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Council Member

John Dowless
Council President

Richard Alan Horn
Council Member

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Council Member

**CITY COUNCIL AGENDA
WORKSHOP**
City Hall – Council Chamber
405 Larue Avenue, Edgewood, Florida
Monday, April 24, 2017
6:00 p.m. – 8:00 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 122 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES RELATING TO SIGNS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR A PURPOSE, DEFINITIONS, PERMITTING PROCESSES AND APPEALS FROM SIGN PERMIT DENIALS; 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, SUBSTITUTION OF NON-COMMERCIAL SPEECH FOR COMMERCIAL SPEECH, CONTENT NEUTRALITY AS TO SIGN MESSAGE (VIEWPOINT), ILLEGAL SIGNS ON PUBLIC PROPERTY AND SAFETY CONSIDERATIONS; PROVIDING FOR SEVERABILITY IN GENERAL; PROVIDING FOR SEVERABILITY WHERE LESS SPEECH RESULTS; PROVIDING FOR SEVERABILITY OF PROVISIONS PERTAINING TO PROHIBITED SIGNS; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

[NOTE: The agenda packet also includes a workbook that the State of North Carolina utilizes when evaluating billboard value. The workbook does not deal directly with amortization however, it might be instructive on the issue of evaluating signs". The workbook is being provided as a resource only.]

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

327 **Chapter 122. Signs.**

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

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

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

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

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

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

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

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

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

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

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

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

402 *Awning sign:* A sign incorporated ~~or attached into~~ an awning.

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

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

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

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

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

460 | Ground sign: a free-standing sign supported by poles, uprights or braces, visible or
461 | enclosed, that are placed in or upon the ground

462 | *Illuminated sign:* A sign illuminated by an internal light source or an external light
463 | source primarily designed to illuminate the sign.

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

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

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

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

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

477 | Non-corrosive decorative cover: any stucco, brick, or masonry material(s) suitable for
478 | installation as a pole sign cover in accordance with industry standards of material and
479 | workmanship, applied over and attached to the supporting poles(s), including all
480 | attachments and fasteners thereto, which shall include no steel or other corrosive alloys.
481 | Such pole sign cover shall have a minimum width of not less than one and one-half
482 | times the depth of the cabinet, but not less than 12 inches, and maximum depth equal to
483 | the depth of the sign cabinet.

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

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

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

494 | *Person:* Any person or persons, individual or groups of individuals, company, firm,
495 | corporation, partnership, organization or association.

496 | *Pole sign:* A freestanding sign that is supported from the ground up by one (1) or more
497 | poles, columns, uprights, braces or anchors which, individually, are less than twenty
498 | percent of the width of the sign face; the definition of pole sign does not include flags,
499 | temporary signs, warning signs, safety signs, traffic control device signs, statutory signs,
500 | or parking space identifications signs.

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

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

505 *Pylon sign:* a sign that is supported by one or more vertical supports which are encased
506 within a single, non-corrosive decorative cover.

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

510 *Safety sign:* See Warning signs.

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

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

524 *Sign height:* The vertical distance measured from the natural contour of the lot to the
525 topmost point of the sign structure.

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

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

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

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

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

540 *Traffic control device sign:* Any sign located within the right-of-way that is used as a
541 traffic control device and that is described and identified in the Manual on Uniform

542 Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator
543 as the National Standard. A traffic control device sign includes those signs that are
544 classified and defined by their function as regulatory signs (that give notice of traffic laws
545 or regulations), warning signs (that give notice of a situation that might not readily be
546 apparent), and guide signs (that show route designations, directions, distances, services,
547 points of interest, and other geographical, recreational, or cultural information). Some
548 traffic control device signs may be portable.

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

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

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

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

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

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

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

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

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

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

- 583 1. Name, address, email address (if any) and telephone number of the person
584 making application for the permit. If the applicant is anyone other than the
585 property owner, the applicant shall provide notarized authorization from the
586 property owner permitting the installation of the sign.
- 587 2. Name, address, email address (if any) and telephone number of the property
588 owner. If the owner is an entity other than an individual, list the contact person's
589 name and contact information.
- 590 3. Name, address, email address (if any) and telephone number of the business
591 tenant, if applicable. If the tenant is an entity other than an individual, list the
592 contact person's name and contact information.
- 593 4. Name, address, email address (if any) telephone and license number of the
594 contractor, if applicable. If the contractor is an entity other than an individual, list
595 the contact person's name.
- 596 5. Address and legal description of the property upon which the sign is to be
597 located and include a parcel identification number and zoning district.
- 598 6. Lot frontage for each street and public right-of-way.
- 599 7. The type of sign, square footage, design, area, height, location and fully
600 dimensioned elevation drawing of all signs proposed to be erected on the
601 premises.
- 602 8. A fully dimensioned site plan showing the lot frontage, building frontage of
603 each business establishment or occupant, if applicable, and the location of all
604 proposed signs. For freestanding signs and temporary signs, the site plan shall
605 show all parking areas, distance of signs from the right-of-way and property lines,
606 distance from existing signs located on adjacent within 30 feet of the property
607 line, and distance of signs and street corner visibility calculations.
- 608 9. Number, type, location and sign copy area and height of all existing signs on
609 the same premises.
- 610 10. Landscape plan, as applicable.
- 611 11. Signature of applicant.
- 612 B. Any permit issued under this Chapter shall be void if no substantial physical action is
613 taken in accordance with the sign permit, any permit conditions and the applicable
614 requirements of this Chapter within 180 days following the date of its issuance.
- 615 C. Any sign permit issued pursuant to this Chapter shall remain in effect as long as the
616 sign is maintained in compliance with the approved sign permit as well as all applicable
617 provisions of this Chapter and the applicant did not misrepresent or falsify any
618 information provided in the application.
- 619 D. Staff Review.
- 620 1. The sign permit application shall be reviewed by the City Planner, or designee,
621 for a determination of whether the proposed sign meets the applicable
622 requirements of this Chapter, all other applicable ordinances and any applicable

623 zoning law. The review of the sign permit application shall be completed by the
624 City Planner, or designee, within ten business days following receipt of a
625 completed application and any applicable fees after the date of receipt. A sign
626 permit shall either be approved, approved with conditions (meaning legal
627 conditions existing in this Chapter such as dimensional requirements), or
628 disapproved, and the decision shall be reduced to writing. A disapproval shall
629 include or be accompanied by a statement of the reason(s) for the disapproval. In
630 the event that no decision is rendered within the period of time referenced herein,
631 the application shall be deemed denied and the applicant may appeal to the City
632 Council. Any appeal shall be heard and a decision rendered within the time
633 frames specified in this Chapter for appeals.

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

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

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

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

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

658 c. In any of the foregoing cases, the applicant may elect in writing to
659 make no change to the application or obtain no approval that may be
660 required by another governmental agency. In such event, the City Planner,
661 or designee, shall make a decision on the application as submitted. In this
662 instance, if a decision is not made within ten business days of receipt of
663 the applicant's election to not change the application or obtain any
664 approval that may be required by another governmental agency, the
665 application shall be deemed denied.

666 **122-5 Comprehensive Sign Plan Applications.**

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

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

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

- 703 m. The location of all proposed landscape material including size and
704 species;
- 705 n. Location of all attached and freestanding including directional signage,
706 proposed and existing, indicating with labels if to be removed; and
- 707 o. Location of the sign in relation to property lines, public rights-of-way,
708 easements, buildings and other signs on the property;
- 709 p. Signs located on adjacent property within fifty feet of any proposed
710 signs.
- 711 8. Sign Plan, to include:
- 712 a. Date prepared;
- 713 b. Bar scale;
- 714 c. To scale drawings, in color, of all proposed signage (attached,
715 freestanding, and directional signs) which include the following:
- 716 i. dimensions, with dimensional arrows;
- 717 ii. sign area in square feet;
- 718 iii. height and width of sign and sign structure, measured in feet;
- 719 iv. labels of all colors;
- 720 v. surface area of the sign proposed;
- 721 vi. text copy including the message of the sign;
- 722 vii. changeable copy, if proposed; and
- 723 viii. describe any illumination including the type, placement,
724 intensity, hours of illumination and system to automatically turn
725 off lighting when the business is closed, and sign area to be
726 illuminated.
- 727 d. Building elevation color drawings, to scale, for all sides of any building
728 with proposed and existing attached signage;
- 729 e. Master sign plan for shopping centers and office parks, to include all
730 signs;
- 731 f. Site data table, to include how all proposed signs (existing and new)
732 meet code requirements, with a calculation worksheet; and
- 733 g. Number, type, location and surface area of all existing signs on the
734 same property and or building on which the sign is to be located.
- 735 9. Completed written responses as to how each of the Comprehensive Sign
736 Program criteria, set forth in Section 122-14 are met.
- 737 B. An application which is materially incomplete or which is not accompanied by the
738 required fee shall not be considered, and the time for review of the application shall not
739 commence until a complete application accompanied by the required fee is filed with the

740 City Planner, or designee. However, the City Planner, or designee, shall keep a record of
741 incomplete applications or any application not accompanied by the correct fee, as
742 required by applicable public record laws. In addition, the City Planner, or designee, shall
743 within 10 business days of receipt of such an application, provide the applicant a written
744 explanation of the deficiencies and ask that the deficiencies be remedied, explaining that
745 the application cannot proceed forward and that the application will be deemed
746 withdrawn if the deficiencies are not cured within sixty calendar days.

747 C. Application and design review. Upon determination that a Comprehensive Sign
748 Program application is complete, the City Planner, or designee, shall review the
749 application and determine whether the application demonstrates compliance with the
750 requirements of the comprehensive sign program set forth in Section 122-14. Within
751 twenty working days of completeness, the City Planner, or designee, may grant approval,
752 grant the approval subject to specified conditions or deny the application for
753 comprehensive sign program. The review period of twenty working days may be
754 extended by mutual consent of the applicant and the City Planner, or designee, to allow
755 revised materials to be submitted and reviewed for compliance with the requirements of
756 the comprehensive sign program. Revised materials shall be submitted within the
757 timeframe established by the City Planner, or designee, but no more than thirty working
758 days based on the extent of the deficiencies identified. If materials are not received within
759 that timeframe, the application shall be deemed denied. If the resubmission material is
760 submitted within the timeframe specified, the City Planner, or designee, shall determine
761 whether the resubmission materials demonstrate compliance with the comprehensive sign
762 program and shall either grant the approval, approve with conditions or deny the
763 application.

764 D. Effect of Comprehensive Sign Plan Approval. Comprehensive Sign Plan approval
765 authorizes only the particular signs approved and all signs approved in the
766 Comprehensive Sign Plan must be installed and any conditions met within six months of
767 issuance of a permit.

768 **Sec. 122-6. Appeals.**

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

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

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

782 D. The City Council shall render a decision at the public hearing meeting, or at the
783 discretion of the City Council, at the next regularly scheduled meeting following the
784 public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

819 E. Traffic control devices.

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820 F. For 911 and emergency response purposes, street address signs with copy between
821 four inches and twelve inches in height, which shall be located in a place that is clearly
822 visible from the right-of-way.

