applicant and the City Planner, or designee, to allow
859 revised materials to be submitted and reviewed for compliance with the requirements of
860 the comprehensive sign program. Revised materials shall be submitted within the
861 timeframe established by the City Planner, or designee, but no more than 30 working
862 days based on the extent of the deficiencies identified. If materials are not received within
863 that timeframe, the application shall be deemed denied. If the resubmission material is
864 submitted within the timeframe specified, the City Planner, or designee, shall determine
865 whether the resubmission materials demonstrate compliance with the comprehensive sign
866 program and shall either grant the approval, approve with conditions or deny the
867 application.
- 868 D. Effect of Comprehensive Sign Approval. Comprehensive Sign Program approval
869 authorizes only the particular signs approved and entitles the recipient to apply for a

870 building (sign) permit. Such approval shall be evidenced by a written development order
871 issued by the City Planner, or designee, and shall be effective upon the date the
872 development order is issued. Unless otherwise specified in the Comprehensive Sign
873 Program approval, an application for a building (sign) permit shall be made within one
874 year of the date of the Comprehensive Sign approval, and all signs shall be installed and
875 any conditions met within six months of issuance of a permit.

876 **Sec. 122-6. Appeals.**

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

882 B. The written appeal, together with any appeal fee as may be set by resolution of the
883 City Council, shall be filed with the City Clerk, or designee, within 30 days of the date of
884 the determination, action, decision and/or alleged error. The written appeal shall describe
885 the alleged error and the applicable provisions of the Chapter pertaining to the City
886 Planner, or designee's, order, decision, requirement or failure to act.

887 C. The City Council shall hold a hearing within 45 days following receipt of the written
888 appeal, not counting the day of receipt and not counting any non-business days, which
889 falls upon the first, or the 45th day after the date of receipt.

890 D. The City Council shall render a decision at the public hearing meeting, or at the
891 discretion of the discretion of the City Council, at the next regularly scheduled meeting
892 following the public hearing.

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

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

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

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

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

907 Notwithstanding anything contained in this Chapter to the contrary, any sign erected
908 pursuant to the provisions of this Chapter may, at the option of the owner, contain a non-
909 commercial sign message in lieu of a commercial sign message and the non-commercial
910 copy may be substituted at any time in place of the commercial copy provided that the

911 sign complies with the sign standards and other applicable requirements contained within
912 this Chapter.

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

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

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

918 The following signs are exempt from regulation under this Chapter 122:

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

921 B. A sign on a car, other than a prohibited vehicle sign.

922 C. A statutory sign.

923 D. A traffic control device sign.

924 E. Any sign not visible from a public street, sidewalk or right-of-way or from a navigable
925 waterway or body of water; except that the foregoing does not exempt a sign for a
926 commercial use that is visible from an abutting residential use.

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

928 The following types of signs are prohibited:

929 A. Balloons, cold air inflatables, streamers, and pennants.

930 B. Bench signs, other than the identification of the transit company or its route schedule.

931 C. Billboards.

932 E. Electronic changeable message signs unless otherwise specifically allowed herein.

933 F. Menu signs on which the message changes more rapidly than once every three hours.

934 G. Pavement markings, except street addresses.

935 H. Portable signs.

936 I. Roof signs.

937 J. Sidewalk signs.

938 L. Signs in or upon any lake or other body of water.

939 M. Signs erected by other than a governmental entity on publicly-owned land, easements
940 or rights-of-way.

941 N. Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.

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

944 P. Signs that move, revolve, twirl, rotate, flash, scintillate, blink, flutter, or appear to
945 display motion in any way whatsoever, including animated signs, multi-prism signs, tri-
946 vision signs, floodlights and beacon lights.

947 Q. Signs that obstruct, conceal, hide, or otherwise obscure from view any traffic control
948 device sign or official traffic signal.

949 R. Signs that present a potential traffic or pedestrian hazard, including signs which
950 obstruct visibility.

951 S. Signs attached to or placed on any tree or other vegetation.

952 U. Snipe signs.

953 V. Vehicle signs.

954 W. Any sign that is not specifically described or enumerated as permitted.

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

956 A. Setback. No sign shall be located within twenty-five feet of any side property line of
957 a parcel. No sign shall be located within five feet of any front property line of a parcel.

