

Ray Bagshaw  
Mayor

Pam Henley  
Council Member

Susan Fortini  
Council Member

John Dowless  
Council President

Neil Powell  
Council Member

Lee Chotas  
Council Member

**CITY COUNCIL AGENDA**  
**Regular Meeting**  
**City Hall – Council Chamber**  
**405 Larue Avenue, Edgewood, Florida**  
**Tuesday, December 20, 2016**  
**6:30 p.m.**

**WELCOME!** We are very glad you have joined us for today's Council meeting. If you are not on the agenda, please complete an appearance form and hand it to the City Clerk. When you are recognized, state your name and address. The Council is pleased to hear relevant comments; however a five-minute limit has been set by Council. Large groups are asked to name a spokesperson. Robert's Rules of Order guide the conduct of the meeting. **PLEASE SILENCE ALL CELLULAR PHONES AND PAGERS DURING THE MEETING.** "THANK YOU" for participating in your City Government.

**A. CALL TO ORDER**

**B. INVOCATION**

**C. PLEDGE OF ALLEGIANCE**

**D. CONSENT AGENDA**

1. Review and Approval of Minutes

- **(Pgs. 1-7)** November 15, 2016 Regular City Council Meeting
- **(Pgs. 8-9)** December 12, 2016 City Council Joint Workshop With Planning & Zoning Board

*(Items on the consent agenda are defined as routine in nature, therefore, do not warrant detailed discussion or individual action by the Council. Any member of the Council may remove any item from the consent agenda simply by verbal request prior to consideration of the consent agenda. The removed item(s) are moved to the end of New Business for discussion and consideration.)*

**E. PRESENTATIONS**

1. **(Pg. 10)** Mayoral Proclamation – Announcement/Notice of City of Edgewood's General Election
2. **(Pg. 11)** Mayoral Proclamation – School Choice Week

**F. ORDINANCES**

**G. PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)**

1. **(Pgs. 12-26)** ORDINANCE NO. 2016-10 - AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING CHAPTER 134, "ZONING," OF THE CITY OF EDGEWOOD CODE OF ORDINANCES; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-2 ZONING DISTRICT TO MAKE AUTOMOTIVE REPAIR CENTERS WITHIN THE C-2 ZONING DISTRICT A SPECIAL EXCEPTION USE; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-2 ZONING DISTRICT TO CLARIFY THE EXISTING CODE PROVISIONS WHICH PROHIBIT AUTOMOBILE, BOAT, AND RECREATIONAL VEHICLE SALES LOTS; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-3 ZONING DISTRICT TO MAKE AUTOMOTIVE REPAIR CENTERS WITHIN THE C-3 ZONING DISTRICT A SPECIAL EXCEPTION USE; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-3 ZONING DISTRICT TO CLARIFY THE EXISTING CODE PROVISIONS WHICH PROHIBIT AUTOMOBILE AND BOAT SALES LOTS; PROVIDING ADDITIONAL STANDARDS TO BE CONSIDERED DURING REVIEW OF AN APPLICATION FOR A SPECIAL EXCEPTION FOR AN AUTOMOTIVE REPAIR CENTER WITHIN THE C-2 AND C-3 ZONING DISTRICTS; PROVIDING FOR THE LAWFUL NON-CONFORMITY OF USES LAWFULLY IN EXISTENCE AS OF THE DATE OF ENACTMENT OF THIS ORDINANCE; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

**H. UNFINISHED BUSINESS**

1. **(Pgs. 27-57)** RE: Sign Code – Draft Ordinance

**I. NEW BUSINESS**

1. **(Pgs. 58-68)** 2017 Vote Processing Equipment Use Agreement And Elections Services Contract For Municipal Elections
2. **(Pgs. 69-71)** 2017 Municipal Election Calendar
3. **(Pgs. 72-76)** Waste Management – CPI
4. **(Pgs. 77-80)** Temporary 180 Day Moratorium – Draft Ordinance (Re: Medical Marijuana Dispensaries)

**J. GENERAL INFORMATION (No action required)**

None

**K. CITIZEN COMMENTS**

**L. BOARDS & COMMITTEES**

**M. STAFF REPORTS**

**City Attorney:**

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**Police Chief:**

- Monthly report

**City Clerk:**

**N. MAYOR & COUNCIL REPORTS**

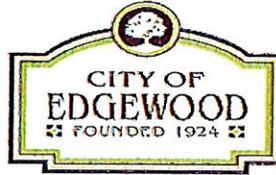
- Mayor Bagshaw
- Council President Dowless
- Council Member Powell
- Council Member Henley
- Council Member Chotas
- Council Member Fortini

**O. ADJOURNMENT**

**UPCOMING MEETINGS:**

Monday, January 9, 2017 .....Planning & Zoning Board Meeting (6:30 p.m.)  
 Tuesday, January 17, 2017 .....Regular City Council Meeting (6:30 p.m.)

You are welcome to attend and express your opinion. Please be advised that Section 286.0105, Florida Statutes state that if you decide to appeal a decision made with respect to any matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made. In accordance with the American Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should telephone the City Clerk at (407) 851-2920.



City Council Meeting Minutes  
Tuesday, November 15, 2016

**CALL TO ORDER**

On Tuesday, November 15, 2016, Council President Dowless called the Edgewood City Council meeting to order at 6:30 p.m. Council Member Powell gave the invocation, followed by leading everyone in the Pledge of Allegiance.

City Clerk Meeks announced there was a quorum however; Council Member Henley was unable to attend the meeting due to illness. *Council Member Chotas made the Motion to excuse Council Member Henley from the meeting; Seconded by Council Member Fortini. Unanimously approved (4/0).*

The following attendance is noted:

**Attendees**

Ray Bagshaw, Mayor  
John Dowless, Council President  
Lee Chotas, Council Member  
Susan Fortini, Council Member  
Neil Powell, DDS, Council Member

**Absent**

Pam Henley, Council Member (excused)

**Staff**

Bea L. Meeks, City Clerk  
Chris Francisco, Police Chief  
Drew Smith, City Attorney  
Vince Jackson, Sergeant  
Det. Michael Fraticelli  
Officer Adam LaFan  
Shannon Patterson  
John Freeburg, Sergeant  
Nick Sears, Officer  
Ron Beardslee, Officer  
Debbie Cabales, Police Clerk  
Mike Myles, Officer  
Sandy Repp, Administrative Assistant

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## PRESENTATIONS

Council President Dowless requested a change in the order of the agenda to allow for presentations; there were no objections to the request.

Council President Dowless called on Chief Francisco, who made the following presentations.

Chief Francisco noted the shooting at the Pulse Nightclub. Chief Francisco said that Officers Tim Cardinal and Michael Myles responded to the shooting and helped several victims to safety. Both Officers were presented with a Medal of Merit and Mayor Bagshaw also presented them with the Certificate of Merit. Both Officers presentations were met with applause.

Chief Francisco also presented the following awards:

- 20-Year Service Plaque presented to Sgt. John Freeburg.
- 20-Year Service Plaque presented to Officer Ron Beardslee.
- 2015 Officer of the Year Award presented to Officer Nick Sears.

## CONSENT AGENDA

### 1. Review and Approval of Minutes

- May 10, 2016, City Council Workshop
- May 24, 2016, City Council Workshop
- October 18, 2016, Regular City Council Meeting
- November 1, 2016 City Council Workshop

City Clerk Meeks noted the following corrections provided to her from Council Member Chotas:

- May 24, 2016

Corrected to show "than" instead of then.

- October 18, 2016

Added the Charter question to provide a better reference and understanding of Council's discussion.

Added clarity regarding Council Member Chotas' recommendation regarding the Mayor's compensation.

- November 1, 2016

Corrected to show "and adjoining properties" instead of adjoining properties.

***Council Member Fortini made the Motion to approve the Minutes, with noted corrections; Seconded by Council Member Powell. Unanimously approved (4/0).***

## ORDINANCES

1. **[TABLED TIME CERTAIN IN 10/18/2016 CITY COUNCIL MEETING]**  
**2016-10** - AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING CHAPTER 134, "ZONING," OF THE CITY OF EDGEWOOD CODE OF ORDINANCES; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-2 ZONING DISTRICT TO MAKE AUTOMOTIVE REPAIR CENTERS WITHIN THE C-2 ZONING DISTRICT A SPECIAL EXCEPTION USE; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-2 ZONING DISTRICT TO CLARIFY THE EXISTING CODE PROVISIONS WHICH PROHIBIT AUTOMOBILE, BOAT, AND RECREATIONAL VEHICLE SALES LOTS; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-3 ZONING DISTRICT TO MAKE AUTOMOTIVE REPAIR CENTERS WITHIN THE C-3 ZONING DISTRICT A SPECIAL EXCEPTION USE; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-3 ZONING DISTRICT TO CLARIFY THE EXISTING CODE PROVISIONS WHICH PROHIBIT AUTOMOBILE AND BOAT SALES LOTS; PROVIDING ADDITIONAL STANDARDS TO BE CONSIDERED DURING REVIEW OF AN APPLICATION FOR A SPECIAL EXCEPTION FOR AN AUTOMOTIVE REPAIR CENTER WITHIN THE C-2 AND C-3 ZONING DISTRICTS; PROVIDING FOR THE LAWFUL NON-CONFORMITY OF USES LAWFULLY IN EXISTENCE AS OF THE DATE OF ENACTMENT OF THIS ORDINANCE; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2016-10 in title only.

Council President Dowless opened for Public Hearing.

Resident and City of Edgewood business owner John Moccio asked about including a partial special exception in the Ordinance. City Attorney Smith explained that the concept is to split the special exception but he cannot find a concept that would apply. John Moccio confirmed he has separate addresses for each buildings on his properties. City Attorney Smith said a special exception can apply to separate addresses.

Council President Dowless closed the Public Hearing.

Council Member Chotas noted the following insertions (amendments) into the Ordinance:

- Page 24/line 185 after rights-of-way add and adjacent residentially zoned properties.
- Same change on Line 189, 197, Line 363, Line 367 and Line 375

City Attorney Smith confirmed he is okay with Council Member Chotas' insertions.

*Council Member Fortini made the Motion to approve the First Reading of Ordinance 2016-10 with amendments; Seconded by Council Member Chotas.*

*The Motion to approve the first reading of Ordinance 2016-10 with amendments by Council, in the following rollcall vote (4/0):*

<i>Council Member Chotas</i>	<i>Favor</i>
<i>Council Member Fortini</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>
<i>Council Member Powell</i>	<i>Favor</i>
<i>Council Member Henley</i>	<i>Absent</i>

**PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)**

1. **ORDINANCE 2016-11** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, SUBMITTING TO THE ELECTORS OF EDGEWOOD PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF EDGEWOOD; PROVIDING BALLOT TITLES, SUMMARIES AND TEXT FOR THE PROPOSED AMENDMENTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR APPROVED AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE.

City Attorney Smith read Ordinance 2016-11 in title only.

Council President Dowless opened for Public Hearing. There were no comments from the audience.

City Attorney Smith noted a correction to ballot Question 4, stating that the stipend should be up to \$1000 a month.

Council President Dowless recommended “flipping” the question on ballot Question 3. City Attorney Smith said he is okay with the change.

**Current Format:** *Shall the Edgewood Charter be amended to remove provisions that call for at least four members of the city council or three members plus the mayor to cast votes when an ordinance is under consideration and provide that a majority vote of the full council shall be required for the adoption of an ordinance?*

**Recommended Change:** *Shall the Edgewood Charter be amended to provide that a majority vote of the full council shall be required for the adoption of an ordinance and to remove provisions that call for at least four members of the city council or three members plus the mayor to cast votes when an ordinance is under consideration?*

Council President Dowless made the Motion to approve Ordinance 2016-11 with correction and amendment; Seconded by Council Member Fortini.

*The Motion to approve the Second/Final reading of Ordinance 2016-11 with correction and amendment, by Council, was approved in the following rollcall vote (3/1):*

<i>Council Member Chotas</i>	<i>Favor</i>
<i>Council Member Fortini</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>
<i>Council Member Powell</i>	<i>Oppose</i>
<i>Council Member Henley</i>	<i>Absent</i>

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

- 1. RESOLUTION 2016-09 - A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA AMENDING THE CITY'S BUDGET FOR THE 2015-2016 FISCAL YEAR; AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Smith read Resolution 2016-09 in title only.