823 G. Window signs that do not exceed twenty-five percent of the total window area of all
824 windows visible from a right-of-way or of any building or unit.

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

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

830 The following types of signs are prohibited:

831 A. Abandoned signs

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

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

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

835 E. Billboards.

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

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

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

839 I. Pole Signs greater than six feet in height.

840 J. Roof signs.

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

842 L. Signs erected by other than a governmental entity on or extending into publicly-
843 owned land, easements or rights-of-way.

844 M. Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.

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

847 O. Animated signs or signs that appear to display motion in any way whatsoever,
848 including beacons.

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

851 Q. Snipe signs.

852 R. Obscene signs.

853 S. Hazardous signs.

854 T. Vehicle signs.

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

856 V. Signs attached to temporary structures.

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

858 A. Distance requirements. Except as otherwise provided herein, no sign shall be located
859 within twenty feet of any side property line of a parcel and ~~no sign shall be located within~~
860 ~~ten feet of any public right-of-way~~ at least 20 feet from existing public road curbs or
861 pavement. No freestanding sign shall be located within fifty feet of any other permanent
862 freestanding sign.

863 B. Illuminated signs.

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

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

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

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

872 C. Gasoline price signs. Gasoline price display signs shall be placed in the vicinity of the
873 pump islands and shall not extend above any pump island canopy or they shall be
874 attached to the primary freestanding sign for the property. ~~If attached to the freestanding~~
875 ~~sign,~~ The area of the gasoline price display sign shall be counted toward the allowable
876 area for the freestanding sign. A gasoline price display sign may be changed manually or
877 electronically.

878 D. Awnings. Awnings may be allowed a graphic element and/or text in addition to the
879 ~~permitted~~ attached sign copy area maximum provided such graphic and/or text does not
880 exceed fifty percent of the awning surface area visible from any right-of-way on which
881 the graphic is placed.

882 E. Building and electrical code compliance. All signs shall comply with applicable
883 building and electrical code requirements.

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

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

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

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

893 J. Number of signs. For the purpose of determining the number of signs, a single sign
894 shall be construed to be a sign that has its copy area on one side and contains elements

895 organized, related and composed to form a single unit. A sign with sign copy area on both
896 sign faces shall be construed as a single sign provided ~~the sign faces both copy areas~~
897 are not more than three feet apart at their closest point, and that they describe an internal
898 angle between the sign faces of copy area planes extended to no more than thirty degrees.

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

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

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

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

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

912 C. On property zoned other than residential, one temporary sign, ~~other than a banner~~
913 ~~sign,~~ with up to ~~thirty-six square~~ eighteen square feet of copy area ~~or one banner sign with~~
914 ~~up to thirty-six square feet~~ shall be allowed. In addition, each business location on a
915 multi-occupant parcel zoned other than residential shall be allowed one temporary sign,
916 other than a banner sign, with up to six square feet of copy area.

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

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

922 F. Temporary signs shall not be illuminated.

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

925 H. ~~Notwithstanding any provision to the contrary herein, temporary signs may be p~~Pole
926 signs, portable signs, and banner signs shall be allowed when used as a temporary sign in
927 addition to any other sign type expressly permitted in this Chapter.

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

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

939 B. Non-residential.

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

943 2. For parcels abutting multiple rights-of-way, an additional maximum total copy
944 area of one square foot for each linear foot of building frontage along the
945 additional rights-of-way. Any additional copy area allowed pursuant to this
946 paragraph must be utilized along and directed toward the additional public rights-
947 of-way. ~~In no event, however, shall the total maximum total copy area exceed~~
948 ~~100 square feet per parcel, regardless of number of frontages.~~

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

950 a. ~~Ground Monument~~ signs. ~~Ground Monument~~ signs shall be permitted
951 pursuant to the following:

952 i. One monument sign with a height no greater than twelve feet,
953 one pylon sign with a height no greater than twelve feet, or one
954 pole sign with a height no greater than six feet shall be allowed
955 along each public road right-of-way the parcel abuts.

956 ii. On parcels abutting multiple public road rights-of-way,
957 additional allowed ~~ground signs monument signs,~~ such signs must
958 be located at least twenty-five feet from the any point of road
959 intersection as measured along the right-of-way with the right-of-
960 way upon along which any other ground sign the first monument
961 sign on the parcel is located.

962 iii. ~~Ground Monument~~ signs may include up to four lines of zip
963 track for manual changeable messages, ~~provided it does not exceed~~
964 ~~twenty-five percent of the copy area and the zip track and letter~~
965 ~~colors are coordinated with the color of the sign.~~

966 iv. Ground signs Monument signs may consist of more than one
967 sign panel provided all such sign panels are consolidated into one
968 common integrated sign structure and.

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

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

i. One wall sign, one projecting sign, or one hanging sign shall be allowed along each public right-of-way the parcel abuts.

1. No wall sign or supporting structure for a wall sign shall project more than twelve inches from the wall of a building nor over any public right-of-way. Further, no wall sign shall extend above the roofline except where an exterior parapet wall projects above the roofline, in which case such sign may extend to the top of such wall.

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

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

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

4. In addition to the maximum total square footage allowed per parcel, each business location located upon a multiple-occupant parcel shall be permitted one attached wall sign consistent with Section 122-13 B.3.b., or one awning sign located proximate to the primary entrance to such business location. Such multiple-occupant signage shall be subject to the following:

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

1012 any one business location exceed a maximum of 100 square feet of total
1013 copy area except as otherwise authorized for an anchor tenant.

1014 b. Additional attachedwall signage shall be allowed for side facades of
1015 corner occupants facing a road right-of-way in multiple-occupant
1016 buildings with the maximum copy area equal to that allowed for the
1017 primary entrance location. Sign area is not transferable between front and
1018 side facades.

1019 c. Anchor tenants upon a multiple-occupant parcel shall be allowed an
1020 additional one square foot of copy area for each linear foot of building
1021 frontage of that portion of the building occupied by the anchor tenant over
1022 100 linear feet. Said additional copy area shall not exceed 200 square feet
1023 of copy area per anchor. The copy area allowed within this paragraph shall
1024 be wall signage, awning signage, or a combination thereof.

1025 **Sec. 122-14. Comprehensive Sign Program**

1026 A. General principles.

- 1027 1. The intent of the Comprehensive Sign Program is to provide private property
1028 owners and businesses with flexibility to develop innovative, creative and
1029 effective signage and to improve the aesthetics of the City of Edgewood.
- 1030 2. The minimum sign standards established in this Chapter ensure that signage
1031 will not have an adverse impact on the aesthetics, community character and
1032 quality of life of the City of Edgewood. The city recognizes, however, that in
1033 many circumstances, there are innovative and creative alternatives to minimum
1034 standard signage which are desirable and attractive and will enhance community
1035 character and individual property values.
- 1036 3. The purpose of the Comprehensive Sign Program is to provide an alternative
1037 to minimum standard signage subject to flexibility criteria which ensure that
1038 alternative signage will not have an adverse impact on the aesthetics, community
1039 character and quality of life of the City of Edgewood.
- 1040 4. It is expected that the design quality of signs proposed under a Comprehensive
1041 Sign Program will be of a superior quality and creativity to those that might result
1042 through the normal sign permit process.

1043 B. Permitted signage.

- 1044 1. Signage which is proposed as part of a Comprehensive Sign Plan may deviate
1045 from the minimum sign standards in terms of types of signage allowed, number of
1046 signs per business or parcel of land, maximum area of a sign face per parcel of
1047 land and the total area of sign faces per business or parcel of land.
- 1048 2. A Comprehensive Sign Plan shall be approved pursuant to the provisions set
1049 out in Section 122-5, above.
- 1050 3. As part of a comprehensive sign program, the City Planner, or designee, shall
1051 review all sign types proposed for the development parcel to achieve compliance
1052 with these regulations. A Comprehensive Sign Plan for shopping centers,

1053 including all out parcels, and office complexes shall include all types of signs for
1054 all tenants/uses within the development parcel.

1055 C. Flexibility criteria.

1056 1. Architectural theme. The signs proposed in a Comprehensive Sign Plan shall
1057 be designed so as to be consistent with the architectural theme of the principal
1058 buildings proposed or developed on the parcel and shall be constructed of
1059 materials and colors which are similar to the materials and colors utilized in the
1060 principal buildings.

1061 2. Sign height. The height of all signs proposed through the comprehensive sign
1062 program shall relate to the height and design of the of the principal buildings
1063 located or proposed on the development parcel.

1064 3. Height, area, number and location of signs. The height, area, number and
1065 location of signs permitted through the comprehensive sign program shall be
1066 reviewed by the City Planner, or designee, based on the following criteria: overall
1067 size of site, relationship between the building setback and sign location, lot and
1068 building frontage, access and visibility to the site, intended traffic circulation
1069 pattern, scale and use of the project. Additionally, the maximum permitted sign
1070 area shall be based on the following formula when evaluated against the above
1071 criteria:

1072 a. Attached signs. The maximum copy area permitted for attached signage
1073 shall range from one percent up to a maximum of six percent of the
1074 building façade to which the sign is to be attached.

1075 b. Freestanding signs. The maximum permitted copy area of all
1076 freestanding signs on a site shall not exceed three square feet per linear
1077 foot of building frontage.

1078 4. The comprehensive sign program shall also identify the color palette of letters
1079 and background, as well as text font.

1080 5. Property values. The signage proposed in a comprehensive sign program must
1081 not adversely impact the value of property in the immediate vicinity of the parcel
1082 proposed for development.

1083 6. Elimination of nonconforming signage. The signage proposed in a
1084 comprehensive sign program shall replace all existing nonconforming signage
1085 located on the property.

1086 **Sec. 122-15. Nonconforming Signs.**

1087 A. Additions. No additions or enlargements shall be made to a nonconforming sign
1088 except those additions or enlargements that are required by law.

1089 B. A nonconforming sign that is modified by being moved, replaced or structurally
1090 altered shall be brought into conformance with this Chapter.

1091 C. Damaged signs.

1092 1. A nonconforming sign that is damaged shall not be repaired if the estimated
1093 cost to repair the sign exceeds fifty percent of replacement cost of the sign
1094 ~~appraised value immediately prior to the date of destruction of the damaged sign;~~
1095 ~~“appraised value” shall mean either the appraised value for property tax purposes;~~
1096 ~~updated as necessary by the increase in consumer price index since the date of last~~
1097 ~~valuation, or the valuation determined by a professionally recognized appraiser.~~ A
1098 damaged nonconforming sign that cannot be repaired shall be removed within
1099 thirty days of the date the sign was damaged.

1100 2. Whenever a nonconforming sign is damaged and the estimated cost to repair
1101 the sign is fifty percent or less of its appraised value immediately prior to the date
1102 of destruction of the damaged sign, before the sign was damaged, it may be
1103 repaired and restored to the condition it was in before it was damaged and may
1104 continue to be used as a nonconforming sign, provided that such repairs and
1105 restoration are started within ninety days of the date the sign was damaged and are
1106 diligently pursued thereafter.

