



Ray Bagshaw
Mayor

Pam Henley
Council Member

Susan Fortini
Council Member

John Dowless
Council President

Neil Powell
Council Member

Lee Chotas
Council Member

**CITY COUNCIL AGENDA
WORKSHOP**
City Hall – Council Chamber
405 Larue Avenue, Edgewood, Florida
Wednesday, January 11, 2017
6:30 p.m. – 8:30 p.m.

City Council Workshop meetings are for information gathering and discussion purposes. The City Council will not vote on any issues at Workshop meetings. The Council reserves the right to discuss additional items or delete items from the tentative agenda.

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

A. CALL TO ORDER

B. WORKSHOP

ORDINANCE 2017-:** AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO SIGNS; REPEALING AND REPLACING CHAPTER 5, CHAPTER VI OF THE CITY OF EDGEWOOD CODE OF ORDINANCES RELATING TO SIGNS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR A PURPOSE, DEFINITIONS, PERMITTING PROCESSES AND APPEALS FROM SIGN PERMIT DENIALS; SIGNS, DECORATIONS, AND ARTWORK EXEMPT FROM PERMITTING; PROHIBITED SIGNS; GENERAL REGULATIONS AND SPECIFIC STANDARDS OF ZONING DISTRICTS; SIGN LIGHTING AND ILLUMINATION; EXISTING SIGNS WHICH WILL BE NONCONFORMING AFTER ENACTMENT OF THIS ORDINANCE; REMOVAL OF SIGNS, VARIANCES, SUBSTITUTION OF NON-COMMERCIAL SPEECH FOR COMMERCIAL SPEECH, CONTENT NEUTRALITY AS TO SIGN MESSAGE (VIEWPOINT), ILLEGAL SIGNS ON PUBLIC PROPERTY AND SAFETY CONSIDERATIONS; PROVIDING FOR SEVERABILITY IN GENERAL; PROVIDING FOR SEVERABILITY WHERE LESS SPEECH RESULTS; PROVIDING FOR SEVERABILITY OF PROVISIONS PERTAINING TO PROHIBITED SIGNS; PROVIDING FOR SEVERABILITY OF PROHIBITION ON BILLBOARDS; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

C. ADJOURNMENT

In accordance with the American Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should telephone the City Clerk at (407) 851-2920 or email at bmeeks@edgewood-fl.gov 48 hours prior to the meeting.

BLANK

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

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

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

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

55 **WHEREAS**, the City Council finds and determines that aesthetics is a valid basis
56 for zoning, and the regulation of the size of signs and the prohibition of certain types of
57 signs can be based upon aesthetic grounds alone as promoting the general welfare [*see*
58 *Merritt v. Peters*, 65 So.2d 861 (Fla. 1953); *Dade County v. Gould*, 99 So.2d 236 (Fla.
59 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5th Cir.
60 1970), *cert. dismissed*. 400 U.S. 878 (1970)]; and

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

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

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

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

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

86 **WHEREAS**, the City Council recognizes that billboards are a form of
87 advertisement designed to be seen without the exercise of choice or volition on the part of
88 the observer, unlike other forms of advertising that are ordinarily seen as a matter of
89 choice on the part of the observer [*see Packer v. Utah*, 285 U.S. 105 (1932); and *General*
90 *Outdoor Advertising Co. v. Department of Public Works*, 289 Mass. 149, 193 N.E. 99
91 (1935)], and the City Council acknowledges that the United States Supreme Court and
92 many federal courts have accepted legislative judgments and determinations that the
93 prohibition of billboards promotes traffic safety and the aesthetics of the surrounding area
94 [*see Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 509-510 (1981); and *National*
95 *Advertising Co. v. City & County of Denver*, 912 F.2d 405, 409 (10th Cir. 1990); and
96 *Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1239 (D. Kan. 1999)]; and

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

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

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

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

116 **WHEREAS**, the City Council finds and determines that municipalities may
117 separately classify offsite and on-site advertising signs in taking steps to minimize visual
118 pollution [*see City of Lake Wales v. Lamar Advertising Association of Lakeland, Florida*,
119 414 So.2d 1030, 1032 (Fla. 1982)]; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

328 **Chapter 122. Signs.**

329 **Sec. 122-1. Purpose.**

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

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

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

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

377 **Sec. 122-2. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

456 *Flag:* A piece of fabric of distinctive design that is displayed hanging free from a staff
457 halyard or mounting hardware permanently affixed to a structure or attached to a flag
458 pole permanently anchored in the ground to which it is attached, used as an ornamental
459 flag or as a symbol of the United States, a nation, state, local government or other

460 political subdivision, corporation, business, organization or a person. Flags are not
461 banners.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

502 *Safety sign:* See Warning signs.