Mayor Bagshaw explained the budget amendment. City Clerk Meeks stated that this is the final amendment for 15/16 fiscal year budget.

*Council Member Chotas made the Motion to approve Resolution 2016-09 Seconded by Council Member Fortini.*

*The Motion to approve Resolution 2016-09 was unanimously approved by Council, in the following rollcall vote (4/0):*

<i>Council Member Chotas</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>
<i>Council Member Powell</i>	<i>Favor</i>
<i>Council Member Fortini</i>	<i>Favor</i>
<i>Council Member Henley</i>	<i>Absent</i>

**GENERAL INFORMATION (No action required)**

None.

**CITIZEN COMMENTS**

None.

**BOARDS & COMMITTEES**

None.

**STAFF REPORTS**

### City Attorney Smith

City Attorney Smith asked Council if they are ready to begin discussing the sign Code again in the December Council meeting. *Consensus to discuss in the December City Council meeting.*

### Police Chief

- Monthly report

Sgt. Jackson asked Council if they had any questions regarding the report they were provided. Sgt. Jackson confirmed for Council Member Chotas he will send him an electronic report.

### City Clerk

City Clerk Meeks reminded Council Members about the upcoming holiday dinner. She also reminded Council about the joint meeting scheduled for December 12, 2016. She reported that the transition of moving Code Enforcement to City Hall is going well. She asked Council Members to bring their Code book to the next Council meeting so she can insert a Code Book Supplement.

## **MAYOR & COUNCIL REPORTS**

### Mayor Bagshaw

- Reported that City Clerk Meeks is having minor surgery and will be out a few days.
- Commented on new Code Enforcement Officer Mike Favorit and said it is a nice transition.
- Anticipates having an update on the Orange Avenue corridor study in the February City Council meeting
- Reported that work/maintenance on railroad tracks were done at Holden crossing. Mayor Bagshaw said he does not know when repair/maintenance will be done at the Stratemyer and Mary Jess railroad crossings.
- Quiet Zone work should begin soon.
- Announced that the Santa Fly-in is Thursday, December 8, 2016.
- Announced that Toys for Tots is December 15, 2016.
- Provided an update on improvements in Bagshaw Park. The improvements included the installation of a bike rack.
- Christmas tree light up is scheduled for November 17, 2016 in Bagshaw Park.

In response to Council Member Powell, Mayor Bagshaw said he is not aware of a traffic study being done on Holden Avenue, unless the School Board had one done due to the property they are looking at on Holden. Council Member Powell said the traffic is heavy on Holden

Resident and City of Edgewood business owner John Moccio asked if he should still be contacting businesses about the sign code. City Clerk Meeks said she will send John the Ordinance. Mr. Moccio cited a recent wreck at Harbour Island Road and wanted to know if there is a way to keep people from blocking the intersection. City Clerk Meeks said she will provide FDOT contact information to Mr. Moccio.

### Council President Dowless

No report.

**Council Member Powell**

No report.

**Council Member Henley**

Absent.

**Council Member Chotas**

No report.

**Council Member Fortini**

No report.

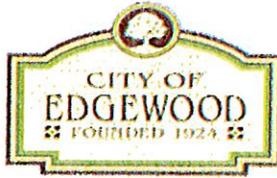
**ADJOURNMENT**

Having no further business or discussion, Council member Chotas made a Motion to adjourn; Seconded by Council Member Powell. The City Council meeting adjourned at 7:18 p.m.

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John Dowless  
Council President

\_\_\_\_\_  
Bea L. Meeks, MMC, CPM, CBTO  
City Clerk

Approved on \_\_\_\_\_



City Council Joint Workshop With Planning & Zoning Board  
December 12, 2016

**ATTENDEES:**

**City Council**

Ray Bagshaw, Mayor  
John Dowless, Council President  
Lee Chotas, Council Member  
Neil Powell, DDS, Council Member

**Absent**

Susan Fortini, Council Member  
Pam Henley, Council Member

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**Planning & Zoning Board**

Regina Dunay, P&Z Chairwoman  
Chris Rader, P&Z Member  
Marion Rayburn, P&Z Member  
Keith Farmer, P&Z Member  
Ben Pierce, P&Z Member

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**Staff:**

Bea L. Meeks, City Clerk  
Chris Francisco, Police Chief  
Sandy Repp, Administrative Assistant  
Mike Favorit, Code Enforcement Officer/Admin Support

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Council President Dowless called the joint workshop with the Planning & Zoning Board to order at 5:37 p.m. He dispensed with the formalities of the meeting. Council President Dowless referred to Mayor Bagshaw, who introduced the City's new Code Enforcement Officer/Admin Support staff Mike Favorit. At the request of Council President Dowless the Planning & Zoning Board members introduced themselves. Mayor Bagshaw noted the professional diversity of the Planning & Zoning Board.

**Oath of Office**

Administrative Assistant Sandy Repp administered the Oath of Office to Keith Farmer, who was appointed to the Planning & Zoning Board, to complete the term of former P&Z member Susan Lomas.

## Workshop

Council President Dowless referred to City Attorney Smith to cover the processes of Council and the Planning & Zoning Board.

### Duties and Obligations

1. Sunshine Law – City Attorney Smith explained what constitutes a meeting. He said Council Members and the Planning & Zoning Board can talk to one another because they are never voting on the same thing at the same time, as it relates to general sunshine matters.
2. He explained documents that are considered public records and how to respond to requests for public records.
3. He covered legislative and quasi-judicial matters (i.e. variance, special exception, rezoning, etc.). City Attorney Smith explained the difference in making a new law and applying the law. He said when you are applying the law, it is quasi-judicial. He said you are sitting like a Judge therefore you cannot discuss with others. If you do, you have to disclose any communication you had with others (ex parte communication).

Council President Dowless said he wanted to make it clear that negotiations with developers should be done with the Planning & Zoning Board; it should not occur in the City Council meeting.

Council President Dowless opened discussion regarding the vision of the City's downtown plan. Planning & Zoning Member Rader referenced the direction the City wanted to go as it relates to the character of the City. He said his concern was when the Code conflicts with the vision. Mayor Bagshaw said the only way to achieve the vision is to change the Code.

Brief discussion was held regarding consideration for a moratorium on special exceptions. Mayor Bagshaw confirmed that the market analysis should be completed in February, and they may want to consider a moratorium at that time. Mayor Bagshaw recommended forming a committee in January. City Attorney Smith said the City may want to pass a moratorium on medical marijuana dispensaries. He said the City has an Ordinance however no one knows what the regulations will be. City Attorney Smith said the concern is pre-emptions.

Council Member Chotas asked the Planning & Zoning Board members what they feel Council needs to be sensitive to; no response. Mayor Bagshaw encouraged communications between Council and the Planning & Zoning Board. Mayor Bagshaw recommended that at least one Planning & Zoning member attend the Council meetings when they forward their recommendation to Council. He said it is best to do this at the first reading of an Ordinance.

Having no further business or discussion, Council member Chotas made a Motion to adjourn; Seconded by Council Member Powell. The City Council joint workshop adjourned at 6:40 p.m.

\_\_\_\_\_  
John Dowless  
Council President

\_\_\_\_\_  
Bea L. Meeks, MMC, CPM, CBTO  
City Clerk

Approved on \_\_\_\_\_

CITY OF EDGEWOOD, FLORIDA  
MAYORAL PROCLAMATION

WHEREAS, under the laws of the State of Florida and the ordinances of the City of Edgewood, Florida, it is provided that a general municipal election will be held on March 14, 2017, at which there shall be elected municipal officers herein designated to fill such offices, with terms to begin on March 21, 2017; and

WHEREAS, the terms of Mayor Raymond A. Bagshaw and Council Members Neil G. Powell and John Dowless will expire as of midnight, March 14, 2017; and

WHEREAS, it is, therefore, necessary that a Mayor and two City Council Members be elected for a term of two years in a General Municipal Election, to be held in the City of Edgewood for terms commencing March 21, 2017, as provided by law.

NOW, THEREFORE, I, RAYMOND A. BAGSHAW, MAYOR OF THE CITY OF EDGEWOOD, FLORIDA, DO HEREBY PROCLAIM AND PRONOUNCE, as required by law, that a General Municipal Election will be held in the City of Edgewood on Tuesday, March 14, 2017, between the hours of 7 a.m. and 7 p.m., for the purpose of electing a Mayor and two City Council Members.

Each candidate for such offices shall file qualification papers with the City Clerk of the City of Edgewood between January 17, 2017 (Noon) and January 23, 2017 (Noon).

Pursuant to City Charter Chapter 6, Section 6.01, each candidate for the office of City Council Member or Mayor must have been a bona fide resident of the City of Edgewood for at least one year prior to the date of qualifying and a registered elector of the City of Edgewood at the time of qualifying.

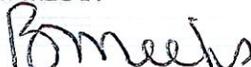
Only the electors of the City of Edgewood residing within the City limits of said City who have registered as such electors with the Office of the Supervisor of Elections of Orange County, Florida, on or before February 13, 2017 shall be entitled to vote at such election. The Mayor and two City Council Members to be elected shall be elected by the majority of the votes cast by qualified electors of the City of Edgewood.

The list of election officials for the general elections shall be on file in the City Clerk's Office, Edgewood City Hall, 405 Larue Avenue.

IN WITNESS WHEREOF, I hereunto have set my hand and caused the Corporate Seal of the City of Edgewood, Florida, to be affixed and attested to by the City Clerk of the said City this 20th day of December, 2016.

  
Raymond A. Bagshaw, Mayor

ATTEST:

  
Bea L. Meeks, MMC, CPM, CBTO  
City Clerk



CITY OF EDGEWOOD, FLORIDA  
MAYORAL PROCLAMATION

WHEREAS all children in the City of Edgewood should have access to the highest-quality education possible; and,

WHEREAS the City of Edgewood recognizes the important role that an effective education plays in preparing all students in the City of Edgewood to be successful adults; and,

WHEREAS quality education is critically important to the economic vitality of the City of Edgewood; and,

WHEREAS the City of Edgewood is home to a multitude of excellent education options from which parents can choose for their children; and,

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS our area has many high-quality teaching professionals who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, Raymond A Bagshaw do hereby recognize January 22-28, 2017 as the City of Edgewood **SCHOOL CHOICE WEEK**, and I call this observance to the attention of all of our citizens.

Dated this 20th day of December, 2016.

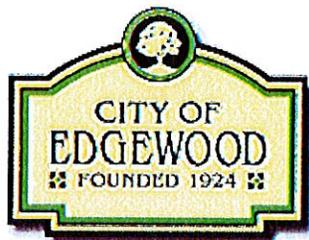
Raymond A Bagshaw  
Raymond A. Bagshaw, Mayor

SEAL

Attest:

Bea L. Meeks  
Bea L. Meeks, MMC, CPM, CBTO  
City Clerk





Planning and Zoning Report December 12, 2016  
Ordinance 2016-10  
SPECIAL EXCEPTION AUTOMOTIVE REPAIR

Planning and Zoning's recommendation for Ordinance 2016-10(will go before City Council on Tuesday, December 20, 2016)

**1. ORDINANCE NO: 2016-10:**

Motion #1

The motion was made as follows:

***Board member Rader moved that the Planning and Zoning Board table Ordinance 2016-10 so that the item can be considered in conjunction with the broader discussion of uses allowed in the area. Seconded by Chairwoman Rayburn; Board member Pierce opposed. Motion passed (4/1).***

**Justification for motion:**

P&Z agrees strongly with limiting future automotive uses and further believes that even Special Exceptions for existing automotive uses may be inconsistent with the vision intended by the City for the Orange Avenue Corridor. P&Z discussions revolved around the notion that while landscaping and other site improvements may improve the look of a property, automotive uses are one that the City's vision would suggest should be phased out and not allowed to remain indefinitely. The Planning & Zoning Board recommends that the ordinance be tabled so the it can be considered as part of a bigger discussion on all uses within the Orange Avenue corridor and possible future legislative actions that will address the types of uses that are allowed in the C-2 and C-3 zoning districts. The Planning & Zoning Board discussed the correlation to this matter and the workshop discussion related to a moratorium on certain uses pending resolution of the corridor planning study recommendation being developed at this time. P&Z also requested that they be allowed to consider a draft moratorium ordinance drafted and available for discussion at their January meeting to be immediately considered by the City Council at their January meeting. The vote by the members was split 4 to 1 on this motion, but it should be noted that the dissenting vote wanted to ensure that additional automotive uses were not authorized prior to the implementation of a moratorium.

