

Ray Bagshaw  
Mayor

Pam Henley  
Council Member

Susan Fortini  
Council Member

**CITY COUNCIL AGENDA  
WORKSHOP**  
City Hall – Council Chamber  
405 Larue Avenue, Edgewood, Florida  
Wednesday, February 15, 2017  
6:00 p.m. – 8:00 p.m.

John Dowless  
Council President

Neil Powell  
Council Member

Lee Chotas  
Council Member

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

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

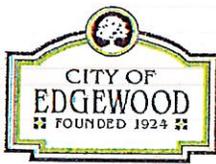
**A. CALL TO ORDER**

**B. WORKSHOP**

**ORDINANCE 2017-\*\***: AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO SIGNS; REPEALING AND REPLACING CHAPTER 122 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES RELATING TO SIGNS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR A PURPOSE, DEFINITIONS, PERMITTING PROCESSES AND APPEALS FROM SIGN PERMIT DENIALS; SIGNS, DECORATIONS, AND ARTWORK EXEMPT FROM PERMITTING; PROHIBITED SIGNS; GENERAL REGULATIONS AND SPECIFIC STANDARDS OF ZONING DISTRICTS; SIGN LIGHTING AND ILLUMINATION; EXISTING SIGNS WHICH WILL BE NONCONFORMING AFTER ENACTMENT OF THIS ORDINANCE; REMOVAL OF SIGNS, VARIANCES, SUBSTITUTION OF NON-COMMERCIAL SPEECH FOR COMMERCIAL SPEECH, CONTENT NEUTRALITY AS TO SIGN MESSAGE (VIEWPOINT), ILLEGAL SIGNS ON PUBLIC PROPERTY AND SAFETY CONSIDERATIONS; PROVIDING FOR SEVERABILITY IN GENERAL; PROVIDING FOR SEVERABILITY WHERE LESS SPEECH RESULTS; PROVIDING FOR SEVERABILITY OF PROVISIONS PERTAINING TO PROHIBITED SIGNS; PROVIDING FOR SEVERABILITY OF PROHIBITION ON BILLBOARDS; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

**C. ADJOURNMENT**

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



*From the desk of the City Clerk....*

*Bea L. Meeks, MMC, CPM, CBTO*

**TO:** Mayor Bagshaw, Council President Dowless, Council Members Powell, Henley, Chotas and Fortini

**DATE:** February 7, 2017

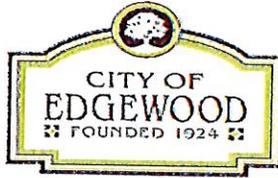
**RE:** Sign Code Workshop

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On January 17, 2017, Council held a workshop to review the draft sign code Ordinance. I am providing you with a copy of the draft Minutes of that workshop so that you have recall from that meeting, and know where review and discussion will begin in the February 15, 2017 workshop. The draft minutes will be considered for approval in the February 21, 2017 regular City Council meeting.

I am also providing you with the revised draft Ordinance reflecting the changes based on the January 17<sup>th</sup> workshop, along with a copy of John Moccio's marked up Ordinance, as I am certain he will want to address the remaining comments/concerns.

Lastly, included with your agenda packet is a booklet of pictures of signage along the Orange Avenue corridor prepared by Planner Ellen Hardgrove. The booklet also contains an abbreviated history of the City's sign Code.



City Council Workshop  
January 11, 2017

**ATTENDEES:**

**City Council**

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

**Absent**

Neil Powell, DDS, Council Member  
Pam Henley, Council Member

**Staff:**

Bea L. Meeks, City Clerk  
Chris Francisco, Police Chief  
Drew Smith, City Attorney  
Ellen Hardgrove, Planner

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Council President Dowless called the Edgewood City Council sign code workshop to order at 6:30 p.m. He dispensed with meeting formalities. Council President Dowless explained the format of the meeting; noting that no formal vote is taken in a workshop.

City Clerk Meeks announced that Council Members Powell and Henley contacted her and advised they were unavailable to attend the workshop.

Council President Dowless announced that Council would be doing their review by Code Sections and taking comments as they go through each Section.

## 1. PREAMBLE – Pages 1 thru 9

No comments

## 2. DEFINITIONS - Pages 10 -14

Ann Freeland, Universal Property Manager, questioned the definition for abandoned signs and the time allotted for removal after a business closes. She said sometimes there are legal matters occurring that delay the removal of a sign within the Code's prescribed time. Ms. Freeland asked if language could be added to address her concern. City Attorney Smith said language can be added to address this concern.

John Moccio provided Council with a copy of the proposed sign code Ordinance that contained inserts noting his comments/questions. Mr. Moccio confirmed that the notes provided came from various business owners in Edgewood.

Mr. Moccio referenced Line 331 of the Ordinance (copy/paste from Mr. Moccio's marked up Ordinance), and explained the inserted comments.

The purpose of this Chapter is to promote the public health, safety and general welfare through reasonable, consistent and **non-discriminatory** ( Line 331 .Appears to be discriminatory and matter of subjective opinion not shared by the business community for the most part) sign regulations. No part of these regulations shall be construed to favor commercial speech over non-commercial speech, nor restrict speech on the basis of content, viewpoint or message. Also, these sign regulations reduce signage **conflicts, promote traffic and pedestrian** (Line 334 Monument signs hinder traffic safety depending on placement since they block the view of oncoming traffic until you pull out far enough which by that point you may have hit a bicyclist etc) safety and increase the aesthetic value and economic viability of the City by classifying and regulating **the location, size, type and number** of signs and related matters in a content-neutral manner.

## 3. PERMIT APPLICATIONS- Pages 14-20

Discussion was held regarding the conflict with an 8 foot sign and the hedge. Planner Hardgrove said a monument sign can be 8 feet in height, and you are allowed up to 3 feet in height of hedges. She confirmed for Council Member Chotas that the Code does provide for the hedge and currently it is only required if there is space between the monument sign and the ground. It was agreed to further discuss the height requirement.

Julia Testor, Artistic School of Cosmetology, questioned the use of beacon lights. Mayor Bagshaw said the Code does allow for a 30 day permit twice a year for the use of border lighting.

John Moccio suggested that since a lot of businesses have border lighting, the City may want to consider certain times of the year as “light up edgewood”. The Mayor said the concern is that people will not remove the lighting at the close of the event.

Brief discussion was held regarding waiving the review fee. No decision was made.

Referencing Moccio’s Notes at Line 826 – 831 (copy/paste from Mr. Moccio’s marked up Ordinance):

G. Window signs that do not exceed twenty percent of the area of any window. In no case shall the cumulative area of all window signs on any façade exceed thirty-six square feet. (Line 814-816- 20% of window area per tenant with a max of 36 sq ft is unreasonable and hard to enforce without selective enforcement. Should be 40 to 50% of window area per tenant with no restriction or some tenants in large multitenant facilities will not be allowed any window signs due to the 36 sq feet being used up by other tenants and leaves Edgewood up for selective enforcement lawsuits and difficult measuring square footage which will be a code enforcement officer nightmare.)

City Attorney Smith said that he and Planner Hardgrove have talked about window signs, as it relates to “per tenant”. Mayor Bagshaw addressed the 20% window coverage and said that coverage is not only a clutter issue, it’s also a safety issue.

Planner Hardgrove questioned the requirement of having a certified boundary survey. City Attorney Smith said the City removed certified architectural survey. He said Line 595 of the draft Ordinance covers the requirements of a site plan survey.

David Melson, 63 Drennen Road, owner of Sign Express, addressed window signage. City Attorney Smith confirmed that it is a sign if it can be seen from the window.

Resident Chris Rader, Planning & Zoning Board member, said if removing clutter is a goal of the City then it needs to be addressed. He said he is not in favor of increasing signage beyond 20%, and 36 sq.ft. is too large of an area. He said the signage should not exceed 25% of windows accumulatively.

Lance Gagner expressed his concerns about total area of all his windows at his business site. City Attorney Smith explained how Mr. Gagner can allocate how much window area to use. Chris Rader said that what he proposed would provide more flexibility. The City Attorney explained that anything within where there is a gap in a window and the display would not be a sign. Chris Rader objected and explained why. City Attorney Smith said he can draft the alternative language.

#### 4. PROHIBITIVE SIGNS AND STANDARDS – Pages 21 – 22

John Moccio referenced Lines beginning at Line 878 (copy/paste from Mr. Moccio's marked up Ordinance):

5. The light which illuminates a sign shall be shaded, shielded, or directed so that no structure, including sign supports or awnings, are illuminated by such lighting. (Line 863 what about externally lighted signs . floodlight spotlight)

Mr. Moccio said this reads as if you cannot shine a light if it shines on a pole. Council Member Fortini said the intent is that the light is on the sign and not the property. Mayor Bagshaw said he would be concerned if the light was a spillover into the roadway and became a traffic hazard.

Mr. Moccio referenced the difference in some awnings and asked how the 20% is measured. He said the code is not clear about the copy area. City Attorney Smith said that he and Planner Hardgrove discussed this and said the Planner suggested a maximum of 16 sq. ft of signage on the awning. Council Member Fortini said the Code does not address illuminated awnings and it should be addressed. Council President Dowless said the measurement on the awning should be scaleable but still thinks it should be included in the total sign allowance.

Le Coq Au Vin owner Reimund Pitz, questioned the use of his sign, which is a pole sign. Planner Hardgrove said that his sign is non-conforming. City Attorney Smith confirmed that the pole sign is not grandfathered in.

Richard Fawcett, 234 Prescott Drive, thanked Council for their service. Mr. Fawcett said he feels that litigation will occur because of the requirement to remove pole signs. He said it is not right that property owners have to remove the pole signs. Mr. Fawcett expressed his concerns about the lack of landscaping and irrigation in the City.

Richard Brinkman, Brinkman Accounting, suggested changing pole signs to architectural pole signs. It was the consensus of Council that the City Attorney and City Planner find some objective changes to Pole Sign. City Attorney Smith said that bare metal poles seem to be more the problem than the height of the pole.

Attorney John Stemberger (Office located in Edgewood), stated his appreciation of Council. He suggested a community re-beautification campaign. Attorney Stemberger said he is willing to serve on that committee.

Donald Dawson, 616 Viscaya Avenue, asked Council if there are any signs on Orange Avenue that are too tall. Planner Hardgrove said the East-West pole sign.

Mayor Bagshaw confirmed for Council that the City Attorney will make changes to the draft Ordinance, per their discussion. It was agreed to "pick up" at the next workshop where this workshop ended. City Clerk Meeks asked to schedule the next workshop in their January 17, 2017 City Council meeting, when calendars are available to everyone.

Having no further business or discussion, the workshop adjourned at 8:41 p.m.

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John Dowless  
Council President

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

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





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.

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

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

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

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

- 460 *Illuminated sign:* A sign illuminated by an internal light source or an external light  
461 source primarily designed to illuminate the sign.
- 462 *Maintenance:* The repairing or repainting of a portion of a sign or sign structure when  
463 neither the sign size nor copy area are altered; or manually changing changeable copy or  
464 renewing the copy for signs which have been made unusable by ordinary wear provided  
465 neither the sign size nor copy area are altered.
- 466 *Monument sign:* means a free-standing sign, permanently installed or affixed to the  
467 ground and generally having a low profile where the base of the sign structure is on the  
468 ground or a maximum three feet above the lowest point of the ground adjacent to the sign  
469 such that the sign has the appearance of a solid base.
- 470 *Multi-occupant parcel:* A tax parcel that contains two or more distinct occupants  
471 internally separated by firewalls or demising walls, or in separate buildings.
- 472 *Non-commercial message:* Any message that is not a commercial message.
- 473 *Nonconforming sign:* Any sign that was lawful when it was erected but does not meet the  
474 requirements of this Chapter at the time of its effective date.
- 475 *Off-site sign:* A sign that identifies activities conducted or products or services that are  
476 not available on the premises on which the sign is located.
- 477 *On-site sign:* A sign that (1) is located on the premises to which the sign pertains (2)  
478 identifies an activity conducted or products or services available on the premises where  
479 the sign is located, (3) displays a non-commercial message or (4) is any combination of  
480 the first 3.
- 481 *Permanent sign:* Any sign which, when installed, is intended for permanent use. For the  
482 purposes of this Chapter, any sign with an intended use in excess of 90 days from the date  
483 of installation shall be deemed a permanent sign unless otherwise indicated elsewhere in  
484 this Chapter.
- 485 *Person:* Any person or persons, individual or groups of individuals, company, firm,  
486 corporation, partnership, organization or association.
- 487 *Pole sign:* A freestanding sign that is supported from the ground up by one (1) or more  
488 poles, columns, uprights, braces or anchors which, individually, are less than twenty  
489 percent of the width of the sign face; the definition of pole sign does not include flags,  
490 temporary signs, warning signs, safety signs, traffic control device signs, statutory signs,  
491 or parking space identifications signs.
- 492 *Portable sign:* a sign that is not permanently affixed to or planted in the ground or  
493 permanently affixed to a permanent structure utilizing standard construction procedures  
494 and materials that will not deteriorate.
- 495 *Premises:* A lot together with all buildings and structures if any.
- 496 *Roof signs:* Any sign erected, constructed and maintained wholly upon or above the edge  
497 of the roof eave of any building with the principal support along or atop the roof  
498 structure.
- 499 *Safety sign:* See Warning signs.

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

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

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

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

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

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

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

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

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

538 *Vehicle sign*: One or more signs on any vehicle or trailer which have a total sign area in  
539 excess of ten square feet, when the vehicle or trailer is not regularly used in the conduct  
540 of the business or activity advertised on the vehicle, and (a) is visible from a street right-  
541 of-way within 100 feet of the vehicle, and (b) is parked for more than five consecutive  
542 hours within 100 feet of any street right-of-way; for the purposes of this definition, a

543 vehicle shall not be considered "regularly used in the conduct of the business or activity"  
544 if the vehicle is used primarily for advertising.

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

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

550 *Window sign:* ~~Any sign placed inside or upon a window, including windowed or glass~~  
551 ~~doors, facing the outside and which is capable of being seen from the exterior through a~~  
552 ~~window or other opening; sign attached to, suspended behind, placed or painted upon, the~~  
553 ~~window or glass door of a building, which is intended for viewing from the exterior of~~  
554 ~~the building.~~

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

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

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

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

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

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

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

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

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

- 584 4. Name, address, email address (if any) telephone and license number of the  
585 contractor, if applicable. If the contractor is an entity other than an individual, list  
586 the contact person's name.
- 587 5. Address and legal description of the property upon which the sign is to be  
588 located and include a parcel identification number and zoning district. ~~The legal~~  
589 ~~address may be located on a certified boundary survey.~~
- 590 6. Lot frontage for each street and public right-of-way.
- 591 7. The type of sign, square footage, design, area, height, location and fully  
592 dimensioned elevation drawing of all signs proposed to be erected on the  
593 premises.
- 594 8. A fully dimensioned site plan showing the lot frontage, building frontage of  
595 each business establishment or occupant, if applicable, and the location of all  
596 proposed signs. For freestanding signs and temporary signs, the site plan shall  
597 show all parking areas, distance of signs from the right-of-way and property lines,  
598 distance from existing signs located on adjacent within 30 feet of the property  
599 line, and distance of signs and 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-five percent of the total window area of all  
815 windows visible from a right-of-way or of any building or unit window. In no case shall  
816 the cumulative area of all window signs on any façade of one business location exceed  
817 thirty-six square feet.

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

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

823 The following types of signs are prohibited:

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

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

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

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

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

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

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

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

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

916 F. Temporary signs shall not be illuminated.

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

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

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

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

933 B. Non-residential.

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

937 2. For parcels abutting multiple rights-of-way, an additional maximum total copy  
938 area of one square foot for each linear foot of building frontage along the  
939 additional rights-of-way. Any additional copy area allowed pursuant to this  
940 paragraph must be utilized along and directed toward the additional public rights-  
941 of-way. In no event, however, shall the total maximum total copy area exceed  
942 100 square feet per parcel, regardless of number of frontages.

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

944 a. Monument signs. Monument signs shall be permitted pursuant to the  
945 following:

946 i. One monument sign with a height no greater than ~~twelve eight~~  
947 feet shall be allowed along each public right-of-way the parcel  
948 abuts.

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

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

957 iv. Monument signs may consist of more than one sign panel  
958 provided all such sign panels are consolidated into one common  
959 integrated sign structure.

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

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

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

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

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

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

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

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

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

1001 **Sec. 122-14. Comprehensive Sign Program**

1002 A. General principles.

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

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

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

1016 4. It is expected that the design quality of signs proposed under a Comprehensive  
1017 Sign Program will be of a superior quality and creativity to those that might result  
1018 through the normal sign permit process.

1019 B. Permitted signage.

1020 1. Signage which is proposed as part of a Comprehensive Sign Plan may deviate  
1021 from the minimum sign standards in terms of types of signage allowed, number of  
1022 signs per business or parcel of land, maximum area of a sign face per parcel of  
1023 land and the total area of sign faces per business or parcel of land.

1024 2. A Comprehensive Sign Plan shall be approved pursuant to the provisions  
1025 set out in Section 122-5, above.

1026 3. As part of a comprehensive sign program, the City Planner, or designee, shall  
1027 review all sign types proposed for the development parcel to achieve compliance  
1028 with these regulations. A Comprehensive Sign Plan for shopping centers,  
1029 including all out parcels, and office complexes shall include all types of signs for  
1030 all tenants/uses within the development parcel.

1031 C. Flexibility criteria.

1032 1. Architectural theme. The signs proposed in a Comprehensive Sign Plan shall  
1033 be designed so as to be consistent with the architectural theme of the principal  
1034 buildings proposed or developed on the parcel and shall be constructed of  
1035 materials and colors which are similar to the materials and colors utilized in the  
1036 principal buildings.

1037 2. Sign height. The height of all signs proposed through the comprehensive sign  
1038 program shall relate to the height and design of the of the principal buildings  
1039 located or proposed on the development parcel.

1040 3. Height, area, number and location of signs. The height, area, number and  
1041 location of signs permitted through the comprehensive sign program shall be  
1042 reviewed by the City Planner, or designee, based on the following criteria: overall  
1043 size of site, relationship between the building setback and sign location, lot and  
1044 building frontage, access and visibility to the site, intended traffic circulation  
1045 pattern, scale and use of the project. Additionally, the maximum permitted sign  
1046 area shall be based on the following formula when evaluated against the above  
1047 criteria:

1048 a. Attached signs. The maximum copy area permitted for attached signage  
1049 shall range from one percent up to a maximum of six percent of the  
1050 building façade to which the sign is to be attached.