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

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

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

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

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

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

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

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

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

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

548 *Wall sign:* See "attached sign."

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

553 *Window sign:* Any sign placed inside or upon a window, including windowed or glass
554 doors, facing the outside and which is capable of being seen from the exterior through a
555 window or other opening.

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

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

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

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

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

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

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

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

- 582 3. Name, address, email address (if any) and telephone number of the business
583 tenant, if applicable. If the tenant is an entity other than an individual, list the
584 contact person's name and contact information.
- 585 4. Name, address, email address (if any) telephone and license number of the
586 contractor, if applicable. If the contractor is an entity other than an individual, list
587 the contact person's name.
- 588 5. Address and legal description of the property upon which the sign is to be
589 located and include a parcel identification number and zoning district. The legal
590 address may be located on a certified boundary survey.
- 591 6. Lot frontage for each street and public right-of-way.
- 592 7. The type of sign, square footage, design, area, height, location and fully
593 dimensioned elevation drawing of all signs proposed to be erected on the
594 premises.
- 595 8. A fully dimensioned site plan showing the lot frontage, building frontage of
596 each business establishment or occupant, if applicable, parking areas and location
597 of all existing and proposed signs. For freestanding signs and temporary signs,
598 the site plan shall show the distance from the right-of-way and property lines, and
599 street corner visibility calculations.
- 600 9. Number, type, location and sign copy area and height of all existing signs on
601 the same premises.
- 602 10. Landscape plan, as applicable.
- 603 11. Signature of applicant.
- 604 B. Any permit issued under this Chapter shall be void if no substantial physical action is
605 taken in accordance with the sign permit, any permit conditions and the applicable
606 requirements of this Chapter within 180 days following the date of its issuance.
- 607 C. Any sign permit issued pursuant to this Chapter shall remain in effect as long as the
608 sign is maintained in compliance with the approved sign permit as well as all applicable
609 provisions of this Chapter and the applicant did not misrepresent or falsify any
610 information provided in the application.
- 611 D. Staff Review.
- 612 1. The sign permit application shall be reviewed by the City Planner, or designee,
613 for a determination of whether the proposed sign meets the applicable
614 requirements of this Chapter, all other applicable ordinances and any applicable
615 zoning law. The review of the sign permit application shall be completed by the
616 City Planner, or designee, within ten business days following receipt of a
617 completed application and any applicable fees after the date of receipt. A sign
618 permit shall either be approved, approved with conditions (meaning legal
619 conditions existing in this Chapter such as dimensional requirements), or
620 disapproved, and the decision shall be reduced to writing. A disapproval shall
621 include or be accompanied by a statement of the reason(s) for the disapproval. In
622 the event that no decision is rendered within the period of time referenced herein,

623 the application shall be deemed denied and the applicant may appeal to the City
624 Council. Any appeal shall be heard and a decision rendered within the time
625 frames specified in this Chapter for appeals.

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

630 3. An application which is materially incomplete or which is not accompanied by
631 the required fee shall not be considered, and the time for review of the application
632 shall not commence until a complete application accompanied by the required fee
633 is filed with the City Planner, or designee. However, the City Planner, or
634 designee, shall keep a record of incomplete applications or any application not
635 accompanied by the correct fee, as required by applicable public record laws. In
636 addition, the City Planner, or designee, shall within ten business days of receipt of
637 such an application, provide the applicant a written explanation of the deficiencies
638 and ask that the deficiencies be remedied, explaining that the application cannot
639 proceed forward and that the application will be deemed withdrawn if the
640 deficiencies are not cured within sixty calendar days. An application that is
641 withdrawn shall not be entitled to any refund of fees paid.

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

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

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

650 c. In any of the foregoing cases, the applicant may elect in writing to
651 make no change to the application or obtain no approval that may be
652 required by another governmental agency. In such event, the City Planner,
653 or designee, shall make a decision on the application as submitted. In this
654 instance, if a decision is not made within ten business days of receipt of
655 the applicant's election to not change the application or obtain any
656 approval that may be required by another governmental agency, the
657 application shall be deemed denied.