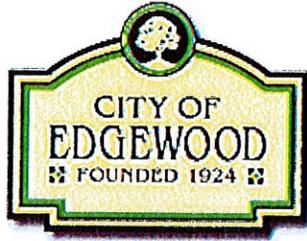
**2. ORDINANCE NO: 2016-10:**

Motion#2

The motion was made as follows:

**Board Member Rader made a motion that if Council decides to approve the Ordinance that the Ordinance prohibit Special Exceptions on properties that do not already have an existing automotive use.**

***Seconded by Chairwoman Dunay; motion passed (5/0).***



**Justification for motion:**

As provided in the justification for Motion 1, the Planning and Zoning Board agrees strongly with limiting future automotive uses and further believes that even Special Exceptions for existing automotive uses may be inconsistent with the vision intended by the City for the Orange Avenue Corridor. Thus, if Council moves forward contrary to P&Z's recommended approach, it is highly recommended that any Special Exception apply only to existing automotive uses.

ORDINANCE NO. 2016--10

1  
2  
3 AN ORDINANCE OF THE CITY OF EDGEWOOD,  
4 ORANGE COUNTY, FLORIDA AMENDING CHAPTER  
5 134, "ZONING," OF THE CITY OF EDGEWOOD CODE OF  
6 ORDINANCES; AMENDING THE LISTS OF PERMITTED,  
7 PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN  
8 THE C-2 ZONING DISTRICT TO MAKE AUTOMOTIVE  
9 REPAIR CENTERS WITHIN THE C-2 ZONING DISTRICT  
10 A SPECIAL EXCEPTION USE; AMENDING THE LISTS  
11 OF PERMITTED, PROHIBITED, AND SPECIAL  
12 EXCEPTION USES WITHIN THE C-2 ZONING DISTRICT  
13 TO CLARIFY THE EXISTING CODE PROVISIONS  
14 WHICH PROHIBIT AUTOMOBILE, BOAT, AND  
15 RECREATIONAL VEHICLE SALES LOTS; AMENDING  
16 THE LISTS OF PERMITTED, PROHIBITED, AND  
17 SPECIAL EXCEPTION USES WITHIN THE C-3 ZONING  
18 DISTRICT TO MAKE AUTOMOTIVE REPAIR CENTERS  
19 WITHIN THE C-3 ZONING DISTRICT A SPECIAL  
20 EXCEPTION USE; AMENDING THE LISTS OF  
21 PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION  
22 USES WITHIN THE C-3 ZONING DISTRICT TO CLARIFY  
23 THE EXISTING CODE PROVISIONS WHICH PROHIBIT  
24 AUTOMOBILE AND BOAT SALES LOTS; PROVIDING  
25 ADDITIONAL STANDARDS TO BE CONSIDERED  
26 DURING REVIEW OF AN APPLICATION FOR A SPECIAL  
27 EXCEPTION FOR AN AUTOMOTIVE REPAIR CENTER  
28 WITHIN THE C-2 AND C-3 ZONING DISTRICTS;  
29 PROVIDING FOR THE LAWFUL NON-CONFORMITY OF  
30 USES LAWFULLY IN EXISTENCE AS OF THE DATE OF  
31 ENACTMENT OF THIS ORDINANCE; PROVIDING FOR  
32 CODIFICATION, SEVERABILITY, CONFLICTS, AND AN  
33 EFFECTIVE DATE.  
34

35 WHEREAS, the City Council of the City of Edgewood finds and determines that  
36 traditional automobile service centers are not consistent with the City's intent and vision for  
37 future of development within the C-2 and C-3 Zoning Districts; and  
38

39 WHEREAS, the City Council of the City of Edgewood finds and determines that  
40 traditional automobile service centers are incompatible with many of the uses that the City,  
41 through the C-2 and C-3 Zoning Districts, desires to encourage; and  
42

43 WHEREAS, the City Council of the City of Edgewood does not intend by this  
44 Ordinance to cause any property lawfully in use as an automobile repair center to cease such use;  
45 and  
46

47 WHEREAS, the City Council finds and determines that automobile service centers can  
48 be designed and constructed in a manner that gives an appearance of a retail or office oriented  
49 use; and

50  
51           **WHEREAS**, automobile service centers that are designed and built with a retail or office  
52 architectural character and scale rather than a traditional automotive service center architectural  
53 character and scale may be consistent with the City's intent and vision for the C-2 and C-3  
54 Zoning Districts; and  
55

56           **WHEREAS**, accordingly, the City Council of the City of Edgewood finds and  
57 determines that by making automobile service centers a special exception use within the C-2 and  
58 C-3 Zoning District, the City can guide future development within the C-2 and C-3 Zoning  
59 Districts; and  
60

61           **WHEREAS**, the City Council of the City of Edgewood recognizes that questions as to  
62 the existing Code's interpretation have arisen in the past as to the prohibition of automobile, boat  
63 and recreational vehicle sales lots and the City Council desires to maintain such prohibition and  
64 to clarify the language of the Code; and  
65

66           **WHEREAS**, the City Council of the City of Edgewood finds that the adoption of this  
67 Ordinance is consistent with the City's Comprehensive Plan and that it is in the best interest of  
68 the public health, safety and welfare; and  
69

70           **WHEREAS**, the Planning and Zoning Board of the City of Edgewood, sitting as the  
71 Local Planning Agency, has reviewed the proposed amendment, found it consistent with the  
72 City's Comprehensive Plan, and recommended approval by the City Council.  
73

74           **NOW, THEREFORE, BE IT ENACTED** by the City Council of the City of  
75 Edgewood, Florida as follows:  
76

77           **NOTE:**        Underlined words constitute additions to the City of Edgewood Code of  
78 Ordinances, ~~strikethrough~~ constitutes deletions from the original Code of Ordinances, and  
79 asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain  
80 unchanged.  
81

82           **Section 1.**    Legislative Findings and Intent. The findings set forth in the recitals above  
83 are hereby adopted as legislative findings pertaining to this ordinance.  
84

85           **Section 2.**    Chapter 134, Article IV, Division 8 of the City of Edgewood Code of  
86 Ordinances shall be amended as follows:  
87

88           **DIVISION 8. - C-2 GENERAL COMMERCIAL DISTRICT**  
89

90           **Sec. 134-372. - Intent and purpose.**  
91

92           The intent and purpose of the C-2 district is as follows: This district is composed of  
93 certain lands and structures used to provide for the retailing of commodities and the furnishing of  
94 several major services, selected trade shops. This district will be encouraged at locations along  
95 minor arterials and major arterial roads where general commercial uses would be compatible  
96 with the surrounding neighborhood. Characteristically, this district occupies an area larger than  
97 that of the C-1 retail commercial district, serves a considerably greater population, and offers a  
98 wider range of services.

99

100 Sec. 134-373. - Permitted uses.

101

102 (a) Only the following principal uses and structures shall be permitted within any C-2  
103 general commercial district:

104 (1) Any use permitted in the C-1 retail commercial district.

105 (2) Printing, bookbinding, lithography, and publishing plants.

106 (3) Bowling alleys, skating rinks and billiard parlors, provided such activities and  
107 facilities are enclosed within a soundproof building.

108 (4) Veterinary hospitals and kennels when confined within structure.

109 (5) Frozen food lockers.

110 (6) Washing and packaging of fruit when accessory to retain fruit sales on the  
111 premises.

112 (7) Amusement and recreational facilities such as, but not limited to, miniature  
113 golf courses, go-cart tracks, golf driving ranges, baseball batting ranges and trampoline  
114 centers.

115 ~~(8) Enclosed mechanical garage, without paint and body and motor work unless~~  
116 ~~incidental to dealer use.~~

117 (9) Other uses which are similar to the uses permitted herein, which would  
118 promote the intent and purposes of directive of the city council after public notice and  
119 public hearing.

120 (b) The following uses are hereby deemed not to be similar and compatible with those  
121 uses expressly authorized in this section:

122 (1) Bail bond and similar bonding offices or agencies;

123 (2) Check cashing or other similar businesses;

124 (3) Soup kitchens, runaway and related emergency shelters, homeless shelters or  
125 convalescent facilities, similar social service, institutional and welfare use; and

126 (4) Any individual, specific use which is contained within a shopping center  
127 which is not otherwise expressly permitted as an individual use pursuant to section 134-  
128 345, as it may be amended or replaced from time to time, or which is not expressly listed  
129 as a special exception pursuant to section 134-346, as it may be amended or replaced  
130 from time to time.

131 Sec. 134-374. - Prohibited uses.

132 The following uses shall be prohibited in any C-2 general commercial district:

133 (1) Any use prohibited in the C-1 district not otherwise permitted herein.

134 (2) Title loan stores.

135 (3) Check cashing, payday advance stores, or other similar businesses.

136 (4) Labor pool offices.

137 (5) Bail bond offices.

138 (6) Tattoo, body piercing, massage parlors and fortunetelling shops.

139 (7) Soup kitchens.

140 (8) Runaway and related emergency shelters; homeless shelters.

141 (9) Convalescent facilities.

142 (10) Residential social service facilities; welfare, food stamp, and other social  
143 service offices and institutional facilities.

144 (11) Treatment and recovery facilities.

145 (12) Other similar uses consistent with this section.

146 (13) New and used automobile and boat sales.

147 (14) Pain management clinics.

148 (15) Automobile, boat, or recreational vehicle sales lots.

149 Sec. 134-375. - Special exceptions.

150 (a) The following uses may be permitted as a special exception, provided that any review  
151 and hearing of an application for a special exception shall consider the character of the  
152 neighborhood in which the proposed use is to be located, its effect on the value of surrounding  
153 lands, and the area of the site as it relates to the required open spaces and off-street parking  
154 facilities.;

155 (1) Miniwarehouses for dry storage only;

156 (2) Open-air flea markets;

157 (3) Auctions;

158 (4) Living quarters in conjunction with a commercial use to be occupied by the  
159 owner of the business or an employee;

160 (5) Institutional uses, public or private, such as churches, schools, hospitals,  
161 nursing homes, libraries, community centers and universities;

162 (6) Zero lot line commercial developments;

163 (7) Radio broadcasting and telecasting stations, studios and offices;

164 (8) Car washes, (No fuel services provided);

165 (9) Christmas tree lots;

166 (10) Automotive repair centers including mechanical garages, automobile body  
167 shops, automotive upholsterers, and automotive painting;

168 (11) Adult congregate living facilities;

169 (12) Any general commercial establishment occupying more than 50,000 square  
170 feet and less than 100,000 square feet;

171 (b) In addition to the factors to be considered in paragraph (a), above, for any application  
172 for automotive repair centers, the planning and zoning board and the city council shall consider  
173 the following criteria:

174 (1) Compatibility of the proposed automotive repair center and its architectural  
175 character and scale with the surrounding uses and the commercial intent of the zoning  
176 district.

177 (2) Whether the proposed landscaping located between the frontage of all public  
178 road rights-of-way and the front building line meets all current requirements of this Code  
179 of Ordinances.

180 (3) Whether all proposed signage meets all current requirements of this Code of  
181 Ordinances.

182 (4) Whether parking and vehicular storage areas meet all current requirements of  
183 this Code of Ordinances.

184 (5) Whether the proposed automotive repair center is configured in a manner in  
185 which garage bays or other work areas are screened from view from all public road  
186 rights-of-way. Garage bays and work areas may be screened by buildings, walls or  
187 opaque fences consistent with the Code of Ordinances, landscaping or any combination  
188 thereof.

189 (6) Whether areas for storage of serviced automobiles are screened from view  
190 from all public road rights-of-way. Automobile storage areas may be screened by

191 buildings, walls or opaque fences consistent with the Code of Ordinances, landscaping or  
192 any combination thereof.

193 (7) Whether all bay doors visible from any public road right-of-way are painted in  
194 earth tones or otherwise treated in a manner to blend and be consistent with the overall  
195 building façade.

196 (8) Whether the site is configured and buildings are designed and constructed in a  
197 manner to give an outward appearance of a retail or office use from any public road right-  
198 of-way.

