

ORDINANCE NO. 2018-02

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, 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.

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

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

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

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

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

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

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

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

WHEREAS, as far back as 1954, the United States Supreme Court recognized that "the concept of the public welfare is broad and inclusive," that the values it

represents are “spiritual as well as physical, aesthetic as well as monetary,” and that it is within the power of the legislature “to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled.” Justice Douglas in *Berman v. Parker*, 348 U.S. 26, 33 (1954); and

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

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

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

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

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

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

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

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

WHEREAS, the City Council recognizes that billboards are a form of advertisement designed to be seen without the exercise of choice or volition on the part of the observer, unlike other forms of advertising that are ordinarily seen as a matter of choice on the part of the observer [*see Packer v. Utah*, 285 U.S. 105 (1932); and *General*

Outdoor Advertising Co. v. Department of Public Works, 289 Mass. 149, 193 N.E. 99 (1935)], and the City Council acknowledges that the United States Supreme Court and many federal courts have accepted legislative judgments and determinations that the prohibition of billboards promotes traffic safety and the aesthetics of the surrounding area [see *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 509-510 (1981); and *National Advertising Co. v. City & County of Denver*, 912 F.2d 405, 409 (10th Cir. 1990); and *Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1239 (D. Kan. 1999)]; and

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

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

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

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

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

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

WHEREAS, the City Council finds and determines that a prohibition on the erection of off-site outdoor advertising signs will reduce the number of driver distractions and the number of aesthetic eyesores along the roadways and highways through the City

[see e.g., *E.B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1154 (5th Cir. 1970), *cert. denied*, 400 U.S. 878 (1970)]; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 122. Signs.

Sec. 122-1. Purpose.

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

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

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

Sec. 122-2. Definitions.

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

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

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

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

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

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

Awning sign: A sign incorporated into an awning.

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

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

Bench sign: A sign on an outdoor bench.

Billboard: Any off-site sign or sign structure.

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

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

Clearance: The distance between the finished grade to the lowermost portion of the sign cabinet or face.

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

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

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

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

Copy area: the entire area of the sign occupied by copy. Copy area is measured by enclosing by one continuous perimeter line the extreme limits of the sign which contains copy, including all ornamental attachments, insignias, symbols, logos, trademarks, interconnecting links and the like, and any stripe, frame or border. Copy area does not include the main support structure of the sign unless it contains copy. The calculation for a double faced sign shall be the area of one (1) face only. When signs are enclosed in a cabinet or border, the internal perimeter of such cabinet or border will be used to calculate copy area.

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

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

Fuel pump sign: A sign located upon or integrated into a fuel pump.

Flag: A piece of fabric of distinctive design that is displayed hanging free from a staff, halyard, structure, or flag pole. Flags are not banners.

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

Governmental right-of-way signs: a sign erected by a governmental agency upon a public right-of-way.

Ground sign: a free-standing sign placed in or upon the ground.

Hanging sign: An attached sign that hangs or projects below the underside of an awning, canopy, arcade, eave, overhang, or other covering that projects outward from the face of a building.

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

Large parcel sign: a freestanding sign with sign height no greater than sixteen feet with a solid appearing base located on the ground with no airspace between the base and the sign cabinet. Large parcel signs are only allowed upon multi-occupant parcels at least five acres in size that have a parcel depth of at least 375 feet measured from the front property line to the rear property line.

Low-profile sign: A freestanding sign with a sign height no greater than eight and one half (8 ½) feet that either has 1) a solid appearing base located on the ground with no more than two feet of airspace between the base and the sign cabinet or sign face or 2) is supported by one or more vertical supports with no more than two feet of airspace between the ground or base and the bottom of the sign cabinet or sign face.

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

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

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

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

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

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

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

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

Pole sign: A freestanding sign that is supported from the ground up by one or more vertical supports and which does not meet the definition of a low-profile sign or tall-profile sign. The definition of pole sign does not include flags, traffic control device signs, or parking space identifications signs.

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

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

Projecting sign: An attached sign permanently affixed to a building or other structure in such a manner that the sign face is not parallel with the wall or structural component to which it is attached.

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

Safety sign: See Warning signs.

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

Sign cabinet: a frame or external structure that encloses the edges of one or more sign panels.