658 **122-5 Comprehensive Sign Plan Applications.**

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

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

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

- 665 2. Name, address, email address (if any) and telephone and facsimile number, if
666 any, of the owner of the property where the sign is proposed to be located;
- 667 3. The name of the owner(s) representative or agent and consultants, if any, with
668 mailing address, email address, telephone and facsimile, if any, number; and
669 completed affidavit to authorize agent form;
- 670 4. All street address(es) and parcel numbers of the parcel proposed for
671 development;
- 672 5. Ownership: A copy of a deed to all property on which signage is proposed to
673 be installed, a copy of a title insurance policy or an affidavit attesting to
674 ownership;
- 675 6. A signed and sealed survey of the property including the dimensions, acreage
676 and location of the property prepared by a registered land surveyor showing all
677 current structures/improvements;
- 678 7. A site plan drawn to a minimum scale of one inch equals fifty feet on an
679 overall sheet size not to exceed twenty-four inches by thirty-six inches and
680 including the following:
- 681 a. North arrow, scale (with bar scale) and date prepared;
- 682 b. Location map;
- 683 c. Show all property lines;
- 684 e. Land areas expressed in square feet and acres;
- 685 f. All required setbacks as measured from the property line;
- 686 g. Location of all public and private easements and street rights-of-way
687 within and adjacent to the site;
- 688 h. Location of all existing and proposed points of access;
- 689 i. The footprint with dimensions of all existing and proposed buildings
690 and structures on the site;
- 691 j. Sight visibility triangles consistent with Section 114-4(2) of the City of
692 Edgewood Code of Ordinances shown and labeled;
- 693 k. Location of all existing and proposed sidewalks;
- 694 l. Lot frontage on all street rights-of-way;
- 695 m. The location of all proposed landscape material including size and
696 species;
- 697 n. Location of all attached and freestanding including directional signage,
698 proposed and existing, indicating with labels if to be removed; and
- 699 o. Location of the sign in relation to property lines, public rights-of-way,
700 easements, buildings and other signs on the property;
- 701 p. Signs located on adjacent property within fifty feet of any proposed
702 signs.

- 703 8. Sign Plan, to include:
- 704 a. Date prepared;
- 705 b. Bar scale;
- 706 c. To scale drawings, in color, of all proposed signage (attached,
707 freestanding, and directional signs) which include the following:
- 708 i. dimensions, with dimensional arrows;
- 709 ii. sign area in square feet;
- 710 iii. height and width of sign and sign structure, measured in feet;
- 711 iv. labels of all colors;
- 712 v. surface area of the sign proposed;
- 713 vi. text copy including the message of the sign;
- 714 vii. changeable copy, if proposed; and
- 715 viii. describe any illumination including the type, placement,
716 intensity, hours of illumination and system to automatically turn
717 off lighting when the business is closed, and sign area to be
718 illuminated.
- 719 d. Building elevation color drawings, to scale, for all sides of any building
720 with proposed and existing attached signage;
- 721 e. Master sign plan for shopping centers and office parks, to include all
722 signs;
- 723 f. Site data table, to include how all proposed signs (existing and new)
724 meet code requirements, with a calculation worksheet; and
- 725 g. Number, type, location and surface area of all existing signs on the
726 same property and or building on which the sign is to be located.

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

729 B. An application which is materially incomplete or which is not accompanied by the
730 required fee shall not be considered, and the time for review of the application shall not
731 commence until a complete application accompanied by the required fee is filed with the
732 City Planner, or designee. However, the City Planner, or designee, shall keep a record of
733 incomplete applications or any application not accompanied by the correct fee, as
734 required by applicable public record laws. In addition, the City Planner, or designee, shall
735 within 10 business days of receipt of such an application, provide the applicant a written
736 explanation of the deficiencies and ask that the deficiencies be remedied, explaining that
737 the application cannot proceed forward and that the application will be deemed
738 withdrawn if the deficiencies are not cured within sixty calendar days.

739 C. Application and design review. Upon determination that a Comprehensive Sign
740 Program application is complete, the City Planner, or designee, shall review the
741 application and determine whether the application demonstrates compliance with the

742 requirements of the comprehensive sign program set forth in Section 122-14. Within
743 twenty working days of completeness, the City Planner, or designee, may grant approval,
744 grant the approval subject to specified conditions or deny the application for
745 comprehensive sign program. The review period of twenty working days may be
746 extended by mutual consent of the applicant and the City Planner, or designee, to allow
747 revised materials to be submitted and reviewed for compliance with the requirements of
748 the comprehensive sign program. Revised materials shall be submitted within the
749 timeframe established by the City Planner, or designee, but no more than thirty working
750 days based on the extent of the deficiencies identified. If materials are not received within
751 that timeframe, the application shall be deemed denied. If the resubmission material is
752 submitted within the timeframe specified, the City Planner, or designee, shall determine
753 whether the resubmission materials demonstrate compliance with the comprehensive sign
754 program and shall either grant the approval, approve with conditions or deny the
755 application.