199 (b) Each application for a special exception shall be accompanied by a site plan  
200 incorporating the regulations established herein. As a part of the application, the site plan shall  
201 include a simple plan drawn to an appropriate scale, including legal description, lot area, site  
202 dimensions, right-of-way location and width, parking areas and number of parking spaces,  
203 proposed building location and setbacks from lot lines, total floor area proposed for any building,  
204 proposed points of access, location of signs, location of existing easements, and a general plan of  
205 proposed landscaping. Said site plan shall be submitted to and considered by the city council  
206 after recommendation by the planning and zoning board as provided for in article II of this  
207 chapter prior to the granting of a building permit. Upon such approval, said site plan becomes  
208 part of the building permit and may be amended only by the city council after recommendation  
209 by the planning and zoning board. Development under the special exception shall comply with  
210 all applicable city codes and ordinances. Upon written request by the applicant, city staff may  
211 modify the required elements for the site plan, provided however, the planning and zoning  
212 commission or city council may require any omitted or abbreviated information be provided  
213 prior to final review if in their sole determination they find such information would be necessary  
214 or helpful in the review of the application.

215 ~~(1) Miniwarehouses for dry storage only.~~

216 ~~(2) Open-air flea markets.~~

217 ~~(3) Auctions.~~

218 ~~(4) Living quarters in conjunction with a commercial use to be occupied by the~~  
219 ~~owner of the business or an employee.~~

220 ~~(5) Institutional uses, public or private, such as churches, schools, hospitals,~~  
221 ~~nursing homes, libraries, community centers and universities.~~

222 ~~(6) Zero lot line commercial developments.~~

223 ~~(7) Radio broadcasting and telecasting stations, studios and offices.~~

224 ~~(8) Car washes. (No fuel services provided.)~~

225 ~~(9) Christmas tree lots.~~

226                   ~~(10) New car and boat sales and services.~~

227                   ~~(11) Adult congregate living facilities.~~

228                   ~~(12) Any general commercial establishment occupying more than 50,000 square~~  
229                   ~~feet and less than 100,000 square feet.~~

230                   Section 3. Chapter 134, Article IV, Division 9 of the City of Edgewood Code of  
231 Ordinances shall be amended as follows:

232

233 DIVISION 9. - C-3 WHOLESALE COMMERCIAL DISTRICT

234

235 Sec. 134-402. - Intent and purpose.

236                   The C-3 district is composed of those lands and structures which, by their use and  
237 location, are especially adapted to the conduct of the business of the wholesale distribution,  
238 storage and indoor light manufacturing. Such lands are conveniently located to principal  
239 thoroughfares and/or railroads.

240 Sec. 134-403. - Permitted uses.

241                   Only the following principal uses and structures shall be permitted within any C-3  
242 wholesale commercial district, provided that any permitted activities shall be conducted within a  
243 wholly enclosed building unless expressly stated otherwise herein:

244                   (1) Any use permitted in the C-1 retail commercial district or C-2 general  
245 commercial district.

246                   (2) Heating and air conditioning sales and service.

247                   (3) Bakeries (wholesale).

248                   (4) Soft drink bottling.

249                   (5) Testing of materials, equipment and products.

250                   (6) Machine shops.

251                   (7) Manufacture and assembly of scientific, electrical, optical and precision  
252 instruments or equipment.

253                   (8) Manufacture of novelties and souvenirs.

254                   (9) Storage and wholesale distribution warehouse, where not adjacent to a  
255 residential zoning district or property with a residential future land use designation,  
256 including those across a right-of-way.

- 257 (10) Trade shops including tinsmith, cabinet maker, rug and carpet cleaning,  
258 upholstering, mattress renovation, electrical, roofing and plumbing shop.
- 259 (11) Car washes. (No fuel services provided.)
- 260 (12) Confectionery manufacture.
- 261 (13) Furniture stripping.
- 262 (14) Garment manufacturing.
- 263 ~~(15) Mechanical garages, including personal vehicle body shop and painting. (No~~  
264 ~~fuel services provided.)~~
- 265 (15) Milk bottling and distribution plants; ice cream manufacturing, citrus  
266 processing.
- 267 ~~(16) Sign manufacturing, installation, service and sales.~~
- 268 ~~(17) Welding shop.~~
- 269 ~~(18) New and off-site factory reconditioned automobile parts.~~
- 270 (19) Other uses which are similar to the uses permitted herein, which are not  
271 specifically prohibited in section 134-404, which would promote the intent and purposes  
272 of these districts. Determination shall be made by authority and directive of the city  
273 council after public notice and hearing.
- 274 Sec. 134-404. - Prohibited uses.
- 275 The following uses shall be prohibited in the C-3 wholesale commercial district:
- 276 (1) Any use or activity which is not in full compliance with all the requirements  
277 and standards set forth in this article.
- 278 (2) Animal slaughtering, or the confinement of animals for feeding, finishing and  
279 preparation for slaughter, including stockyards and feeding pens.
- 280 (3) Asphalt manufacturing or refining, or any similar petroleum or petrochemical  
281 refining or manufacturing process.
- 282 (4) Asphalt or concrete paving, mixing or batching plant.
- 283 (5) Corrosive acid manufacture or bulk storage including, but not limited to,  
284 hydrochloric, nitric, sulphuric or similar acids.
- 285 (6) Bone distillation or the reduction, rendering, incineration or storage of  
286 garbage, offal, animals or animal waste, fats, fish or similar materials or products.

- 287 (7) Blast furnace, or similar heat or glare generating operations or incinerator or  
288 crematorium.
- 289 (8) Cement, lime, gypsum or Plaster-of-Paris manufacture, or the open storage of  
290 raw materials or finished products related to such manufacture.
- 291 (9) Glue, size or gelatin manufacture where the processes involve the refining or  
292 recovery of such products from fish, animal or refuse materials.
- 293 (10) Tallow, grease, lard or vegetable oil refining.
- 294 (11) Junkyard, salvage yard, recycling or wrecking yard or structure wherein  
295 motor vehicles, appliances or similar used equipment or material is stored, dismantled, or  
296 sorted for display, sale or packing.
- 297 (12) ~~New and used a~~Automobile, and boat, and recreational vehicle sales lots.
- 298 (13) Mobile and modular homes.
- 299 (14) Other uses which are similar to those listed above which are not specifically  
300 permitted in section 134-403, the prohibition of which would promote the intent and  
301 purposes of this district. Determination shall be made by authority and directive of the  
302 city council which shall be after public notice and public hearing.
- 303 (15) Title loan stores; check cashing, payday advance stores, or other similar  
304 businesses; labor pool offices; bail bond offices; tattoo, body piercing, massage parlors;  
305 fortunetelling shops; soup kitchens; runaway and related emergency shelters; homeless  
306 shelters; convalescent facilities; residential social service facilities; addiction treatment  
307 and recovery facilities; welfare, food stamp, and other social service offices and  
308 institutional facilities; other similar uses consistent with this subsection.
- 309 (16) Any individual, specific use whether or not contained within a shopping  
310 center, which is not otherwise expressly permitted as an individual use pursuant to this  
311 section or sections 134-345, 134-373 and 134-403, as these sections may be amended or  
312 replaced from time to time, or which is not expressly listed as a special exception  
313 pursuant to sections 134-346, 134-375 or 134-405, as those sections may be amended or  
314 replaced from time to time.
- 315 (17) Any commercial establishment occupying more than 100,000 square feet.
- 316 (18) Any other use specifically prohibited in the C-1, C-2 or C-3 commercial  
317 districts.
- 318 (19) Professional auction houses.
- 319 (20) Dyeing, dry cleaning and laundering; this prohibition shall not include drop-  
320 off facilities where the dyeing, dry cleaning or laundering occurs at an off-site location.

321 (21) Pain management clinics.

322 Sec. 134-405. - Special exceptions.

323 (a) The following uses may be permitted as a special exception, provided that any review  
324 and hearing of an application for a special exception shall consider the character of the  
325 neighborhood in which the proposed use is to be located, its effect on the value of surrounding  
326 lands, and the area of the site as it relates to the required open spaces and off-street parking  
327 facilities:

328 (1) Dwelling unit in conjunction with a commercial use to be occupied by the  
329 owner, operator or employee of the business.

330 (2) Institutional uses, public or private, such as churches, schools, hospitals,  
331 nursing homes, libraries, community centers and universities.

332 (3) Zero lot line commercial developments.

333 (4) Automotive repair centers including mechanical garages, automobile body  
334 shops, automotive upholsterers, and automotive painting.

335 (5) Meat storage, cutting and distribution.

336 (6) Wholesale products distribution.

337 (7) Christmas tree lots.

338 (8) Any wholesale commercial establishment occupying more than 50,000 square  
339 feet and less than 100,000 square feet.

340 (9) Machinery sales, rental and storage.

341 (10) Outdoor storage of merchandise, parts or other equipment.

342 (11) Building material storage and sales (new, no junk or used material).

343 (12) Contractors' storage and equipment yards, including well drilling equipment  
344 and land clearing equipment.

345 (13) Miniwarehouses.

346 (14) Storage and wholesale distribution warehouse adjacent to a residential zoning  
347 district or property with a residential future land use designation, including those across a  
348 right-of-way.

349 (b) In addition to the factors to be considered in paragraph (a), above, for any application  
350 for automotive repair centers, the planning and zoning board and the city council shall consider  
351 the following criteria:

352                   (1) Compatibility of the proposed automotive repair center and its architectural  
353 character and scale with the surrounding uses and the commercial intent of the zoning  
354 district.

355                   (2) Whether the proposed landscaping located between the frontage of all public  
356 road rights-of-way and the front building line meets all current requirements of this Code  
357 of Ordinances.

358                   (3) Whether all proposed signage meets all current requirements of this Code of  
359 Ordinances.

360                   (4) Whether parking and vehicular storage areas meet all current requirements of  
361 this Code of Ordinances.

362                   (5) Whether the proposed automotive repair center is configured in a manner in  
363 which garage bays or other work areas are screened from view from all public road  
364 rights-of-way. Garage bays and work areas may be screened by buildings, walls or  
365 opaque fences consistent with the Code of Ordinances, landscaping or any combination  
366 thereof.

367                   (6) Whether areas for storage of serviced automobiles are screened from view  
368 from all public road rights-of-way. Automobile storage areas may be screened by  
369 buildings, walls or opaque fences consistent with the Code of Ordinances, landscaping or  
370 any combination thereof.

371                   (7) Whether all bay doors visible from any public road right-of-way are painted in  
372 earth tones or otherwise treated in a manner to blend and be consistent with the overall  
373 building façade.

374                   (8) Whether the site is configured and buildings are designed and constructed in a  
375 manner to give an outward appearance of a retail or office use from any public road right-  
376 of-way.

377                   **(bc)** Each application for a special exception shall be accompanied by a site plan  
378 incorporating the regulations established herein. As a part of the application, the site plan shall  
379 include a simple plan drawn to an appropriate scale, including legal description, lot area, site  
380 dimensions, right-of-way location and width, parking areas and number of parking spaces,  
381 proposed building location and setbacks from lot lines, total floor area proposed for any building,  
382 proposed points of access, location of signs, location of existing easements and a general plan of  
383 proposed landscaping. Said site plan shall be submitted to and considered by the city council  
384 after recommendation by the planning and zoning board as provided for in article II of this  
385 chapter prior to the granting of a building permit. Upon such approval, said site plan becomes  
386 part of the building permit and may be amended only by the city council after recommendation  
387 by the planning and zoning board. Development under the special exception shall comply with  
388 all applicable city codes and ordinances. Upon written request by the applicant, city staff may  
389 modify the required elements for the site plan, provided however, the planning and zoning  
390 commission or city council may require any omitted or abbreviated information be provided  
391 prior to final review if in their sole determination they find such information would be necessary  
392 or helpful in the review of the application.