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

Sign height: The vertical distance measured from the natural contour of the parcel to the topmost point of the sign structure.

Sign panel: A single surface upon which copy is printed which can be installed in a sign cabinet or attached to a sign structure.

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

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

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

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

Tall-profile sign: a freestanding sign that has a sign height no greater than sixteen (16) feet and the bottom of the sign cabinet or sign face no lower than seven (7) feet above ground and which has the appearance of a single vertical support that is at least twelve (12) inches in width and no more than one third (1/3) of the width of the sign face. Vertical supports or support casings shall be constructed of durable non-corrosive material, permanently affixed to the ground and sign face or sign cabinet and shall be either be monotone or utilize brick or stone of a single color.

Temporary sign: a sign which is not designed, constructed, or intended to be placed for a period of sixty days or fewer.

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

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

Wall sign: An attached sign permanently affixed to a building or other structure in such a manner that the sign face is flush against and parallel with the wall or structural component to which it is attached.

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

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

Sec. 122-3. Permits and Fees

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

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

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

Sec. 122-4. Permit Applications.

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

1. Name, address, email address (if any) and telephone number of the person making application for the permit. If the applicant is anyone other than the property owner, the applicant shall provide notarized authorization from the property owner permitting the installation of the sign.
2. Name, address, email address (if any) and telephone number of the property owner. If the owner is an entity other than an individual, list the contact person's name and contact information.
3. Name, address, email address (if any) and telephone number of the business tenant, if applicable. If the tenant is an entity other than an individual, list the contact person's name and contact information.
4. Name, address, email address (if any) telephone and license number of the contractor, if applicable. If the contractor is an entity other than an individual, list the contact person's name.
5. Address and legal description of the property upon which the sign is to be located and include a parcel identification number and zoning district.
6. Lot frontage for each street and public right-of-way.
7. The type of sign, square footage, design, area, height, location and fully dimensioned elevation drawing to scale of all signs proposed to be erected on the premises.
8. A fully dimensioned site plan to scale showing the lot frontage, building frontage of each business establishment or occupant, if applicable, and the location of all proposed signs. For freestanding signs and temporary signs, the site plan shall show all parking areas, distance of signs from the right-of-way and property lines, distance from existing signs located on adjacent within 30 feet of the property line, and distance of signs and street corner visibility calculations.
9. Number, type, location and sign copy area and height of all existing signs on the same premises.
10. Landscape plan, as applicable.
11. Signature of applicant.

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

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

D. Staff Review.

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

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

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

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

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

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

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

122-5 Comprehensive Sign Plan Applications.

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

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

1. Legal description of the property where the signs are proposed to be located;
2. Name, address, email address (if any) and telephone and facsimile number, if any, of the owner of the property where the sign is proposed to be located;
3. The name of the owner(s) representative or agent and consultants, if any, with mailing address, email address, telephone and facsimile, if any, number; and completed affidavit to authorize agent form;
4. All street address(es) and parcel numbers of the parcel proposed for development;
5. Ownership: A copy of a deed to all property on which signage is proposed to be installed, a copy of a title insurance policy or an affidavit attesting to ownership;
6. A signed and scaled survey of the property including the dimensions, acreage and location of the property prepared by a registered land surveyor showing all current structures/improvements;
7. A site plan drawn to a minimum scale of one inch equals fifty feet on an overall sheet size not to exceed twenty-four inches by thirty-six inches and including the following:
 - a. North arrow, scale (with bar scale) and date prepared;
 - b. Location map;
 - c. Show all property lines;
 - e. Land areas expressed in square feet and acres;
 - f. All required setbacks as measured from the property line;

- g. Location of all public and private easements and street rights-of-way within and adjacent to the site;
- h. Location of all existing and proposed points of access;
- i. The footprint with dimensions of all existing and proposed buildings and structures on the site;
- j. Sight visibility triangles consistent with Section 114-4(2) of the City of Edgewood Code of Ordinances shown and labeled;
- k. Location of all existing and proposed sidewalks;
- l. Lot frontage on all street rights-of-way;
- m. The location of all proposed landscape material including size and species;
- n. Location of all attached and freestanding including directional signage, proposed and existing, indicating with labels if to be removed; and
- o. Location of the sign in relation to property lines, public rights-of-way, easements, buildings and other signs on the premises;
- p. Signs located on adjacent property within fifty feet of any proposed signs.