958 B. Illuminated signs.

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

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

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

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

967 5. The light which illuminates a sign shall be shaded, shielded, or directed so that
968 no structure, including sign supports or awnings, are illuminated by such lighting.

969 C. Gasoline price signs. Gasoline price display signs shall be placed in the vicinity of the
970 pump islands and shall not extend above any pump island canopy or they shall be
971 attached to the primary freestanding sign for the property. If attached to the freestanding
972 sign, the area of the gasoline price display sign shall be counted toward the allowable
973 area for the freestanding sign. A gasoline price display sign may be changed manually or
974 electronically.

975 D. Awnings. Awnings may be allowed a graphic element and/or text in addition to the
976 permitted attached sign area provided such graphic and/or text does not exceed 25
977 percent of the awning surface area on which the graphic is placed or 16 square feet,
978 whichever is less.

979 E. Building and electrical code compliance. All signs shall comply with applicable
980 building and electrical code requirements.

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

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

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

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

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

998 **Sec. 122-12. Signs allowed without a permit**

999 The following signs may be erected without a sign permit:

1000 A. One address sign of no more than two square feet of total sign face area for each
1001 parcel of land used for residential purposes and no more than one square foot for each
1002 number contained in the property address for each parcel of land used for non-residential
1003 purposes. The square footage for the address sign shall be allowed in addition to the total
1004 square sign face area allowed in this Chapter.

1005 B. Flags. For flags displayed on a flag pole not exceeding 35 feet in height or an
1006 attached bracket: One flag per detached dwelling unit, three additional flags per parcel of
1007 land used for multifamily residential purposes, and three flags per parcel of land used for
1008 non-residential purposes. If so used, the area of the flag shall not be included in, and
1009 limited by, the computation of allowable area for freestanding or attached signs on the
1010 property.

1011 C. Menu signs. Attached menu signs of no more than six square feet of total sign face
1012 area located at the entrance or service window of a restaurant. One freestanding drive-
1013 through sign no more than 24 square feet in total sign face area and six feet in height
1014 oriented toward the vehicles utilizing drive-through service for the purpose of placing an
1015 order or picking up an order at a service window.

1016 D. Parking identification signs. Signs identifying parking space numbers provided that
1017 such signs are painted on the paved surface of each space or do not exceed one-half
1018 square foot of sign face area per sign.

1019 E. Window signs. Window signs may be located on any window area provided such
1020 sign or combination of signs do not exceed 25 percent of the total window area on any
1021 façade. In no case shall the cumulative area of all window signs on any façade exceed 50
1022 square feet.

1023 F. Safety and warning signs. Safety or warning signs which do not exceed six square
1024 feet of total sign face area per sign.

1025 G. Additional miscellaneous signs. Each residentially zoned property may display up to
1026 three signs no larger than six square feet of sign area and no higher than six feet in height
1027 in addition to any other signage allowed herein. Each non-residentially zoned property
1028 may display one sign no larger than sixteen square feet of sign area and no higher than
1029 six feet in height in addition to any other signage allowed herein.

1030 **Sec. 122-13. Allowed Signs Subject to Permitting.**

1031 A. Residential. The following signs shall be permitted in all residential zoning districts:

1032 Freestanding single-family subdivision and multi-family development signs.

1033 a. One permanent freestanding sign up to 64 square feet of total sign face
1034 area and up to 8 feet in height may be erected at each entrance into a
1035 single-family subdivision or multi-family development. In lieu of one 64
1036 square foot sign, two permanent single-faced signs not exceeding 32
1037 square feet in total sign face area each may be located at each entrance
1038 provided that such signs are placed in a symmetrical manner, are located
1039 on opposite sides of the entrance to which they are oriented, and will not
1040 conflict with the principal permitted use of the site or adjoining sites.

1041 b. Such signs shall only be erected on privately-owned property.

1042 c. All freestanding signs shall be installed in a landscaped and irrigated
1043 area consisting of shrubs and/or ground cover not less than three feet in
1044 width around the entire base of the sign.

1045 B. Non-residential. The following signs shall be permitted in all nonresidential zoning
1046 districts:

1047 1. Monument signs. Monument signs consistent with the following regulations
1048 shall be permitted.