- 393                   (1) Dwelling unit in conjunction with a commercial use to be occupied by the  
394 owner, operator or employee of the business.
- 395                   (2) Institutional uses, public or private, such as churches, schools, hospitals,  
396 nursing homes, libraries, community centers and universities.
- 397                   (3) Zero lot line commercial developments.
- 398                   (4) Bus, cab, light truck repair.
- 399                   (5) Meat storage, cutting and distribution.
- 400                   (6) Wholesale products distribution.
- 401                   (7) Christmas tree lots.
- 402                   (8) Any wholesale commercial establishment occupying more than 50,000 square  
403 feet and less than 100,000 square feet.
- 404                   (9) Machinery sales, rental and storage.
- 405                   (10) Outdoor storage of merchandise, parts or other equipment.
- 406                   (11) Building material storage and sales (new, no junk or used material).
- 407                   (12) Contractors' storage and equipment yards, including well drilling equipment  
408 and land clearing equipment.
- 409                   (13) Miniwarehouses.
- 410                   (14) Storage and wholesale distribution warehouse adjacent to a residential zoning  
411 district or property with a residential future land use designation, including those across a  
412 right-of-way.

413                   **Section 4.** Any lawfully existing use which is inconsistent with the amended uses  
414 allowed within this Ordinance shall be allowed to continue as provided within Section 134-38 of  
415 the City of Edgewood Code of Ordinances. A lawfully existing use made lawfully  
416 nonconforming by this Ordinance may apply for a special exception to become a conforming  
417 use.

418                   **Section 5.** The provisions of this Ordinance shall be codified as and become and be  
419 made a part of the Code of Ordinances of the City of Edgewood.

420  
421                   **Section 6.** If any section, sentence, phrase, word or portion of this ordinance is  
422 determined to be invalid, unlawful or unconstitutional, said determination shall not be held to  
423 invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or  
424 portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.  
425

426            **Section 7.**     All ordinances that are in conflict with this Ordinance are hereby repealed.

427

428            **Section 8.**     This Ordinance shall become effective immediately upon its passage and  
429 adoption.

430

431            **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City  
432 Council of the City of Edgewood, Florida.

433

434 **PASSED ON FIRST READING: November 15, 2016**

435

436 **PASSED ON SECOND READING:** \_\_\_\_\_

437

438

439

440 \_\_\_\_\_  
John Dowless, Council President

441

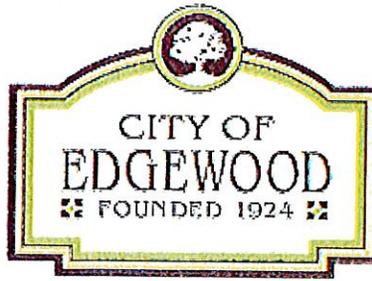
442

443 **ATTEST:**

444

445

446 \_\_\_\_\_  
Bea L. Meeks, MMC, CPM, CBTO  
447 City Clerk



TO: Mayor Bagshaw, Council President Dowless and Council Members Powell,  
Henley, Chotas and Fortini  
DATE: December 13, 2016  
FROM: Bea L. Meeks, City Clerk  
RE: Draft Ordinance RE: Sign Code

---

In the November City Council meeting, you requested that the most recent draft of the sign code be placed on the December agenda for discussion.

**RECOMMENDATION:** Establish a 30-minute timeframe for discussion. If the indication is that Council cannot agree on the Ordinance and is not ready to move forward for first reading, Council may consider scheduling a workshop.

ORDINANCE NO. \_\_\_\_

1  
2  
3 AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA,  
4 RELATING TO SIGNS; REPEALING AND REPLACING  
5 CHAPTER 5, CHAPTER VI OF THE CITY OF EDGEWOOD  
6 CODE OF ORDINANCES RELATING TO SIGNS; PROVIDING  
7 LEGISLATIVE FINDINGS; PROVIDING FOR A PURPOSE,  
8 DEFINITIONS, PERMITTING PROCESSES AND APPEALS  
9 FROM SIGN PERMIT DENIALS; SIGNS, DECORATIONS, AND  
10 ARTWORK EXEMPT FROM PERMITTING; PROHIBITED  
11 SIGNS; GENERAL REGULATIONS AND SPECIFIC STANDARDS  
12 OF ZONING DISTRICTS; SIGN LIGHTING AND  
13 ILLUMINATION; EXISTING SIGNS WHICH WILL BE  
14 NONCONFORMING AFTER ENACTMENT OF THIS  
15 ORDINANCE; REMOVAL OF SIGNS, VARIANCES,  
16 SUBSTITUTION OF NON-COMMERCIAL SPEECH FOR  
17 COMMERCIAL SPEECH, CONTENT NEUTRALITY AS TO SIGN  
18 MESSAGE (VIEWPOINT), ILLEGAL SIGNS ON PUBLIC  
19 PROPERTY AND SAFETY CONSIDERATIONS; PROVIDING  
20 FOR SEVERABILITY IN GENERAL; PROVIDING FOR  
21 SEVERABILITY WHERE LESS SPEECH RESULTS; PROVIDING  
22 FOR SEVERABILITY OF PROVISIONS PERTAINING TO  
23 PROHIBITED SIGNS; PROVIDING FOR SEVERABILITY OF  
24 PROHIBITION ON BILLBOARDS; PROVIDING FOR  
25 CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.  
26

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

328 **Chapter 122. Signs.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

502 *Safety sign:* See Warning signs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 703 8. Sign Plan, to include:
- 704 a. Date prepared;
- 705 b. Bar scale;
- 706 c. To scale drawings, in color, of all proposed signage (attached,  
707 freestanding, and directional signs) which include the following:
- 708 i. dimensions, with dimensional arrows;
- 709 ii. sign area in square feet;
- 710 iii. height and width of sign and sign structure, measured in feet;
- 711 iv. labels of all colors;
- 712 v. surface area of the sign proposed;
- 713 vi. text copy including the message of the sign;
- 714 vii. changeable copy, if proposed; and
- 715 viii. describe any illumination including the type, placement,  
716 intensity, hours of illumination and system to automatically turn  
717 off lighting when the business is closed, and sign area to be  
718 illuminated.
- 719 d. Building elevation color drawings, to scale, for all sides of any building  
720 with proposed and existing attached signage;
- 721 e. Master sign plan for shopping centers and office parks, to include all  
722 signs;
- 723 f. Site data table, to include how all proposed signs (existing and new)  
724 meet code requirements, with a calculation worksheet; and
- 725 g. Number, type, location and surface area of all existing signs on the  
726 same property and or building on which the sign is to be located.
- 727 9. Completed written responses as to how each of the Comprehensive Sign  
728 Program criteria, set forth in Section 122-14 are met.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

811 E. Traffic control devices.

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

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

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

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

822 The following types of signs are prohibited:

823 A. Abandoned signs

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

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

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

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

865 C. Gasoline price signs. Gasoline price display signs shall be placed in the vicinity of the  
866 pump islands and shall not extend above any pump island canopy or they shall be  
867 attached to the primary freestanding sign for the property. If attached to the freestanding  
868 sign, the area of the gasoline price display sign shall be counted toward the allowable  
869 area for the freestanding sign. A gasoline price display sign may be changed manually or  
870 electronically.

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

875 E. Building and electrical code compliance. All signs shall comply with applicable  
876 building and electrical code requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

913 F. Temporary signs shall not be illuminated.

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

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

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

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

930 B. Non-residential.

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

- 934 2. For parcels abutting multiple rights-of-way, an additional maximum total copy  
935 area of one square foot for each linear foot of building frontage along the  
936 additional rights-of-way. Any additional copy area allowed pursuant to this  
937 paragraph must be utilized along and directed toward the additional public rights-  
938 of-way. In no event, however, shall the total maximum total copy area exceed  
939 100 square feet per parcel, regardless of number of frontages.
- 940 3. The following signs shall be permitted in all non-residential zoning districts:
- 941 a. Monument signs. Monument signs shall be permitted pursuant to the  
942 following:
- 943 i. One monument sign with a height no greater than eight feet shall  
944 be allowed along each public right-of-way the parcel abuts.
- 945 ii. On parcels abutting multiple public rights-of-way, additional  
946 allowed monument signs must be located at least twenty-five feet  
947 from any intersection with the right-of-way upon which the first  
948 monument sign is located.
- 949 iii. Monument signs may include up to four lines of zip track for  
950 manual changeable messages provided it does not exceed twenty-  
951 five percent of the copy area and the zip track and letter colors are  
952 coordinated with the color of the sign.
- 953 iv. Monument signs may consist of more than one sign panel  
954 provided all such sign panels are consolidated into one common  
955 integrated sign structure.
- 956 v. Sign panels other than that of a building identification panel or  
957 signage or an anchor occupant panel or signage shall have uniform  
958 shape, size, and background color.
- 959 vi. Landscaping at least three feet in height that is viable in all  
960 seasons, shall totally surround the base of the sign.
- 961 b. Attached signs. The following attached signs shall be permitted:
- 962 i. One wall sign shall be allowed along each public right-of-way  
963 the parcel abuts. No wall sign or supporting structure shall project  
964 more than twelve inches from the wall of a building nor over any  
965 public right-of-way. Further, no wall sign shall extend above the  
966 roofline except where an exterior parapet wall projects above the  
967 roofline, in which case such sign may extend to the top of such  
968 wall. Wall signs may not extend beyond six inches from the wall  
969 upon which it is attached.
- 970 ii. One awning sign per awning installed upon the principal  
971 buildings located upon the premises.
- 972 4. In addition to the maximum total square footage allowed per parcel, each  
973 business location located upon a multiple-occupant parcel shall be permitted one  
974 wall sign or one awning sign located proximate to the primary entrance to such

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

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

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

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

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

998 A. General principles.

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

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

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

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

1015 B. Permitted signage.

- 1016 1. Signage which is proposed as part of a Comprehensive Sign Plan may deviate  
1017 from the minimum sign standards in terms of types of signage allowed, number of  
1018 signs per business or parcel of land, maximum area of a sign face per parcel of  
1019 land and the total area of sign faces per business or parcel of land.
- 1020 2. A Comprehensive Sign Plan shall be approved pursuant to the provisions  
1021 set out in Section 122-5, above.
- 1022 3. As part of a comprehensive sign program, the City Planner, or designee, shall  
1023 review all sign types proposed for the development parcel to achieve compliance  
1024 with these regulations. A Comprehensive Sign Plan for shopping centers,  
1025 including all out parcels, and office complexes shall include all types of signs for  
1026 all tenants/uses within the development parcel.
- 1027 C. Flexibility criteria.
- 1028 1. Architectural theme. The signs proposed in a Comprehensive Sign Plan shall  
1029 be designed so as to be consistent with the architectural theme of the principal  
1030 buildings proposed or developed on the parcel and shall be constructed of  
1031 materials and colors which are similar to the materials and colors utilized in the  
1032 principal buildings.
- 1033 2. Sign height. The height of all signs proposed through the comprehensive sign  
1034 program shall relate to the height and design of the of the principal buildings  
1035 located or proposed on the development parcel.
- 1036 3. Height, area, number and location of signs. The height, area, number and  
1037 location of signs permitted through the comprehensive sign program shall be  
1038 reviewed by the City Planner, or designee, based on the following criteria: overall  
1039 size of site, relationship between the building setback and sign location, lot and  
1040 building frontage, access and visibility to the site, intended traffic circulation  
1041 pattern, scale and use of the project. Additionally, the maximum permitted sign  
1042 area shall be based on the following formula when evaluated against the above  
1043 criteria:
- 1044 a. Attached signs. The maximum copy area permitted for attached signage  
1045 shall range from one percent up to a maximum of six percent of the  
1046 building façade to which the sign is to be attached.
- 1047 b. Freestanding signs. The maximum permitted copy area of all  
1048 freestanding signs on a site shall not exceed three square feet per linear  
1049 foot of building frontage.
- 1050 4. The comprehensive sign program shall also identify the color palette of letters  
1051 and background, as well as text font.
- 1052 5. Property values. The signage proposed in a comprehensive sign program must  
1053 not adversely impact the value of property in the immediate vicinity of the parcel  
1054 proposed for development.
- 1055 6. Elimination of nonconforming signage. The signage proposed in a  
1056 comprehensive sign program shall replace all existing nonconforming signage  
1057 located on the property.