8. Sign Plan, to include:

- a. Date prepared;
- b. Bar scale;
- c. To scale drawings, in color, of all proposed signage (attached, freestanding, and directional signs) which include the following:
 - i. dimensions, with dimensional arrows;
 - ii. sign area in square feet;
 - iii. height and width of sign and sign structure, measured in feet;
 - iv. labels of all colors;
 - v. surface area of the sign proposed;
 - vi. text copy including the message of the sign;
 - vii. changeable copy, if proposed; and
 - viii. describe any illumination including the type, placement, intensity, hours of illumination and system to automatically turn off lighting when the business is closed, and sign area to be illuminated.
- d. Building elevation color drawings, to scale, for all sides of any building with proposed and existing attached signage;

- e. Master sign plan for shopping centers and office parks, to include all signs;
- f. Site data table, to include how all proposed signs (existing and new) meet code requirements, with a calculation worksheet; and
- g. Number, type, location and surface area of all existing signs on the same premises and or building on which the sign is to be located.

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

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

C. Application and design review. Upon determination that a Comprehensive Sign Program application is complete, the Planning and Zoning Board shall conduct a hearing and make a recommendation to the City Council for approval, approval with conditions, or denial of the application. Upon receipt of a recommendation from the Planning and Zoning Board, the City Council shall conduct a hearing and approve, approve with conditions, or deny the application.

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

Sec. 122-6. Appeals.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 122-9. Exemptions from Sign Permitting.

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

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

B. Governmental right-of-way signs.

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

D. Temporary on-site signs erected pursuant to and in accordance with Section 122-12.

E. Traffic control devices.

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

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

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

Sec. 122-10. Prohibited Signs.

The following types of signs are prohibited:

- A. Abandoned signs
- B. Balloons, cold air inflatables, streamers, and pennants.
- C. Banner signs except as expressly allowed in Section 122-12 herein.
- D. Bench signs, other than the identification of the transit company or its route schedule.
- E. Billboards.
- F. Electronic changeable message signs unless otherwise specifically allowed herein.
- G. Pavement markings, except street addresses and vehicle directional arrows.
- H. Portable signs except as expressly authorized in Section 122-12 herein.
- I. Pole signs.
- J. Roof signs.
- K. Signs in or upon any lake or other body of water.
- L. Signs erected by other than a governmental entity on or extending into publicly-owned land, easements or rights-of-way.
- M. Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.
- N. Signs that have unshielded illuminating devices or which reflect lighting onto public rights-of-way thereby creating a potential traffic or pedestrian hazard.
- O. Animated signs or signs that appear to display motion in any way whatsoever, including beacons.
- P. Signs that obstruct, conceal, hide, or otherwise obscure from view any traffic control device sign or official traffic signal.
- Q. Snipe signs.
- R. Obscene signs.
- S. Hazardous signs.
- T. Vehicle signs.
- U. Any sign that is not specifically described or enumerated as permitted.
- V. Signs attached to temporary structures.

Sec. 122-11. General Standards.

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

B. Illuminated signs.

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

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

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

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

C. Awnings. Awnings may be allowed a graphic element and/or text provided such graphic and/or text does not exceed fifty percent of the awning surface area visible from any right-of-way on which the graphic is placed and provided the maximum copy area for the premises is not exceeded.

D. Building and electrical code compliance. All signs shall comply with applicable building and electrical code requirements.

E. Maintenance. All signs and sign structures shall be kept consistent with the issued permit and maintained and kept in good repair free of chipped, flaking or faded paint, structural decay, mildew, rust, and stains.

F. Legibility. All copy shall be maintained so as to be legible and complete.

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

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

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

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

Sec. 122-12. Supplemental Temporary Sign Standards.

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

A. Temporary signs shall be removed within three days after the date upon which the sign has fulfilled its purpose (e.g., a scheduled event or occurrence has concluded).

B. On property zoned residential:

1. One temporary freestanding sign no greater than six square feet in copy area with sign height no greater than three feet shall be allowed on the premises at any time.

2. In addition to the sign allowed in sub-paragraph 1, above, one temporary freestanding sign no greater than nine square feet in copy area with sign height no greater than six feet shall be allowed on the premises during any period in which the property upon which such sign is located is listed for sale or lease.