1051 b. Freestanding signs. The maximum permitted copy area of all  
1052 freestanding signs on a site shall not exceed three square feet per linear  
1053 foot of building frontage.

1054 4. The comprehensive sign program shall also identify the color palette of letters  
1055 and background, as well as text font.

1056 5. Property values. The signage proposed in a comprehensive sign program must  
1057 not adversely impact the value of property in the immediate vicinity of the parcel  
1058 proposed for development.

1059 6. Elimination of nonconforming signage. The signage proposed in a  
1060 comprehensive sign program shall replace all existing nonconforming signage  
1061 located on the property.

1062 **Sec. 122-15. Nonconforming Signs.**

1063 A. Additions. No additions or enlargements shall be made to a nonconforming sign  
1064 except those additions or enlargements that are required by law.

1065 B. A nonconforming sign that is modified by being moved, replaced or structurally  
1066 altered shall be brought into conformance with this Chapter.

1067 C. Damaged signs.

1068 1. A nonconforming sign that is damaged shall not be repaired if the estimated  
1069 cost to repair the sign exceeds fifty percent of its appraised value immediately  
1070 prior to the date of destruction of the damaged sign; "appraised value" shall mean  
1071 either the appraised value for property tax purposes, updated as necessary by the  
1072 increase in consumer price index since the date of last valuation, or the valuation  
1073 determined by a professionally recognized appraiser. A damaged nonconforming  
1074 sign that cannot be repaired shall be removed within thirty days of the date the  
1075 sign was damaged.

1076 2. Whenever a nonconforming sign is damaged and the estimated cost to repair  
1077 the sign is fifty percent or less of its appraised value immediately prior to the date  
1078 of destruction of the damaged sign, before the sign was damaged, it may be  
1079 repaired and restored to the condition it was in before it was damaged and may  
1080 continue to be used as a nonconforming sign, provided that such repairs and  
1081 restoration are started within ninety days of the date the sign was damaged and are  
1082 diligently pursued thereafter.

1083 3. Whenever repairs and restoration of a damaged nonconforming sign are not  
1084 started within ninety days of the date the sign was damaged or are diligently  
1085 pursued once started, the sign shall be deemed abandoned. An abandoned sign  
1086 shall be removed as provided by this Chapter.

1087 D. Maintenance of nonconforming signs.

1088 1. No nonconforming sign shall be permitted to remain unless properly  
1089 maintained. Proper maintenance shall include but not be limited to ensuring that  
1090 all components of the sign, including structural and supporting components are  
1091 free of rust, flaking or peeling paint, mildew, or decay. Upon determination by  
1092 the City's Code Enforcement Special Magistrate that a nonconforming sign has  
1093 not been maintained as required herein, the Code Enforcement Special Magistrate  
1094 shall order the nonconforming sign to be removed or otherwise brought into  
1095 compliance with the existing Code in addition to any other remedies ordered.  
1096 Any nonconforming sign that is determined by the City to be an unsafe sign shall  
1097 be removed as provided for by this Chapter.

1098 2. Nothing in this section shall be deemed to prevent the maintenance of any sign  
1099 or manual changes of sign copy on a nonconforming sign.

1100 E. Amortization of nonconforming signs.

1101 1. Permanent signs lawfully conforming with all provisions of the City of  
1102 Edgewood Code of Ordinances prior to \_\_\_\_\_ (effective date  
1103 of Ordinance) made nonconforming by this Ordinance shall be brought into  
1104 compliance no later than \_\_\_\_\_ (3 years from effective  
1105 date of Ordinance).

1106 2. Permanent signs, other than lawfully non-conforming billboards, not in  
1107 compliance with provisions of the City of Edgewood Code of Ordinances prior to  
1108 \_\_\_\_\_ (effective date of Ordinance) shall be  
1109 brought into compliance with the provisions of this Chapter no later than  
1110 \_\_\_\_\_ (6 months from effective date of Ordinance).

1111 a. Pole signs in existence as of \_\_\_\_\_ (effective date of  
1112 ordinance) shall be allowed to remain, notwithstanding any other  
1113 provision herein regarding lawful nonconforming uses, provided that no  
1114 more than six feet of any pole is exposed to view and provided such signs  
1115 comply with all other provisions of this ordinance. The bottoms of poles  
1116 may be screened from view by architectural elements that completely  
1117 surround that portion of the poles located behind such architectural  
1118 elements. Architectural screening of poles shall be at least ~~twenty~~  
1119 ~~percentone-third~~ of the width of the sign face. All exposed poles shall be  
1120 metal, painted black and free of chipping paint, faded paint and rust.

1121 b. Pole signs subject to this paragraph in existence as of  
1122 \_\_\_\_\_ (effective date of ordinance) shall be allowed to  
1123 be retrofitted to comply with this paragraph provided such retrofitting  
1124 occurs within six months of \_\_\_\_\_ (effective date of  
1125 ordinance).

1126 3. Temporary signs shall be brought into compliance with the provisions of this  
1127 Chapter within thirty days of \_\_\_\_\_ (effective date of  
1128 ordinance).

1129 4. Nothing provided herein shall limit the authority of the City of Edgewood to  
1130 require removal or remove unsafe signs, abandoned signs, signs erected without  
1131 permits, or signs unlawfully located on City property.

1132 5. Sign permit application fees shall be waived for any application made within  
1133 twelve months of \_\_\_\_\_ (effective date of Ordinance) to bring any  
1134 existing non-conforming sign into compliance with this Ordinance

1135 **Sec. 122-16. Removal of Signs.**

1136 A. General. Signs installed in violation of this Chapter shall be removed or brought into  
1137 compliance with the requirements of this Chapter. The sign owner, the owner of the  
1138 property on which the sign is placed and the sign contractor shall each be held  
1139 responsible for adherence to this Chapter and any other applicable laws or regulations.

1140 This Chapter may be enforced through code enforcement proceedings or by any equitable  
1141 or legal remedy available to the City.

1142 B. Immediate removal of unsafe signs. If the City finds that when any sign is in  
1143 violation of this Chapter or other applicable regulations or State law or and by reason of  
1144 its violation presents an immediate and serious danger to the public, the City may,  
1145 without prior written notice, order the immediate removal or repair of the sign within a  
1146 specified period. The City may remove or authorize others to remove the sign in the event  
1147 that the owner for such sign cannot be found or if that person, after notification, refuses to  
1148 repair or remove it. The owner of the building, structure, or premises on which the sign is  
1149 located, are jointly and severally liable for the cost of removing such sign. The City shall  
1150 have the right to recover from the owner or person placing such sign the cost of removal  
1151 and disposal of such sign.

1152 C. Removal of signs erected without a permit. The City may remove or order the  
1153 removal, without prior written notice, of any sign erected without a sign permit required  
1154 by this Chapter.

1155 D. Removal of signs on City property. Any sign installed or placed on City property,  
1156 except in conformance with the requirements of this Chapter, shall be forfeited to the  
1157 City and confiscated. The City shall have the right to recover from the owner or person  
1158 placing such sign the cost of removal and disposal of such sign.

1159 E. Abandoned signs. Abandoned signs shall be removed by the owner or lessee of the  
1160 premises upon which a sign is located when the business which a sign advertises is no  
1161 longer conducted on the premises or if the business does not have an occupational  
1162 license. The owner or lessee of the premises shall not be required to remove an  
1163 abandoned sign during any period in which removal of such sign would conflict with  
1164 legal proceedings related to the property on which the abandoned sign is located.

1165 **Sec. 122-17. Conflicting Requirements.**

1166 These sign regulations shall not be construed to permit the erection, placement, or  
1167 maintenance of any sign at any place or in any manner unlawful under any other City  
1168 Code provision or other applicable law. In any case where a part of these sign regulations  
1169 conflicts with a provision of any zoning, building, fire, safety, health ordinance or other  
1170 code, the provision that establishes a stricter standard for the protection of the public  
1171 health and safety shall prevail.

1172 **Sec. 122-18. Severability.**

1173 A. General. If any part, section, subsection, paragraph, subparagraph, sentence, phrase,  
1174 clause, term, or word of this Chapter, this Code, or any adopting ordinance is declared  
1175 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,  
1176 the declaration of such unconstitutionality shall not affect any other part, section,  
1177 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this  
1178 Chapter.

1179 B. Severability where less speech results. Without diminishing or limiting in any way  
1180 the declaration of severability set forth above in Paragraph A., or elsewhere in this  
1181 Chapter, Code, or any adopting ordinance, if any part, section, subsection, paragraph,  
1182 subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared

1183 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,  
1184 the declaration of such unconstitutionality shall not affect any other part, section,  
1185 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this  
1186 Chapter, even if such severability would result in a situation where there would be less  
1187 speech, whether by subjecting previously exempt signs to permitting or otherwise.

1188 C. Severability of provisions pertaining to prohibited signs. Without diminishing or  
1189 limiting in any way the declaration of severability set forth above in Paragraph A., or  
1190 elsewhere in this Chapter, Code, or any adopting ordinance, if any part, section,  
1191 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this  
1192 Chapter or any other law is declared unconstitutional by the valid judgment or decree of  
1193 any court of competent jurisdiction, the declaration of such unconstitutionality shall not  
1194 affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase,  
1195 clause, term, or word of this Chapter that pertains to prohibited signs, including  
1196 specifically those signs and sign-types prohibited and not allowed under section 122-10  
1197 of this Chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph,  
1198 sentence, phrase, clause, term, or word of section 122-10 is declared unconstitutional by  
1199 the valid judgment or decree of any court of competent jurisdiction, the declaration of  
1200 such unconstitutionality shall not affect any other part, section, subsection, paragraph,  
1201 subparagraph, sentence, phrase, clause, term, or word of section 122-10.

1202 D. Severability of prohibition on billboards. If any part, section, subsection, paragraph,  
1203 subparagraph, sentence, phrase, clause, term, or word of this Chapter and/or any other  
1204 Code provisions and/or laws are declared invalid or unconstitutional by the valid  
1205 judgment or decree of any court of competent jurisdiction, the declaration of such  
1206 unconstitutionality shall not affect the prohibition on billboards as contained in this  
1207 Chapter and Code.

1208 **SECTION THREE. Codification.** It is the intent of the City Council of the City of  
1209 Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted  
1210 broad and liberal authority in codifying the provisions of this Ordinance.

1211  
1212 **SECTION FOUR. Effective date.** This Ordinance shall take effect immediately upon  
1213 adoption as provided by the Charter of the City of Edgewood.

1214  
1215 PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

1216  
1217 PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

1218  
1219  
1220 CITY OF EDGEWOOD, FLORIDA  
1221 CITY COUNCIL

1222  
1223 \_\_\_\_\_  
1224 John Dowless, Council President

1225 ATTEST:

1226 \_\_\_\_\_  
1227 \_\_\_\_\_

1228 Bea Meeks, City Clerk  
1229  
1230

John Moore  
1-11-2007  
www.kshq

ORDINANCE NO. \_\_\_\_

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

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

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

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

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

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

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

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

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 ( Line 331 .Appears to be  
332 discrimitory and matter of subjective opinion not shared by the business community for  
333 the most part) sign regulations. No part of these regulations shall be construed to favor  
334 commercial speech over non-commercial speech, nor restrict speech on the basis of  
335 content, viewpoint or message. Also, these sign regulations reduce signage conflicts,  
336 promote traffic and pedestrian (Line 334 Monument signs hinder traffic safety depending  
337 on placement since they block the view of oncoming traffic until you pull out far enough  
338 which by that point you may have hit a bicyclist etc)safety and increase the aesthetic  
339 value and economic viability of the City by classifying and regulating the location, size,  
340 type and number of signs and related matters in a content-neutral manner.

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

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

381 users of regulations and provide warning and guidance needed for the safe, uniform and  
382 efficient operation of all elements of the traffic stream.

383 **Sec. 122-2. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

- 422 *Building frontage:* The vertical side of a building which faces a public right-of-way and  
423 is built to the principle plane.
- 424 *Changeable copy sign:* A non-electronic sign, or portion thereof, that is designed so that  
425 characters, letters or illustrations can be manually changed or rearranged without altering  
426 the sign face.
- 427 *Clearance:* The distance between the finished grade to the lowermost portion of the sign  
428 structure.
- 429 *Cold air inflatable sign:* A balloon-type sign with a blower (fan) system which runs to  
430 keep the sign inflated.
- 431 *Commercial message:* Any sign wording, logo, or other representation or image that  
432 directly or indirectly names, advertises, or calls attention to a product, service, sale or  
433 sales event or other commercial activity.
- 434 *Construction sign:* A temporary on-site sign identifying the ongoing construction activity  
435 during the time that a building permit is active and prior to completion of the work for  
436 which the permit was issued, and containing sign copy that is limited to the ongoing  
437 construction activity and identifying the contractor, professionals and/or any  
438 subcontractor engaged to perform construction activity on the site.
- 439 *Copy:* The combination of individual letters, numbers, symbols, depictions and the like,  
440 which are intended to inform, direct or otherwise transmit information.
- 441 *Copy area:* the entire area of the sign occupied by copy. Copy area is measured by  
442 enclosing by one continuous perimeter line the extreme limits of the sign which contains  
443 copy, including all ornamental attachments, insignias, symbols, logos, trademarks,  
444 interconnecting links and the like, and any stripe, frame or border. Copy area does not  
445 include the main support structure of the sign unless it contains copy. The calculation for  
446 a double faced sign shall be the area of one (1) face only. The calculation for wall signs,  
447 if permitted hereunder, comprises individual letters, numbers, symbols and the like,  
448 where the exterior wall of the building upon which it is affixed acts as the background of  
449 the sign, shall be calculated within the smallest regular geometric figure needed to  
450 encompass the sign display.
- 451 *Electronic changeable message sign:* A sign that uses changing lights or an electronic  
452 medium to form an image, picture, or message of any kind, whether the image, picture, or  
453 message is moving or stationary, wherein the sequence of the messages and the rate of  
454 change are electronically programmed and can be modified by electronic processes.  
455 Electronic changeable signs include LED signs (light emitting diode technology or other  
456 similar semiconductor technology), OLED signs (transmissive, organic light emitting  
457 diodes), LEP signs (light emitting polymer), OEL signs (organic electro luminescence),  
458 or any similar technology.
- 459 *Erect:* To construct, assemble, attach, hang, place, suspend, affix or alter a sign. Does not  
460 include ordinary maintenance, repair or repainting of an existing sign surface provided  
461 the copy area is not increased.
- 462 *Flag:* A piece of fabric of distinctive design that is displayed hanging free from a staff  
463 halyard or mounting hardware permanently affixed to a structure or attached to a flag

464 pole permanently anchored in the ground to which it is attached, used as an ornamental  
465 flag or as a symbol of the United States, a nation, state, local government or other  
466 political subdivision, corporation, business, organization or a person. Flags are not  
467 banners.

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

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

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

476 *Monument sign:* means a free-standing sign, permanently installed or affixed to the  
477 ground and generally having a low profile where the base of the sign structure is on the  
478 ground or a maximum three feet above the lowest point of the ground adjacent to the sign  
479 such that the sign has the appearance of a solid base. (Line 470 Three feet max height for  
480 base is not acceptable when you have to have 3 ft hedges blocking sign and when  
481 vehicles are over 4 ft high parked in parking spots in front of sign then the sign face will  
482 not be visible)

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

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

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

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

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

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

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

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

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

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

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

511 *Safety sign:* See Warning signs.

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

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

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

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

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

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

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

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

541 *Traffic control device sign:* Any sign located within the right-of-way that is used as a  
542 traffic control device and that is described and identified in the Manual on Uniform  
543 Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator  
544 as the National Standard. A traffic control device sign includes those signs that are

545 classified and defined by their function as regulatory signs (that give notice of traffic laws  
546 or regulations), warning signs (that give notice of a situation that might not readily be  
547 apparent), and guide signs (that show route designations, directions, distances, services,  
548 points of interest, and other geographical, recreational, or cultural information). Some  
549 traffic control device signs may be portable.

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

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

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

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

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

566 A. No sign shall be erected, structurally altered or relocated, without paying the  
567 appropriate fee as set by resolution of the City Council and obtaining a City sign permit.  
568 This requirement applies to all signs, ~~except those specifically exempted by this Chapter~~  
569 ~~and any signs lawfully existing on the date of adoption of this Chapter, which shall be~~  
570 ~~subject to Section 122-15 regarding nonconforming signs. (line 559 needs further~~  
571 ~~explaining . Does it mean that you do not need a permit to try and bring your sign into~~  
572 ~~compliance with this new ordinance.)~~The sign permit and fee is in addition to any  
573 building permit and fee required to be obtained pursuant to the Florida Building Code.

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

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

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

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

585 1. Name, address, email address (if any) and telephone number of the person  
586 making application for the permit. If the applicant is anyone other than the

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

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

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

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

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

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

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

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

668 **122-5 Comprehensive Sign Plan Applications.**

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

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

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

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

745 within 10 business days of receipt of such an application, provide the applicant a written  
746 explanation of the deficiencies and ask that the deficiencies be remedied, explaining that  
747 the application cannot proceed forward and that the application will be deemed  
748 withdrawn if the deficiencies are not cured within sixty calendar days.

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

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

770 **Sec. 122-6. Appeals.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

821 E. Traffic control devices.

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

824 **G. Window signs that do not exceed twenty percent of the area of any window. In no**  
825 **case shall the cumulative area of all window signs on any façade exceed thirty-six square**  
826 **feet.**(Line 814-816 20% of window area per tenant with a max of 36 sq ft is unreasonable

827 and hard to enforce without selective enforcement. Should be 40 to 50% of window area  
828 per tenant with no restriction or some tenants in large multitenant facilities will not be  
829 allowed any window signs due to the 36 sq feet being used up by other tenants and leaves  
830 Edgewood up for selective enforcement lawsuits and difficult measuring square footage  
831 which will be a code enforcement officer nightmare.)

