

ORDINANCE NO. 2023-07

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO SIGNS; AMENDING CHAPTER 122 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES RELATING TO PROHIBITED SIGNS; MODIFYING THE LIST OF PROHIBITED SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

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

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

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

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

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

WHEREAS, sign clutter can contribute to driver distraction and other traffic safety concerns; and

WHEREAS, the City desires to minimize the impacts signage has on traffic safety in order to protect the public health, safety, and welfare; and

WHEREAS, the regulation of signage was originally mandated by Florida’s Local Government Comprehensive Planning and Land Development Regulation Act in 1985 (*see* Chapter 85-55; §14, Laws of Florida), and this requirement continues to apply to the City through Section 163.3202(2)(f), Florida Statutes; and

WHEREAS, the regulation of signs is necessary to protect the public health, safety and welfare of the citizens, businesses and visitors to the City of Edgewood; and

WHEREAS, during the implementation of new sign regulations, the City has monitored the effectiveness and efficiency of said regulations; and

WHEREAS, in order to optimize the effectiveness and efficiency of its sign regulation program, the City Council finds it appropriate to amend the regulations to better address the needs of the community and provide greater clarity to applicants.

WHEREAS, as sign technology evolves, aesthetic and traffic safety challenges can become more significant; and

WHEREAS, the ability to project signs using lights onto walls and other surfaces represents a technology not directly addressed in existing sign codes; and

WHEREAS, in order to provide clarity to residents, businesses, and members of City staff, the City Council finds it advisable to update its sign regulations prohibit signs that are projected on buildings or other structures; and

WHEREAS, the City Council finds that this Ordinance is limited to the secondary effects of speech including aesthetics and traffic safety, and is not intended to regulate viewpoints or censor speech, and for those and other reasons that the foregoing provisions are not subject to, or would not fail, a “prior restraint” analysis.

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

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

SECTION TWO. Chapter 122, “Signs,” of the City of Edgewood Code of Ordinances is hereby amended as set forth as follows (note: additions are indicated by underline, deletions are indicated by ~~striketrough~~, and portions of the Code that remain unchanged and which are not reprinted here are indicated by ellipses (***):

Sec. 122-10. - Prohibited signs.

The following types of signs are prohibited:

- (1) Abandoned signs.
- (2) Balloons, cold air inflatables, streamers and pennants.
- (3) Banner signs except as expressly allowed in section 122-12 herein.
- (4) Bench signs, other than the identification of the transit company or its route schedule.
- (5) Billboards.
- (6) Electronic changeable message signs except as specifically allowed in subsection 122-13(b)(4)a.5, herein.
- (7) Pavement markings, except street addresses and vehicle directional arrows.
- (8) Portable signs except as expressly authorized in section 122-12 herein.
- (9) Pole signs.
- (10) Roof signs.
- (11) Signs in or upon any lake or other body of water.
- (12) Signs erected by other than a governmental entity on or extending into publicly-owned land, easements or rights-of-way.
- (13) Signs that emit sound, vapor, smoke, odor, particles or gaseous matter.
- (14) Signs that have unshielded illuminating devices or which reflect lighting onto public rights-of-way thereby creating a potential traffic or pedestrian hazard.
- (15) Animated signs or signs that appear to display motion in any way whatsoever, including beacons.

- (16) Signs that obstruct, conceal, hide, or otherwise obscure from view any traffic control device sign or official traffic signal.
- (17) Snipe signs.
- (18) Obscene signs.
- (19) Hazardous signs.
- (20) Vehicle signs.
- (21) Any sign that is not specifically described or enumerated as permitted.
- (22) Signs attached to temporary structures.
- (23) Window signage except as expressly allowed within this Chapter. Window signage lawfully existing as of June 21, 2022 shall be allowed to remain until the earlier of: 1) voluntary removal of the window signage or 2) a change of occupancy in the unit upon which the window signage is located.
- (24) Signs projected on building façades or other structures, also may be known as hologram signs, projection mapping signs, video projection, or outdoor building projection signs.

SECTION THREE. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

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

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

PASSED ON FIRST READING THIS 20 DAY OF June, 2023.

PASSED AND ADOPTED THIS 18 DAY OF July, 2023.

CITY OF EDGEWOOD, FLORIDA
CITY COUNCIL



Richard A. Horn, Council President

ATTEST:


Sandra Riffle, City Clerk