3. In addition to the signs allowed in sub-paragraphs 1 and 2, above, two temporary freestanding signs no greater than six square feet in copy area with sign height no greater than three feet shall be allowed on the premises during any period beginning ninety days prior to any local, state, or federal election and lasting until three days after such election.

C. On property zoned other than residential:

1. One temporary banner sign no greater than forty square feet in copy area attached to a building and subject to the following conditions:

a. any banner sign may not be displayed on any premises for more than thirty consecutive days;

b. any banner sign may not be displayed on any premises for more than sixty cumulative days in a calendar year;

c. prior to display of any banner sign, the party erecting such sign must provide notice to the City Clerk's office on a form provided by the City including at a minimum, the property address, dates the banners sign will be displayed, and dimensions of the banner sign.

2. One temporary sign no greater than eighteen square feet in copy area with sign height no greater than six feet shall be allowed on the premises during any period in which any portion of the property upon which the sign is located is for sale or lease or during any period in which any portion of the property is under construction.

3. In addition to the signs allowed in sub-paragraphs 1 and 2. above, one temporary signs no greater than eighteen square feet each in copy area with sign height no greater than six feet and two signs no greater than six square feet in copy and sign height no greater than three feet shall be allowed on the premises during any period beginning ninety days prior to any local, state, or federal election and lasting until three days after such election.

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

E. Temporary signs shall not be illuminated.

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

Sec. 122-13. Signs Subject to Permitting.

A. Residential.

The following signs shall be permitted in all residential zoning districts:

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

b. Governmental right-of-way signs.

B. Non-residential.

1. Unless otherwise specified, a maximum total copy area of two square feet for each linear foot of building frontage or 100 square feet, whichever is less, shall be allowed per parcel.

2. Multi-occupant parcels at least five acres in size with at least 375 feet of parcel depth measured from the front property line to the rear property line shall be allowed a maximum total copy area of two square feet for each linear foot of building frontage or 200 square feet, whichever is less.

3. For parcels abutting multiple rights-of-way, an additional maximum total copy area of one square foot for each linear foot of building frontage along each additional right-of-way or 100 square feet, whichever is less, shall be allowed. Any additional copy area allowed pursuant to this paragraph must be utilized along and directed toward the additional public rights-of-way.

4. Subject to the maximum total copy area, the following signs shall be permitted in all non-residential zoning districts:

a. Ground signs. Ground signs shall be permitted pursuant to the following:

i. One low-profile sign or one tall-profile sign, consistent with the definitions for same, shall be allowed along each public road right-of-way the parcel abuts.

ii. On multi-occupant parcels at least five acres in size with at least 375 feet of parcel depth measured from the front property line to the rear property line, one large parcel sign, consistent with the definition for same, shall be allowed in lieu of a low-profile or tall-profile sign.

iii. On parcels abutting multiple public road rights-of-way, one additional ground sign shall be allowed per secondary road frontage. The sign location along the secondary frontage shall be at least one hundred feet from the point of road intersection with the primary road, as measured along the right-of-way. The secondary frontage shall be the road with the lowest traffic count.

iv. Ground signs may include multiple sign panels subject to the following:

1. No airspace shall exist between sign panels or sign cabinets;

2. Sign panels located on the same horizontal plane shall be of the same height and configured so that the top and bottom edge of each panel is aligned; and

3. When multiple sign panels are located on the same horizontal plane immediately above or below another row of multiple sign panels, all sign panels in such rows shall be of equal width and aligned so that the left and right edge of each panel is aligned.

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

i. One wall sign, one projecting sign, or one hanging sign shall be allowed per principal building façade facing a public road right of way for each principal building located on a parcel; such sign or signs allowed herein do not have to be located on the building façade facing the public road right of way but only one such sign shall be allowed per building façade.

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. Wall signs may not disrupt architectural features of the building and must be architecturally compatible and consistent with the building. Further, no wall sign shall extend above the roofline except where an exterior parapet wall projects above the roofline, in which case such sign may extend to the top of such wall.

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 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 feet above grade.

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

c. One fuel pump sign with copy area no greater than two square feet located upon a functional and properly licensed fuel pump. Fuel pump signs shall not be included in the calculation of maximum total copy area.

d. Governmental right-of-way signs.