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

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

837 The following types of signs are prohibited:

838 A. Abandoned signs

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

840 C. Banner signs

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

842 E. Billboards.

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

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

845 H. Portable signs.

846 I. Pole Signs

847 J. Roof signs.

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

849 L. Signs erected by other than a governmental entity on publicly-owned land, easements  
850 or rights-of-way.

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

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

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

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

858 Q. Snipe signs.

859 R. Obscene signs.

860 S. Hazardous signs.

861 T. Vehicle signs.

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

- 863 V. Signs attached to temporary structures.
- 864 **Sec. 122-11. General Standards.**
- 865 A. Distance requirements. Except as otherwise provided herein, no sign shall be located  
866 within twenty feet of any side property line of a parcel and no sign shall be located within  
867 ten feet of any public right-of-way. No freestanding sign shall be located within fifty feet  
868 of any other freestanding sign.
- 869 B. Illuminated signs.
- 870 1. The light from any illuminated sign shall be shaded, shielded, or directed away  
871 from adjoining street rights-of-way and properties.
- 872 2. No sign shall have blinking, flashing, or fluttering lights or other illumination  
873 devices which have a changing light intensity, brightness, color, or direction.
- 874 3. No colored lights shall be used at any location or in any manner so as to be  
875 confused with or construed as traffic-control devices.
- 876 4. Neither the direct nor the reflected light from primary light sources shall create  
877 a traffic hazard to operators of motorized vehicles, bicycles or pedestrians.
- 878 5. The light which illuminates a sign shall be shaded, shielded, or directed so that  
879 no structure, including sign supports or awnings, are illuminated by such lighting.  
880 (Line 863 what about externally lighted signs . floodlight spotlight)
- 881 C. Gasoline price signs. Gasoline price display signs shall be placed in the vicinity of the  
882 pump islands and shall not extend above any pump island canopy or they shall be  
883 attached to the primary freestanding sign for the property. If attached to the freestanding  
884 sign, the area of the gasoline price display sign shall be counted toward the allowable  
885 area for the freestanding sign. A gasoline price display sign may be changed manually or  
886 electronically.
- 887 D. Awnings. Awnings may be allowed a graphic element and/or text in addition to the  
888 permitted attached sign area provided such graphic and/or text **does not exceed twenty**  
889 **percent of the awning surface area on which the graphic is placed or sixteen square feet,**  
890 **whichever is less.** (front and roof surface or just front surface 20% to low . does not make  
891 sense how you can figure it . another code enforcement nightmare).
- 892 E. Building and electrical code compliance. All signs shall comply with applicable  
893 building and electrical code requirements.
- 894 F. Maintenance. All signs and sign structures shall be maintained and kept in good  
895 repair free of chipped, flaking or faded paint, structural decay, mildew, rust, and stains.
- 896 G. Legibility. All copy area shall be maintained so as to be legible and complete.
- 897 H. Sight visibility triangles. All signs shall comply with all sight visibility triangle  
898 requirements under the provisions of Section 114-4(2) of the City of Edgewood Code of  
899 Ordinances.

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

903 J. Number of signs. For the purpose of determining the number of signs, a single sign  
904 shall be construed to be a sign that has its copy area on one side and contains elements  
905 organized, related and composed to form a single unit. A sign with sign copy area on both  
906 sides shall be construed as a single sign provided both copy areas are not more than three  
907 feet apart at their closest point, and that they describe an internal angle between the copy  
908 area planes extended to no more than thirty degrees. (Line 886 to 891 30 degrees apart  
909 Discovery church etc)

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

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

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

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

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

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

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

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

931 F. Temporary signs shall not be illuminated.

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

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

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

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

948 B. Non-residential.

949 1. Unless otherwise specified, a maximum total copy area of two square feet  
950 for each linear foot of building frontage or 100 square feet, whichever is less,  
951 shall be allowed per parcel abutting a single public right-of-way. (LINES 931-  
952 939 No good for many parcels especially large multiunit facilities) Edgewood Isle  
953 , Gatlin Plaza etc. 100 sq feet is not enough.

954 2. For parcels abutting multiple rights-of-way, an additional maximum total copy  
955 area of one square foot for each linear foot of building frontage along the  
956 additional rights-of-way. Any additional copy area allowed pursuant to this  
957 paragraph must be utilized along and directed toward the additional public rights-  
958 of-way. In no event, however, shall the total maximum total copy area exceed  
959 100 square feet per parcel, regardless of number of frontages.

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

961 a. Monument signs. Monument signs shall be permitted pursuant to the  
962 following:

963 i. One monument sign with a height no greater than eight feet shall  
964 be allowed along each public right-of-way the parcel abuts. (Line  
965 943-948 Not acceptable at all Not high enough when you add a  
966 three foot base and three ft hedges in front and then a parking lot  
967 with 4 foot cars parked in front of the sign blocking most of the  
968 view of the sign and multi tenant facilities the lower businesses on  
969 the sign would be blocked completely. Unfair to those businesses  
970 and all bussnesses in General.

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

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- iii. Monument signs may include up to four lines of zip track for manual changeable messages provided it does not exceed twenty-five percent of the copy area and the zip track and letter colors are coordinated with the color of the sign.(949-952 up to 4 lines of ziptrack not to exceed 25% of copy area. Does the city now want to get in to the sign design business and dictate how much of your sign can be used for what purpose. This is way out of line when already regulating size of face now trying to regulate what portion of face can be used for what purpose.)
  - iv. Monument signs may consist of more than one sign panel provided all such sign panels are consolidated into one common integrated sign structure.
  - v. Sign panels other than that of a building identification panel or signage or an anchor occupant panel or signage shall have uniform shape, size, and background color.(Lines 956-957 completely unfair . some companies have certain signage and icons they use all over the country and Edgewood is willing to have a Discrimination Lawsuit telling them that unless they are the anchor tenant they cant use the signage they use at other locations. I see big lawsuits in that. Background color should not matter . again discrimination to chain corporations that may have certain icons they use..
  - vi. Landscaping at least three feet in height that is viable in all seasons, shall totally surround the base of the sign. (Line 959-960 Should say only if base is visible from public right of way or residential area. If its already got a hedge fence in front of it then it is redundant landscaping and we already can only water 2 times a week . to hard to maintain extra landscaping for no good reason.)
- b. Attached signs. The following attached signs shall be permitted:
- i. One wall sign shall be allowed along each public right-of-way the parcel abuts. No wall sign or supporting structure shall project more than twelve inches from the wall of a building nor over any public right-of-way. Further, no wall sign shall extend above the roofline except where an exterior parapet wall projects above the roofline, in which case such sign may extend to the top of such wall. Wall signs may not extend beyond six inches from the wall upon which it is attached.( Line 962-969 Entire paragraph makes no sense. One wall sign per tenant should be not per parcel or again discrimination.
  - ii. One awning sign per awning installed upon the principal buildings located upon the premises.

1017 4. In addition to the maximum total square footage allowed per parcel, each  
1018 business location located upon a multiple-occupant parcel shall be permitted one  
1019 wall sign or one awning sign located proximate to the primary entrance to such  
1020 business location. Such multiple-occupant signage shall be subject to the  
1021 following:

1022 a. The total maximum copy area available for such multiple-occupant  
1023 signage per parcel shall be two square feet of copy area for each linear  
1024 foot of building frontage of the shopping center. If the shopping center has  
1025 multiple stories which are utilized for business locations, then the width of  
1026 each additional story shall be utilized in calculating the building frontage.  
1027 Each occupant of the building shall then be allocated sign square footage  
1028 based on their rental (or owned) square footage percentage of the total  
1029 available square footage in the shopping center. In no event, however, may  
1030 any one business location exceed a maximum of 100 square feet of total  
1031 copy area except as otherwise authorized for an anchor tenant.(line 977-  
1032 997 again unfair should be per tenant or building . this is unfair for multi  
1033 tenant parcels. 100 sq ft is not enough for certain parcels. Only two story  
1034 buildings get extra signage.

1035 b. Additional wall signage shall be allowed for side facades of corner  
1036 occupants facing a road right-of-way in multiple-occupant buildings with  
1037 the maximum copy area equal to that allowed for the primary entrance  
1038 location. Sign area is not transferable between front and side facades.

1039 c. Anchor occupants upon a multiple-occupant parcel shall be allowed an  
1040 additional one square foot of copy area for each linear foot of building  
1041 frontage of that portion of the building occupied by the anchor occupant  
1042 over 100 linear feet. Said additional copy area shall not exceed 200 square  
1043 feet of copy area per anchor. The copy area allowed within this paragraph  
1044 shall be wall signage, awning signage, or a combination thereof.

1045 **Sec. 122-14. Comprehensive Sign Program (lines 957-1057 entire section difficult to**  
1046 **understand and expensive to conform)**

1047 **A. General principles.**

1048 1. The intent of the Comprehensive Sign Program is to provide private property  
1049 owners and businesses with flexibility to develop innovative, creative and  
1050 effective signage and to improve the aesthetics of the City of Edgewood.

1051 2. The minimum sign standards established in this Chapter ensure that signage  
1052 will not have an adverse impact on the aesthetics, community character and  
1053 quality of life of the City of Edgewood. The city recognizes, however, that in  
1054 many circumstances, there are innovative and creative alternatives to minimum  
1055 standard signage which are desirable and attractive and will enhance community  
1056 character and individual property values.

1057 3. The purpose of the Comprehensive Sign Program is to provide an alternative  
1058 to minimum standard signage subject to flexibility criteria which ensure that

1059 alternative signage will not have an adverse impact on the aesthetics, community  
1060 character and quality of life of the City of Edgewood.

1061 4. It is expected that the design quality of signs proposed under a Comprehensive  
1062 Sign Program will be of a superior quality and creativity to those that might result  
1063 through the normal sign permit process.

1064 B. Permitted signage.

1065 1. Signage which is proposed as part of a Comprehensive Sign Plan may deviate  
1066 from the minimum sign standards in terms of types of signage allowed, number of  
1067 signs per business or parcel of land, maximum area of a sign face per parcel of  
1068 land and the total area of sign faces per business or parcel of land.

1069 2. A Comprehensive Sign Plan shall be approved pursuant to the provisions  
1070 set out in Section 122-5, above.

1071 3. As part of a comprehensive sign program, the City Planner, or designee, shall  
1072 review all sign types proposed for the development parcel to achieve compliance  
1073 with these regulations. A Comprehensive Sign Plan for shopping centers,  
1074 including all out parcels, and office complexes shall include all types of signs for  
1075 all tenants/uses within the development parcel.

1076 C. Flexibility criteria.

1077 1. Architectural theme. The signs proposed in a Comprehensive Sign Plan shall  
1078 be designed so as to be consistent with the architectural theme of the principal  
1079 buildings proposed or developed on the parcel and shall be constructed of  
1080 materials and colors which are similar to the materials and colors utilized in the  
1081 principal buildings.

1082 2. Sign height. The height of all signs proposed through the comprehensive sign  
1083 program shall relate to the height and design of the of the principal buildings  
1084 located or proposed on the development parcel.

1085 3. Height, area, number and location of signs. The height, area, number and  
1086 location of signs permitted through the comprehensive sign program shall be  
1087 reviewed by the City Planner, or designee, based on the following criteria: overall  
1088 size of site, relationship between the building setback and sign location, lot and  
1089 building frontage, access and visibility to the site, intended traffic circulation  
1090 pattern, scale and use of the project. Additionally, the maximum permitted sign  
1091 area shall be based on the following formula when evaluated against the above  
1092 criteria:

1093 a. Attached signs. The maximum copy area permitted for attached signage  
1094 shall range from one percent up to a maximum of six percent of the  
1095 building façade to which the sign is to be attached.

1096 b. Freestanding signs. The maximum permitted copy area of all  
1097 freestanding signs on a site shall not exceed three square feet per linear  
1098 foot of building frontage.

- 1099 4. The comprehensive sign program shall also identify the color palette of letters  
1100 and background, as well as text font.
- 1101 5. Property values. The signage proposed in a comprehensive sign program must  
1102 not adversely impact the value of property in the immediate vicinity of the parcel  
1103 proposed for development.
- 1104 6. Elimination of nonconforming signage. The signage proposed in a  
1105 comprehensive sign program shall replace all existing nonconforming signage  
1106 located on the property.

1107 **Sec. 122-15. Nonconforming Signs.**

1108 A. Additions. No additions or enlargements shall be made to a nonconforming sign  
1109 except those additions or enlargements that are required by law.

1110 B. A nonconforming sign that is modified by being moved, replaced or structurally  
1111 altered shall be brought into conformance with this Chapter.

1112 C. Damaged signs.

1113 1. A nonconforming sign that is damaged shall not be repaired if the estimated  
1114 cost to repair the sign exceeds fifty percent of its appraised value immediately  
1115 prior to the date of destruction of the damaged sign; "appraised value" shall mean  
1116 either the appraised value for property tax purposes, updated as necessary by the  
1117 increase in consumer price index since the date of last valuation, or the valuation  
1118 determined by a professionally recognized appraiser.(lines 1066-1071 Appraised  
1119 by whom who is a professionally recognized sign appraiser what credentials and  
1120 certifications does he have to have does the city have a list of certified sign  
1121 appraisers and what certs) A damaged nonconforming sign that cannot be repaired  
1122 shall be removed within thirty days of the date the sign was damaged.

1123 2. Whenever a nonconforming sign is damaged and the estimated cost to repair  
1124 the sign is fifty percent or less of its appraised value immediately prior to the date  
1125 of destruction of the damaged sign, before the sign was damaged, it may be  
1126 repaired and restored to the condition it was in before it was damaged and may  
1127 continue to be used as a nonconforming sign, provided that such repairs and  
1128 restoration are started within ninety days of the date the sign was damaged and are  
1129 diligently pursued thereafter.

1130 3. Whenever repairs and restoration of a damaged nonconforming sign are not  
1131 started within ninety days of the date the sign was damaged or are diligently  
1132 pursued once started, the sign shall be deemed abandoned. An abandoned sign  
1133 shall be removed as provided by this Chapter.

1134 D. Maintenance of nonconforming signs.

1135 1. No nonconforming sign shall be permitted to remain unless properly  
1136 maintained. Proper maintenance shall include but not be limited to ensuring that  
1137 all components of the sign, including structural and supporting components are  
1138 free of rust, flaking or peeling paint, mildew, or decay. Upon determination by  
1139 the City's Code Enforcement Special Magistrate that a nonconforming sign has  
1140 not been maintained as required herein, the Code Enforcement Special Magistrate

1141 shall order the nonconforming sign to be removed or otherwise brought into  
1142 compliance with the existing Code in additional to any other remedies  
1143 ordered.(lines1087-1093 very subjective and matter of opinion . what is the time  
1144 to bring it back into compliance. Any nonconforming sign that is determined by  
1145 the City to be an unsafe sign shall be removed as provided for by this Chapter.

1146 2. Nothing in this section shall be deemed to prevent the maintenance of any sign  
1147 or manual changes of sign copy on a nonconforming sign.

1148 E. Amortization of nonconforming signs.

1149 1. Permanent signs lawfully conforming with all provisions of the City of  
1150 Edgewood Code of Ordinances prior to \_\_\_\_\_ (effective date  
1151 of Ordinance) made nonconforming by this Ordinance shall be brought into  
1152 compliance no later than \_\_\_\_\_ (3 years from effective  
1153 date of Ordinance).(lines 1097-1101 once again The city is telling business  
1154 owners whos signs even if in good shape that they need to bring them in to  
1155 compliance with new code within 3 years. I understand if they are in disrepair and  
1156 exceed 50% of the value to fix it but telling them just because the city wants a  
1157 different sign image in their city that owners and tenants need to foot the bill is  
1158 not good for being business friendly which the city already has a reputation of not  
1159 being. This is a undo expense for signs that are still in good repair. Maybe if the  
1160 property is sold etc it would need to come into compliance or if sign was in bad  
1161 shape but this is not fair to owners or tenants.)

1162 2. Permanent signs, other than lawfully non-conforming billboards, not in  
1163 compliance with provisions of the City of Edgewood Code of Ordinances prior to  
1164 \_\_\_\_\_ (effective date of Ordinance) shall be  
1165 brought into compliance with the provisions of this Chapter no later than  
1166 \_\_\_\_\_ (6 months from effective date of  
1167 Ordinance).(lines 1102-1106 does not make sense which parts of which chapters.  
1168 Very confusing.

1169 a. Pole signs in existence as of \_\_\_\_\_ (effective date of  
1170 ordinance) shall be allowed to remain, notwithstanding any other  
1171 provision herein regarding lawful nonconforming uses, provided that no  
1172 more than six feet of any pole is exposed to view and provided such signs  
1173 comply with all other provisions of this ordinance. (lines 1111-1112.  
1174 Does that include height etc . most pole signs could not conform and to  
1175 make them shorten their signs to a ridicoulous height is again unfair .(  
1176 examples are my old shop with removable letters if you shorten the poles  
1177 you are putting the removable letters on the ground or partially  
1178 underground to meet the poor height requirement. Other ones like Wells  
1179 Fargo, Brinkman Accounting and Edgewood Isle would also be to costly  
1180 to bring ino compliance and are not in disrepair.The bottoms of poles may  
1181 be screened from view by architectural elements that completely surround  
1182 that portion of the poles located behind such architectural elements.  
1183 Architectural screening of poles shall be at least one third of the width of

1184 the sign face. All exposed poles shall be metal, painted black and free of  
1185 chipping paint, faded paint and rust.

1186 b. Pole signs subject to this paragraph in existence as of  
1187 \_\_\_\_\_ (effective date of ordinance) shall be allowed to  
1188 be retrofitted to comply with this paragraph provided such retrofitting  
1189 occurs within six months of \_\_\_\_\_ (effective date of  
1190 ordinance).(lines 1117-1121 to have to go through the expense of  
1191 retrofitting a perfectly good sign to meet new code would leave the city in  
1192 for a class action lawsuit I do not feel they could win . I would suggest  
1193 only if the signs are in disrepair that the city should attempt to pass this as  
1194 it is written.

1195 3. Temporary signs shall be brought into compliance with the provisions of this  
1196 Chapter within thirty days of \_\_\_\_\_ (effective date of  
1197 ordinance).

1198 4. Nothing provided herein shall limit the authority of the City of Edgewood to  
1199 require removal or remove unsafe signs, abandoned signs, signs erected without  
1200 permits, or signs unlawfully located on City property.