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

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

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

1063 C. Damaged signs.

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

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

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

1083 D. Maintenance of nonconforming signs.

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

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

1096 E. Amortization of nonconforming signs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

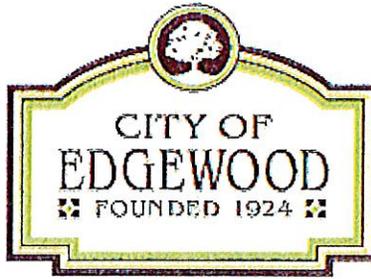
1208 PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.  
1209

1210  
1211 CITY OF EDGEWOOD, FLORIDA  
1212 CITY COUNCIL  
1213

1214  
1215 \_\_\_\_\_  
1216 John Dowless, Council President  
1217

1218 ATTEST:  
1219

1220 \_\_\_\_\_  
1221 Bea Meeks, City Clerk



TO: Mayor Bagshaw, Council President Dowless and Council Members Powell,  
Henley, Chotas and Fortini  
DATE: December 13, 2016  
FROM: Bea L. Meeks, City Clerk  
RE: 2017 Agreement With Orange County Supervisor of Election

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The City has been presented with the 2017 Vote processing Equipment Use Agreement And Elections Services Contract For Municipal Elections from the Orange County Supervisor of Election's office. The Agreement is the standard Agreement however, in this Agreement Council has to decide whether or not the City will pay return postage for Vote by Mail ballots. I should note that to the best of my knowledge, the City *has never* paid for Vote by Mail ballots.

**Recommendation:** Approve the Agreement as presented and initial on Page 3 of 9 of the Agreement: MUNICIPALITY will not pay return postage for Vote by Mail ballots.



2017  
**VOTE PROCESSING EQUIPMENT  
USE AGREEMENT AND  
ELECTIONS SERVICES CONTRACT  
FOR MUNICIPAL ELECTIONS**

This Vote Processing Equipment Use Agreement and Elections Services Contract (hereinafter referred to as the "Agreement") is hereby entered into by and between the **Orange County Supervisor of Elections Office**, (hereinafter referred to as "SOE") and the **City of Edgewood, Orange County, Florida**, (hereinafter referred to as "MUNICIPALITY").

**RECITALS:**

**WHEREAS**, pursuant to Section 101.34, Florida Statutes, SOE is the legal custodian of certified vote processing equipment owned by Orange County, Florida and is hereby charged with the responsibility for custody and maintenance of said equipment; and,

**WHEREAS**, MUNICIPALITY desires, or is otherwise statutorily obligated, to conduct an election that requires the use of vote processing equipment to count ballots; and,

**WHEREAS**, All vote processing equipment requires specially trained and knowledgeable individuals to program, operate and maintain said equipment; and,

**WHEREAS**, The Orange County Board of County Commissioners has authorized SOE to provide any necessary terms and conditions for the use of such voting equipment; and,

**WHEREAS**, SOE can provide the necessary personnel to program, operate and maintain said equipment; and,

**WHEREAS**, MUNICIPALITY hereby acknowledges full responsibility for any and all applicable requirements under the Florida Election Code and any provisions of the city charter or municipal ordinances which may not be addressed or included in this agreement.

**NOW, THEREFORE**, in consideration of the premises and of the mutual promises, terms and conditions stated herein SOE and MUNICIPALITY agree as follows:

SECTION 1. Recitals. The above recitals are true and correct and incorporated herein.

SECTION 2. Agreement. SOE shall provide to MUNICIPALITY such necessary vote processing equipment and services according to the terms and conditions stated in this Agreement, for the purposes of conducting a General Election to be held on Tuesday, March 14, 2017, along with the necessary equipment and services to facilitate any early voting sites and polling places as may be necessary and agreed upon by the parties.

SECTION 3. Operation and Programming Services.

DS200 For each election, MUNICIPALITY shall pay SOE One Hundred Fifty Dollars (\$150.00) for the program and maintenance of any DS200 tabulator and Seventy-five Dollars (\$75.00) for each additional tabulator that is identically programmed. For early voting, MUNICIPALITY shall pay SOE Seventy-five Dollars (\$75.00) for the program, maintenance and operation of each DS200 tabulator that is identically programmed and operated as the DS200 tabulators that are programmed for Election Day.

M650 For each election, MUNICIPALITY shall pay SOE Two Hundred Dollars (\$200.00) for the program, maintenance and operation of any M650 high speed ballot counting equipment. Such fee shall include up to four (4) hours of processing time, election set-up and coordination, programming of high speed ballot counting equipment and processing of envelopes through the automatic envelope openers. For each additional hour needed to provide the services described in this paragraph, MUNICIPALITY shall pay SOE Fifty Dollars (\$50.00) per hour.

Epoll Books For each election, MUNICIPALITY shall pay SOE Twenty-five Dollars (\$25.00) for data base set-up and maintenance of each Epoll Book (minimum three per polling place).

Repairs For any election, all maintenance, repairs or other troubleshooting services for vote processing equipment, including any processors or tablets, will be performed exclusively by SOE and such services are included in all stated charges. However, SOE does reserve the right to seek reimbursement from MUNICIPALITY for any repairs or maintenance caused by any negligent or unauthorized acts by any employee or representative of MUNICIPALITY.

SECTION 4. Additional Early Voting Services for Off-Site Locations For Non-Ballot-on-Demand Method

Tablets For each early voting site other than the Office of the SOE, MUNICIPALITY shall pay SOE Three Hundred and Seventy-Five Dollars (\$375.00) for the program and operation of each ePoll Book tablet employed per site. Such service fee includes the downloading or uploading of any necessary data. These charges are per election.

Printers For each early voting site other than the Office of the SOE, MUNICIPALITY shall pay SOE One Hundred and Seventy-Five Dollars (\$175.00) for the programming, configuration and set-up of any connected printer. These charges are per election.

Delivery For each early voting site other than the Office of the SOE, MUNICIPALITY shall pay SOE Two Hundred Dollars (\$200.00) for the delivery, set-up and/or pick-up of any early voting equipment. These charges are per election.

SECTION 5. Other Election Charges.

Supplies For each election, MUNICIPALITY shall pay SOE for consumable precinct supplies at a rate of One Hundred Fifty Dollars (\$150.00) for each precinct and each Early Voting site. MUNICIPALITY shall return precinct supplies to Office of SOE no later than the day after the election. MUNICIPALITY shall also identify and provide a secure place for precinct clerk(s) to return supplies and voted and unvoted ballots on election night.

PAPER PL/PR For each election, MUNICIPALITY shall pay SOE the actual costs incurred to produce, print and bind Poll Lists/Precinct Registers ("PL/PR"), including any paper or delivery costs. SOE shall have sole discretion in selecting a third party vendor to perform the requisite printing and binding services.

Telephone For each election, MUNICIPALITY shall pay SOE for any actual costs incurred by SOE from a third party telecommunications provider for the set-up, activation, use and deactivation of any telephone lines which in the SOE's sole discretion are necessitated at any voting site. Selection of the third party telecommunications provider shall be at the sole discretion of SOE.

Indexes For any Street Indexes ordered or required, MUNICIPALITY shall pay SOE Nine Dollars (\$9.00) as a set-up services fee plus Twenty-five Cents (\$.25) for each printed page.

Vote by Mail ballots For each election, MUNICIPALITY shall pay SOE One Dollar with Seventy-five Cents (\$1.75) for each Vote by Mail ballot request processed plus actual postage costs. MUNICIPALITY shall also pay SOE Ten Cents (\$.10) for each Vote by Mail ballot signature verified.

MUNICIPALITY may choose to pay return postage for Vote by Mail ballots at the actual cost incurred.

Please initial one below:

\_\_\_\_\_ MUNICIPALITY will pay return postage for Vote by Mail ballots

\_\_\_\_\_ MUNICIPALITY will not pay return postage for Vote by Mail ballots

Early Voting MUNICIPALITY shall reimburse SOE for any overtime hours by SOE staff due to weekend hours for Early Voting locations including any hours accrued by SOE staff at the Offices of SOE. SOE may elect to evenly apportion the costs for early voting overtime hours

among various municipalities, if appropriate, but in no event shall SOE be obligated to apportion such costs. SOE shall insure that experienced SOE personnel staff each Early Voting site, in accordance with Florida law.

Notices For each election, MUNICIPALITY shall pay SOE Twenty-five Cents (\$.25) for each Notice of Election that is mailed to each eligible voter plus actual postage costs.

Fee Schedule For each election, MUNICIPALITY shall pay SOE for any other goods or services not specifically provided for in this Agreement but that may be described or listed in the latest Municipal Fee Schedule as distributed to MUNICIPALITY. MUNICIPALITY agrees that the Municipal Fee Schedule and the prices contained therein are subject to change.

Other For each election and upon proper notice to MUNICIPALITY, MUNICIPALITY shall pay SOE for any other election services not contemplated herein which may be needed to conduct an orderly election.

SECTION 6. Term. For each election, the terms of this Agreement begins with ballot layout and concludes when ballots have been processed, election results have been certified, all vote processing equipment has been returned to the SOE's warehouse and an audit, if applicable, has been completed. In the event of an election contest or challenge, SOE agrees to cooperate in providing any public records which the SOE maintains or otherwise controls.

SECTION 7. Applicable Requirements of Florida's Election Code. MUNICIPALITY shall properly call the election in accordance with any Florida Statutes, applicable charter provisions or city ordinances. MUNICIPALITY agrees that the Municipal Clerk is responsible for the conduct of the city's elections and for insuring compliance with all applicable Florida Statutes, including the Florida Election Code and any municipal charter provisions and ordinances. Any obligations or duties not set forth in this Agreement shall be the sole responsibility of MUNICIPALITY.

SECTION 8. Notice and Advertisement of Elections. MUNICIPALITY shall prepare and arrange for publication of all legal advertising required by state and federal statutes, city charter & city ordinances. MUNICIPALITY agrees that all advertisements of elections conducted in Orange County shall be published in both English and Spanish and that MUNICIPALITY shall be responsible for the accurate and complete translation of any such notices. SOE shall, if available, provide samples of required advertising upon request.

SECTION 9. Qualifying of Candidates. MUNICIPALITY may provide qualifying packets to candidates. MUNICIPALITY shall accept and process all qualifying papers and fees. For audio ballots, MUNICIPALITY shall

collect pronunciation guides from candidates at the time of qualifying and shall submit them to SOE at the close of qualifying.

If petitions are part of qualifying process, MUNICIPALITY shall pay to SOE ten (10) cents per name checked to verify any signatures on qualifying petitions. SOE agrees to verify any signatures for any qualifying petitions submitted by MUNICIPALITY.

In no event shall SOE issue any recommendations or make any legal determinations as to the qualifications or eligibility of any candidate for municipal office.

SECTION 10. Printing of Ballots and Ballot Services. MUNICIPALITY shall place an order for a sufficient quantity of ballots to include early voting, Vote by Mails, provisional ballots and precincts, with a third party printer as selected exclusively by SOE. MUNICIPALITY shall provide prompt payment to the third party printer for the cost of any printed ballots or election materials.

MUNICIPALITY shall furnish, immediately upon the conclusion of the qualifying period, all ballot information in English and Spanish including the name the name of the candidates as they are to appear on the ballot; the name of the Municipality; the name of the election; the title of office and/or referendum title; explanation; and questions.

SOE agrees to provide the layout of the ballot(s) based on the information furnished by MUNICIPALITY and deliver ballot layout to the approved printer. MUNICIPALITY will place ballot order with printer. Both SOE and MUNICIPALITY must sign off on ballot proof(s) and replication of screen displays for the iVotronic Touchscreens. SOE shall contract to have ADA required audio files produced for audio portion of the Touchscreen ballots and MUNICIPALITY shall reimburse SOE for any costs incurred to produce such audio files.

Once test ballots are received from the printer, SOE will test all vote processing equipment in accordance with the standards established by the Florida Division of Elections and any applicable Florida Statutes. Upon receipt of the printed ballots from the printer SOE shall receive, securely store and account for all ballots until disbursed to Early Voting locations or to poll clerks. SOE shall also control and limit all access to unvoted ballots while in the possession of SOE.

SECTION 11. Poll Workers. SOE will select poll workers from a group of experienced poll workers. SOE will assign back-up poll workers to be available on Election morning. SOE will train all poll workers in accordance with the Florida Election Code and other guidelines, procedures or regulations as followed or adopted for the conduct of elections in Orange County. Clerk for MUNICIPALITY, or a representative, shall be in attendance for poll

worker training sessions. SOE shall distribute all necessary supplies and ballots at poll worker training sessions. MUNICIPALITY shall pay poll workers directly for their services at pay rates previously established by SOE.

SOE will select and train early voting staff. SOE will pay early voting staff directly for their services. MUNICIPALITY will be billed for any overtime charges incurred due to Early Voting.