5. In addition to the maximum number of signs and total square footage allowed per parcel, each business location located within a multiple-occupant building shall be permitted one attached sign consistent with Section 122-13 B.3.b., located proximate to the primary entrance to such business location. Such multiple-occupant signage shall be architecturally consistent with other signage the parcel and 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 building. If the building 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 building. In no event, however, may any one

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

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

Sec. 122-14. Comprehensive Sign Program

A. General principles.

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

B. Permitted signage.

1. Signage which is proposed as part of a Comprehensive Sign Plan may deviate from the minimum sign standards in terms of types of signage allowed, number of signs per business or parcel of land, sign height, maximum area of a sign face per parcel of land and the total area of sign faces per business or parcel of land.
2. A Comprehensive Sign Plan shall be approved pursuant to the provisions set out in Section 122-5, above.
3. As part of a comprehensive sign program, the City Council, after recommendation by the Planning and Zoning Board, shall review all sign types proposed for the development parcel to achieve compliance with these regulations. A Comprehensive Sign Plan for shopping centers, including all out parcels, and office complexes shall include all types of signs for all tenants/uses within the development parcel.

C. Flexibility criteria.

1. Architectural theme. The signs proposed in a Comprehensive Sign Plan shall be designed so as to be consistent with the architectural theme of the principal buildings proposed or developed on the parcel and shall be constructed of materials and colors which are similar to the materials and colors utilized in the principal buildings.
2. Sign height. The height of all signs proposed through the comprehensive sign program shall relate to the height and design of the of the principal buildings located or proposed on the development parcel.
3. Height, area, number and location of signs. The height, area, number and location of signs permitted through the comprehensive sign program shall be reviewed by the City Planner, or designee, based on the following criteria: overall size of site, relationship between the building setback and sign location, lot and building frontage, access and visibility to the site, intended traffic circulation pattern, scale and use of the project. The maximum permitted copy area of all signs on the premises shall not exceed three square feet per linear foot of building frontage.
4. The comprehensive sign plan shall also establish a color theme and identify the color palette of letters and background, as well as text font.
5. Property values. The signage proposed in a comprehensive sign program must not adversely impact the value of property in the immediate vicinity of the premises proposed for development.
6. Elimination of nonconforming signage. The signage proposed in a comprehensive sign program shall replace all existing nonconforming signage located on the premises.
7. Analysis. The comprehensive sign plan shall include an analysis that describes any deviation from the standard requirements of this sign code.

Sec. 122-15. Nonconforming Signs.

- A. Additions. No additions or enlargements shall be made to a nonconforming sign except those additions or enlargements that are required by law.
- B. A nonconforming sign that is modified by being moved, replaced or structurally altered shall be brought into conformance with this Chapter.
- C. Damaged signs.
 1. A nonconforming sign that is damaged shall not be repaired if the estimated cost to repair the sign exceeds fifty percent of replacement cost of the sign. A damaged nonconforming sign that cannot be repaired shall be removed within thirty days of the date the sign was damaged.
 2. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is fifty percent or less of its appraised value immediately prior to the date of destruction of the damaged sign, before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, provided that such repairs and

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

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

D. Maintenance of nonconforming signs.

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

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

E. Elimination of nonconforming signs.

1. Except as provided in paragraphs 2 and 3, below, properly permitted permanent signs lawfully conforming with all provisions of the City of Edgewood Code of Ordinances at the time of erection which are made nonconforming by this Ordinance shall be allowed to remain subject to paragraphs B through D, above.

2. Pole signs, which were required to be removed by June 1, 2012 pursuant to Ordinance 2002-04, shall be removed or brought into compliance with this Chapter, no later than January 31, 2019. If any of the events described in paragraphs B through D, above, should occur prior to January 31, 2019, the pole sign shall be removed or brought into compliance with this Chapter upon such occurrence. Off-site signs which are the subject of Section 70.20, Florida Statutes, shall not be subject to this paragraph.

Provided that the maximum number of ground signs is not exceeded on the subject parcel and sight visibility triangles required by Section 114-4(2) are maintained, a sign conforming to all provisions of this Chapter other than location requirements may be constructed in the same location of the existing pole sign. A sign permit, in addition to any necessary building permits, shall be required to replace an existing pole sign as provided herein.