1107 3. Whenever repairs and restoration of a damaged nonconforming sign are not
1108 started within ninety days of the date the sign was damaged or are diligently
1109 pursued once started, the sign shall be deemed abandoned. An abandoned sign
1110 shall be removed as provided by this Chapter.

1111 D. Maintenance of nonconforming signs.

1112 1. No nonconforming sign shall be permitted to remain unless properly
1113 maintained. Proper maintenance shall include but not be limited to ensuring that
1114 all components of the sign, including structural and supporting components are
1115 free of rust, flaking or peeling paint, mildew, or decay. Upon determination by
1116 the City’s Code Enforcement Special Magistrate that a nonconforming sign has
1117 not been maintained as required herein, the Code Enforcement Special Magistrate
1118 shall order the nonconforming sign to be removed or otherwise brought into
1119 compliance with the existing Code in addition to any other remedies ordered.
1120 Any nonconforming sign that is determined by the City to be an unsafe sign shall
1121 be removed as provided for by this Chapter.

1122 2. Nothing in this section shall be deemed to prevent the maintenance of any sign
1123 or manual changes of sign copy on a nonconforming sign.

1124 E. Amortization of nonconforming signs.

1125 1. Permanent signs lawfully conforming with all provisions of the City of
1126 Edgewood Code of Ordinances prior to _____ (effective date
1127 of Ordinance) made nonconforming by this Ordinance shall be brought into
1128 compliance no later than _____ (____ 3 years from
1129 effective date of Ordinance).

1130 [ALTERNATIVE 1:

1131 Permanent signs lawfully conforming with all provisions of the City of Edgewood
1132 Code of Ordinances prior to _____ (effective date of
1133 Ordinance) made nonconforming by this Ordinance shall be allowed to remain
1134 subject to the provisions of this Section.]

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[ALTERNATIVE 2:

Permanent signs, conforming or lawfully nonconforming with the City of Edgewood Code of Ordinances prior to _____ (effective date of Ordinance) which are nonconforming with this Ordinance shall be allowed to remain subject to the provisions of this Section.]

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

[ALTERNATIVE:

Permanent signs which are neither conforming nor lawfully nonconforming with the City of Edgewood Code of Ordinances prior to _____ (effective date of Ordinance) shall be brought into compliance with the provisions of this Chapter no later than _____ (_____ months from effective date of Ordinance).]

a. Pole signs greater than six feet in height in existence as of _____ (effective date of ordinance) shall be allowed to remain, notwithstanding any other provisions ~~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. Poles or portions of poles may be encased within a single, non-corrosive decorative cover that covers the bottom of all poles and leaves exposed no more than six feet of any pole. 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 twenty percent of the width of the sign face. All exposed poles shall be metal, painted black and free of chipping paint, faded paint and rust.

b. Pole signs greater than six feet in height in existence as of _____ (effective date of Ordinance) subject to this paragraph ~~in existence as of _____ (effective date of ordinance)~~ shall be allowed to be retrofitted to comply with this paragraph provided such retrofitting occurs within six months of _____ (effective date of Ordinance).

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

1176 4. Nothing provided herein shall limit the authority of the City of Edgewood to
1177 require removal or remove unsafe signs, abandoned signs, signs erected without
1178 permits, or signs unlawfully located on City property.

1179 5. Sign permit application fees shall be waived for any application made within
1180 twelve months of _____ (effective date of Ordinance) to bring any
1181 existing non-conforming sign into compliance with this Ordinance

1182 **Sec. 122-16. Removal of Signs.**

1183 A. General. Signs installed in violation of this Chapter shall be removed or brought into
1184 compliance with the requirements of this Chapter. The sign owner, the owner of the
1185 property on which the sign is placed and the sign contractor shall each be held
1186 responsible for adherence to this Chapter and any other applicable laws or regulations.
1187 This Chapter may be enforced through code enforcement proceedings or by any equitable
1188 or legal remedy available to the City.

1189 B. Immediate removal of unsafe signs. If the City finds that when any sign is in
1190 violation of this Chapter or other applicable regulations or State law or and by reason of
1191 its violation presents an immediate and serious danger to the public, the City may,
1192 without prior written notice, order the immediate removal or repair of the sign within a
1193 specified period. The City may remove or authorize others to remove the sign in the event
1194 that the owner for such sign cannot be found or if that person, after notification, refuses to
1195 repair or remove it. The owner of the building, structure, or premises on which the sign is
1196 located, are jointly and severally liable for the cost of removing such sign. The City shall
1197 have the right to recover from the owner or person placing such sign the cost of removal
1198 and disposal of such sign.

1199 C. Removal of signs erected without a permit. The City may remove or order the
1200 removal, without prior written notice, of any sign erected without a sign permit required
1201 by this Chapter.

1202 D. Removal of signs on City property. Any sign installed or placed on City property,
1203 except in conformance with the requirements of this Chapter, shall be forfeited to the
1204 City and confiscated. The City shall have the right to recover from the owner or person
1205 placing such sign the cost of removal and disposal of such sign.

1206 E. Abandoned signs. Abandoned signs shall be removed by the owner or lessee of the
1207 premises upon which a sign is located when the business which a sign advertises is no
1208 longer conducted on the premises or if the business does not have an occupational
1209 license. The owner or lessee of the premises shall not be required to remove an
1210 abandoned sign during any period in which removal of such sign would conflict with
1211 legal proceedings related to the property on which the abandoned sign is located.

1212 **Sec. 122-17. Conflicting Requirements.**

1213 These sign regulations shall not be construed to permit the erection, placement, or
1214 maintenance of any sign at any place or in any manner unlawful under any other City
1215 Code provision or other applicable law. In any case where a part of these sign regulations
1216 conflicts with a provision of any zoning, building, fire, safety, health ordinance or other
1217 code, the provision that establishes a stricter standard for the protection of the public
1218 health and safety shall prevail.

1219 **Sec. 122-18. Severability.**

1220 A. General. If any part, section, subsection, paragraph, subparagraph, sentence, phrase,
1221 clause, term, or word of this Chapter, this Code, or any adopting ordinance is declared
1222 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,
1223 the declaration of such unconstitutionality shall not affect any other part, section,
1224 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1225 Chapter.

1226 B. Severability where less speech results. Without diminishing or limiting in any way
1227 the declaration of severability set forth above in Paragraph A., or elsewhere in this
1228 Chapter, Code, or any adopting ordinance, if any part, section, subsection, paragraph,
1229 subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared
1230 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,
1231 the declaration of such unconstitutionality shall not affect any other part, section,
1232 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1233 Chapter, even if such severability would result in a situation where there would be less
1234 speech, whether by subjecting previously exempt signs to permitting or otherwise.

1235 C. Severability of provisions pertaining to prohibited signs. Without diminishing or
1236 limiting in any way the declaration of severability set forth above in Paragraph A., or
1237 elsewhere in this Chapter, Code, or any adopting ordinance, if any part, section,
1238 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this
1239 Chapter or any other law is declared unconstitutional by the valid judgment or decree of
1240 any court of competent jurisdiction, the declaration of such unconstitutionality shall not
1241 affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase,
1242 clause, term, or word of this Chapter that pertains to prohibited signs, including
1243 specifically those signs and sign-types prohibited and not allowed under section 122-10
1244 of this Chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph,
1245 sentence, phrase, clause, term, or word of section 122-10 is declared unconstitutional by
1246 the valid judgment or decree of any court of competent jurisdiction, the declaration of
1247 such unconstitutionality shall not affect any other part, section, subsection, paragraph,
1248 subparagraph, sentence, phrase, clause, term, or word of section 122-10.

1249 D. Severability of prohibition on billboards. If any part, section, subsection, paragraph,
1250 subparagraph, sentence, phrase, clause, term, or word of this Chapter and/or any other
1251 Code provisions and/or laws are declared invalid or unconstitutional by the valid
1252 judgment or decree of any court of competent jurisdiction, the declaration of such
1253 unconstitutionality shall not affect the prohibition on billboards as contained in this
1254 Chapter and Code.

1255 **SECTION THREE. Codification.** It is the intent of the City Council of the City of
1256 Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted
1257 broad and liberal authority in codifying the provisions of this Ordinance.

1258
1259 **SECTION FOUR. Effective date.** This Ordinance shall take effect immediately upon
1260 adoption as provided by the Charter of the City of Edgewood.

1261
1262 PASSED ON FIRST READING THIS _____ DAY OF _____, 2017.

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PASSED AND ADOPTED THIS _____ DAY OF _____, 2017.

CITY OF EDGEWOOD, FLORIDA
CITY COUNCIL

John Dowless, Council President

ATTEST:

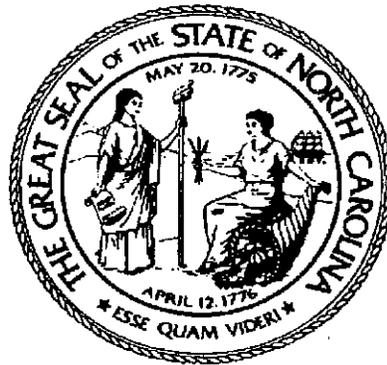
Bea Meeks, City Clerk

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Billboard Structures Valuation Guide

2014

(Effective for Tax Year 2014)



North Carolina Department of Revenue
Local Government Division
Property Tax Section

Overview

Based on the experience gained with the implementation of the first Billboard Structures Valuation Guide, we have made revisions to the current manual to reflect the changes in costs associated with the construction of billboards. We feel these changes will simplify the valuation process used by the local taxing jurisdictions and enhance the uniformity and accuracy in the valuation of outdoor advertising for mass appraisal purposes. In this manual, the base cost has already been determined with the additional improvements included in square foot base cost. This cost per square foot has been extended out to a total value for each specific class with the billboard structure categorized by type of construction, size, and height above ground level. In addition, a current depreciation schedule has been provided at the back of the manual. The appraiser will locate the type and size of each billboard, make any necessary construction adjustments, and then apply the appropriate depreciation to come up with the billboard value for assessment purposes.

The Billboard Structures Valuation Guide is effective for January 1, 2014. The methodology is based on current data and is not applicable to prior years. Counties adopting these schedules should also consider this as a guide for the mass appraisal of billboards, understanding that it will not cover every possible sign type and configuration. The appraiser may need to make additional adjustments for location, conditions, and other structures not covered by these schedules.

The values provided in the classification tables on pages 11 through 16 reflect the cost conversion factor as determined from the data made available in the Producer Price Indexes prepared by the Bureau of Labor Statistics. This factor will take into consideration any changes in the cost to construct billboards and will keep the manual updated on a yearly basis.