1049 a. One monument sign per parcel with copy area no greater than one
1050 square foot for each four lineal feet of principal building frontage, up to a
1051 maximum of 100 square feet, unless located on a corner or through lots

1052 b. Corner lots or through lots shall have the option to erect two monument
1053 signs provided that the second monument sign is located no closer than 25
1054 feet from an intersection or is located along the through street, whichever
1055 is applicable. If two signs are erected the total copy area for both signs
1056 shall not exceed one square foot for each four lineal feet of principal
1057 building frontage, up to a maximum of 100 square feet.

1058 c. Monument signs may include up to four lines of zip track for manual
1059 changeable messages provided it does not exceed 25 percent of the sign
1060 face area and the zip track and letter colors are coordinated with the color
1061 of the sign.

1062 d. The height of a monument sign shall not exceed 12 feet.

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2. Freestanding signs other than monument signs. At the applicant's request, in lieu of monument signs, freestanding signs consistent with the following regulations may be permitted.

a. One freestanding sign per parcel with no more than two sign faces and copy area no greater than one square foot for each five lineal feet of principal building frontage, up to a maximum of 75 square feet, unless located on a corner lot or through lot.

b. Corner lots or through lots shall have the option to erect two freestanding signs provided that the second freestanding sign is located no closer than 25 feet from an intersection or is located along the through street, whichever is applicable. If two signs are erected the total copy area for both signs shall not exceed one square foot for each five lineal feet of principal building frontage, up to a maximum of 75 square feet.

e. The sign may include up to four lines of zip track for manual changeable messages provided the zip track and letter colors are coordinated with the color of the sign.

e. The height of a freestanding sign shall not exceed one and one-half times the width of the sign structure or 12 feet whichever is less.

f. All freestanding sign structures shall be installed in a landscaped and irrigated area consisting of shrubs not less than three feet in width around the entire base of the sign.

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

i. Pole signs in existence as of _____ (effective date of ordinance) shall be allowed to remain, notwithstanding any other provision herein regarding lawful nonconforming uses, provided that no more than six feet of any pole is exposed to view and provided such signs comply with all other provisions of this ordinance. The bottoms of poles may be screened from view by architectural elements that completely surround that portion of the poles located behind such architectural elements. Architectural screening of poles shall be at least 1/3 of the width of the sign face. All exposed poles shall be metal, painted black and free of chipping paint, faded paint and rust.

1106 ii. Pole signs subject to this paragraph in existence as of
1107 _____ (effective date of ordinance) shall be
1108 allowed to be retrofitted to comply with this paragraph provided
1109 such retrofitting occurs within six months of
1110 _____ (effective date of ordinance).

1111 3. Attached signs. The following attached signs shall be permitted:

1112 a. One attached sign shall be permitted for each building structure. For
1113 any building structure with multiple business tenants on the ground floor,
1114 one attached sign may be permitted per business establishment with a
1115 principal exterior entrance. The area of an attached sign face shall not
1116 exceed eight square feet of copy area;

1117 b. Where individual business establishments with exterior entrances are
1118 located in a single building, multi-tenant buildings, or as part of a
1119 business/office complex or shopping center, attached signs shall be
1120 designed according to a common theme including similar style, color,
1121 materials or other characteristics to provide a sense of uniformity.

1122 c. Gasoline pump island canopies may be permitted one attached sign on
1123 the canopy fascia facing a public right-of-way provided such sign does not
1124 exceed eight square feet in total sign face area.

1125 4. Temporary banner signs. Temporary banner signs consistent with the
1126 following regulations may be permitted:

1127 a. Up to two temporary banner signs may be erected on a parcel for a
1128 period not to exceed thirty consecutive days.

1129 b. Temporary banner signs may not be erected on a parcel more than sixty
1130 total days in a calendar year.

1131 c. The aggregate sign copy area for all banner signs located on a parcel at
1132 one time shall not exceed forty square feet.

1133 d. Banner signs must be located at least twenty feet from any right-of-way
1134 or property line.

1135 e. No streamers, pennants, flags, ribbons, spinners, wind-operated devices,
1136 or other prohibited devices shall be included or incorporated with the
1137 display of a banner sign approved under this section

1138 f. Banner signs shall be maintained in good condition and the permittee
1139 shall immediately remove or repair any banner sign that becomes tattered,
1140 torn, or unsecured.