SECTION 12. Selection of Polling Places and Early Voting Sites. SOE shall approve any Polling Place(s) and Early Voting site(s) intended for use of as a voting location. Each location shall meet necessary ADA requirements. MUNICIPALITY shall conduct an onsite inspection of all polling places, including any early voting locations used other than the Office of SOE, and confirm that such locations are accessible to disabled and elderly voters. SOE reserves the right to select a suitable alternative if any proposed site fails to meet with SOE approval. MUNICIPALITY shall provide a list of proposed polling places and early voting sites no later than thirty-five (35) days prior to the date of the election. MUNICIPALITY shall pay any rental fees or usage fees directly to the polling place.

MUNICIPALITY shall notify SOE in writing if any tables or chairs will be required. Note that each polling place must, as determined by SOE, provide a minimum number of tables and chairs. MUNICIPALITY shall pay any rental fees incurred by SOE for tables and chairs.

SECTION 13. Sample Ballots. SOE shall layout, check and deliver sample ballot layout to a third party vendor for distribution to registered voters. MUNICIPALITY shall review the sample ballots and confirm the accuracy of the election date, office, candidate names, polling place and all other information contained therein. SOE shall coordinate the mailing of the sample ballots to all registered voters in the municipality prior to the election including accurate polling place information. MUNICIPALITY shall reimburse SOE for all costs incurred in producing and mailing sample ballots.

SECTION 14. Vote by Mail Ballots. MUNICIPALITY shall refer all requests for Vote by Mail ballots to SOE. Unless MUNICIPALITY or the Clerk for MUNICIPALITY provides written directions to the contrary, SOE agrees to accept all requests for Vote by Mail ballots by telephone, mail, or in person. SOE also agrees to mail Vote by Mail & overseas ballots as requested by registered voters, receive and securely store any voted Vote by Mail ballots, verify the signatures on any returned voted Vote by Mail ballot certificates and to account for all Vote by Mail ballots.

MUNICIPALITY shall provide adequate staff assistance for the opening and handling of Vote by Mail ballots during the counting process and shall coordinate a date for the opening and counting of such Vote by Mail ballots with SOE.

- SECTION 15. Transportation of Elections Equipment and Supplies. SOE will be responsible for delivery and pick up of any voting equipment. One day prior to Election Day, voting equipment will be delivered by SOE, or a third party representative of SOE. One day after Election Day, voting equipment will be picked up by SOE, or a third party representative of SOE. MUNICIPALITY shall reimburse SOE, for any and all costs incurred for equipment delivery and pickup. SOE shall have full discretion and authority to hire and employ any outside third parties to assist with or perform delivery and pick-up of voting equipment. **MUNICIPALITY IS NOT PERMITTED TO DELIVER ANY ELECTIONS EQUIPMENT.**
- SECTION 16. Location and Storage of Voting Equipment. All voting equipment shall be stored, maintained and located in a well-protected, secure, temperature-controlled and indoor room or facility. Once the voting equipment is delivered to a voting site or early voting site, no equipment shall be relocated without the prior written approval of SOE.
- SECTION 17. Canvassing of Election Results. MUNICIPALITY shall schedule and coordinate the date on which the municipal canvassing board is to assemble to canvass the results of the election. If applicable, MUNICIPALITY shall coordinate for the use of SOE facilities to conduct the canvassing board activities. MUNICIPALITY shall notice and advertise, as needed, the dates of any canvassing board meetings. MUNICIPALITY shall convene the canvassing board to determine which voted Vote by Mail ballots are to be tabulated. MUNICIPALITY shall provide for collection of results from each precinct(s).
- SECTION 18. Audits. MUNICIPALITY shall provide necessary personnel to conduct the audit as prescribed by law. MUNICIPALITY agrees to pay SOE for any additional costs as may be necessary, including overtime expenses, for conducting the audit.
- SECTION 19. Post-Election Records Retention. SOE shall process affirmation forms and sort, inventory and pack all election materials for pick up by the Municipal Clerk for retention and disposition. MUNICIPALITY shall store or cause to be stored all necessary election records and ballots until expiration of retention period as prescribed by applicable Florida Statutes and rules.
- SECTION 20. Voter History. MUNICIPALITY and SOE will make mutually acceptable arrangements for recording voter history. The date selected for undertaking this activity may occur subsequent to the conclusion of all election dates and outside of the terms of this agreement but both parties agree to work toward recording voter history in a timely manner.

SECTION 21. Other Necessary Costs. Any additional costs or fees that may be incurred by SOE in compliance with the Florida Election Code and as a direct result of either any Election, if necessary, that are not specified in this contract shall be paid for by MUNICIPALITY at rates and fees as established by SOE. Examples of such additional costs or reimbursements include, but are not limited to, the following:

- A. Recounts – Any expenditure for conducting a recount, including any overtime expenses for reprogramming voting equipment, and other expenses as may be necessary to conduct a recount; and,
- B. Attorney's Fees and Costs - Actual attorney's fees and costs incurred by SOE for research on any election related matter shall be invoiced by SOE for reimbursement by MUNICIPALITY.

SECTION 22. Hold Harmless Covenant. MUNICIPALITY shall at all times hereafter indemnify, hold harmless and, at SOE's option, defend or pay for an attorney selected by SOE to defend SOE, its officers, agents, and employees against any and all claims, damages, injuries, losses, liabilities, and expenditures of any kind, including attorney fees, court costs, and expenses, arising out of or resulting from any or all acts of omission or commission of or by the MUNICIPALITY, its officers, agents, or employees, with respect to any election conducted pursuant to this Agreement. MUNICIPALITY also agrees to indemnify SOE against any administrative challenges, civil suits, or other legal challenges or appeals that may arise, including all attorney's fees and costs, from the contest of election results or the validation of any candidate qualifications.

Parties recognize that SOE is a state agency or subdivision as defined in Section 768.28, Florida Statutes and that nothing herein is intended to serve as a waiver of sovereign immunity by SOE for acts or omissions to which sovereign immunity applies. Furthermore, nothing herein shall be construed as consent by SOE, as a state agency or subdivision of the State of Florida, to be sued by third parties in any matter arising out of any contract.

SECTION 23. Entirety and Amendments. The Agreement embodies the entire agreement between SOE and MUNICIPALITY and supersedes all prior agreements and understandings relating to the conduct of elections. No modification, amendment or alteration to this Agreement shall be effective or binding unless submitted in writing and executed by duly authorized representatives of both SOE and MUNICIPALITY.

SECTION 24. Effective Date. The Effective Date of this Agreement shall be the latest date of execution by duly authorized representatives of SOE and MUNICIPALITY as shown on the signature page hereto.

**IN WITNESS WHEREOF**, we, the undersigned, do hereby state that we have the authority to bind and obligate as promised herein, SOE and MUNICIPALITY for purposes of executing this Agreement on the dates set forth below.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Bill Cowles  
Name (Printed or Typed)

\_\_\_\_\_  
Name (Printed or Typed)

Orange County Supervisor of Elections  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

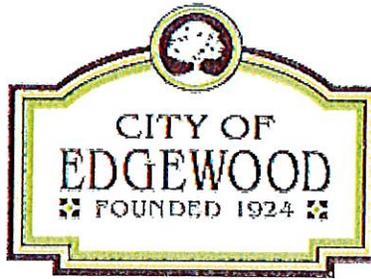
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Witness Signature

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Witness Name (Printed or Typed)

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Witness Name (Printed or Typed)

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TO: Mayor Bagshaw, Council President Dowless and Council Members Powell,  
Henley, Chotas and Fortini  
DATE: December 13, 2016  
FROM: Bea L. Meeks, City Clerk  
RE: City of Edgewood 2017 Election Calendar

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In your agenda packet you will find the City of Edgewood's 2017 Election Calendar. As you can see, the one week qualifying period begins at noon on January 17, 2017 and ends at noon on January 23, 2017. The Election Calendar will be included in the qualifying packets. Qualifying packets will be completed on or before January 11, 2017.

Sandy Repp, Administrative Assistant, set up a file folder with this information on the City's website. The qualifying packet will be added to the website when the packet is completed.

**RECOMMENDATION:** Informational only.

# CITY OF EDGEWOOD

## 2017 ELECTION CALENDAR

*The City of Edgewood's Municipal Election is Tuesday, March 14, 2017*

DATE	EVENT
Tuesday, December 20, 2016	Council to announce date of election / election notices posted at City Hall (required at least 75 days prior to election day).
Thursday, December 8, 2016 Thursday, December 15, 2016	Notice of Election ad to be published in a newspaper of general circulation; must be posted at City Hall (F.S. 100.021). [Notice must be published twice within the 30 days prior to qualifying in English and Spanish.
Friday, January 6, 2017	Last day to resign to run for city council seat [if applicable pursuant to <i>Florida Statute 99.012</i> ] (at least 10 days before first day of qualifying) <b><i>The exception are those officers who sit on a non-compensated appointed board (f.s.99.012(6)) and (f.s. 99.012(3)(g))</i></b>
Tuesday, January 17, 2017	Qualifying begins at Noon  (Per Charter, 60 to 45 days prior to the election)
Monday, January 23, 2017	Qualifying ends at 12 noon
Tuesday, February 13, 2017	Last day to register with Orange County Supervisor of Elections in order to vote in March 14, 2017 election [must be registered 29 days before election]
Friday, February 17, 2017 12:00 NOON	Campaign Treasurer Report due (25 days prior to election) [G1 Report/ January 17 – February 10, 2017]
Friday, March 3, 2017 12:00 NOON	Campaign Treasurer Report due (11 days prior to election) [G2 Report/February 11 – 24, 2017]
Thursday, March 2, 2017 10:00 a.m.	Public Test at Orange County Supervisor of Election's Office - 119 W. Kaley St., Orlando, FL 32806
Friday, March 10, 2017 12:00 NOON	Campaign Treasurer Report due (4 days prior to election) [G3 Report/February 25 – March 9, 2017]
Tuesday, March 14, 2017	General Election for the City of Edgewood
Tuesday, March 21, 2017	Newly elected council members take office  Per §3.05, City Charter, Terms commence and begin at the next regularly scheduled council meeting

Monday, April 24, 2017	90-Day Termination Report due <u>if unopposed</u> after qualifying ends on January 23, 2017.
Monday, June 14, 2017	Campaign Treasurer Report due (TR Report/ 90-day termination) <b>REPORT if elected or defeated</b> on March 14, 2017. Covering period March 10, 2017 through date report filed.
<p align="center"><b>LAST DAY TO RECEIVE CAMPAIGN CONTRIBUTIONS PRIOR TO THE MARCH 14, 2017 ELECTION IS MIDNIGHT, THURSDAY, MARCH 9, 2017</b></p> <p><b>F.S. §106.08(3) (a)</b> Any contribution received by a candidate with opposition in an election or by the campaign treasurer or a deputy campaign treasurer of such a candidate on the day of that election or less than 5 days before the day of that election must be returned by him or her to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.</p>	

**REPORTS:** All reports must be received by 4:00 p.m. (12 Noon on Friday) on the due date in the City Clerk's Office **UNLESS** the report envelope is postmarked by the US Postal Service no later than midnight of the day designated is deemed timely filed. A candidate failing to file a report on the designated due date shall be subject to a fine payable only from personal funds of the candidate. The reports must be filed on the dates provided in the calendar above.

Florida Statute 106.07(7): In any reporting period when there has been no activity in the account (no funds expended or received), the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed (Form DS-DE-87).

Forms may be obtained from the state at <http://election.dos.state.fl.us/forms/index.shtml> then under "Candidate Forms" select "Statewide or Multicounty Candidates". You can fill them in and print them but you can't save them via a computer.

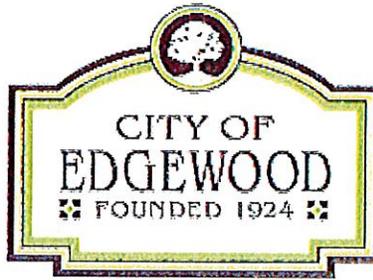
Candidates are responsible for reading and understanding Florida Statute Chapter 106, Campaign Financing. The City Clerk and/or City Staff cannot assist any candidate in filling out their treasurer's report.