An Introduction to Billboards

An outdoor advertising sign in the form of a billboard consists of at least one display panel and the supporting framework. Billboards may be freestanding, mounted to buildings, or attached to other structures. Modern billboards conform to engineering standards and are constructed of steel, while older billboard structures are made of wood or angle iron frames. A billboard may be smaller than the permitted size. This allows for the addition of a cutout or extension within the square foot envelope of the permitted area. Billboards vary in display position and size, but the industry standard display faces include:

6 ft. x 12 ft. = 72 square feet
8 ft. x 12 ft. = 96 square feet
10 ft. x 22 ft. = 220 square feet
10 ft. x 24 ft. = 240 square feet
12 ft. x 25 ft. = 300 square feet

10.5 ft. x 36 ft. = 378 square feet
12 ft. x 40 ft. = 480 square feet
14 ft. x 48 ft. = 672 square feet
16 ft. x 60 ft. = 960 square feet
20 ft. x 50 ft. = 1,000 square feet

The typical arrangements of display faces include: single face, back-to-back, or V-build, side-by-side, stacked, and tri-build configurations.

Billboard companies enter into sales contracts for advertising space on their billboards. Advertisements are designed and/or produced by a billboard company or an advertising agency in response to client specifications. Advertising space is often marketed for a group of billboards rather than for a single billboard. Group sales are called "showings." Showings are based on demographic information and are designed to target a market with a specified level of advertising exposure. The client has no interest in the real property.

Billboard sites are typically leased from an unrelated third party who owns the land or structure to which the billboard is affixed. The owner of the site generally has no interest in the billboard structure. A billboard site, the land or structure upon which a billboard is situated, is generally limited to an area large enough to accommodate the billboard structure and foundation, as well as enough space to provide for service and maintenance work.

Valuation of Billboard Structures

As with the appraisal of other property for local tax purposes, the three accepted approaches to value (income, sales comparison, and replacement cost less depreciation) should be considered when valuing billboard structures.

The sales comparison approach requires verifiable accurate sales information of individual billboards. Outdoor advertising structures are generally sold in bulk, and the transfers include ongoing concern and host agreements. These transfers typically are not recorded on filed deeds; therefore, it may be difficult to obtain information on the sale of billboards. When information becomes available, an allocation of the sales price for billboard structures may be necessary.

The income approach requires net operating income to be capitalized into a value for a specific property. The income realized from the sale of advertising space is business income that may be difficult to obtain and may include income components that should not be considered when determining property tax valuation in North Carolina. Additionally, if the income approach is used, economic rent must be applied. Therefore, careful consideration and accurate income analysis must be made or the income approach will not yield reliable results.

Due to the many difficulties inherent in the appraisal of billboards when applying the sales comparison and the income approach to value, our office recommends that, for assessment purposes in North Carolina, these structures should be treated as personal property and appraised using the cost approach. The cost approach provides an efficient methodology to uniformly value billboard structures. The replacement cost less depreciation avoids the complicated allocation process and other issues associated with the income and sales comparison approaches. The data contained in this manual is based

on information extracted from material costs, labor, and other integral components of billboard construction. The valuation of each sign will be determined by calculating the replacement cost new (RCN) and then deducting depreciation based on an effective age depreciation schedule. The effective age schedule is provided to assist appraisers in estimating loss in value due to physical depreciation, functional obsolescence, and economic obsolescence. The depreciation schedule is based on a 25-year life for wooden structures and a 50-year life for steel structures. It is recommended that the depreciation not be lowered more than 35 percent remaining good on wood structures and 35 percent remaining good on steel structures as long as the structure is continuing to produce a viable income stream. For the vast majority of billboards, no negative or positive adjustment is appropriate for physical condition. As long as a billboard structure can support a sign face, the physical condition most likely has little effect on the income stream, and therefore the physical condition may not be particularly important. Only the worst structures and perhaps the very best billboards will fall outside of the recommended schedules.

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This manual is a publication of the North Carolina Department of Revenue, Local Government Division, Property Tax Section, P.O. Box 871, Raleigh, N.C. 27602. Phone: 919-814-1129, Fax: 919-715-3107.

Billboard Categories and Definitions

For assessment purposes, billboards are grouped into 4 structural categories based on the building materials used and the underlying support system. The four categories include wood, steel frame, multi-mast steel, and monopole.

CLASS 1 WOOD STRUCTURE

This class of billboards is constructed with wood post or pole supports with dimensional lumber as the secondary support (A frame) with a wood or metal catwalk and a single display panel. Supports may be imbedded in the ground. There may be a foundation of concrete or gravel. Lighting, if present, is either fluorescent or mercury vapor.

CLASS 2 STEEL A-FRAME CONSTRUCTION

This class of billboards is constructed with angle iron or steel supports with metal framing, catwalk, and a single display panel. Supports may be imbedded in the ground. There may be a foundation of concrete or gravel. Lighting, if present, is either fluorescent or mercury vapor.

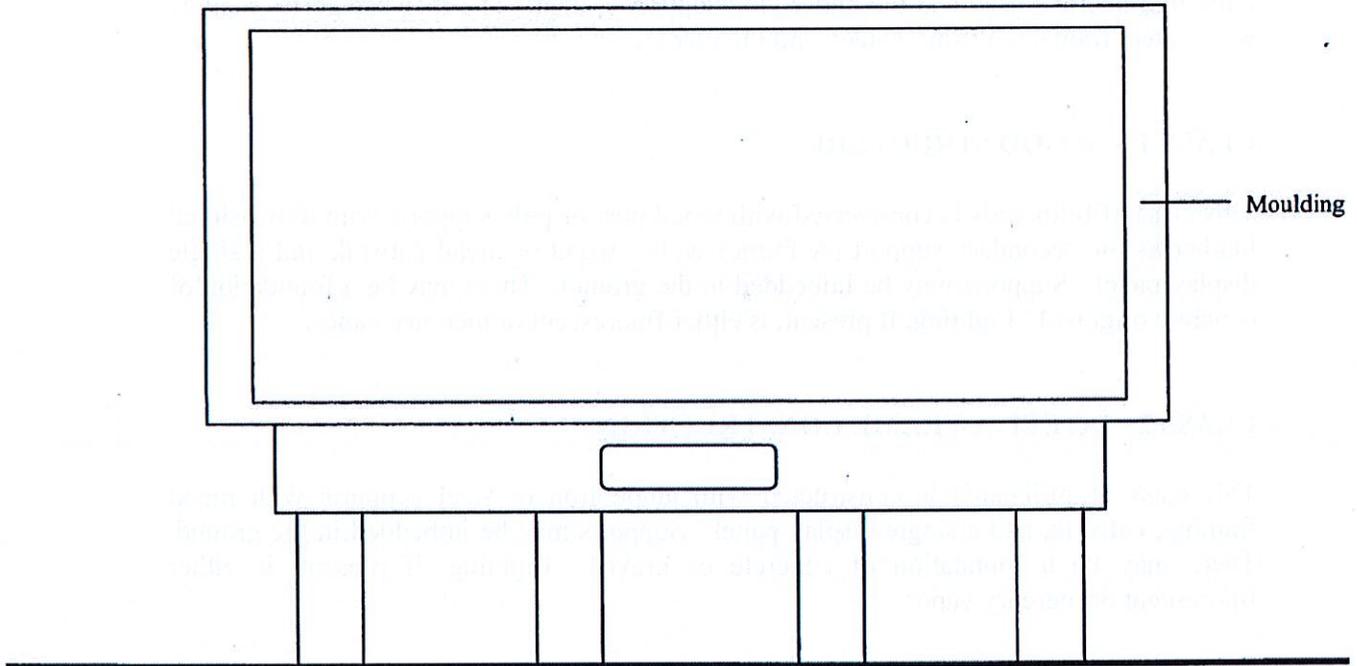
CLASS 3 MULTI-MAST STRUCTURE

This class of billboards is constructed with steel poles, I-beam or equivalent as primary support, with a catwalk, and a single display panel. Lighting is fluorescent or mercury vapor.

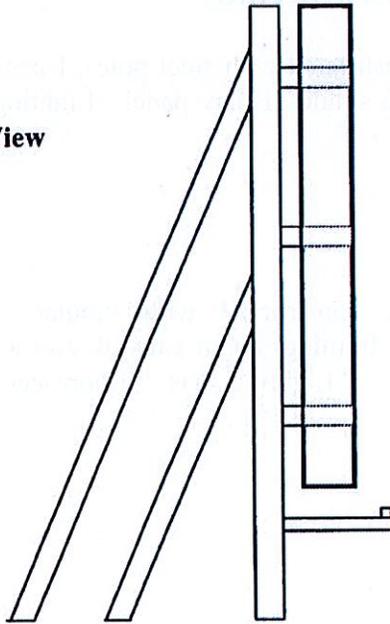
CLASS 4 MONOPOLE

This class of billboards is constructed with tubular steel support (of various circumferences), tubular steel framing, metal catwalk and a single display panel. The foundation is concrete. Lighting is fluorescent or mercury vapor.