1141 g. No temporary banner sign shall be erected without a temporary banner
1142 sign permit having first been issued for such sign by the City Clerk. The
1143 temporary banner sign permit shall be the only sign permit required for a
1144 temporary banner sign. Applications for temporary banner sign permits
1145 shall be submitted in writing to the city clerk and shall contain all
1146 pertinent information relating to the banner sign, including its size, copy

1147 and dates of display. All approvals or denials shall be in writing on, or
1148 accompanied by, one copy of the application. Approvals shall clearly state
1149 the dates the banner sign may be displayed and the information regarding
1150 the approved location.

1151 **Sec. 122-14. Comprehensive Sign Program**

1152 A. General principles.

1153 1. The intent of the comprehensive sign program is to provide private property
1154 owners and businesses with flexibility to develop innovative, creative and
1155 effective signage and to improve the aesthetics of the City of Edgewood.

1156 2. The minimum sign standards established in this Chapter ensure that signage
1157 will not have an adverse impact on the aesthetics, community character and
1158 quality of life of the City of Edgewood. The city recognizes, however, that in
1159 many circumstances, there are innovative and creative alternatives to minimum
1160 standard signage which are desirable and attractive and will enhance community
1161 character and individual property values.

1162 3. The purpose of the comprehensive sign program is to provide an alternative to
1163 minimum standard signage subject to flexibility criteria which ensure that
1164 alternative signage will not have an adverse impact on the aesthetics, community
1165 character and quality of life of the City of Edgewood.

1166 B. Permitted signage.

1167 1. Signage which is proposed as part of a Comprehensive Sign Program may
1168 deviate from the minimum sign standards in terms of number of signs per
1169 business or parcel of land, maximum area of a sign face per parcel of land and the
1170 total area of sign faces per business or parcel of land.

1171 2. A Comprehensive Sign Program shall be approved pursuant to the
1172 provisions set out in Section 122-5, above. Prohibited signs types and pole signs
1173 are not eligible to be included in a Comprehensive Sign Program.

1174 3. As part of a comprehensive sign program, the City Planner, or designee, shall
1175 review all sign types (freestanding, attached, windows, interior site directional,
1176 etc.) for the business and/or the development parcel to achieve compliance in so
1177 far as possible with these current regulations. A master sign plan for shopping
1178 centers, including all out parcels, and office complexes shall include all types of
1179 signs for all tenants/uses within the development parcel. With a master sign plan,
1180 the City Planner, or designee, may permit interior site directional signs at a size
1181 and location(s) related to the development project, with up to a maximum height
1182 of six feet.

1183 C. Flexibility criteria.

1184 1. Architectural theme.

1185 The signs proposed in a comprehensive sign program shall be designed so as to be
1186 consistent with the architectural theme of the principal buildings proposed or

1187 developed on the parcel and shall be constructed of materials and colors which are
1188 similar to the materials and colors utilized in the principal buildings.

1189 2. The height of all monument signs proposed through the comprehensive sign
1190 program shall relate to the design of the sign and shall not exceed twelve feet in
1191 height.

1192 4. Height, area, number and location of signs. The height, area, number and
1193 location of signs permitted through the comprehensive sign program shall be
1194 determined by the City Planner, or designee, based on the following criteria:
1195 overall size of site, relationship between the building setback and sign location,
1196 lot and building frontage, access and visibility to the site, intended traffic
1197 circulation pattern, scale and use of the project. Additionally, the maximum
1198 permitted sign area shall be based on the following formula when evaluated
1199 against the above criteria:

1200 a. Attached signs. The maximum copy area permitted for attached signage
1201 shall range from one percent up to a maximum of six percent of the
1202 building façade to which the sign is to be attached. In no event shall the
1203 size of an attached sign exceed 50 square feet.

1204 b. Freestanding signs. The maximum permitted area of all freestanding
1205 signs on a site shall not exceed the range of sign area permitted by the
1206 street frontage or building façade calculation methods set forth below:

1207 i. One square foot per two linear feet of street frontage; or

1208 ii. One square foot per 100 square feet of building façade facing
1209 street frontage.

1210 6. Property values. The signage proposed in a comprehensive sign program must
1211 not adversely impact the value of property in the immediate vicinity of the parcel
1212 proposed for development.

1213 7. Elimination of nonconforming signage. The signage proposed in a
1214 comprehensive sign program shall replace all existing nonconforming signage
1215 located on the property.

1216 **Sec. 122-15. Nonconforming Signs.**

1217 A. Additions. No additions or enlargements shall be made to a nonconforming sign
1218 except those additions or enlargements that are required by law.