756 D. Effect of Comprehensive Sign Plan Approval. Comprehensive Sign Plan approval
757 authorizes only the particular signs approved and all signs approved in the
758 Comprehensive Sign Plan must be installed and any conditions met within six months of
759 issuance of a permit.

760 **Sec. 122-6. Appeals.**

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

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

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

774 D. The City Council shall render a decision at the public hearing meeting, or at the
775 discretion of the City Council, at the next regularly scheduled meeting following the
776 public hearing.

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

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

783 G. Once a decision is appealed to the City Council, the City Planner, or designee, shall
784 take no further action on the matter pending the City Council's decision, except for

785 unsafe signs that shall present an immediate and serious danger to the public in which
786 case the City may pursue any proper legal remedy available to it.

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

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

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

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

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

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

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

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

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

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

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

811 E. Traffic control devices.

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

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

817 H. Flags located at least ten feet from the front property line and twenty feet from side
818 property lines mounted on hardware permanently attached to a structure or upon a pole
819 not exceeding thirty-five feet in height and permanently anchored within the ground with
820 concrete.

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

822 The following types of signs are prohibited:

823 A. Abandoned signs

- 824 B. Balloons, cold air inflatables, streamers, and pennants.
- 825 C. Banner signs
- 826 D. Bench signs, other than the identification of the transit company or its route schedule.
- 827 E. Billboards.
- 828 F. Electronic changeable message signs unless otherwise specifically allowed herein.
- 829 G. Pavement markings, except street addresses and vehicle directional arrows.
- 830 H. Portable signs.
- 831 I. Pole Signs
- 832 J. Roof signs.
- 833 K. Signs in or upon any lake or other body of water.
- 834 L. Signs erected by other than a governmental entity on publicly-owned land, easements
- 835 or rights-of-way.
- 836 M. Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.
- 837 N. Signs that have unshielded illuminating devices or which reflect lighting onto public
- 838 rights-of-way thereby creating a potential traffic or pedestrian hazard.
- 839 O. Animated signs or signs that appear to display motion in any way whatsoever,
- 840 including beacons.
- 841 P. Signs that obstruct, conceal, hide, or otherwise obscure from view any traffic control
- 842 device sign or official traffic signal.
- 843 Q. Snipe signs.
- 844 R. Obscene signs.
- 845 S. Hazardous signs.
- 846 T. Vehicle signs.
- 847 U. Any sign that is not specifically described or enumerated as permitted.
- 848 V. Signs attached to temporary structures.
- 849 **Sec. 122-11. General Standards.**
- 850 A. Distance requirements. Except as otherwise provided herein, no sign shall be located
- 851 within twenty feet of any side property line of a parcel and no sign shall be located within
- 852 ten feet of any public right-of-way. No freestanding sign shall be located within fifty feet
- 853 of any other freestanding sign.
- 854 B. Illuminated signs.
- 855 1. The light from any illuminated sign shall be shaded, shielded, or directed away
- 856 from adjoining street rights-of-way and properties.
- 857 2. No sign shall have blinking, flashing, or fluttering lights or other illumination
- 858 devices which have a changing light intensity, brightness, color, or direction.