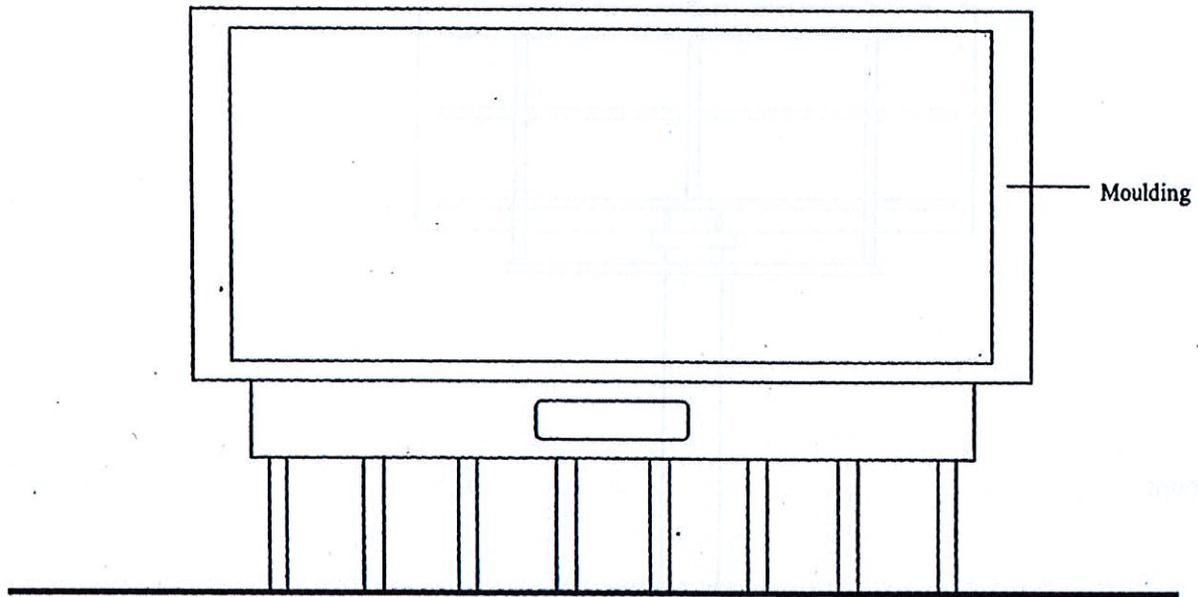
Illustrations of Wooden Billboards



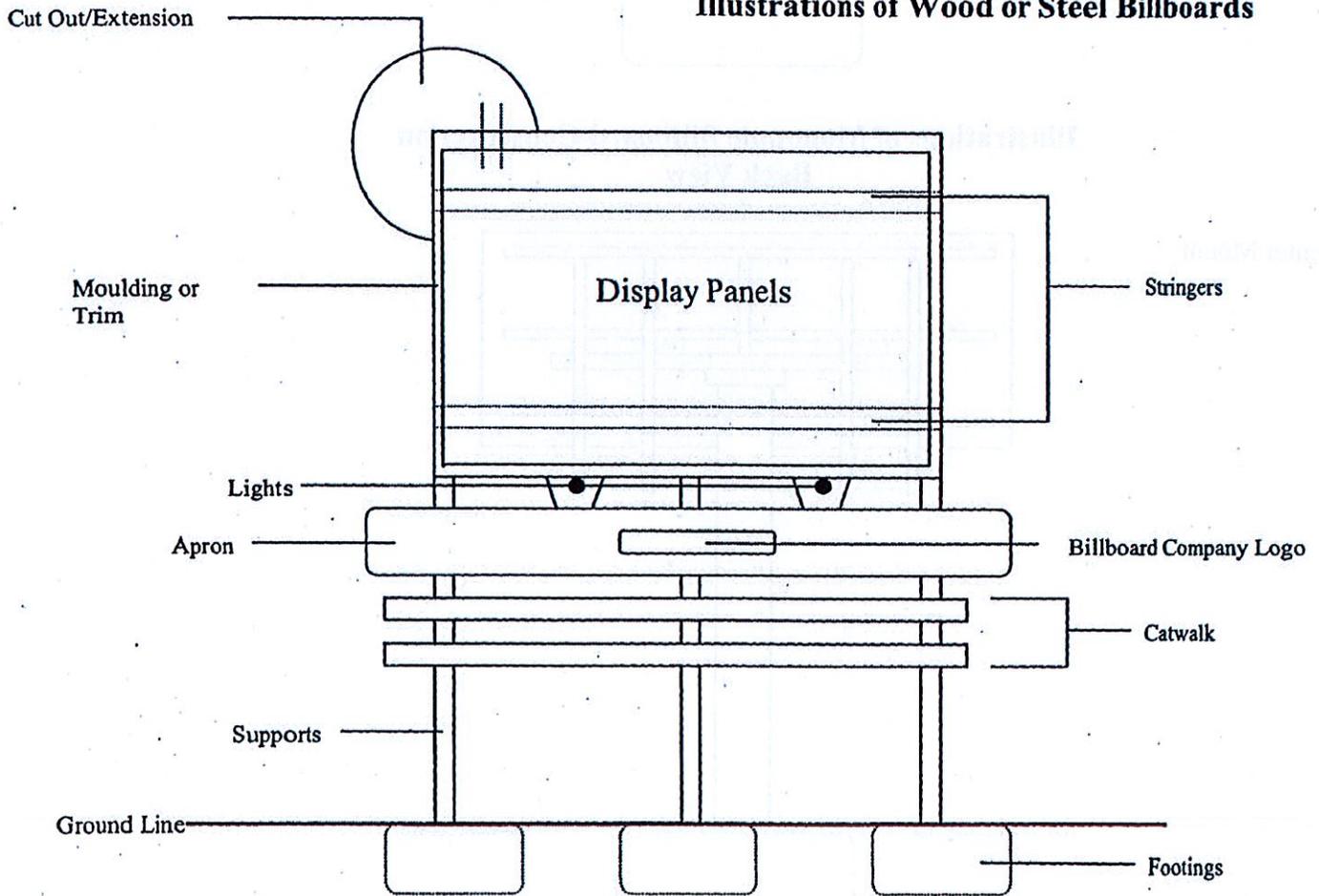
Wooden Billboard Side View



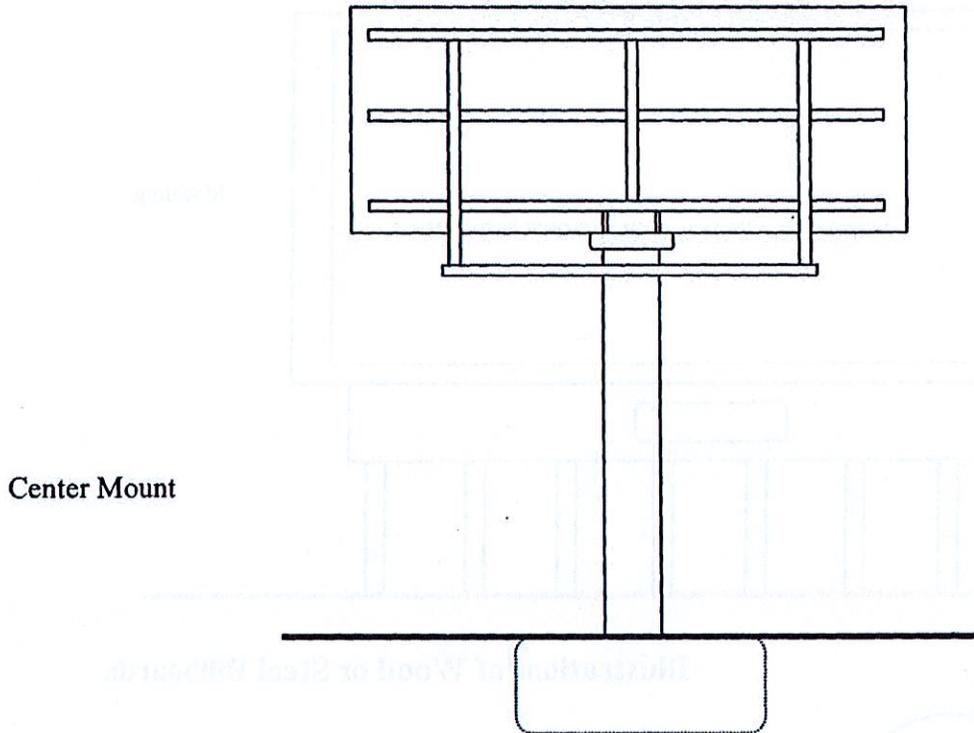
Illustrations of Steel Billboard



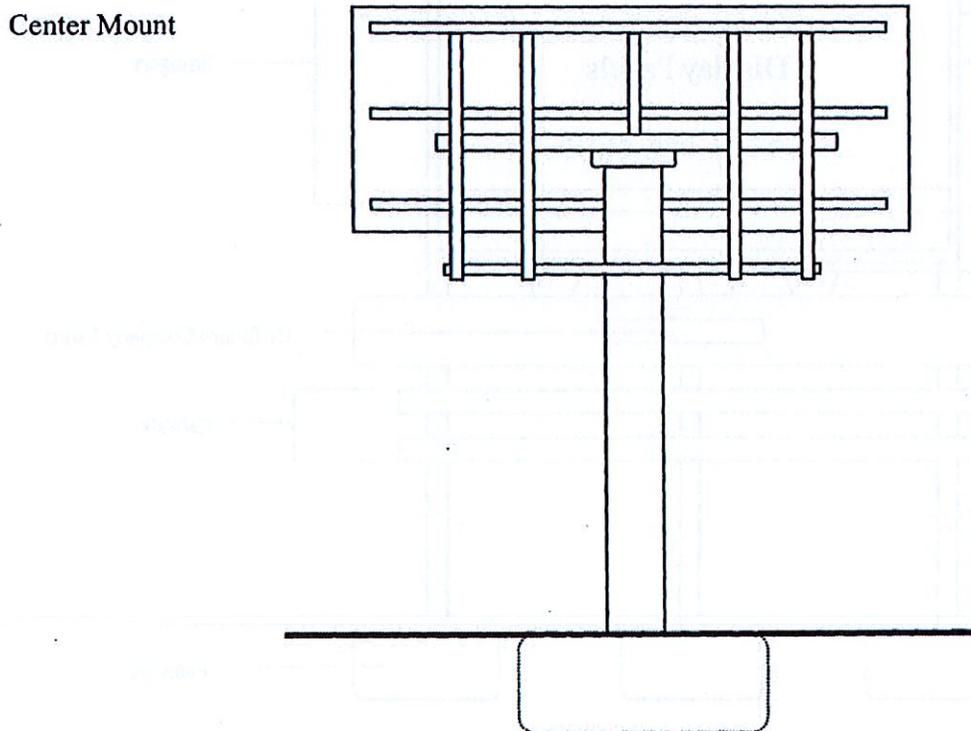
Illustrations of Wood or Steel Billboards



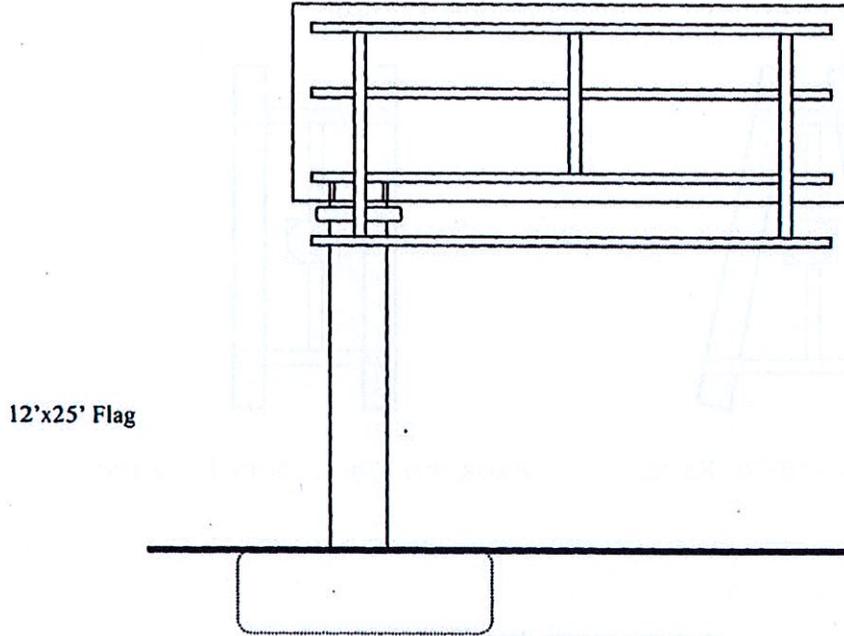
Illustrations of Monopole Billboard Construction



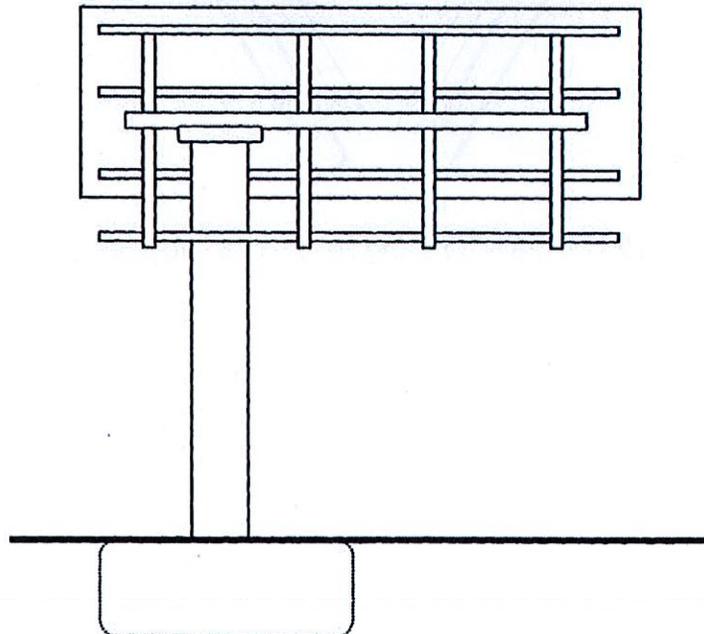
Illustrations of Monopole Billboard Construction Back View