1219 B. A nonconforming sign that is modified by being moved, replaced or structurally
1220 altered shall be brought into conformance with this Chapter.

1221 C. Damaged signs.

1222 1. A nonconforming sign that is damaged shall not be repaired if the estimated
1223 cost to repair the sign exceeds 50 percent of its appraised value immediately prior
1224 to the date of destruction of the damaged sign; “appraised value” shall mean
1225 either the appraised value for property tax purposes, updated as necessary by the
1226 increase in consumer price index since the date of last valuation, or the valuation
1227 determined by a professionally recognized appraiser. A damaged nonconforming

1228 sign that cannot be repaired shall be removed within 30 days of the date the sign
1229 was damaged.

1230 2. Whenever a nonconforming sign is damaged and the estimated cost to repair
1231 the sign is 50 percent or less of its appraised value immediately prior to the date
1232 of destruction of the damaged sign, before the sign was damaged, it may be
1233 repaired and restored to the condition it was in before it was damaged and may
1234 continue to be used as a nonconforming sign, provided that such repairs and
1235 restoration are started within 90 days of the date the sign was damaged and are
1236 diligently pursued thereafter.

1237 3. Whenever repairs and restoration of a damaged nonconforming sign are not
1238 started within 90 days of the date the sign was damaged or are diligently pursued
1239 once started, the sign shall be deemed abandoned. An abandoned sign shall be
1240 removed as provided by this Chapter.

1241 D. Maintenance of nonconforming signs.

1242 1. No nonconforming sign shall be permitted to remain unless properly
1243 maintained. Proper maintenance shall include but not be limited to ensuring that
1244 all components of the sign, including structural and supporting components are
1245 free of rust, flaking or peeling paint, mildew, or decay. Upon determination by
1246 the City's Code Enforcement Special Magistrate that a nonconforming sign has
1247 not been maintained as required herein, the Code Enforcement Special Magistrate
1248 shall order the nonconforming sign to be removed or otherwise brought into
1249 compliance with the existing Code in addition to any other remedies ordered.
1250 Any nonconforming sign that is determined by the City to be an unsafe sign shall
1251 be removed as provided for by this Chapter.

1252 2. Nothing in this section shall be deemed to prevent the maintenance of any sign
1253 or manual changes of sign copy on a nonconforming sign.

1254 E. Amortization of nonconforming signs.

1255 1. Permanent signs lawfully conforming with all provisions of the City of
1256 Edgewood Code of Ordinances prior to _____ (effective date
1257 of Ordinance) made nonconforming by this Ordinance shall be brought into
1258 compliance no later than _____ (3 years from effective
1259 date of Ordinance).

1260 2. Permanent signs, other than billboards, not in compliance with provisions of
1261 the City of Edgewood Code of Ordinances related to the prohibition of pole signs
1262 prior to _____ (effective date of Ordinance)
1263 shall be brought into compliance with the provisions of this Chapter related to
1264 pole signs no later than _____ (6 months from effective
1265 date of Ordinance).

1266 3. Permanent signs, other than billboards, not in compliance with any provisions
1267 of the City of Edgewood Code of Ordinances other than those related to the
1268 prohibition of pole signs prior to _____ (effective
1269 date of Ordinance) shall be brought into compliance with the provisions of this

1270 Chapter no later than _____ (30 days from effective
1271 date of Ordinance).

1272 4. Temporary signs shall be brought into compliance with the provisions of this
1273 Chapter immediately.

1274 5. Nothing provided herein shall limit the authority of the City of Edgewood to
1275 require removal or remove unsafe signs, abandoned signs, signs erected without
1276 permits, or signs unlawfully located on City property.

1277 **Sec. 122-16. Removal of Signs.**

1278 A. General. Signs installed in violation of this Chapter shall be removed or brought into
1279 compliance with the requirements of this Chapter. The sign owner, the owner of the
1280 property on which the sign is placed and the sign contractor shall each be held
1281 responsible for adherence to this Chapter and any other applicable laws or regulations.
1282 This Chapter may be enforced through code enforcement proceedings or by any equitable
1283 or legal remedy available to the City.