- 859 3. No colored lights shall be used at any location or in any manner so as to be
860 confused with or construed as traffic-control devices.
- 861 4. Neither the direct nor the reflected light from primary light sources shall create
862 a traffic hazard to operators of motorized vehicles, bicycles or pedestrians.
- 863 5. The light which illuminates a sign shall be shaded, shielded, or directed so that
864 no structure, including sign supports or awnings, are illuminated by such lighting.
- 865 C. Gasoline price signs. Gasoline price display signs shall be placed in the vicinity of the
866 pump islands and shall not extend above any pump island canopy or they shall be
867 attached to the primary freestanding sign for the property. If attached to the freestanding
868 sign, the area of the gasoline price display sign shall be counted toward the allowable
869 area for the freestanding sign. A gasoline price display sign may be changed manually or
870 electronically.
- 871 D. Awnings. Awnings may be allowed a graphic element and/or text in addition to the
872 permitted attached sign area provided such graphic and/or text does not exceed twenty
873 percent of the awning surface area on which the graphic is placed or sixteen square feet,
874 whichever is less.
- 875 E. Building and electrical code compliance. All signs shall comply with applicable
876 building and electrical code requirements.
- 877 F. Maintenance. All signs and sign structures shall be maintained and kept in good
878 repair free of chipped, flaking or faded paint, structural decay, mildew, rust, and stains.
- 879 G. Legibility. All copy area shall be maintained so as to be legible and complete.
- 880 H. Sight visibility triangles. All signs shall comply with all sight visibility triangle
881 requirements under the provisions of Section 114-4(2) of the City of Edgewood Code of
882 Ordinances.
- 883 I. Safety considerations. In addition to any requirements of this Chapter, code, or other
884 law, signs shall not be erected, maintained, and placed in such a way as to pose a safety
885 hazard.
- 886 J. Number of signs. For the purpose of determining the number of signs, a single sign
887 shall be construed to be a sign that has its copy area on one side and contains elements
888 organized, related and composed to form a single unit. A sign with sign copy area on both
889 sides shall be construed as a single sign provided both copy areas are not more than three
890 feet apart at their closest point, and that they describe an internal angle between the copy
891 area planes extended to no more than thirty degrees.
- 892 K. No limitation based on message content. Notwithstanding any other provision of this
893 Chapter, no sign shall be subject to any limitation based on the content of the message
894 contained on such sign.
- 895 **Sec. 122-12. Supplemental Temporary Sign Standards.**
- 896 In addition to any other applicable provision of this article and code, the following
897 minimum standards shall apply to all temporary signs:

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

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

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

908 D. If the temporary sign is a free-standing sign, the maximum height of any such sign
909 shall be four feet on residential zoned property or six feet on non-residential zoned
910 property.

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

913 F. Temporary signs shall not be illuminated.

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

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

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

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

930 B. Non-residential.

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

934 2. For parcels abutting multiple rights-of-way, an additional maximum total copy
935 area of one square foot for each linear foot of building frontage along the
936 additional rights-of-way. Any additional copy area allowed pursuant to this
937 paragraph must be utilized along and directed toward the additional public rights-
938 of-way. In no event, however, shall the total maximum total copy area exceed
939 100 square feet per parcel, regardless of number of frontages.

940 3. The following signs shall be permitted in all non-residential zoning districts:

941 a. Monument signs. Monument signs shall be permitted pursuant to the
942 following:

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

945 ii. On parcels abutting multiple public rights-of-way, additional
946 allowed monument signs must be located at least twenty-five feet
947 from any intersection with the right-of-way upon which the first
948 monument sign is located.

949 iii. Monument signs may include up to four lines of zip track for
950 manual changeable messages provided it does not exceed twenty-
951 five percent of the copy area and the zip track and letter colors are
952 coordinated with the color of the sign.

953 iv. Monument signs may consist of more than one sign panel
954 provided all such sign panels are consolidated into one common
955 integrated sign structure.

956 v. Sign panels other than that of a building identification panel or
957 signage or an anchor occupant panel or signage shall have uniform
958 shape, size, and background color.

959 vi. Landscaping at least three feet in height that is viable in all
960 seasons, shall totally surround the base of the sign.

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

962 i. One wall sign shall be allowed along each public right-of-way
963 the parcel abuts. No wall sign or supporting structure shall project
964 more than twelve inches from the wall of a building nor over any
965 public right-of-way. Further, no wall sign shall extend above the
966 roofline except where an exterior parapet wall projects above the
967 roofline, in which case such sign may extend to the top of such
968 wall. Wall signs may not extend beyond six inches from the wall
969 upon which it is attached.

970 ii. One awning sign per awning installed upon the principal
971 buildings located upon the premises.

972 4. In addition to the maximum total square footage allowed per parcel, each
973 business location located upon a multiple-occupant parcel shall be permitted one
974 wall sign or one awning sign located proximate to the primary entrance to such

975 business location. Such multiple-occupant signage shall be subject to the
976 following:

977 a. The total maximum copy area available for such multiple-occupant
978 signage per parcel shall be two square feet of copy area for each linear
979 foot of building frontage of the shopping center. If the shopping center has
980 multiple stories which are utilized for business locations, then the width of
981 each additional story shall be utilized in calculating the building frontage.
982 Each occupant of the building shall then be allocated sign square footage
983 based on their rental (or owned) square footage percentage of the total
984 available square footage in the shopping center. In no event, however, may
985 any one business location exceed a maximum of 100 square feet of total
986 copy area except as otherwise authorized for an anchor tenant.