3. Phased conformity of sign panels. Signs with sign panels not in compliance with Section 122-13 B.3.iii. shall comply with the following when new sign panels are installed:

a. No airspace shall exist between a sign panel or sign cabinet installed in or upon a low profile sign or tall profile sign after the effective date of this

Chapter and any other adjacent sign panel or sign cabinet, whether existing or newly installed; such signs may be retrofitted by installation of materials aesthetically consistent with the sign structure to cover or fill any such airspace between sign panels or sign cabinets.

b. Sign panels installed on the same horizontal plane after the effective date of this Chapter shall, as to every other sign panel on the same horizontal plane installed after the effective date of this Chapter, be the same height and configured so that the top and bottom edges of each such panel is aligned; and

c. When multiple sign panels are installed on the same horizontal plane immediately above or below another row of multiple sign panels, all sign panels installed in such rows after the effective date of this Chapter shall be of equal width and aligned so that the left and right edge of each panel installed after the effective date of this Chapter is aligned.

4. Temporary signs, including window signs, shall be brought into compliance with the provisions of this Chapter no later than March 31, 2018.

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

6. Sign permit application fees shall be waived for any application made prior to July 31, 2018 to bring any existing non-conforming sign into compliance with this Ordinance.

7. A party adversely affected by this Section 122-15 may petition the City Council for relief from its strict application as follows:

a. A petition for relief shall 1) state the specific subsection or subsections claimed to adversely affect the party, 2) identify the sign or signs at issue, 3) state the date of construction of the sign or signs at issue, 4) include a copy of all permits related to the sign or signs at issue or a statement as to why copies of such permits are not available, 5) include the cost or approximate cost of the sign or signs when originally constructed or a statement as to why such cost or approximation of cost cannot be provided, 6) include an estimate of the depreciated value of the sign structure, 7) provide an estimate of the cost to modify the sign or signs in a manner consistent with this Chapter or state the reasons why the sign or signs cannot be modified in a manner consistent with this Chapter, 8) provide an estimate of the cost to replace the sign or signs in a manner consistent with this Chapter, 9) include a statement of the relief requested; and 10) include a non-refundable filing fee in the amount of \$250.00.

b. Upon receipt of a petition for relief, the City shall schedule a public hearing before the City Council. Any pending action by the City related to the sign or signs at issue in the petition shall be abated until after the hearing and determination on the petition by the City Council;

c. At the hearing on the petition, the City Council shall consider all competent, substantial evidence presented and shall, at a minimum, consider the following factors:

- i. the age of the sign or signs at issue;
- ii. the condition of the sign or signs at issue;
- iii. the value of the sign structure or structures at issue;
- iv. any other value claimed intrinsic to the sign or signs at issue;
- v. the adverse impact claimed by the petitioner and how such impacts would be caused by strict application of this Section 122-15;
- vi. how strict application of this Section 122-15 would deprive the petitioner of rights enjoyed by similarly situated parties subject to this Chapter;
- vii. the available methods and estimated costs of bringing the sign or signs into compliance with this Chapter;
- viii. the available methods; estimated costs; and potential impacts of mitigating any nonconformities in ways that may not fully comply with the terms of this Chapter;

d. At the conclusion of the public hearing and after reviewing the evidence and testimony placed before it, the City Council shall act upon the request either to approve, deny, or approve in part and deny in part the request for relief made by the applicant.

Sec. 122-16. Removal of Signs.

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

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

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

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

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

Sec. 122-17. Conflicting Requirements.

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

Sec. 122-18. Severability.

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

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

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

sentence, phrase, clause, term, or word of section 122-10 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 122-10.

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

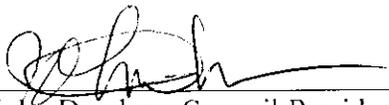
SECTION THREE. Codification. It is the intent of the City Council of the City of Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provisions of this Ordinance.

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

PASSED ON FIRST READING THIS 19th DAY OF December, 2017.

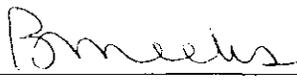
PASSED AND ADOPTED THIS 16th DAY OF January, 2018.

CITY OF EDGEWOOD, FLORIDA
CITY COUNCIL



John Dowless, Council President

ATTEST:



Bea Meeks, City Clerk