1284 B. Immediate removal of unsafe signs. If the City finds that when any sign is in
1285 violation of this Chapter or other applicable regulations or State law or and by reason of
1286 its violation presents an immediate and serious danger to the public, the City may,
1287 without prior written notice, order the immediate removal or repair of the sign within a
1288 specified period. The City may remove or authorize others to remove the sign in the event
1289 that the owner for such sign cannot be found or if that person, after notification, refuses to
1290 repair or remove it. The owner of the building, structure, or premises on which the sign is
1291 located, are jointly and severally liable for the cost of removing such sign. The City shall
1292 have the right to recover from the owner or person placing such sign the cost of removal
1293 and disposal of such sign.

1294 C. Removal of signs erected without a permit. The City may remove or order the
1295 removal, without prior written notice, of any sign erected without a sign permit required
1296 by this Chapter.

1297 D. Removal of signs on City property. Any sign installed or placed on City property,
1298 except in conformance with the requirements of this Chapter, shall be forfeited to the
1299 City and confiscated. The City shall have the right to recover from the owner or person
1300 placing such sign the cost of removal and disposal of such sign.

1301 E. Abandoned signs. Abandoned signs shall be removed by the owner or lessee of the
1302 premises upon which a sign is located when the business which a sign advertises is no
1303 longer conducted on the premises or if the business does not have an occupational
1304 license.

1305 **Sec. 122-17. Conflicting Requirements.**

1306 These sign regulations shall not be construed to permit the erection, placement, or
1307 maintenance of any sign at any place or in any manner unlawful under any other City
1308 Code provision or other applicable law. In any case where a part of these sign regulations
1309 conflicts with a provision of any zoning, building, fire, safety, health ordinance or other
1310 code, the provision that establishes a stricter standard for the protection of the public
1311 health and safety shall prevail.

1312 **Sec. 122-18. Severability.**

1313 A. General. If any part, section, subsection, paragraph, subparagraph, sentence, phrase,
1314 clause, term, or word of this Chapter, this Code, or any adopting ordinance is declared
1315 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,
1316 the declaration of such unconstitutionality shall not affect any other part, section,
1317 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1318 Chapter.

1319 B. Severability where less speech results. Without diminishing or limiting in any way
1320 the declaration of severability set forth above in Paragraph A., or elsewhere in this
1321 Chapter, Code, or any adopting ordinance, if any part, section, subsection, paragraph,
1322 subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared
1323 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,
1324 the declaration of such unconstitutionality shall not affect any other part, section,
1325 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1326 Chapter, even if such severability would result in a situation where there would be less
1327 speech, whether by subjecting previously exempt signs to permitting or otherwise.

1328 C. Severability of provisions pertaining to prohibited signs. Without diminishing or
1329 limiting in any way the declaration of severability set forth above in Paragraph A., or
1330 elsewhere in this Chapter, Code, or any adopting ordinance, if any part, section,
1331 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1332 Chapter or any other law is declared unconstitutional by the valid judgment or decree of
1333 any court of competent jurisdiction, the declaration of such unconstitutionality shall not
1334 affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase,
1335 clause, term, or word of this Chapter that pertains to prohibited signs, including
1336 specifically those signs and sign-types prohibited and not allowed under section 122-10
1337 of this Chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph,
1338 sentence, phrase, clause, term, or word of section 122-10 is declared unconstitutional by
1339 the valid judgment or decree of any court of competent jurisdiction, the declaration of
1340 such unconstitutionality shall not affect any other part, section, subsection, paragraph,
1341 subparagraph, sentence, phrase, clause, term, or word of section 122-10.

1342 D. Severability of prohibition on billboards.

1343 If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term,
1344 or word of this Chapter and/or any other Code provisions and/or laws are declared invalid
1345 or unconstitutional by the valid judgment or decree of any court of competent
1346 jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on
1347 billboards as contained in this Chapter and Code.

1348 **SECTION THREE. Codification.** It is the intent of the City Council of the City of
1349 Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted
1350 broad and liberal authority in codifying the provisions of this Ordinance.

1351
1352 **SECTION FOUR. Effective date.** This Ordinance shall take effect immediately upon
1353 adoption as provided by the Charter of the City of Edgewood.

1354
1355 PASSED ON FIRST READING THIS _____ DAY OF _____, 2016.

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PASSED AND ADOPTED THIS _____ DAY OF _____, 2016.

CITY OF EDGEWOOD, FLORIDA
CITY COUNCIL

John Dowless, Council President

ATTEST:

Bea Meeks, City Clerk