987 b. Additional wall signage shall be allowed for side facades of corner
988 occupants facing a road right-of-way in multiple-occupant buildings with
989 the maximum copy area equal to that allowed for the primary entrance
990 location. Sign area is not transferable between front and side facades.

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

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

998 A. General principles.

999 1. The intent of the Comprehensive Sign Program is to provide private property
1000 owners and businesses with flexibility to develop innovative, creative and
1001 effective signage and to improve the aesthetics of the City of Edgewood.

1002 2. The minimum sign standards established in this Chapter ensure that signage
1003 will not have an adverse impact on the aesthetics, community character and
1004 quality of life of the City of Edgewood. The city recognizes, however, that in
1005 many circumstances, there are innovative and creative alternatives to minimum
1006 standard signage which are desirable and attractive and will enhance community
1007 character and individual property values.

1008 3. The purpose of the Comprehensive Sign Program is to provide an alternative
1009 to minimum standard signage subject to flexibility criteria which ensure that
1010 alternative signage will not have an adverse impact on the aesthetics, community
1011 character and quality of life of the City of Edgewood.

1012 4. It is expected that the design quality of signs proposed under a Comprehensive
1013 Sign Program will be of a superior quality and creativity to those that might result
1014 through the normal sign permit process.

1015 B. Permitted signage.

1016 1. Signage which is proposed as part of a Comprehensive Sign Plan may deviate
1017 from the minimum sign standards in terms of types of signage allowed, number of
1018 signs per business or parcel of land, maximum area of a sign face per parcel of
1019 land and the total area of sign faces per business or parcel of land.

1020 2. A Comprehensive Sign Plan shall be approved pursuant to the provisions
1021 set out in Section 122-5, above.

1022 3. As part of a comprehensive sign program, the City Planner, or designee, shall
1023 review all sign types proposed for the development parcel to achieve compliance
1024 with these regulations. A Comprehensive Sign Plan for shopping centers,
1025 including all out parcels, and office complexes shall include all types of signs for
1026 all tenants/uses within the development parcel.

1027 C. Flexibility criteria.

1028 1. Architectural theme. The signs proposed in a Comprehensive Sign Plan shall
1029 be designed so as to be consistent with the architectural theme of the principal
1030 buildings proposed or developed on the parcel and shall be constructed of
1031 materials and colors which are similar to the materials and colors utilized in the
1032 principal buildings.

1033 2. Sign height. The height of all signs proposed through the comprehensive sign
1034 program shall relate to the height and design of the of the principal buildings
1035 located or proposed on the development parcel.

1036 3. Height, area, number and location of signs. The height, area, number and
1037 location of signs permitted through the comprehensive sign program shall be
1038 reviewed by the City Planner, or designee, based on the following criteria: overall
1039 size of site, relationship between the building setback and sign location, lot and
1040 building frontage, access and visibility to the site, intended traffic circulation
1041 pattern, scale and use of the project. Additionally, the maximum permitted sign
1042 area shall be based on the following formula when evaluated against the above
1043 criteria:

1044 a. Attached signs. The maximum copy area permitted for attached signage
1045 shall range from one percent up to a maximum of six percent of the
1046 building façade to which the sign is to be attached.

1047 b. Freestanding signs. The maximum permitted copy area of all
1048 freestanding signs on a site shall not exceed three square feet per linear
1049 foot of building frontage.

1050 4. The comprehensive sign program shall also identify the color palette of letters
1051 and background, as well as text font.

1052 5. Property values. The signage proposed in a comprehensive sign program must
1053 not adversely impact the value of property in the immediate vicinity of the parcel
1054 proposed for development.

1055 6. Elimination of nonconforming signage. The signage proposed in a
1056 comprehensive sign program shall replace all existing nonconforming signage
1057 located on the property.

1058 **Sec. 122-15. Nonconforming Signs.**

1059 A. Additions. No additions or enlargements shall be made to a nonconforming sign
1060 except those additions or enlargements that are required by law.

1061 B. A nonconforming sign that is modified by being moved, replaced or structurally
1062 altered shall be brought into conformance with this Chapter.

1063 C. Damaged signs.

1064 1. A nonconforming sign that is damaged shall not be repaired if the estimated
1065 cost to repair the sign exceeds fifty percent of its appraised value immediately
1066 prior to the date of destruction of the damaged sign; "appraised value" shall mean
1067 either the appraised value for property tax purposes, updated as necessary by the
1068 increase in consumer price index since the date of last valuation, or the valuation
1069 determined by a professionally recognized appraiser. A damaged nonconforming
1070 sign that cannot be repaired shall be removed within thirty days of the date the
1071 sign was damaged.