1201 **Sec. 122-16. Removal of Signs.**

1202 A. General. Signs installed in violation of this Chapter shall be removed or brought into  
1203 compliance with the requirements of this Chapter. The sign owner, the owner of the  
1204 property on which the sign is placed and the sign contractor shall each be held  
1205 responsible for adherence to this Chapter and any other applicable laws or regulations.  
1206 This Chapter may be enforced through code enforcement proceedings or by any equitable  
1207 or legal remedy available to the City.

1208 B. Immediate removal of unsafe signs. If the City finds that when any sign is in  
1209 violation of this Chapter or other applicable regulations or State law or and by reason of  
1210 its violation presents an immediate and serious danger to the public, the City may,  
1211 without prior written notice, order the immediate removal or repair of the sign within a  
1212 specified period. The City may remove or authorize others to remove the sign in the event  
1213 that the owner for such sign cannot be found or if that person, after notification, refuses to  
1214 repair or remove it. The owner of the building, structure, or premises on which the sign is  
1215 located, are jointly and severally liable for the cost of removing such sign. The City shall  
1216 have the right to recover from the owner or person placing such sign the cost of removal  
1217 and disposal of such sign.

1218 C. Removal of signs erected without a permit. The City may remove or order the  
1219 removal, without prior written notice, of any sign erected without a sign permit required  
1220 by this Chapter.

1221 D. Removal of signs on City property. Any sign installed or placed on City property,  
1222 except in conformance with the requirements of this Chapter, shall be forfeited to the  
1223 City and confiscated. The City shall have the right to recover from the owner or person  
1224 placing such sign the cost of removal and disposal of such sign.

1225 E. Abandoned signs. Abandoned signs shall be removed by the owner or lessee of the  
1226 premises upon which a sign is located when the business which a sign advertises is no

1227 longer conducted on the premises or if the business does not have an occupational  
1228 license.

1229 **Sec. 122-17. Conflicting Requirements.**

1230 These sign regulations shall not be construed to permit the erection, placement, or  
1231 maintenance of any sign at any place or in any manner unlawful under any other City  
1232 Code provision or other applicable law. In any case where a part of these sign regulations  
1233 conflicts with a provision of any zoning, building, fire, safety, health ordinance or other  
1234 code, the provision that establishes a stricter standard for the protection of the public  
1235 health and safety shall prevail.

1236 **Sec. 122-18. Severability.**

1237 A. General. If any part, section, subsection, paragraph, subparagraph, sentence, phrase,  
1238 clause, term, or word of this Chapter, this Code, or any adopting ordinance is declared  
1239 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,  
1240 the declaration of such unconstitutionality shall not affect any other part, section,  
1241 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this  
1242 Chapter.

1243 B. Severability where less speech results. Without diminishing or limiting in any way  
1244 the declaration of severability set forth above in Paragraph A., or elsewhere in this  
1245 Chapter, Code, or any adopting ordinance, if any part, section, subsection, paragraph,  
1246 subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared  
1247 unconstitutional by the valid judgment or decree of any court of competent jurisdiction,  
1248 the declaration of such unconstitutionality shall not affect any other part, section,  
1249 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this  
1250 Chapter, even if such severability would result in a situation where there would be less  
1251 speech, whether by subjecting previously exempt signs to permitting or otherwise.

1252 C. Severability of provisions pertaining to prohibited signs. Without diminishing or  
1253 limiting in any way the declaration of severability set forth above in Paragraph A., or  
1254 elsewhere in this Chapter, Code, or any adopting ordinance, if any part, section,  
1255 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this  
1256 Chapter or any other law is declared unconstitutional by the valid judgment or decree of  
1257 any court of competent jurisdiction, the declaration of such unconstitutionality shall not  
1258 affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase,  
1259 clause, term, or word of this Chapter that pertains to prohibited signs, including  
1260 specifically those signs and sign-types prohibited and not allowed under section 122-10  
1261 of this Chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph,  
1262 sentence, phrase, clause, term, or word of section 122-10 is declared unconstitutional by  
1263 the valid judgment or decree of any court of competent jurisdiction, the declaration of  
1264 such unconstitutionality shall not affect any other part, section, subsection, paragraph,  
1265 subparagraph, sentence, phrase, clause, term, or word of section 122-10.

1266 D. Severability of prohibition on billboards. If any part, section, subsection, paragraph,  
1267 subparagraph, sentence, phrase, clause, term, or word of this Chapter and/or any other  
1268 Code provisions and/or laws are declared invalid or unconstitutional by the valid  
1269 judgment or decree of any court of competent jurisdiction, the declaration of such

1270 unconstitutionality shall not affect the prohibition on billboards as contained in this  
1271 Chapter and Code.

1272 **SECTION THREE. Codification.** It is the intent of the City Council of the City of  
1273 Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted  
1274 broad and liberal authority in codifying the provisions of this Ordinance.

1275  
1276 **SECTION FOUR. Effective date.** This Ordinance shall take effect immediately upon  
1277 adoption as provided by the Charter of the City of Edgewood.

1278  
1279 PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

1280  
1281 PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

1282  
1283

CITY OF EDGEWOOD, FLORIDA  
CITY COUNCIL

1284  
1285

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

1286  
1287

1288  
1289

ATTEST:

1290  
1291

\_\_\_\_\_  
Bea Meeks, City Clerk

1292  
1293

1294

# **Signs along the Orange Avenue Corridor**



## **Sign Regulation History in Edgewood**

The history of the City's sign regulations can be divided into two parts: Pre 1982 and Post 1982. It seems like July 6, 1982 was a defining moment for improving the aesthetic appearance of the Orange Avenue corridor with the adoption of a new sign ordinance.

Any sign that was not consistent with the 1982 regulation had 3 years to come into compliance. However, prior to the 1985 deadline, the City decided again to re-write the sign regulations.

On May 21, 1985, new sign regulations were adopted. The 1985 regulations are similar to the current City sign standards (with the exception of the allowance of pole signs, which were banned in 2002).

The 1985 sign code included a nonconforming clause that "grandfathered" all signs that legally existed on July 6, 1982, allowing them to remain, but only until June 1, 1987. If a sign was erected between July 6, 1982 and May 21, 1985, and became a nonconforming sign for the first time because of the 1985 sign standards, those signs were allowed to remain until June 1, 1990.

Tweaks to the 1985 sign code were approved in 1986 and 1988. As stated above, in 2002 a significant change was adopted by the City Council. The sign regulations were amended to prohibit pole signs. The nonconforming clause allowed legally existing pole signs as of May 2002 to remain until June 1, 2012.

With the exception of tweaks in 2004, 2009, and 2012, the 2002 sign regulation is essentially the current City sign code.

A table is provided at the end of this document that provides the details of the changes to the City's sign regulation over the years.

January 27, 2017

**West Side of Orange Avenue  
(north to south)**

**Vanbarry's 4120 South Orange Avenue**





**Howard Wholesale 4200 S Orange Ave**



**Discovery Church 4400 South Orange Avenue**



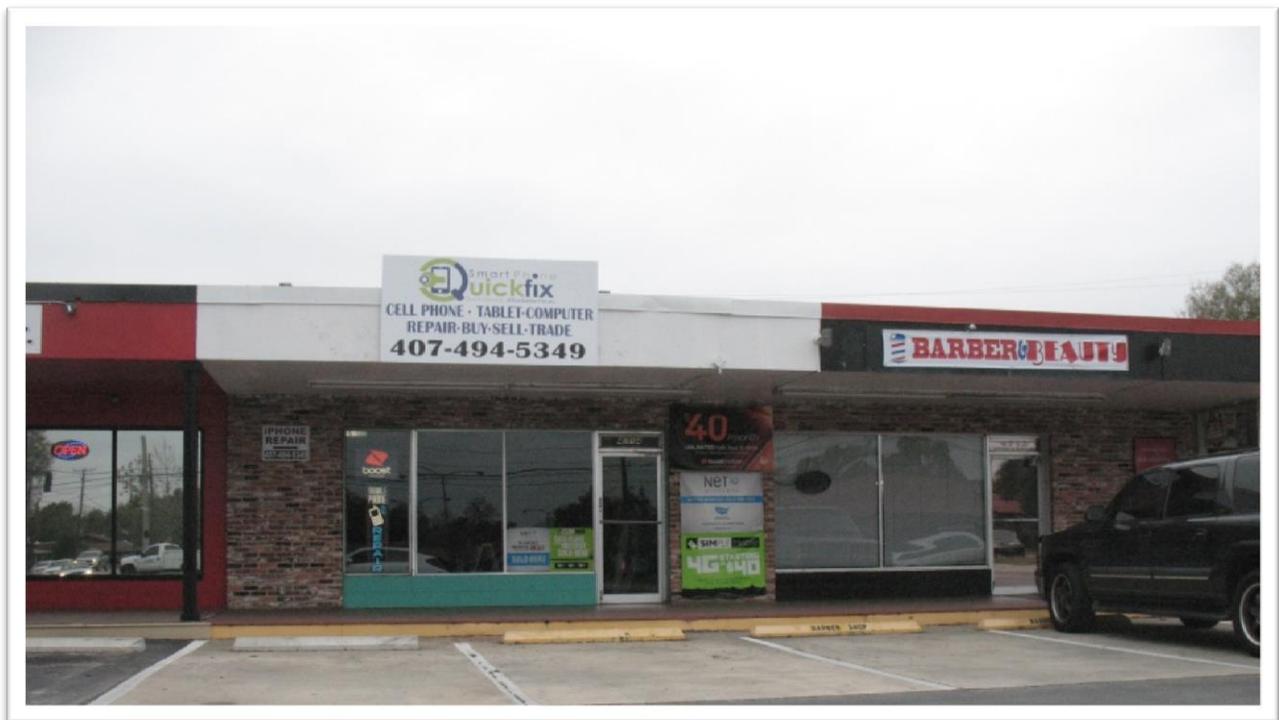
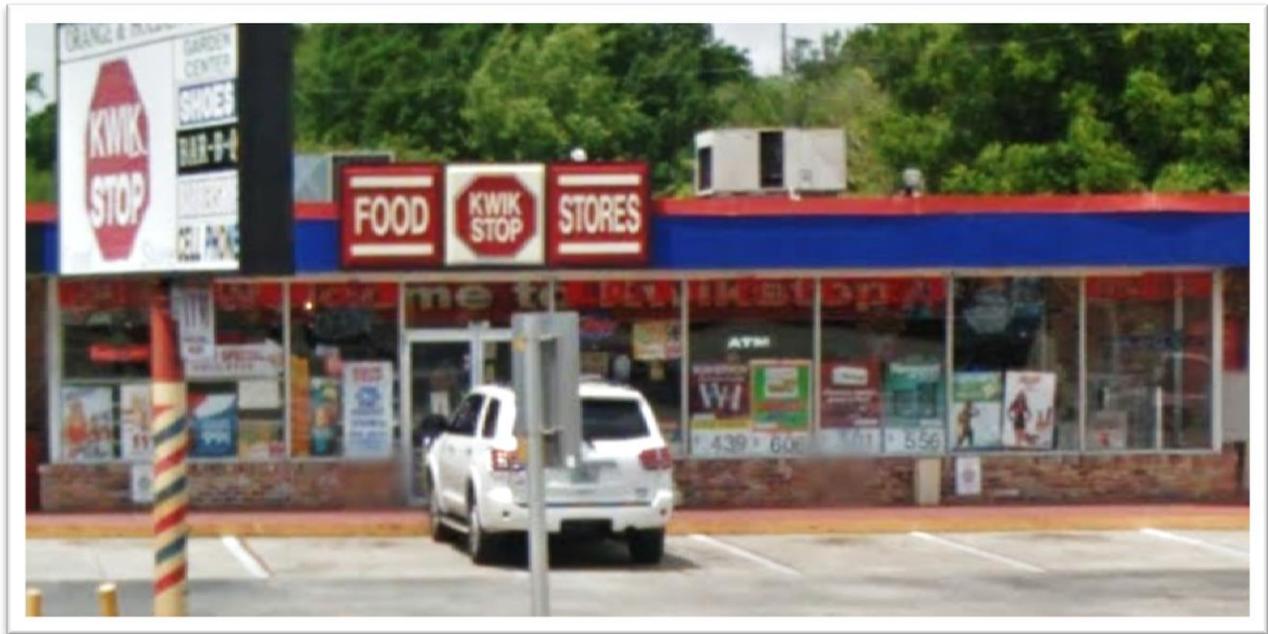


**Action Gator Tire 4698 S Orange Ave**



**Orange and Holden Plaza 4710 S. Orange**









**Le Coq Au Vin 4800 South Orange Avenue**



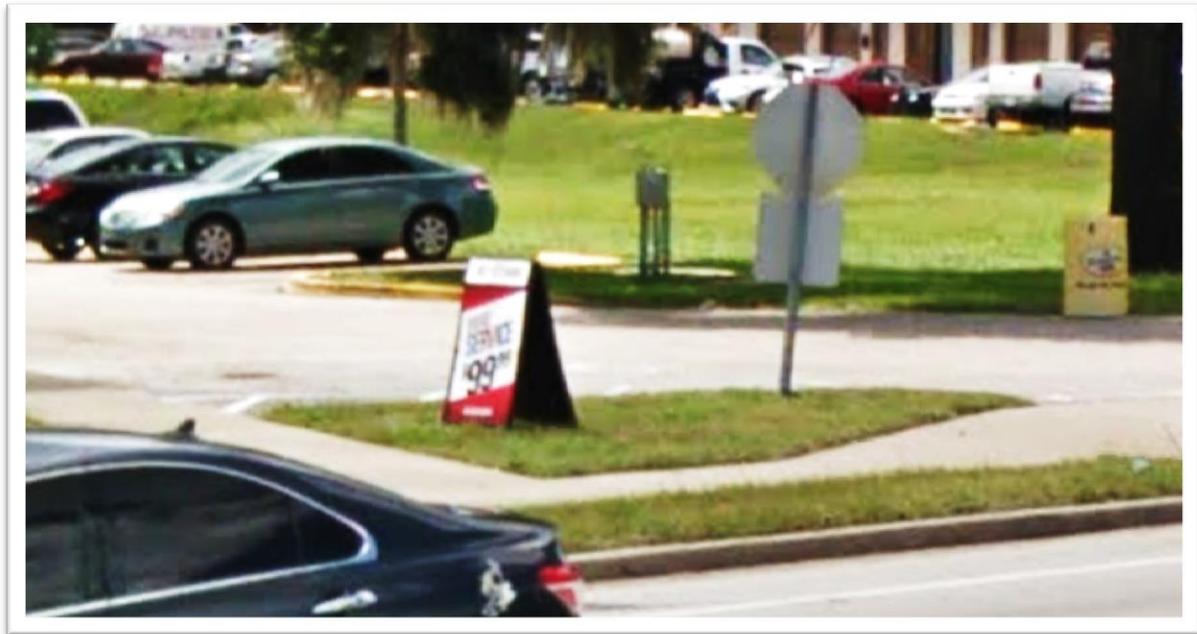
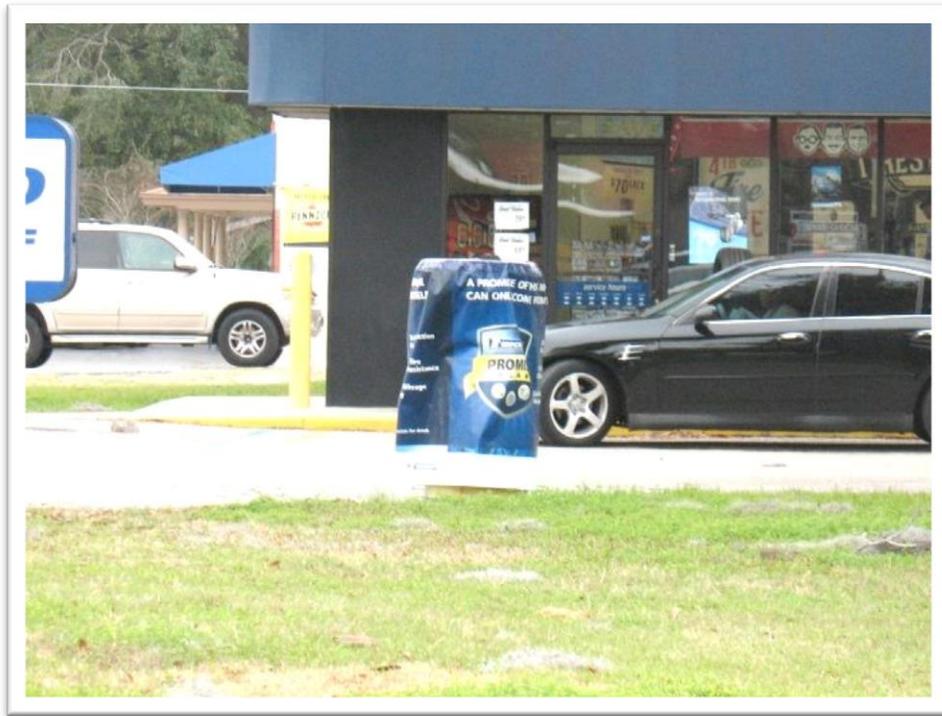
# South Orange Warehouse



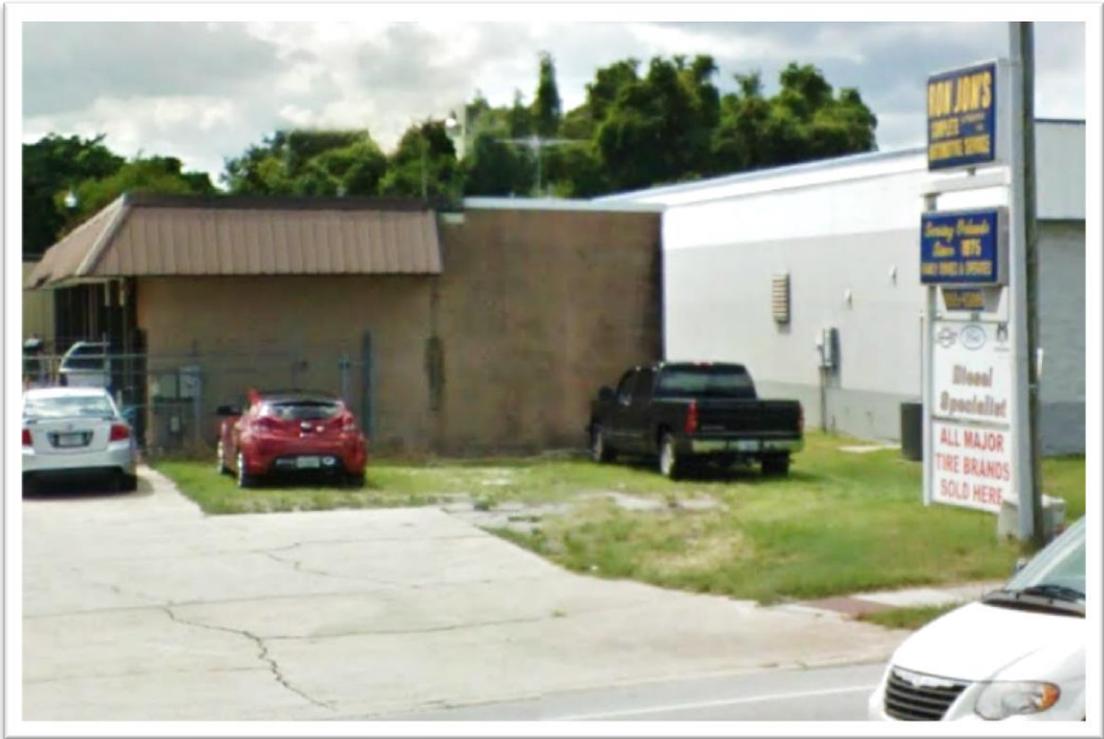
**Pepboys Auto**







**Ron Jon's 5854 South Orange Avenue**



**Caviezel Family Trust 4864 S Orange Ave**



The sign above is the current sign onsite.