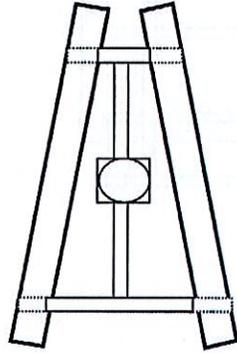
Illustrations of Monopole Billboard Construction



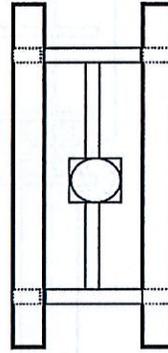
Illustrations of Monopole Billboard Construction Back View



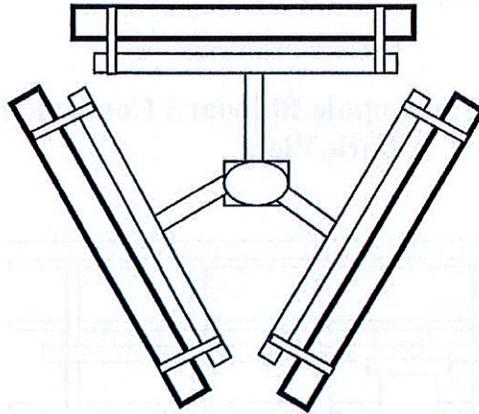
Illustrations of Monopole Billboard Construction Topview



V Built Double Face



Back-to-Back Double Face



12' x 25' Triangle / Tri-Built

CLASS 1-WOOD POLE A FRAME CONSTRUCTION

BASE SPECIFICATIONS

1. STRUCTURE - Wood support poles or posts.
2. FOUNDATION - Embedded in ground or equivalent.
3. PLATFORM OR CATWALK -Included in Base.
4. PANELS - Included in Base.
5. APRON - Included in Base.
6. LIGHTING - Included in Base.
7. ADDITIONAL PANELS - None.

TOTAL BASE COST PER STRUCTURE

1A- SINGLE FACE WOOD A FRAME

Size	0-20' HAGL	21-30' HAGL	31-40' HAGL	41-55' HAGL	56-80' HAGL	80+' HAGL
300'	\$ 6,980	\$ 7,760	\$ 9,300	\$ 10,140		
378'	\$ 8,180	\$ 9,110	\$ 10,960	\$ 11,790		
480'	\$ 9,670	\$ 11,380	\$ 14,790	\$ 15,400		
672'	\$ 13,080	\$ 15,400	\$ 20,060	\$ 20,790		

1B- DOUBLE FACE WOOD A FRAME

Size	0-20' HAGL	21-30' HAGL	31-40' HAGL	41-55' HAGL	56-80' HAGL	80+' HAGL
300'	\$ 9,110	\$ 10,140	\$ 12,190	\$ 13,130		
378'	\$ 10,600	\$ 11,790	\$ 14,170	\$ 15,290		
480'	\$ 13,030	\$ 15,290	\$ 19,850	\$ 20,690		
672'	\$ 17,680	\$ 20,790	\$ 26,990	\$ 28,030		

1C- V BUILT AND SIDE BY SIDE WOOD A FRAME

Size	0-20' HAGL	21-30' HAGL	31-40' HAGL	41-55' HAGL	56-80' HAGL	80+' HAGL
300'	\$ 13,960	\$ 15,510	\$ 18,620	\$ 20,160		
378'	\$ 16,390	\$ 18,190	\$ 21,820	\$ 23,680		
480'	\$ 19,350	\$ 22,750	\$ 29,580	\$ 30,710		
672'	\$ 26,230	\$ 30,810	\$ 40,020	\$ 41,580		

CONSTRUCTION ADJUSTMENTS

See worksheet for construction adjustments

CLASS 2- STEEL A FRAME CONSTRUCTION

BASE SPECIFICATIONS

1. STRUCTURE - Steel pole, angle iron, I beam or equivalent as primary support.
2. FOUNDATION - Concrete gravel or equivalent.
3. PLATFORM OR CATWALK -Included in Base.
4. PANELS - Included in Base.
5. APRON - Included in Base.
6. LIGHTING - Included in Base.
7. ADDITIONAL PANELS - None.

TOTAL BASE COST PER STRUCTURE

2A- SINGLE FACE A FRAME STEEL

Size	0-20' HAGL	21-30' HAGL	31-40' HAGL	41-55' HAGL	56-80' HAGL	80+' HAGL
300'	\$ 17,970	\$ 19,970	\$ 23,780			
378'	\$ 18,790	\$ 22,100	\$ 28,330			

2B- DOUBLE FACE A FRAME STEEL

Size	0-20' HAGL	21-30' HAGL	31-40' HAGL	41-55' HAGL	56-80' HAGL	80+' HAGL
300'	\$ 24,240	\$ 26,930	\$ 32,070			
378'	\$ 26,400	\$ 31,060	\$ 39,810			

2C- V BUILT A FRAME STEEL

Size	0-20' HAGL	21-30' HAGL	31-40' HAGL	41-55' HAGL	56-80' HAGL	80+' HAGL
300'	\$ 35,880	\$ 39,870	\$ 47,480			
378'	\$ 37,560	\$ 44,210	\$ 56,670			

CONSTRUCTION ADJUSTMENTS

See worksheet for construction adjustments

CLASS 3- MULTI MAST STEEL

BASE SPECIFICATIONS

1. STRUCTURE - Steel pole, angle iron, I beam or equivalent as primary support.
2. FOUNDATION - Concrete gravel or equivalent.
3. PLATFORM OR CATWALK -Included in Base.
4. PANELS - Included in Base.
5. APRON - Included in Base.
6. LIGHTING - Included in Base.
7. ADDITIONAL PANELS - None.

TOTAL BASE COST PER STRUCTURE

3A- SINGLE FACE MULTI MAST STEEL

Size	0-20' HAGL	21-30' HAGL	31-40' HAGL	41-55' HAGL	56-80' HAGL	80+' HAGL
300'	\$ 21,400	\$ 23,780	\$ 28,310			
378'	\$ 25,490	\$ 28,330	\$ 33,730			
480'	\$ 29,600	\$ 32,880	\$ 39,160			
672'	\$ 35,170	\$ 39,090	\$ 46,540			

3B- DOUBLE FACE MULTI MAST STEEL

Size	0-20' HAGL	21-30' HAGL	31-40' HAGL	41-55' HAGL	56-80' HAGL	80+' HAGL
300'	\$ 28,920	\$ 32,140	\$ 38,270	\$ 45,560		
378'	\$ 34,790	\$ 38,660	\$ 46,020	\$ 54,780		
480'	\$ 39,410	\$ 43,780	\$ 52,120	\$ 62,050		
672'	\$ 46,280	\$ 51,430	\$ 61,220	\$ 72,890		

3C- V BUILT MULTI MAST STEEL

Size	0-20' HAGL	21-30' HAGL	31-40' HAGL	41-55' HAGL	56-80' HAGL	80+' HAGL
300'	\$ 34,790	\$ 38,660	\$ 46,020	\$ 54,780		
378'	\$ 42,850	\$ 47,610	\$ 56,670	\$ 67,460		
480'	\$ 48,630	\$ 54,030	\$ 64,320	\$ 76,590		
672'	\$ 57,860	\$ 64,270	\$ 76,530	\$ 91,090		

CONSTRUCTION ADJUSTMENTS

See worksheet for construction adjustments

CLASS 4- STEEL MONOPOLE CONSTRUCTION

BASE SPECIFICATIONS

1. STRUCTURE - Tubular Steel Supports.
2. FOUNDATION - Poured concrete.
3. PLATFORM OR CATWALK -Included in Base.
4. PANELS - Included in Base.
5. APRON - Included in Base.
6. LIGHTING - Included in Base.
7. ADDITIONAL PANELS - None.

TOTAL BASE COST PER STRUCTURE

4A- SINGLE POLE SINGLE FACE CENTER MOUNTED MONOPOLE

Size	0-20' HAGL	21-30' HAGL	31-40' HAGL	41-55' HAGL	56-80' HAGL	80+' HAGL
300'	\$ 23,320	\$ 25,740	\$ 30,620	\$ 35,470	\$ 45,190	
378'	\$ 24,450	\$ 28,530	\$ 36,720	\$ 44,880	\$ 61,220	
480'	\$ 35,740	\$ 39,410	\$ 46,740	\$ 54,080	\$ 68,870	
672'	\$ 47,630	\$ 51,400	\$ 58,950	\$ 66,500	\$ 81,690	\$ 95,140
960'	\$ 57,030	\$ 60,810	\$ 68,360	\$ 75,900	\$ 91,100	\$ 111,890
1000'	\$ 63,030	\$ 66,800	\$ 74,350	\$ 81,890	\$ 97,100	\$ 117,880

4B- SINGLE POLE SINGLE FACE PARTIAL FLAG MONOPOLE

Size	0-20' HAGL	21-30' HAGL	31-40' HAGL	41-55' HAGL	56-80' HAGL	80+' HAGL
300'	\$ 24,250	\$ 26,790	\$ 31,840	\$ 36,920	\$ 46,950	
378'	\$ 25,540	\$ 29,790	\$ 38,270	\$ 46,740	\$ 63,710	
480'	\$ 37,130	\$ 40,960	\$ 48,610	\$ 56,260	\$ 71,650	
672'	\$ 49,270	\$ 53,270	\$ 61,220	\$ 69,180	\$ 85,010	\$ 98,860
960'	\$ 59,110	\$ 63,080	\$ 71,050	\$ 79,000	\$ 94,830	\$ 116,430
1000'	\$ 65,310	\$ 69,290	\$ 77,240	\$ 85,210	\$ 100,940	\$ 122,650

4C- SINGLE POLE SINGLE FACE FULL FLAG MONOPOLE

Size	25' HAGL	40' HAGL	50' HAGL	70' HAGL	100' HAGL	
300'	\$ 36,370	\$ 38,140	\$ 44,460			
378'	\$ 38,320	\$ 42,400	\$ 50,570	\$ 58,740	\$ 75,070	
480'	\$ 52,280	\$ 55,530	\$ 62,050	\$ 68,560	\$ 81,790	
672'	\$ 56,360	\$ 60,200	\$ 67,840	\$ 75,490	\$ 90,700	\$ 104,970
960'	\$ 65,930	\$ 69,700	\$ 77,240	\$ 84,790	\$ 100,010	\$ 121,830
1000'	\$ 73,160	\$ 76,840	\$ 84,180	\$ 91,530	\$ 106,000	\$ 128,860

CONSTRUCTION ADJUSTMENTS

See worksheet for construction adjustments

CLASS 4- STEEL MONOPOLE CONSTRUCTION (CONTINUED)

BASE SPECIFICATIONS

1. STRUCTURE - Tubular Steel Supports.
2. FOUNDATION - Poured concrete.
3. PLATFORM OR CATWALK -Included in Base.
4. PANELS - Included in Base.
5. APRON - Included in Base.
6. LIGHTING - Included in Base.
7. ADDITIONAL PANELS - None.