1072 2. Whenever a nonconforming sign is damaged and the estimated cost to repair
1073 the sign is fifty percent or less of its appraised value immediately prior to the date
1074 of destruction of the damaged sign, before the sign was damaged, it may be
1075 repaired and restored to the condition it was in before it was damaged and may
1076 continue to be used as a nonconforming sign, provided that such repairs and
1077 restoration are started within ninety days of the date the sign was damaged and are
1078 diligently pursued thereafter.

1079 3. Whenever repairs and restoration of a damaged nonconforming sign are not
1080 started within ninety days of the date the sign was damaged or are diligently
1081 pursued once started, the sign shall be deemed abandoned. An abandoned sign
1082 shall be removed as provided by this Chapter.

1083 D. Maintenance of nonconforming signs.

1084 1. No nonconforming sign shall be permitted to remain unless properly
1085 maintained. Proper maintenance shall include but not be limited to ensuring that
1086 all components of the sign, including structural and supporting components are
1087 free of rust, flaking or peeling paint, mildew, or decay. Upon determination by
1088 the City's Code Enforcement Special Magistrate that a nonconforming sign has
1089 not been maintained as required herein, the Code Enforcement Special Magistrate
1090 shall order the nonconforming sign to be removed or otherwise brought into
1091 compliance with the existing Code in addition to any other remedies ordered.
1092 Any nonconforming sign that is determined by the City to be an unsafe sign shall
1093 be removed as provided for by this Chapter.

1094 2. Nothing in this section shall be deemed to prevent the maintenance of any sign
1095 or manual changes of sign copy on a nonconforming sign.

1096 E. Amortization of nonconforming signs.

1097 1. Permanent signs lawfully conforming with all provisions of the City of
1098 Edgewood Code of Ordinances prior to _____ (effective date
1099 of Ordinance) made nonconforming by this Ordinance shall be brought into

1100 compliance no later than _____ (3 years from effective
1101 date of Ordinance).

1102 2. Permanent signs, other than lawfully non-conforming billboards, not in
1103 compliance with provisions of the City of Edgewood Code of Ordinances prior to
1104 _____ (effective date of Ordinance) shall be
1105 brought into compliance with the provisions of this Chapter no later than
1106 _____ (6 months from effective date of Ordinance).

1107 a. Pole signs in existence as of _____ (effective date of
1108 ordinance) shall be allowed to remain, notwithstanding any other
1109 provision herein regarding lawful nonconforming uses, provided that no
1110 more than six feet of any pole is exposed to view and provided such signs
1111 comply with all other provisions of this ordinance. The bottoms of poles
1112 may be screened from view by architectural elements that completely
1113 surround that portion of the poles located behind such architectural
1114 elements. Architectural screening of poles shall be at least one third of the
1115 width of the sign face. All exposed poles shall be metal, painted black and
1116 free of chipping paint, faded paint and rust.

1117 b. Pole signs subject to this paragraph in existence as of
1118 _____ (effective date of ordinance) shall be allowed to
1119 be retrofitted to comply with this paragraph provided such retrofitting
1120 occurs within six months of _____ (effective date of
1121 ordinance).

1122 3. Temporary signs shall be brought into compliance with the provisions of this
1123 Chapter within thirty days of _____ (effective date of
1124 ordinance).

1125 4. Nothing provided herein shall limit the authority of the City of Edgewood to
1126 require removal or remove unsafe signs, abandoned signs, signs erected without
1127 permits, or signs unlawfully located on City property.

1128 **Sec. 122-16. Removal of Signs.**

1129 A. General. Signs installed in violation of this Chapter shall be removed or brought into
1130 compliance with the requirements of this Chapter. The sign owner, the owner of the
1131 property on which the sign is placed and the sign contractor shall each be held
1132 responsible for adherence to this Chapter and any other applicable laws or regulations.
1133 This Chapter may be enforced through code enforcement proceedings or by any equitable
1134 or legal remedy available to the City.