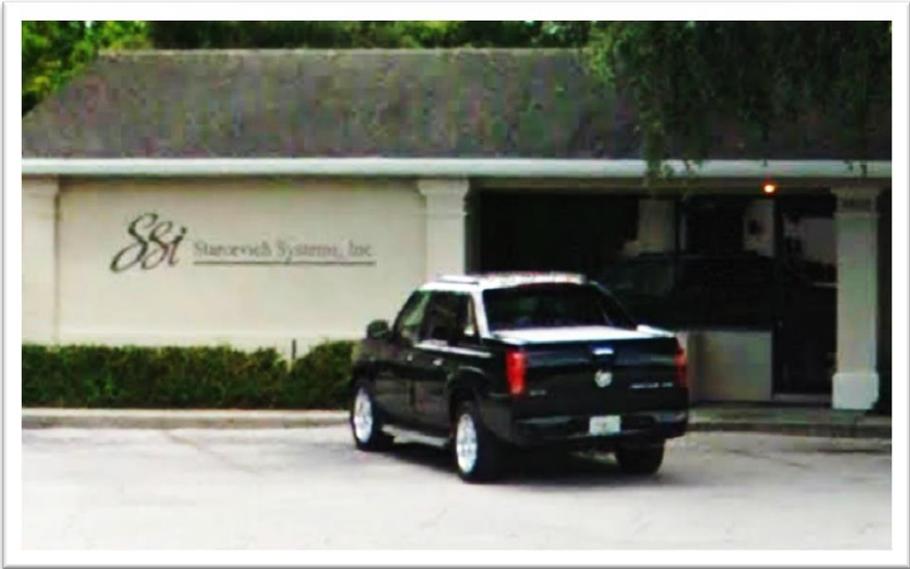


The sign above with the green poles is included to provide a visual for color difference.

**4874 S. Orange Avenue, Caviezel Family Trust**



**Starceвич Systems 4902 S Orange Ave**



Only wall signage on this property.

**Bos Auto Repair 4922 South Orange Avenue**



**Same sign, different color and copy**

**Imperial Building 4936 S Orange Ave (Tops in Detail)**



**4950 S Orange Ave Tu-Tone Tonys**



**Majestic Marble 4948 South Orange Avenue**



**Florida Transmission Repair 4954 South Orange**



**Enterprise Car Rental 4964 South Orange**





**First Audio 4960 South Orange**

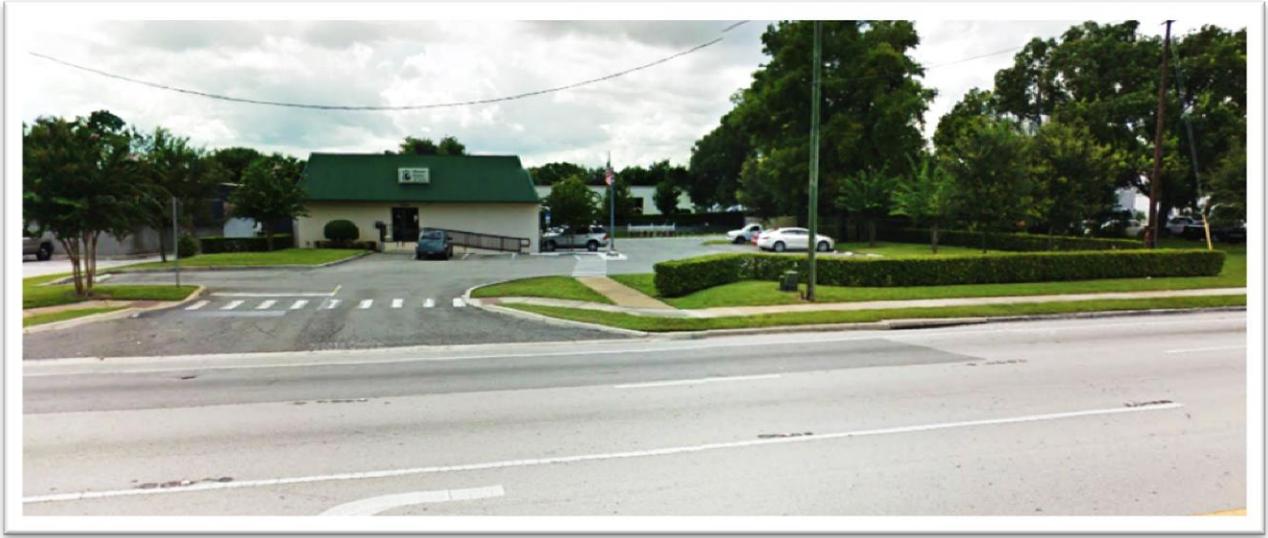


**Bell Rentals/Massey Ferguson**





# Moose Lodge

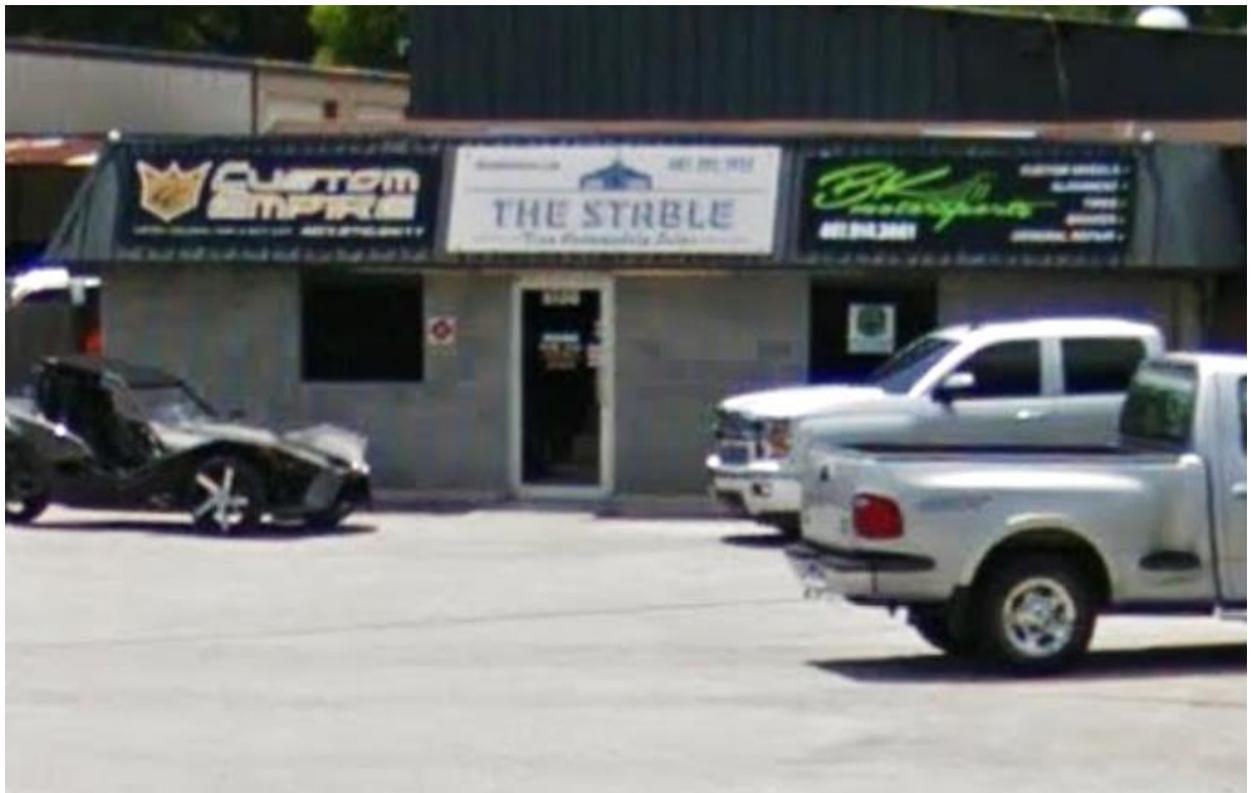


No ground sign



**Custom Empire/The Stable/Bk Motor Sports 5130 South Orange**





**Missionary Ventures**



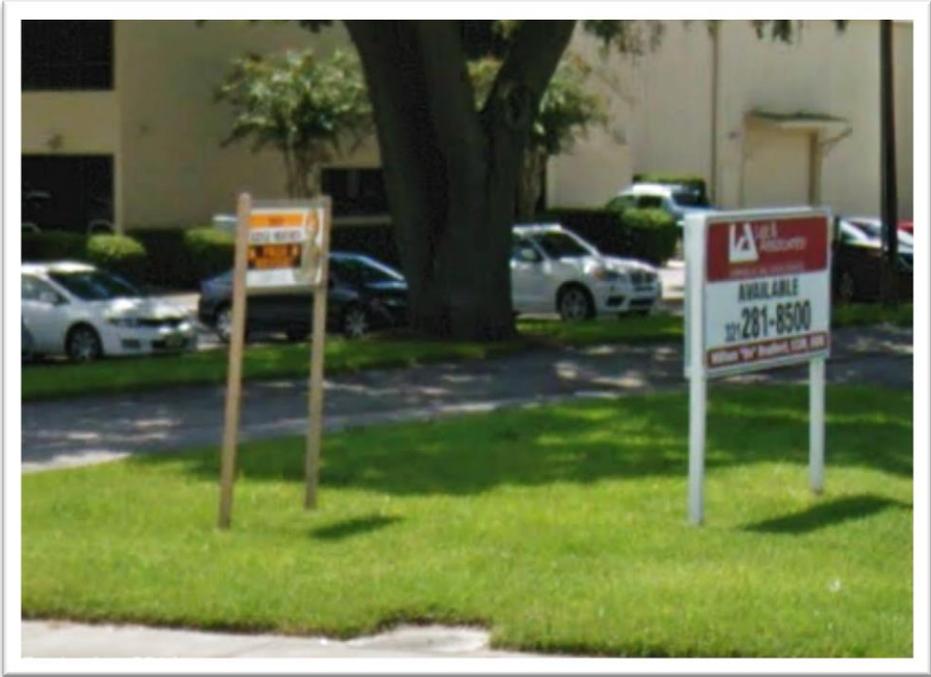
**Skorman Productions**



No ground sign

**Hooker Building 5210 South Orange**







**Adrenaline Film Production 5224 S Orange Ave**



**5232 South Orange**





**City Garage**



**Pine Castle Animal Hospital**





**5300 Orange Avenue**



No ground sign

**Bob's Auto Works**







**Personal Storage Units 5398 S Orange Ave**





## **Parcels between Orange and Hansel**

**CFE Credit Union**







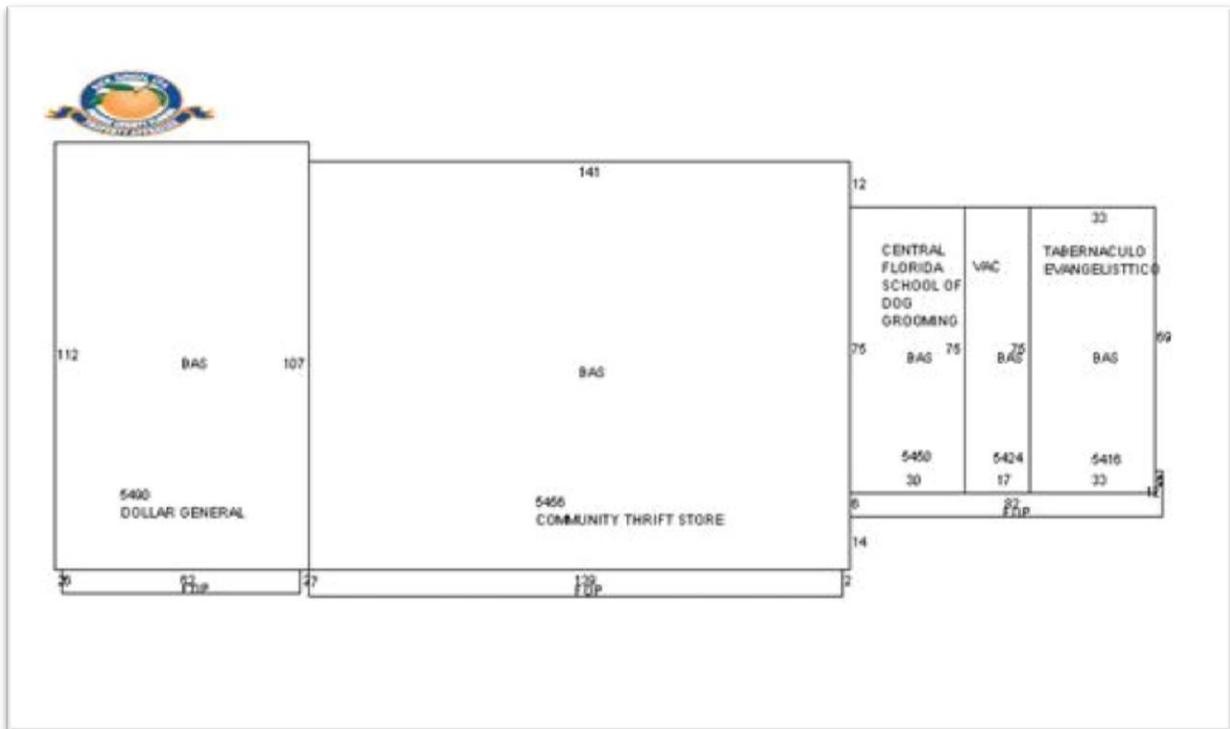
**McGinnty's Pub**



**South Orange Shopping Center**



No shopping center sign



Store	Building Frontage	Depth	Square Footage	% of total square footage	Allowable Area	Copy
Dollar General		66	112	7392	26%	149.0
Thrift Store		141	107	15087	53%	304.1
Empty		30	75	2250	8%	45.3
Empty		17	75	1275	4%	25.7
Empty		33	75	2475	9%	49.9
<b>Total</b>		<b>287</b>		<b>28479</b>	<b>100%</b>	<b>Maximum 100</b>

**Dan's Saw and Tool 5511 South Orange**



**Funky Junk 5515 South Orange**

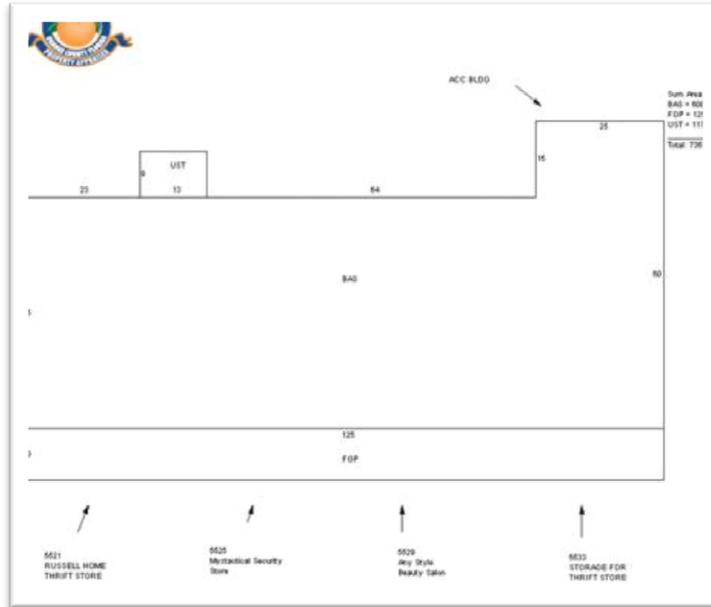


**Dawson's Strip Center**





# Dawson's Strip Center Cont'



Store	Building Frontage	Depth	Square Footage	% of total square footage	Allowable Copy Area	Estimated Copy Area
Russell Home Thrift Store	50	45	2250	38%	93.8	63
Security	30	45	1350	23%	56.3	8
Any Style Beauty	20	45	900	15%	37.5	18
Empty	25	60	1500	25%	62.5	
Total	125		6000	100%		