TOTAL BASE COST PER STRUCTURE

4D- SINGLE POLE DOUBLE & V FACE CENTER MOUNTED MONOPOLE

Size	0-20' HAGL	21-30' HAGL	31-40' HAGL	41-55' HAGL	56-80' HAGL	80+' HAGL
300'	\$ 34,110	\$ 36,010	\$ 39,810			
378'	\$ 37,130	\$ 39,200	\$ 43,320	\$ 47,480	\$ 55,850	
480'	\$ 43,130	\$ 46,850	\$ 54,310	\$ 61,740	\$ 76,530	
672'	\$ 51,750	\$ 55,750	\$ 63,710	\$ 71,650	\$ 87,680	\$ 105,480
960'	\$ 60,440	\$ 64,740	\$ 73,320	\$ 81,890	\$ 99,080	\$ 121,830
1000'	\$ 66,340	\$ 70,630	\$ 79,210	\$ 87,800	\$ 104,970	\$ 127,820

4E- SINGLE POLE DOUBLE & V FACE PARTIAL FLAG MONOPOLE

Size	0-20' HAGL	21-30' HAGL	31-40' HAGL	41-55' HAGL	56-80' HAGL	80+' HAGL
300'	\$ 35,390	\$ 37,380	\$ 41,360			
378'	\$ 38,570	\$ 40,740	\$ 45,090	\$ 49,430	\$ 58,120	
480'	\$ 44,820	\$ 48,710	\$ 56,460	\$ 64,210	\$ 79,630	
672'	\$ 53,610	\$ 57,820	\$ 66,190	\$ 74,550	\$ 91,210	\$ 126,050
960'	\$ 62,870	\$ 67,320	\$ 76,210	\$ 85,110	\$ 103,000	\$ 145,710
1000'	\$ 69,080	\$ 73,520	\$ 82,430	\$ 91,300	\$ 109,210	\$ 152,740

4F- SINGLE POLE DOUBLE & V FACE FULL FLAG MONOPOLE

Size	0-20' HAGL	21-30' HAGL	31-40' HAGL	41-55' HAGL	56-80' HAGL	80+' HAGL
300'	\$ 47,870	\$ 49,720	\$ 53,400			
378'	\$ 52,170	\$ 54,190	\$ 58,220	\$ 62,250	\$ 70,420	
480'	\$ 52,530	\$ 56,980	\$ 65,870	\$ 74,770	\$ 92,670	
672'	\$ 57,250	\$ 62,050	\$ 71,650	\$ 81,290	\$ 100,620	\$ 115,310
960'	\$ 70,540	\$ 74,770	\$ 83,240	\$ 91,740	\$ 108,990	\$ 133,820
1000'	\$ 75,800	\$ 80,250	\$ 89,130	\$ 98,030	\$ 115,920	\$ 140,740

CONSTRUCTION ADJUSTMENTS

See worksheet for construction adjustments

CLASS 4- STEEL MONOPOLE CONSTRUCTION (CONTINUED)

BASE SPECIFICATIONS

1. STRUCTURE - Tubular Steel Supports.
2. FOUNDATION - Poured concrete.
3. PLATFORM OR CATWALK -Included in Base.
4. PANELS - Included in Base.
5. APRON - Included in Base.
6. LIGHTING - Included in Base.
7. ADDITIONAL PANELS - None.

TOTAL BASE COST PER STRUCTURE

4G- TRI-SIDED CENTER MOUNTED

Size	25' HAGL	40' HAGL	50' HAGL	70' HAGL	100' HAGL
300'					
378'					
480'					
672'		\$ 108,990		\$ 140,740	\$ 199,070
960'					
1000'					

4H- TRI-SIDED STACKED CENTER MOUNTED

Size	25' HAGL	40' HAGL	50' HAGL	70' HAGL	100' HAGL
300'					
378'					
480'					
672'		\$ 101,870			
960'					
1000'					

CONSTRUCTION ADJUSTMENTS

See worksheet for construction adjustments

Billboard Valuation Worksheet

Total Base Cost of Structure	_____
Construction Adjustments	
Stacked Displays—Add 25%	+ _____
No Illumination—Deduct 5%	- _____
Replacement Cost New (RCN)	= _____
Less Depreciation (100% - Percent Good from Depreciation Schedule)	- _____
Less Additional Adjustments (if needed)	
Physical Depreciation	- _____
Functional Obsolescence	- _____
Economic Obsolescence	- _____
<u>BILLBOARD VALUE</u>	= _____

Special Information

Stacked Displays – Up to two display panels are included in the base cost per structure as indicated in the tables. For billboard structures with more than 2 display panels, where the panels are stacked one on top of the other, add 25% of the indicated value back into that value to account for the additional construction costs.

Side-by-Side Displays – Where the billboard structure configuration is indicated to be horizontally side-by-side and of steel construction, appraise this constructed arrangement as one billboard structure. Add the square footage of the faces together to determine the size of the structure.

Electronic/Digital, Tri-Fold, and Tri-Vision Sign Appraisal Methodology

County appraisers should utilize a three-part process when appraising Electronic/Digital, Tri-Fold, and Tri-Vision billboard sign structures.

1. Take the descriptive information about the sign from the I-1 listing form schedule and then determine the base cost using the cost tables in this manual. Then apply the percent good factor from the depreciation schedule on page 31 to the base cost to arrive at the value of the sign structure itself.
2. Take the cost of the display face equipment from the I-1 listing form schedule and apply the I-8 depreciation schedule (found on page 30) percent good factor to that cost figure. This action provides the value of the sign face equipment.
3. Add together the sign structure value and the sign face equipment value to obtain the grand total value of the billboard sign.

See Example #3 given on page 20 which utilizes the above methodology for valuing these types of billboard signs.

Examples of How to Appraise a Billboard Structure

Refer to sample schedule I-1 on page 22 for data needed for the understanding of the examples which follow:

Example #1

Using Page 11 in the manual, the description shows a **1-C** Side-By-Side Wood “A” Frame Structure at a 25’ HAGL with the largest panel face at 300 square feet. The structure has 4 panel faces and is in a side-by-side configuration. The panel faces are not illuminated (lighted) and the structure was originally built in 2005.

The base cost using the data provided indicates an amount of \$15,510. Because there are 2 additional panel faces, the appraiser must add 25% to the base cost. So, $\$15,510 + \$3,878$ (25% of $\$15,510 = \$3,878$ rounded) = $\$19,388$. Because the structure is not illuminated, the appraiser must subtract 5% from the total cost of $\$19,388$. So, $\$19,388 - \969 (5% of $\$19,388 = \969 rounded) = $\$18,419$. The year of original construction was 2005, so the sign is 9 years old for the 2014 listing of this asset. From the depreciation table on page 31 of the manual, a wood constructed billboard structure that is 9 years old, has a 64% good factor of value remaining, or 36% depreciation applied to the adjusted base cost. So, the appraiser applies 36% depreciation to $\$18,419$ (36% of $\$18,419 = \$6,631$) by subtracting $\$6,631$ for a final appraised value of **\$11,788**.

Example #2

Using page 13 in the manual, the description shows a **3-B** Double Face Multi Mast Steel Structure at a 40’ HAGL with the largest panel face at 378 square feet. The structure has 4 panel faces and is in a stacked configuration. The panel faces are illuminated (lighted) and the structure was originally built in 2008.

The base cost for the data provided indicates an amount of \$46,020. Because there are 2 additional faces and the structure is in a stacked configuration, the appraiser must add 25% to the base cost. So, $\$46,020 + \$11,505$ (25% of \$46,020 = \$11,505) = \$57,525. The cost for illumination (lighting) has already been included in the base cost so no additional reduction in cost is necessary. The year of original construction was 2008, so the sign is 6 years old for the 2014 listing of this asset. From the depreciation table on page 31 of the manual, a steel constructed billboard structure that is 6 years old, has a 88% good factor of value remaining, or 12% depreciation applied to the adjusted base cost. So, the appraiser applies 12% depreciation to \$57,525 (12% of \$57,525 = \$6,903) by subtracting \$6,903 for a final appraised value of **\$50,622**.

Example #3

This is an example of how to appraise a billboard structure that has either a digital sign face or a tri-vision/tri-fold sign face:

Using page 14 in the manual, the description shows a **4-A Single Pole Single Face Center Mounted Monopole Structure** at a 40' HAGL with the panel face at 378 square feet. The panel face has a cost of \$150,000 due to being a digital or tri-vision constructed component and the panel face is illuminated (lighted).

The base cost for the data provided indicates an amount of \$36,720. The cost for illumination (lighting) has already been included in the base cost so no additional reduction in cost is necessary. The year of original construction was 2009, so the sign is 5 years old for the 2014 listing of this asset. From the depreciation table on page 31 of the manual, a steel constructed billboard structure that is 5 years old, has a 90% good factor of value remaining, or 10% depreciation applied to the adjusted base cost. So, the appraiser applies 10% depreciation to \$36,720 (10%

of \$36,720 = \$3,672) by subtracting \$3,672 for an adjusted value attributable to the structure of **\$33,048**.

Next, the \$150,000 cost reported by the sign owner is depreciated using the I-8 Schedule from the 2014 North Carolina Department of Revenue Cost Index & Depreciation Schedules. This depreciation schedule is listed on page 30 in this guide book and on page 21 of the 2014 Cost Index & Depreciation Schedules document and it has a 36% good factor of value remaining in the fifth year. Therefore, 64% depreciation is applied to the sign face cost reported by the owner. So, the appraiser applies 64% depreciation to \$150,000 (64% of \$150,000 = \$96,000) by subtracting \$96,000 for an adjusted value attributable to the sign face of **\$54,000**.

The last step is to combine the adjusted value of the sign structure with the adjusted value of the sign face. So, by adding the structure value of **\$33,048** to the sign face value of **\$54,000** gives a final appraised value of **\$87,048**.

Billboard Structures Definitions

Additional Panels: For purposes of appraisal in the Billboard Structures Valuation Guide, up to two sign panels are included in the base cost per structure as indicated in the tables. More than two sign panels (additional panels) on one structure would require a positive adjustment in the valuation of the total structure.

Apron: Decorative trim at the bottom of the billboard sign where a billboard company logo is typically displayed.

Back-To-Back: Billboard structure configurations where two display panel faces are parallel to one another such that the backs of the advertising (back view) face each other. The advertising on each panel of the billboard structure faces in opposite directions.

Base Cost Per Structure: All of the component costs related to the construction of the billboard structure itself such as material costs, labor, permit fees, freight costs, engineering costs, and installation costs. This is not a conclusive list, but it is provided to indicate that all costs whether direct or indirect are included in the base cost amount unless specifically noted.