Offices Open – The seats currently held by Mayor Ray Bagshaw, Council Members Neil Powell, DDS, and John Dowless. When more than one office is being voted on such as that of council seats, those candidates receiving the highest number of votes shall be deemed elected. Accordingly, the three candidates receiving the highest number of votes shall be elected.

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i Filing of required, periodic Campaign Treasurer's Reports.

A candidate will be provided with an election cycle calendar of campaign treasurer's reporting dates. The reports must be filed when due even if a bank account HAS NOT been opened. Reports must be filed even if the candidate accepts no contributions or makes no expenditures. As a courtesy, candidates will be sent reminder notices when reports are due. F.S. 106.06 - 106.07



TO: Mayor Bagshaw, Council President Dowless and Council Members Powell,  
Henley, Chotas and Fortini  
DATE: December 13, 2016  
FROM: Bea L. Meeks, City Clerk  
RE: CIP Index – Waste Management Contract

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The City recently received information from Waste Management regarding the CPI Index. As you may recall, the CPI determines the City's contract rates with Waste Management. As indicated in Waste Management's correspondence to the City, there was an increase in the CPI resulting in a .32 increase to the City's solid waste rates with Waste Management.

In addition to Waste Management's correspondence, also included is a Price Matrix that shows the Commercial and Rolloff rates, the Bureau of Labor Statistics' report and a spreadsheet prepared by me, showing the difference in the residential rate effective January 1, 2017.

**RECOMMENDATION:** This is for informational purposes however, this information should be considered when preparing the 2017/2018 fiscal year budget.



WASTE MANAGEMENT  
3510 Rio Vista Avenue  
Orlando, FL 32805  
(407) 650-8664  
(407) 466-6743 Cell

November 29, 2016

The Honorable Ray Bagshaw  
Mayor, City of Edgewood  
405 Larue Avenue  
Edgewood, FL 32809

Dear Mayor Bagshaw:

Attached is the CPI Index for determining the change to the contract rates effective January 1, 2017. The new change increases the CPI by +1.64%, resulting in a \$0.32 increase in the Residential rate, and same percentage increase on the commercial and RO rates. Supporting documentation is included for your review.

Should you have any questions, please contact me at 407-383-4600.

Sincerely,

*Jose Boscan*

Jose Boscan  
Government Affairs Manager

cc: Bea Meeks  
Geoff Golder

# City of Edgewood Price Matrix

		WM	Rates Effective January 1, 2017							CPI Change	1.64%
<b>Commercial Rates:</b>											
Size	Frequency	1	2	3	4	5	6	7	XPU Rate		
2	Yard	\$ 80.57	\$ 192.26	\$ 286.08	\$ 379.86	\$ 473.73	\$ 567.55	\$ 661.37	\$ 51.65		
3	Yard	\$ 109.11	\$ 230.34	\$ 342.65	\$ 454.92	\$ 567.24	\$ 679.53	\$ 791.84	\$ 64.56		
4	Yard	\$ 137.65	\$ 268.42	\$ 399.22	\$ 529.98	\$ 660.76	\$ 791.50	\$ 922.28	\$ 77.47		
6	Yard	\$ 176.01	\$ 343.76	\$ 511.44	\$ 679.18	\$ 846.86	\$ 1,014.58	\$ 1,182.30	\$ 103.28		
8	Yard	\$ 214.22	\$ 418.89	\$ 623.55	\$ 828.20	\$ 1,032.94	\$ 1,237.51	\$ 1,442.19	\$ 129.11		

## Rolloff Rates:

Container Size	Haul Rate	Container Rate
20 Yard	\$ 293.43	\$ 106.92 Per Month, Per Container
30 Yard	\$ 293.43	\$ 127.03 Per Month, Per Container
40 Yard	\$ 293.43	\$ 148.58 Per Month, Per Container

All of the above Rolloff rates do not include landfill disposal charges. Currently, said charge is \$29.10 per ton for construction and demolition debris and Class III waste. Disposal charges must be added to the above rates.

## Residential Rates:

\$19.62 per Home per Month.

Bureau of Labor Statistics

Consumer Price Index - All Urban Consumers  
Original Data Value

For City of Edgewood

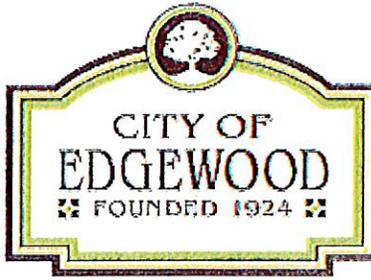
Series Id: CUUR0000SA0  
Not Seasonally Adjusted  
Area: U.S. city average  
Item: All items  
Base Period: 1982-84=100  
Years: 2006 to 2016

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	HALF1	HALF2
2006	198.3	198.7	199.8	201.5	202.5	202.9	203.5	203.9	202.9	201.8	201.5	201.8	200.6	202.6
2007	202.416	203.499	205.352	206.686	207.949	208.352	208.299	207.917	208.490	208.936	210.177	210.036	205.709	208.976
2008	211.080	211.693	213.528	214.823	216.632	218.815	219.964	219.086	218.783	216.573	212.425	210.228	214.429	216.177
2009	211.143	212.193	212.709	213.240	213.856	215.693	215.351	215.834	215.969	216.177	216.330	215.949	213.139	215.935
2010	216.687	216.741	217.631	218.009	218.178	217.965	218.011	218.312	218.439	218.711	218.803	219.179	217.535	218.576
2011	220.223	221.309	223.467	224.906	225.964	225.722	225.922	226.545	226.889	226.421	226.230	225.672	223.598	226.280
	226.665	227.663	229.392	230.085	229.815	229.478	229.104	230.379	231.407	231.317	230.221	229.601	228.850	230.338
	230.280	232.166	232.773	232.531	232.945	233.504	233.596	233.877	234.149	233.546	233.069	233.049	232.366	233.548
2014	233.916	234.781	236.293	237.072	237.900	238.343	238.250	237.852	238.031	237.433	236.151	234.812	236.384	237.088
2015	233.707	234.722	236.119	236.599	237.805	238.638	238.654	238.316	237.945	237.838	237.336	236.525	236.265	237.769
2016	236.916	237.111	238.132	239.261	240.229	241.018	240.628	240.849	241.428	241.729			238.778	

Index Change = 3.891

CPI Change = 1.64%

	Quantity	Amount (Monthly)	Non-ad Valorem Assessment Annually (\$292.96)	Monthly x12	Total Monthly - WM Annual
Curb Service 2x week (\$19.30)	844	\$ 16,289.20	\$ 247,258.24	\$ 195,470.40	\$ 51,787.84
Green/yard waste service (\$2.00)	844	0			
Bin service recycle (\$2.00)	844	0			
<b>EFFECTIVE 1/1/2017</b>			\$293.28		
Curb Service 2x week (\$19.62)	844	\$ 16,559.28	\$ 247,528.32	\$ 198,711.36	\$ 48,816.96
Green/yard waste service (\$2.00)	844	0			
Bin service recycle (\$2.00)	844	0			



TO: Mayor Bagshaw, Council President Dowless and Council Members Powell,  
Henley, Chotas and Fortini  
DATE: December 13, 2016  
FROM: Bea L. Meeks, City Clerk  
RE: Draft Ordinance RE: Moratorium

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In the workshop held on December 12, 2016, you asked City Attorney Smith to provide you with a draft Ordinance placing a 180-day moratorium on medical marijuana dispensaries. The request was made due to concerns regarding recent legislation. One concern is that the City's 2014 Ordinance (2014-04) providing a zoning district as a permitted special exception use, may not provide the regulations that the new legislation will place on this use. Also, as City Attorney Smith noted, we do not know what preemptions the new legislation will provide.

**RECOMMENDATION:** Review this draft Ordinance for consideration in moving forward to first reading in the January 17, 2017 City Council meeting.

ORDINANCE NO. 2016-XXXX

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ESTABLISHING A TEMPORARY 180 DAY MORATORIUM WITHIN THE UNINCORPORATED AREAS OF FLAGLER COUNTY PROHIBITING THE ESTABLISHMENT AND OPERATION OF QUALIFIED DISPENSING FACILITIES FOR LOW-THC AND MEDICAL CANNABIS AND MEDICAL MARIJUANA TREATMENT CENTERS FOR MARIJUANA FOR MEDICAL PURPOSES DURING THE 180 MORATORIUM PERIOD; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE

**WHEREAS**, in 2014, the Florida Legislature passes the Compassionate Medical Cannabis Act of 2014, legalizing the cultivation, processing and dispensing of low-THC cannabis by qualified dispensing organizations to qualified patients; and

**WHEREAS**, in 2016, the Florida Legislature amended the Compassionate Medical Cannabis Act of 2014, legalizing the cultivation, processing and dispensing of medical cannabis and derived products by qualified dispensing organizations to eligible patients; and

**WHEREAS**, Constitutional Amendment No. 2 was approved by the voters of the State of Florida on November 8, 2016 by a margin of 71.3% in favor of the amendment to 28.8% opposed, and will become effective on January 3, 2017; and

**WHEREAS**, Constitution Amendment No. 2 provides for facilities for the medical use of marijuana, to be known as Medical Marijuana Treatment Centers (“MMTCs”); and

**WHEREAS**, Constitutional Amendment No. 2 provides that the Department of Health is to promulgate rules within six months after the effective date of the Amendment that provide, among other things, for the registration of MMTCs no later than nine months after the effective date of the Amendment; and

**WHEREAS**, future legislation may further expand the legal use of low-THC and medical cannabis and marijuana for medical purposes in Florida; and

**WHEREAS**, the City of Edgewood desires to study the impacts of qualified dispensing organizations for dispensing low-THC and medical cannabis and MMTCs for dispensing marijuana for medical purposes; and

**WHEREAS**, the City Council of the City of Edgewood intends, as part of its study, to provide regulatory guidance for the establishment and operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and MMTCs for dispensing marijuana for medical purposes within the City of Edgewood; and

**WHEREAS**, the City Council of the City of Edgewood finds that enacting this temporary moratorium is appropriate to protect the health, safety, and general welfare of its citizens.

NOW, THEREFORE, be it enacted by the City Council of the of Edgewood, Florida on this \_\_\_\_\_ day of 2017 as follows:

**Section 1.** Findings. The above recitals are incorporated herein as Findings of Fact.

**Section 2.** Moratorium on the Establishment and Operation of Qualified Dispensing Organizations for Dispensing Low-THC and Medical Cannabis and Medical Marijuana Treatment Centers.

- a. A temporary moratorium is in effect prohibiting the acceptance, processing, or approval of any application, including any application for a business tax receipt, within the City of Edgewood, Florida, relating to the establishment or operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and Medical Marijuana Treatment Centers for dispensing marijuana for medical purposes from the effective date of this Ordinance until the date 180 days after the effective date of this Ordinance, until the City Council approves and enacts land development regulations addressing the uses subject to this moratorium, or until the City Council approves an enacts an Ordinance terminating this moratorium, whichever occurs first;
- b. During the effectiveness of the moratorium, the City shall study the establishment and operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and Medical Marijuana Treatment Centers for dispensing marijuana for medical purposes;
- c. City staff shall report its findings to the City Council, together with any recommended ordinance for the City Council's consideration, prior to the expiration of the temporary moratorium; and
- d. If the City requires additional time to complete the study and provide its recommendations to the City Council, the Council may consider extending the moratorium through a subsequent ordinance providing the justification for the extension, with the extension of the moratorium subject solely to the Council's discretion, provided, however, that the moratorium shall not be unnecessarily extended so as to prevent the establishment or operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and Medical Marijuana Treatment Centers for dispensing marijuana for medical purposes within the City of Edgewood.

**Section 3.** Non-codification. The provisions of this Ordinance, being temporary in nature, are not intended to be codified as a part of the Code of Ordinances of the City of Edgewood.

**Section 4.** Severability. If any section, sentence, phrase, word or portion of this ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

**Section 5.** Conflicts. All ordinances that are in conflict with this Ordinance are hereby repealed.

**Section 6.** Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the City Council of the City of Edgewood, Florida.

PASSED ON FIRST READING: \_\_\_\_\_

PASSED ON SECOND READING: \_\_\_\_\_

\_\_\_\_\_  
John Dowless, Council President

**ATTEST:**

\_\_\_\_\_  
Bea L. Meeks, MMC, CPM, CBTO  
City Clerk