**Light House**



Included to show sign structure

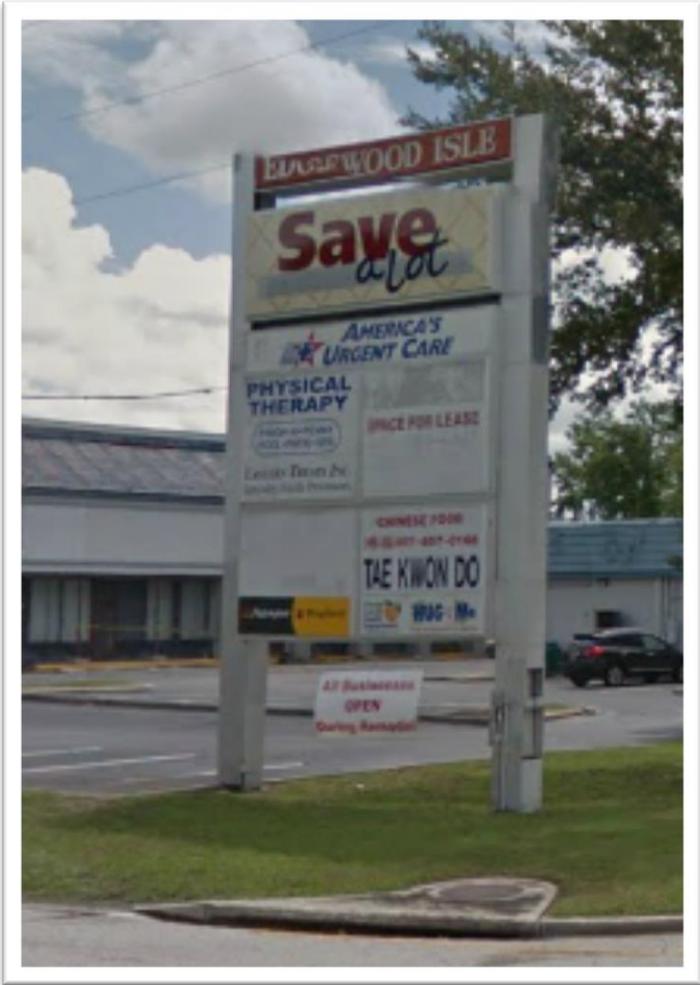
**Police Department**



**Select Medical**



# Edgewood Isle



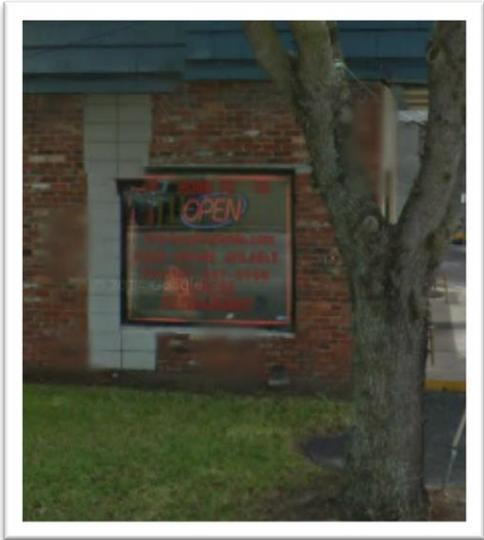
Along Orange Avenue



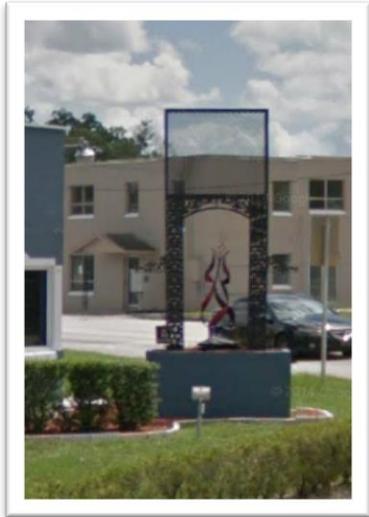
Along Hansel Avenue



**Hong Fu – Shopping Center Outparcel**



**Frame Shop 5699 South Orange**



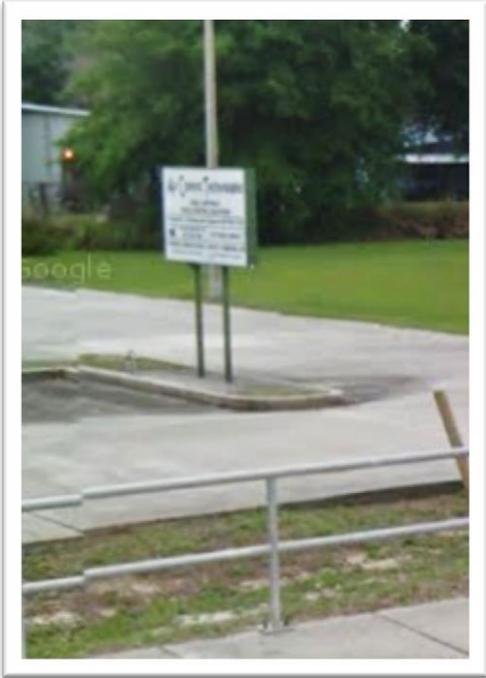
**Stone Fired Pizza**



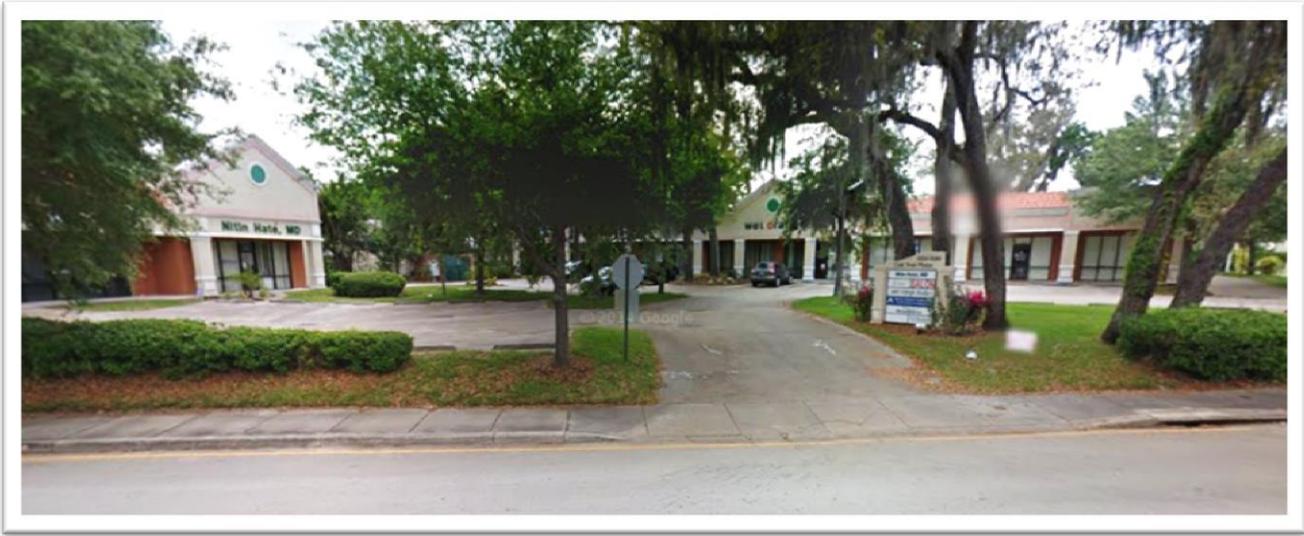
**7-11 5650 Hansel Avenue**



**Citrus Professional Center 5520 Hansel Avenue**



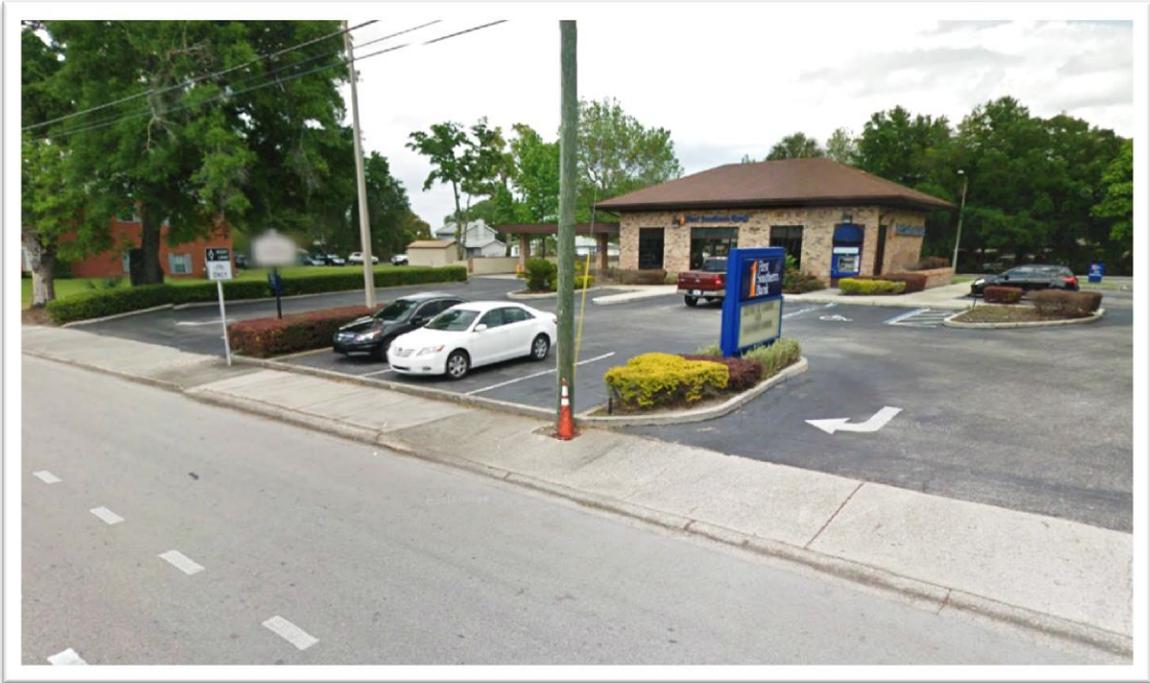
**Oak Tree Plaza**

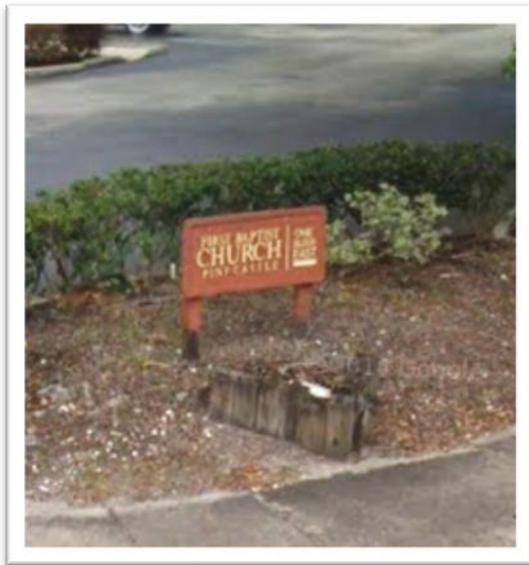
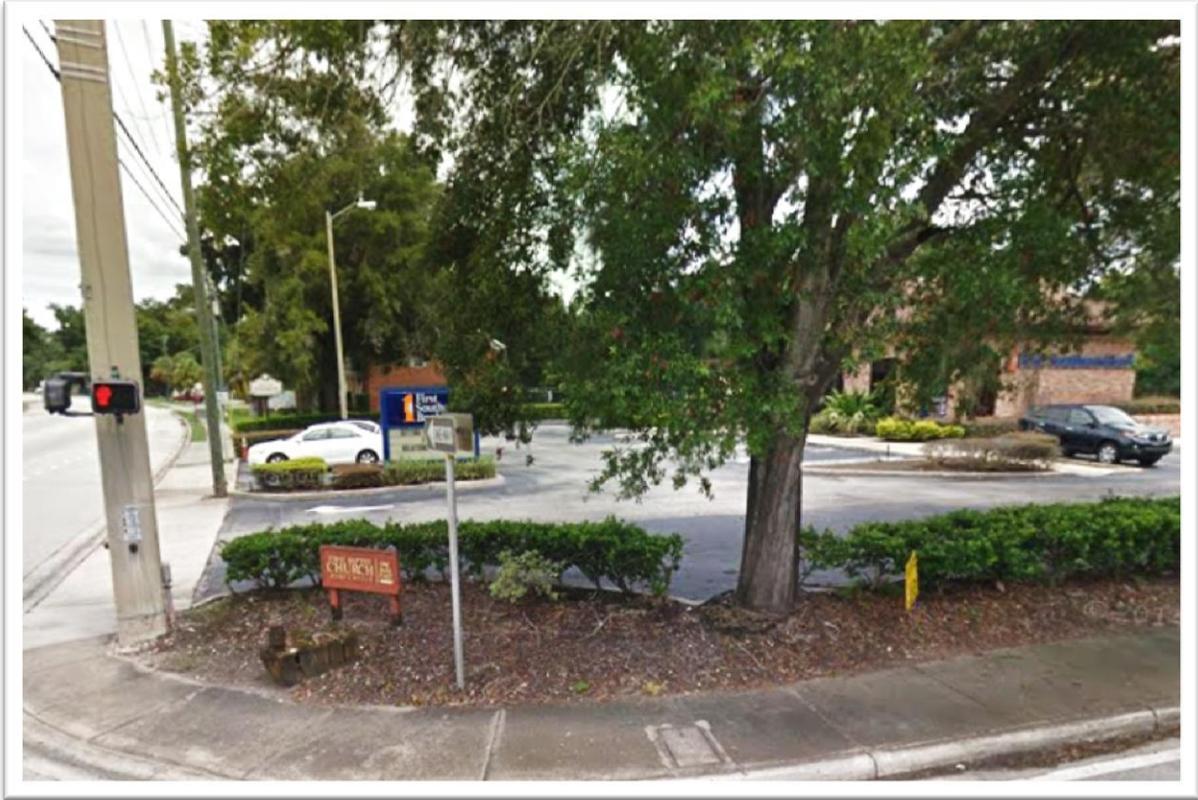




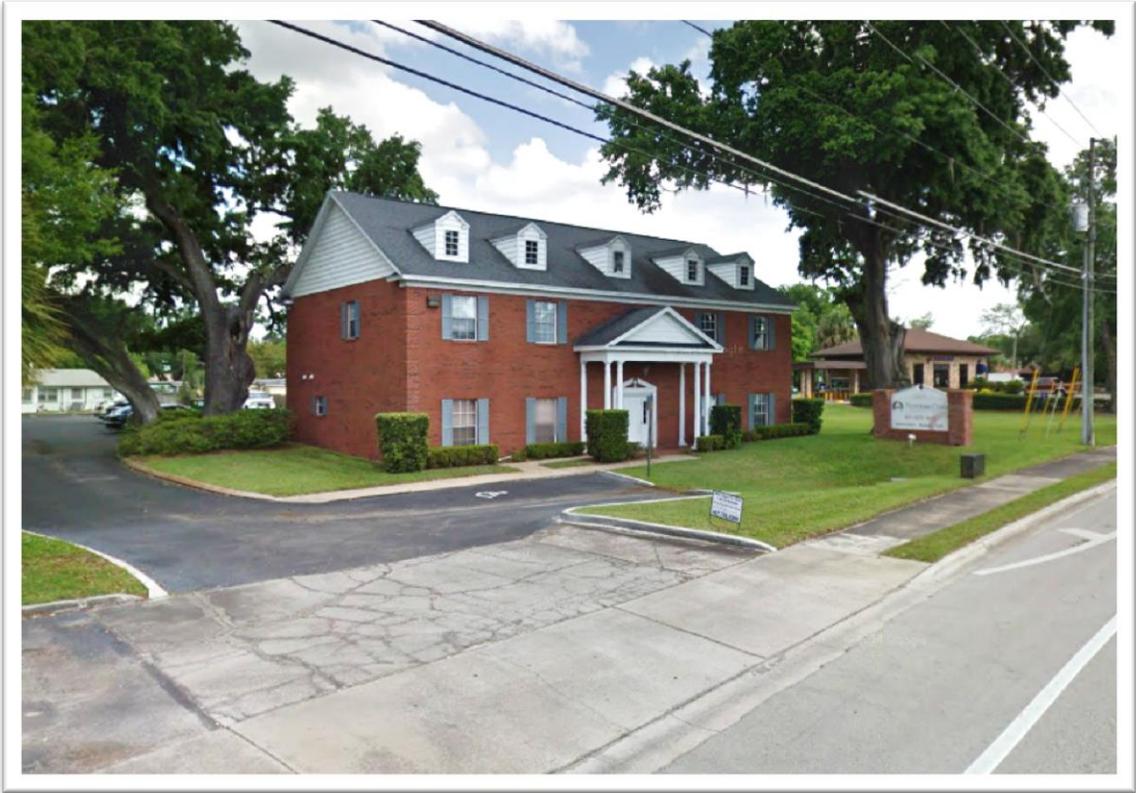
**East Side Orange Avenue  
(south to north)**