1135 B. Immediate removal of unsafe signs. If the City finds that when any sign is in
1136 violation of this Chapter or other applicable regulations or State law or and by reason of
1137 its violation presents an immediate and serious danger to the public, the City may,
1138 without prior written notice, order the immediate removal or repair of the sign within a
1139 specified period. The City may remove or authorize others to remove the sign in the event
1140 that the owner for such sign cannot be found or if that person, after notification, refuses to
1141 repair or remove it. The owner of the building, structure, or premises on which the sign is
1142 located, are jointly and severally liable for the cost of removing such sign. The City shall

1143 have the right to recover from the owner or person placing such sign the cost of removal
1144 and disposal of such sign.

1145 C. Removal of signs erected without a permit. The City may remove or order the
1146 removal, without prior written notice, of any sign erected without a sign permit required
1147 by this Chapter.

1148 D. Removal of signs on City property. Any sign installed or placed on City property,
1149 except in conformance with the requirements of this Chapter, shall be forfeited to the
1150 City and confiscated. The City shall have the right to recover from the owner or person
1151 placing such sign the cost of removal and disposal of such sign.

1152 E. Abandoned signs. Abandoned signs shall be removed by the owner or lessee of the
1153 premises upon which a sign is located when the business which a sign advertises is no
1154 longer conducted on the premises or if the business does not have an occupational
1155 license.

1156 **Sec. 122-17. Conflicting Requirements.**

1157 These sign regulations shall not be construed to permit the erection, placement, or
1158 maintenance of any sign at any place or in any manner unlawful under any other City
1159 Code provision or other applicable law. In any case where a part of these sign regulations
1160 conflicts with a provision of any zoning, building, fire, safety, health ordinance or other
1161 code, the provision that establishes a stricter standard for the protection of the public
1162 health and safety shall prevail.

1163 **Sec. 122-18. Severability.**

1164 A. General. If any part, section, subsection, paragraph, subparagraph, sentence, phrase,
1165 clause, term, or word of this Chapter, this Code, or any adopting ordinance is declared
1166 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,
1167 the declaration of such unconstitutionality shall not affect any other part, section,
1168 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1169 Chapter.

1170 B. Severability where less speech results. Without diminishing or limiting in any way
1171 the declaration of severability set forth above in Paragraph A., or elsewhere in this
1172 Chapter, Code, or any adopting ordinance, if any part, section, subsection, paragraph,
1173 subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared
1174 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,
1175 the declaration of such unconstitutionality shall not affect any other part, section,
1176 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1177 Chapter, even if such severability would result in a situation where there would be less
1178 speech, whether by subjecting previously exempt signs to permitting or otherwise.

1179 C. Severability of provisions pertaining to prohibited signs. Without diminishing or
1180 limiting in any way the declaration of severability set forth above in Paragraph A., or
1181 elsewhere in this Chapter, Code, or any adopting ordinance, if any part, section,
1182 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1183 Chapter or any other law is declared unconstitutional by the valid judgment or decree of
1184 any court of competent jurisdiction, the declaration of such unconstitutionality shall not
1185 affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase,

1186 clause, term, or word of this Chapter that pertains to prohibited signs, including
1187 specifically those signs and sign-types prohibited and not allowed under section 122-10
1188 of this Chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph,
1189 sentence, phrase, clause, term, or word of section 122-10 is declared unconstitutional by
1190 the valid judgment or decree of any court of competent jurisdiction, the declaration of
1191 such unconstitutionality shall not affect any other part, section, subsection, paragraph,
1192 subparagraph, sentence, phrase, clause, term, or word of section 122-10.

1193 D. Severability of prohibition on billboards. If any part, section, subsection, paragraph,
1194 subparagraph, sentence, phrase, clause, term, or word of this Chapter and/or any other
1195 Code provisions and/or laws are declared invalid or unconstitutional by the valid
1196 judgment or decree of any court of competent jurisdiction, the declaration of such
1197 unconstitutionality shall not affect the prohibition on billboards as contained in this
1198 Chapter and Code.

1199 **SECTION THREE. Codification.** It is the intent of the City Council of the City of
1200 Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted
1201 broad and liberal authority in codifying the provisions of this Ordinance.
1202

1203 **SECTION FOUR. Effective date.** This Ordinance shall take effect immediately upon
1204 adoption as provided by the Charter of the City of Edgewood.
1205

1206 PASSED ON FIRST READING THIS _____ DAY OF _____, 2017.
1207

1208 PASSED AND ADOPTED THIS _____ DAY OF _____, 2017.
1209

1210
1211 CITY OF EDGEWOOD, FLORIDA
1212 CITY COUNCIL
1213

1214
1215 _____
1216 John Dowless, Council President

1217 ATTEST:

1218 _____
1219 Bea Meeks, City Clerk
1220
1221