Base Index Year: For purposes of appraisal in the Billboard Structures Valuation Guide, the year 2009 has been established as the base index year from which all increases or decreases to the construction costs of erecting a billboard is determined.

Billboard: A large panel or flat surface that is intended for viewing an advertisement or notice from extended distances and is typically constructed of wooden posts or steel beams.

Catwalk: The platform located underneath the sign face, either in front or in back of the billboard sign, used as support for the maintenance crew.

Center Mount: Steel monopole structure in which the supporting column is affixed to the center of the display panel.

Cost Conversion Factor: A factor that represents the percentage price increase or decrease of a cost amount over a previous 12-month period after establishing a base index year.

Cut Outs: The portions of the panel display which are attached to or cut out from the face in order to emphasize a certain figure and draw the attention of the sign reader.

Depreciation Schedule: A valuation table that calculates the product of a trending factor and a straight-line depreciation factor to arrive at the replacement cost new less depreciation. The percentage amounts are also known as the percent good factors.

Digital Display: Light emitting diode panel faces that are internally illuminated matrix displays constructed with tiny silicon chips that are capable of producing light in a variety of colors.

Display Face (Panel): The flat area normally rectangular in shape where the advertisement is displayed.

Double Face: A billboard structure that has two display panels, also known as back-to-back configuration, which are parallel to each other and facing in opposite directions.

Economic Obsolescence: A loss in remaining value due to reasons external to the property.

Extension: A part of the advertisement display that extends beyond the typical rectangular face in order to create better visual impact.

Flag Mount: A steel monopole structure in which the supporting column is affixed to the left or the right of the center of the display panel.

Footings: The concrete pad sunk into the ground which is used to solidify the structure keeping it in an upright position.

Foundation: The material used at the base of a billboard structure to keep the structure in an upright position. The foundation could be the natural soil composition, poured in gravel, or poured in concrete.

Functional Obsolescence: A reduction in functional capacity or efficiency that impacts the value of the property which is caused by factors inherent in the property itself.

Height Above Ground Level (HAGL): The distance in feet from the ground level to the lowest edge of the bottom molding of the billboard display face (panel).

Illumination: Light fixtures attached to a sign so that the message is visible in hours of darkness.

Leased Billboard Site: The location where a billboard structure is erected that is typically owned by an unrelated third party who receives rental income through a contract with the billboard owner.

Lighting: Fixtures attached to the billboard structure that provides illumination during hours of darkness.

Molding: Decorative frame surrounding the printed message on the display face.

Multi-Mast Steel: A billboard structure that is constructed with several steel poles or I-beam steel supports.

Panel (Display Face): The flat area normally rectangular in shape where the advertisement is displayed.

Physical Depreciation: The loss in value due to physical wear and tear.

Replacement Cost New (RCN): The cost to replace the utility of a property with new construction using the best available materials and construction methodology.

Side-By-Side: A type of billboard configuration where two faces are arranged together in a horizontal line, one beside the other, with both display panels facing in the same direction.

Single Face: A billboard structure that has one display panel facing in one direction.

Stacked Display: Billboard structure that contains multiple display panels which are set above one another in a vertical configuration.

Steel A-Frame: A billboard structure that is constructed with angle iron or steel supports with metal framing and a single display panel. The supports are imbedded in the ground at an angle that resembles the letter "A".

Steel Monopole: A billboard structure that is constructed with a single tubular steel support imbedded in a concrete footing pad.

Stringers: Wooden or steel braces attached to the back of a billboard panel that functions to support the display face. These are also known as cross-members.

Triangle or Tri-Built: A billboard structure having three display panels arranged in the shape of a triangle with each panel facing in a different direction.

Tri-Vision or Tri-Fold: A type of billboard structure where the panel display face is made with triangular louvered narrow vertical panels that periodically rotate to display three different advertising messages in a predetermined sequence.

Uprights (Supports): Vertical posts, pipes or beams, mounted into the ground that keep a billboard structure in an erect position.

V-Built: A billboard structure having two or more display panels that are not parallel to each other, facing in opposite directions where the configuration resembles the letter “V”.

Wood Pole A-Frame: A billboard structure that is constructed with wooden post supports and a single display panel. The supports are imbedded in the ground at an angle that resembles the letter “A”.

Billboards and Outdoor Advertising Structures

Instructional Page

Follow these instructions when filing information related to Schedule I – 1:

- ① Complete the top section of the Schedule I-1 form by providing your company name, the county account number, the name of the county where the asset is located and the year of listing. See area "1" on diagram below.
- ② Provide your company's billboard panel identification number. If there are multiple panels/faces on one structure, indicate all the panel numbers that are associated with that one structure. See area "2" on diagram below.
- ③ Fill in the NC Department of Transportation Permit Number assigned to this specific billboard if applicable. Refer to DOT form OA-1, "Application for Outdoor Advertising Permit" for permit number. Write "N/A" in column if DOT permitting is not required. See area "3" on diagram below.
- ④ Give a brief description of the sign location by using street names and mileage distances from nearby intersections. Please record the county parcel identification number (PIN) for this site if available. See area "4" in diagram below.
- ⑤ Indicate what jurisdiction the billboard sign is located in. Record city name, fire or special district name, or "none" if the billboard sign is in the county jurisdiction only. See area "5" in diagram below.
- ⑥ Provide the year the billboard sign was originally constructed and completed. For situations where a digital face is added to an established billboard structure, populate the cell with the original year of construction first, and then show the year the digital face was added. See area "6" in diagram below.
- ⑦ From the NC Department of Revenue's "Billboard Structures Valuation Guide", show the Class and Type of Billboard construction indicated in the description pages. See area "7" in diagram below.
- ⑧ Indicate the HAGL in feet (HAGL is the distance from the ground level to the bottom edge of the billboard face). HAGL is the acronym for "Height Above Ground Level". See area "8" in diagram below.
- ⑨ Calculate the total square footage of the display panel face and record the data. For structures with more than one (1) panel face, populate the cell with the square footage amount of the largest panel face on the structure. Do not add all the panel face square footages together. Just show the square footage amount of the largest panel face on the structure. See area "9" in diagram below.
- ⑩ Indicate whether the billboard faces are stacked one on top of the other in a vertical configuration. Record a "Y" for Yes or an "N" for No. See area "10" in diagram below.
- ⑪ Indicate whether the billboard faces are side by side in a horizontal configuration. Record a "Y" for Yes or an "N" for No. See area "11" in diagram below.
- ⑫ Indicate whether the billboard sign is illuminated (lighted) or not. Record a "Y" for Yes or an "N" for No. See area "12" in diagram below.
- ⑬ Provide all costs related to the construction of the Digital billboard face. Include the cost of any partial Digital sign face superimposed over a typical billboard display. Also, list all costs related to the construction of any Tri-Vision or Tri-Fold billboard face. If the guide is followed, the county appraiser will value these sign faces on an I-8 depreciation schedule. Then the county appraiser will use the additional information in columns "2" through "12" to appraise the billboard structure itself minus the billboard face. The calculated value of the face will be added to the calculated value of the structure for a total valuation for digital and tri-vision/tri-fold billboard signs. Area "13" on the diagram below is the place for listing the cost of the face of the Digital and Tri-Vision/Tri-Fold signs.
- ⑭ The last column is reserved for county use to assign a county identification number for internal tracking purposes. See area "14" in diagram below.

The "Billboard Structures Valuation Guide" can be viewed by going to: www.dor.state.nc.us
Click on "Information for Local Government".
Click on the word, "Publications" under the heading "Property Tax Section".
Scroll down the page to "Billboard Structures Valuation Guide" under the heading, "Valuation and Technical Manuals".

A printable blank copy of the "Billboard Listing Form" (Schedule I-1) may be retrieved by clicking on the word, "Forms" under the heading, "Property Tax Section". Scroll down to the bottom of this page and click on the words, "Listing Forms" under the heading "Other Forms".

Note: Report any "Construction In Progress" expenditures on Page 1 under the Group 2 section of the Business Personal Property Listing Form.

Business Name _____ ^① Account _____ County _____ Year _____

SCHEDULE I-1

BILLBOARDS - OUTDOOR ADVERTISING STRUCTURES

⑬

② Panel Numbers	③ DOT Permit Number	④ Location	⑤ City/District/None	⑥ Build Date	⑦ Class and Type	⑧ HAGL Feet	⑨ Display Face Sq. Ft.	⑩ Stacked Display? (Y or N)	⑪ Side-By-Side Display? (Y or N)	⑫ Illuminated? (Y or N)	⑬ Original Display Face Equipment Cost for Electronic/Digital or Tri-Vision	⑭ County Identification Number

2014 Cost Index and Depreciation Schedules

		State of North Carolina						Page 21					
		Department of Revenue						Effective 1/1/2014					
		Property Tax Section											
Schedules H, I, Valuation Table													
Historical (Original) Cost													
Percent Good Factors													
		Schedule H						Schedule I					
Year		Trend	Life				Trend	Life					
Acq'd	Age	Factor	4	5	10	20	Factor	5	8	10	12		
2013	1	1.00	75	80	90	95	1.00	80	87	90	92		
2012	2	1.02	51	61	82	92	1.00	60	75	80	83		
2011	3	1.05	26	42	74	89	1.00	40	63	70	75		
2010	4	1.06	25	25	64	85	1.00	25	50	60	67		
2009	5	1.07			54	80	0.98		36	49	57		
2008	6	1.11			44	78	0.97		25	39	49		
2007	7	1.12			34	73	0.96			29	40		
2006	8	1.16			25	70	0.96			25	32		
2005	9	1.18				65	0.96				25		
2004	10	1.20				60	0.94						
2003	11	1.20				54	0.95						
2002	12	1.20				48	0.95						
2001	13	1.20				42	0.96						
2000	14	1.20				36	0.97						
1999	15	1.20				30	0.98						
1998	16	1.23				25	1.00						
1997	17	1.25					1.02						
1996	18	1.27					1.03						
Do not apply the trend factors to the percent good factors. The percent good factors already have the trend factors incorporated.													
This is true for all schedules in this manual.													

BILLBOARD DEPRECIATION SCHEDULE

EFFECTIVE AGE (in years)	25 YEAR LIFE (wood)	50 YEAR LIFE (steel)
1	96%	98%
2	92%	96%
3	88%	94%
4	84%	92%
5	80%	90%
6	76%	88%
7	72%	86%
8	68%	84%
9	64%	82%
10	60%	80%
11	56%	78%
12	52%	76%
13	48%	74%
14	44%	72%
15	40%	70%
16	36%	68%
17	35%	66%
18	35%	64%
19	35%	62%
20	35%	60%
21	35%	58%
22	35%	56%
23	35%	54%
24	35%	52%
25	35%	50%
26		48%
27		46%
28		44%
29		42%
30		40%
31		38%
32		36%
33		35%
34		35%
35		35%
36		35%
37		35%
38		35%
39		35%
40		35%
41		35%
42		35%
43		35%
44		35%
45		35%
46		35%
47		35%
48		35%
49		35%
50		35%