**First Southern Bank/Sugar Daddy Bakery**

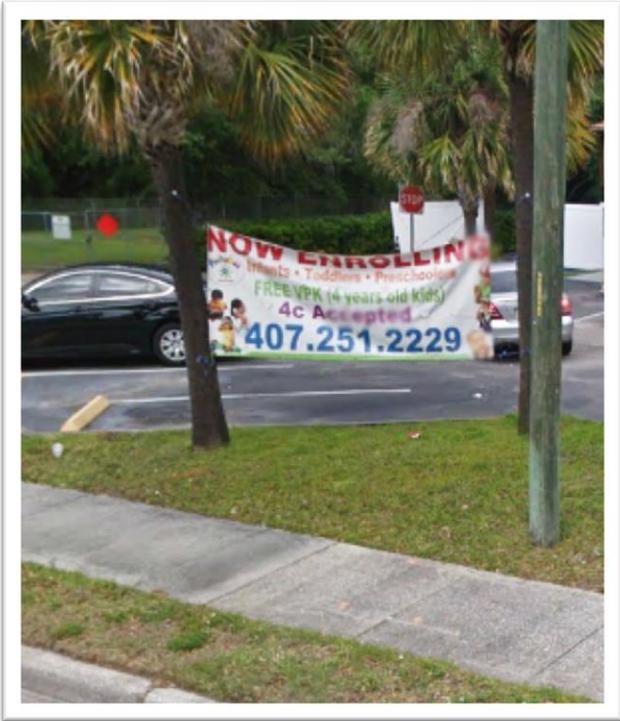




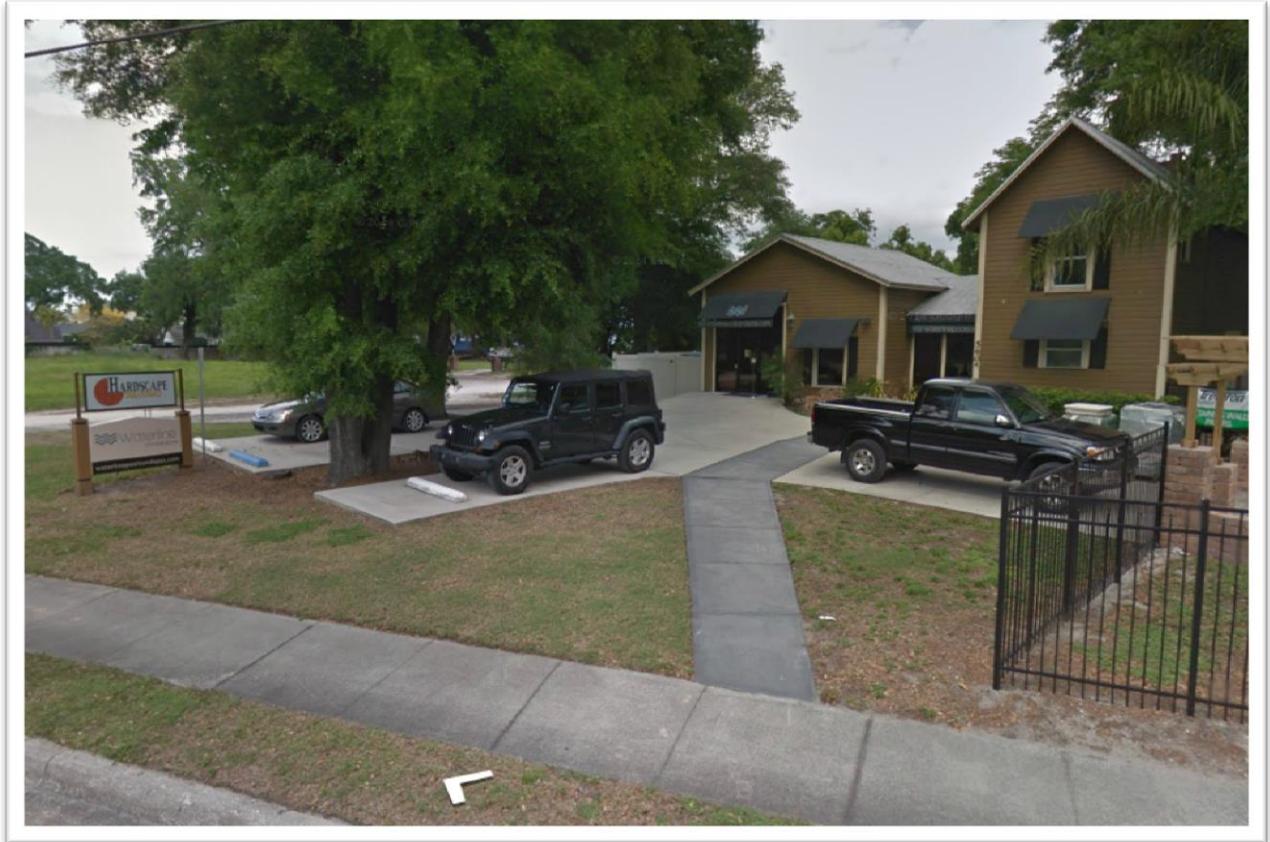
**Newman Crane**



**Peek A Boo Play & Learn 5607 Hansel Avenue  
(not in the City, included for illustrative purpose)**



**Waterline Pools & Spas 5605 Hansel Avenue  
(not in City included for illustrative purpose)**



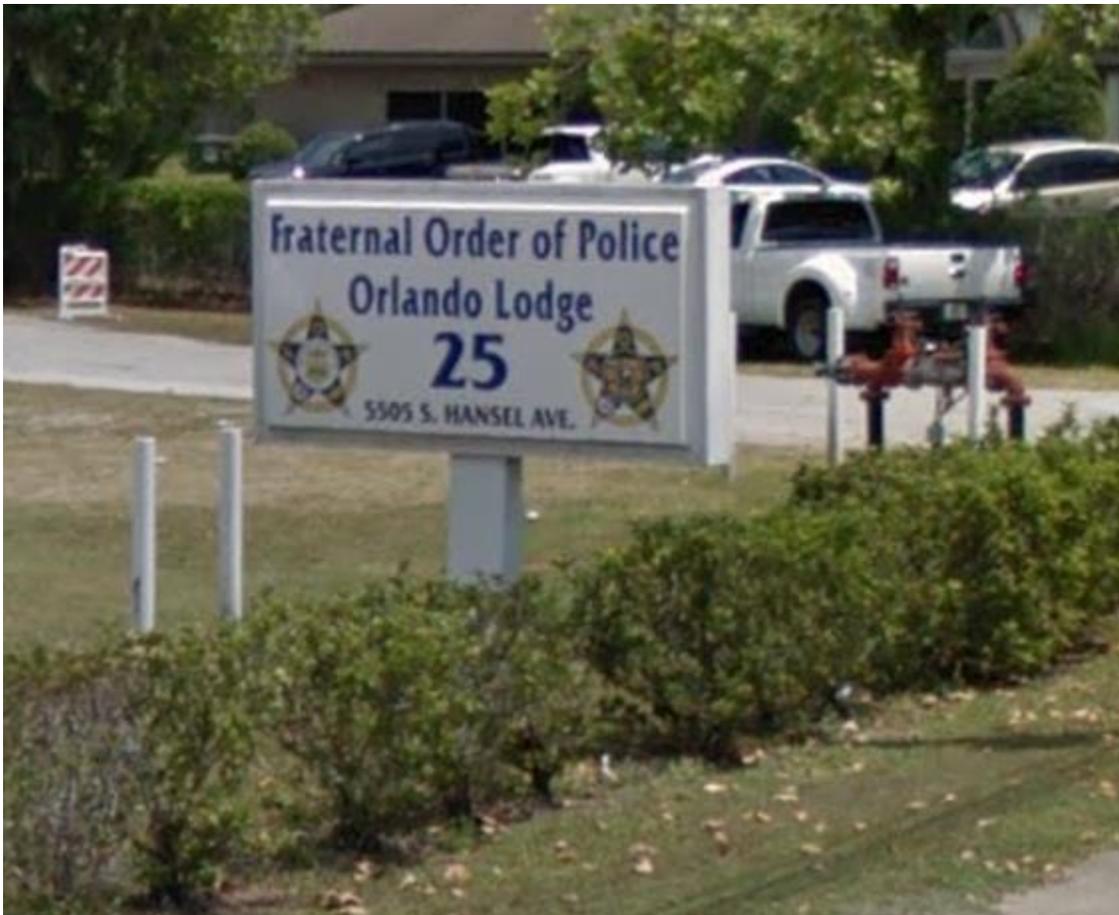
**Orlando Reg. Institute Wellness 5517 Hansel Ave**



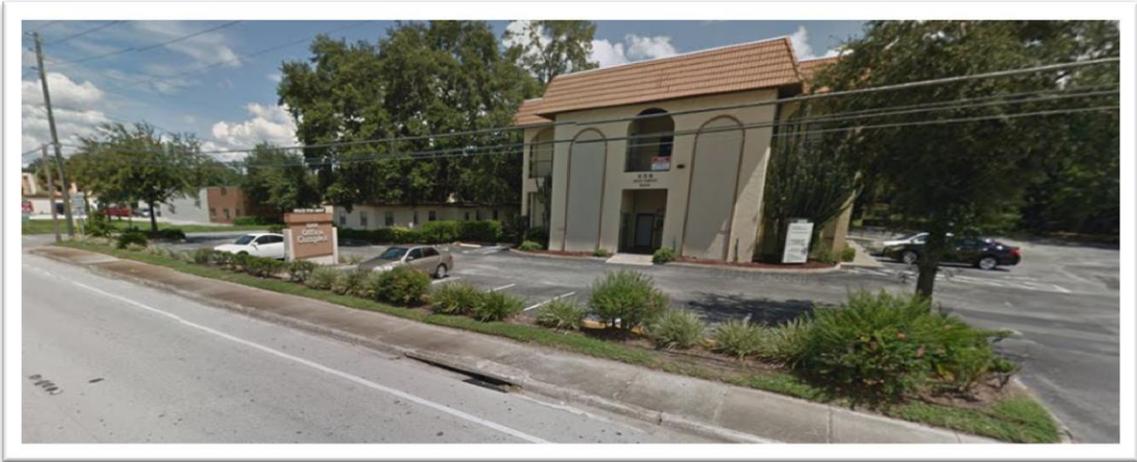
No signage



**Fraternal Order of Police (not in City, included for illustrative purpose)**



**5205 Office Complex 5205 South Orange Avenue**





**Party Store**



**Beth's Burger Bar 5145 S Orange Ave**



Example of reducing height for conformance

**FEG 5127 South Orange**



**Freedom Insurance/Tranquil Touch Massage, 5111 South Orange**



**Orlando Clinical Research Center**



Only sign is a wall sign

**Worldwide Interactive Services/Citi Group Accounting 5025 South Orange**



# MTI

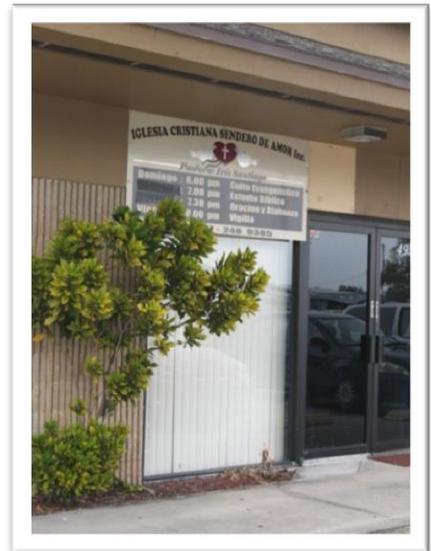
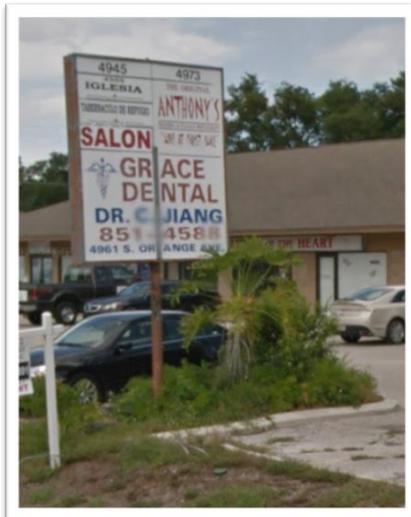


This is consistent with code

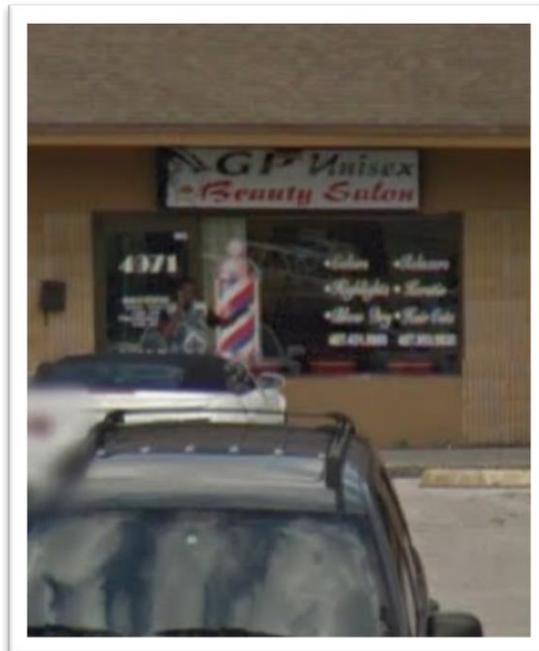
**Minerva's Plaza**



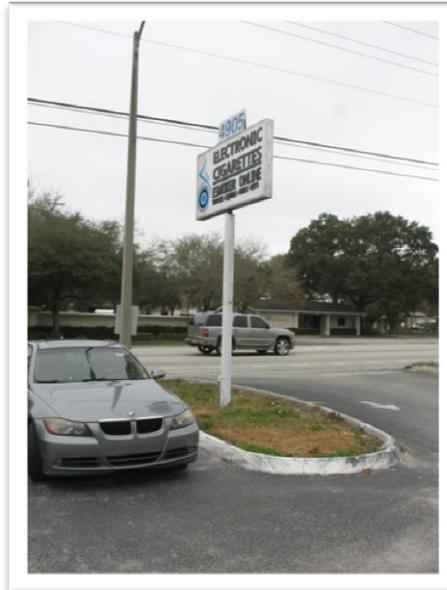
## Versailles III (South)



sampling of the signs on the property

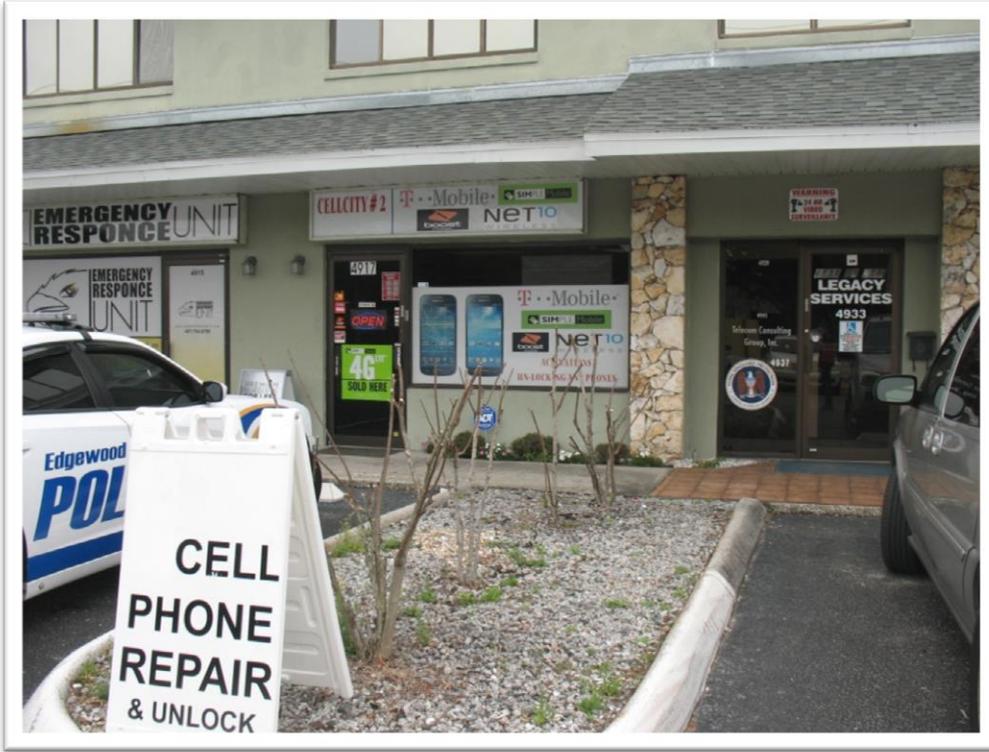


## Versailles III (North)



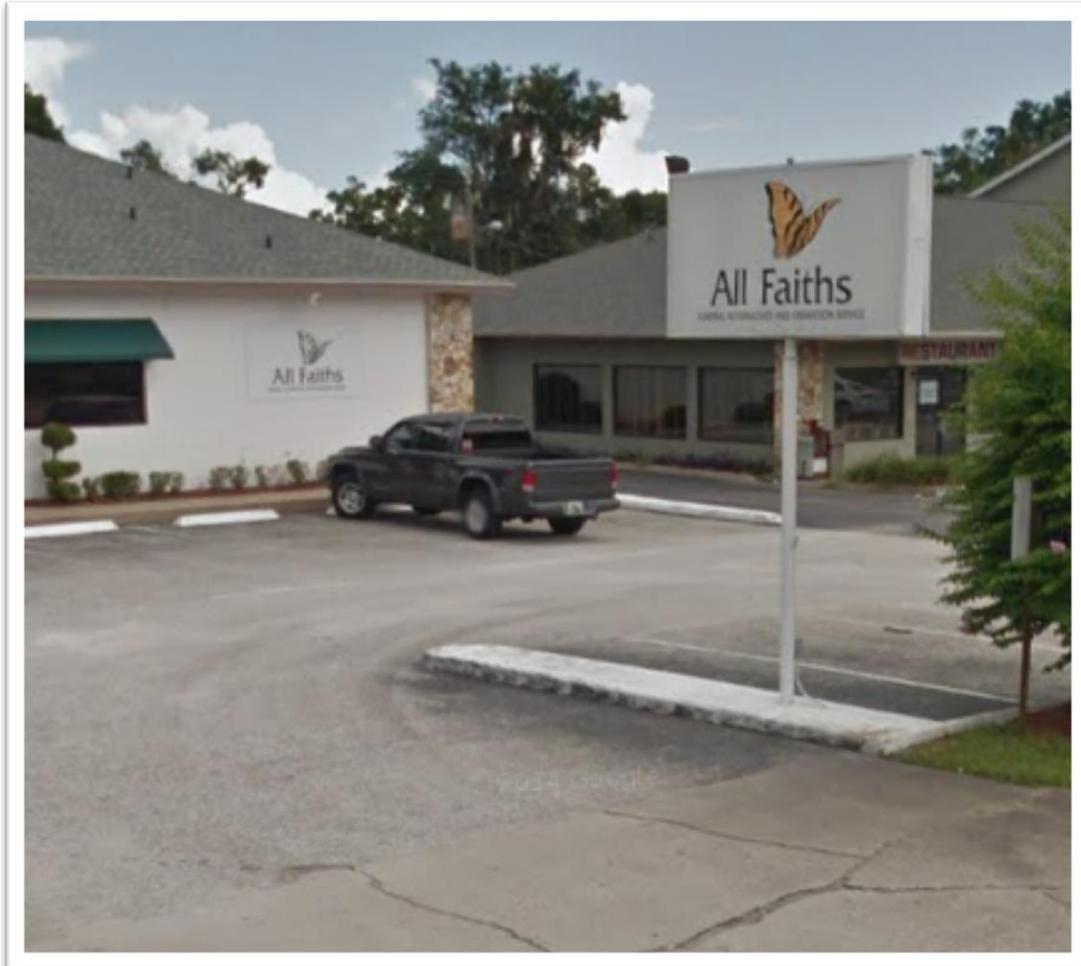








**All Faiths 4901 South Orange Avenue**



**East West Music/Hair & Nails**

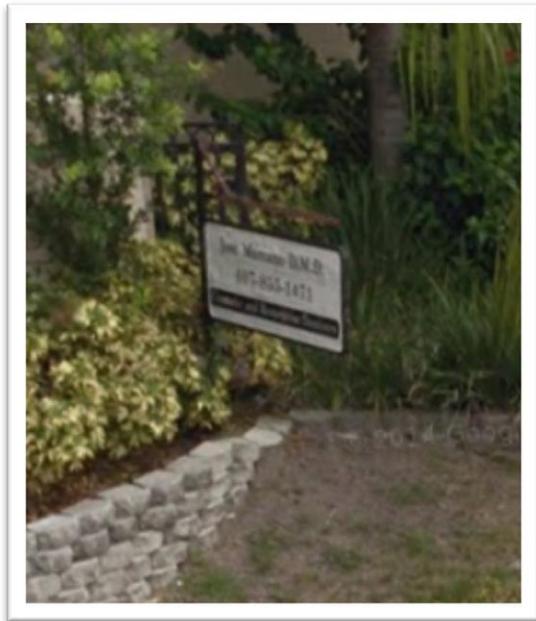




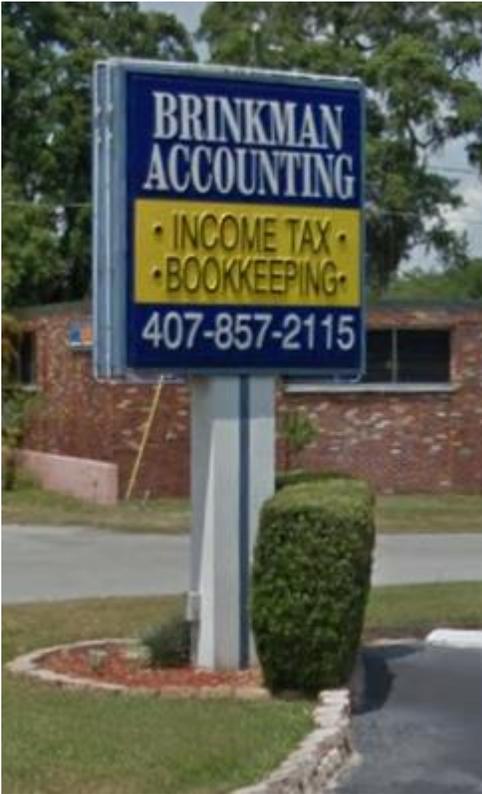
The store above has been vacated. Included for window sign illustration.

**Edgewood Professional Center 4861 S Orange Ave**





**Brinkman/Stemberger building 4853 S Orange Ave**



**Statewide Insurance 4851 S Orange Ave**

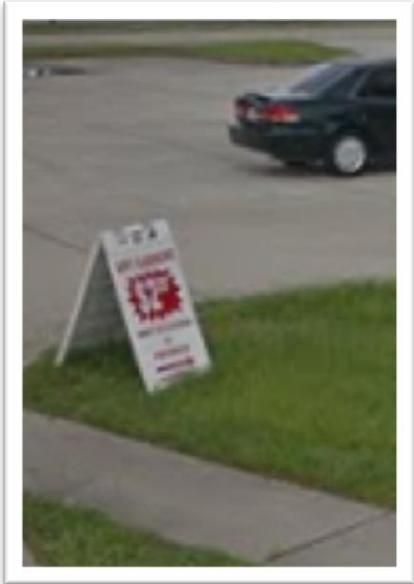




**Regal Cleaners 4809 S Orange Avenue**

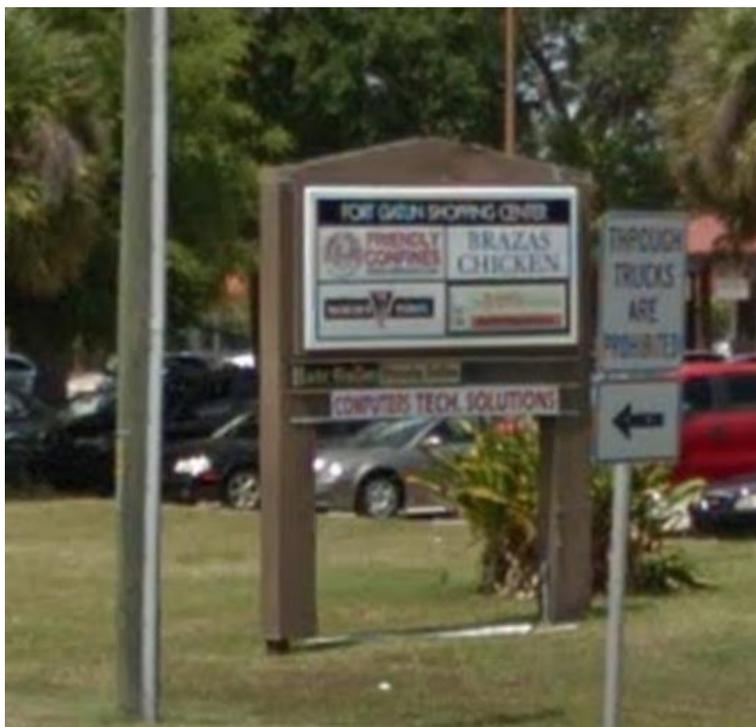


No ground sign onsite.



# Fort Gatlin Shopping Center











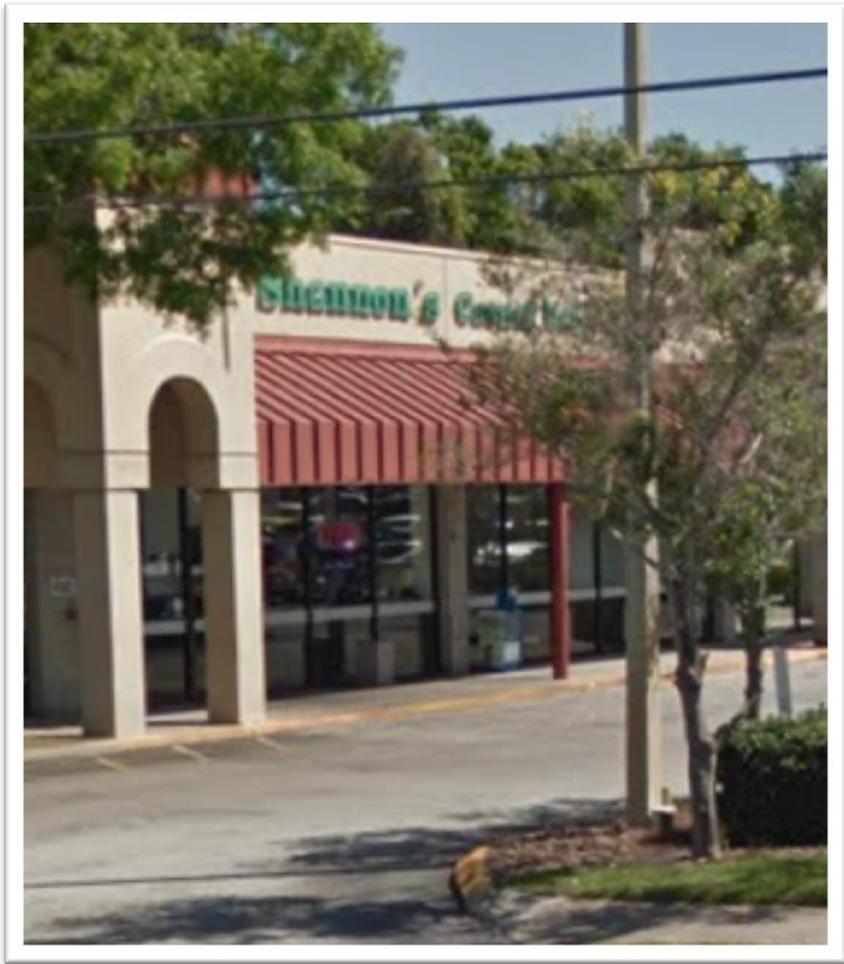
**Wells Fargo 4709 S Orange Ave**



**Water's Edge Shopping Center 4401 S Orange Ave**



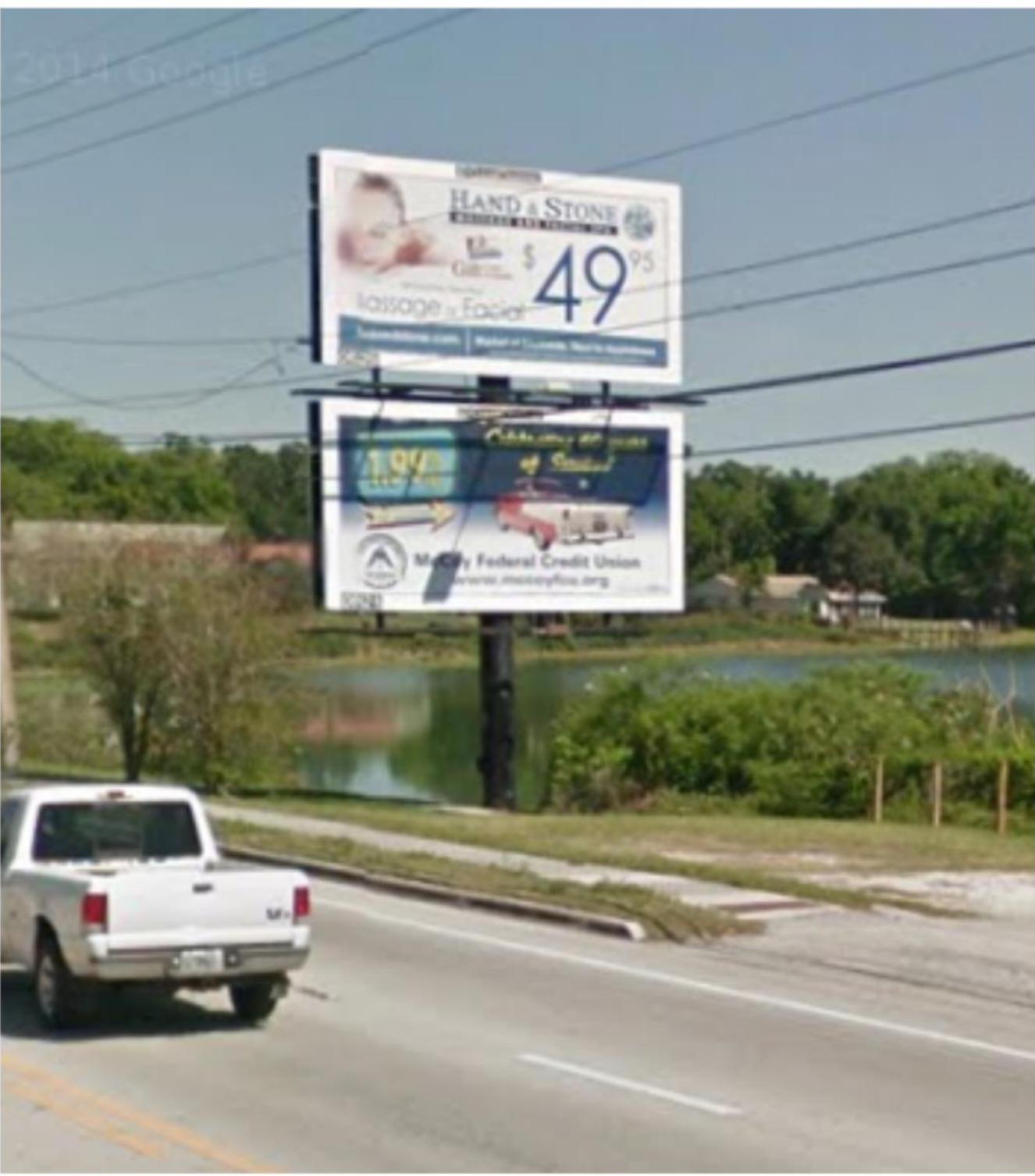




**Julie's Waterfront, 4201 S Orange Ave**



2014 Google



## Sign Ordinance History

	1982 – Rewrite	1985 Rewrite	1986 Amendments	1988 Amendments	2002 Amendments	2004 Amendments	2009 Amendments
<b>Total Maximum Copy Area on site</b>	No	2sqft/lf building frontage+1/lf for a second front (which must be used on that front), max 100sq ft for all fronts				All new signs must display the address (4”- 12” in height)	
<b>Pole signs</b>	Yes	Yes			Prohibited		
Copy Area	max 8 feet horizontal and 4 feet vertical	Max 72 sf/face					
Max. Height	12 feet, with 8 feet ground to sign clearance	16 feet, minimum clearance of 8 feet	Min clearance changed to 7 feet				
Max. # per parcel	One ground sign or one pole sign <sup>1</sup>						
Located in Landscaped area	yes						
Min Lot width		50 feet					
Setback from road	20 feet from the border of the existing roadway	Cannot extend into ROW, nor closer than 20 feet to a curb or pavement					
Property Line Setback		20 feet from all adjoining property lines and 20 feet from existing curbs or pavement, whichever is closer					
Other setback		No closer than 50 feet from another ground or pole sign					



	1982 – Rewrite	1985 Rewrite	1986 Amendments	1988 Amendments	2002 Amendments	2004 Amendments	2009 Amendments
<b>Ground Signs</b>	Advertising only one business					Definition Change: directly on a pedestal base without air space beneath designed to match building	
Copy Area	5 feet horizontal, 3 feet vertical, with no ground clearance	Max 72 sf/face			Clarified Max copy of 100 sf with maximum 72 sf/face		
Max height	Not mentioned	8 feet					
Located in landscaped area	Yes						
Max # per parcel	One ground or one pole						
Min lot width		50 feet					
Setback from road	20 feet from the border of the existing roadway	Cannot extend into ROW, nor closer than 20 feet to a curb or pavement					
Property Line setback		20 feet from all adjoining property lines and 20 feet from existing curbs or pavement, whichever is closer					
Other setback		No closer than 50 feet from another ground or pole sign					



	1982 – Rewrite	1985 Rewrite	1986 Amendments	1988 Amendments	2002 Amendments	2004 Amendments	2009 Amendments
<b>Freestanding Signs e.g., Mobile Signs</b>		Allowed if secured					
Copy Area Max		72 sqft included in total copy	40 sqft				
Setback		20ft from curb/rd, not in parking space, max 1 per business location	no closer than 50 feet from ANY other sign				
<b>Wall Signs</b>	yes	yes					
Copy Area	max 8 feet horizontal and 4 feet vertical					New wall signs may not disrupt architectural features of the building	
location	Below roof line	Below roof line					
<b>Directory Sign</b>	For Offices	Office or Shopping Center ground or pole sign that can be combined with Shopping Center sign subject to max copy area, but max 4 sq ft per tenant Only name, address location, and occupation of tenants	Clarified could be for shopping centers, office buildings, or multi-occupant buildings	Eliminated the requirement that the Directory Sign must be a pole or ground sign			
Copy Area <sup>2</sup>	Max 2 feet horizontal x 1 foot vertical	72 square feet per face					
Max. Height	12 feet, with 4 feet ground clearance	Same as ground or pole					
Located within landscaped area	yes						



	1982 – Rewrite	1985 Rewrite	1986 Amendments	1988 Amendments	2002 Amendments	2004 Amendments	2009 Amendments
<b>Min lot area width</b>		50 feet					
<b>Shopping Center Sign</b>	Combo Name and directory of stores. No other signs	Ground or Pole with name of center can be combo with directory sign Subject to Max copy area					
<b>Max Height</b>	15 feet						
<b>Located within landscaped area</b>	yes						
<b>Shopping Center Occupants</b>		Calculated as done today	Clarified occupant was the business location.				
<b>Temporary Signs</b>	Max one month	Announcing public, charitable, educational or religious event, max 24 sqft					
<b>Activated Sign</b>	Prohibited						
<b>Animated Sign</b>	Prohibited	Prohibited					
<b>Awning Sign</b>	Prohibited	Prohibited		Permitted			
<b>Banners/Streamers/Spinners/Pennants</b>	Prohibited	Only by public and semi public orgs for 14 days prior to even and 3 days after with an overall limit of 30 days total, max 40 square feet of copy area not counted in total allowable copy area					Eliminated the restriction of only public and semi-public, allowed up to 30 days, max 60 days within one calendar year, and one banner sign on the parcel.



	1982 – Rewrite	1985 Rewrite	1986 Amendments	1988 Amendments	2002 Amendments	2004 Amendments	2009 Amendments
<b>Beacon Light</b>	Prohibited	Prohibited					
<b>Billboard</b>	Prohibited	Prohibited					
<b>Canopy Sign</b>	Prohibited	No mention					
<b>Display lights/banners</b>	Prohibited	Prohibited except banners as specified below					
<b>Flashing Light</b>	Prohibited						
<b>Marquee Sign</b>	Prohibited	Permitted not more than 12 inches beyond perimeter					
<b>Mobile Sign</b>	Prohibited	Permitted consistent with today's regulation					
<b>Projecting Sign</b>	Prohibited	Permitted Max 48 inches					
<b>Roof Sign</b>	Prohibited	Prohibited					
<b>Sandwich Sign</b>	Prohibited	Freestanding Sign regulations may apply					
<b>Snipe Sign</b>	Prohibited	Prohibited					
<b>Window</b>	Max 35% of the window glass area on any side of the building	Max 35% of the window glass area on any side of the building					
<b>Amortization</b>	All in compliance within 3 years (7/6/85) <sup>3</sup>	All signs to be in compliance by 7/1/87, but if sign was constructed between 6/1/82 and 1985, the sign was allowed to remain until 6/1/90 [unless the structure is altered, repaired, or the wording is changed (except changeable copy)]	Any sign that became nonconforming because of the 1986 changes was allowed to remain until 3/1/91. The changes do not appear to be significant that this would ever have applied.		Pole signs must be removed by June 1, 2012  Ground signs meeting the area requirements prior to 2002 ordinance are allowed to remain		

<sup>1</sup>Maximum one pole sign per business location, except businesses between Orange and Hansel, which are allowed one facing each road.

<sup>2</sup> Interpreted to mean of each business on the directory sign

<sup>3</sup> Code Enforcement was to remove the nonconforming signs after 10 days' notice

END