

ORDINANCE NO. 2018-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH AMENDING THE *LAND DEVELOPMENT CODE*; AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III – DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS, TO REVISE CERTAIN SIGN CODE DEFINITIONS; AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II – DISTRICT REGULATIONS BY ADDING SECTION 2-43 – OUTDOOR ADVERTISING AND AMENDING SECTION 2-50 – ACCESSORY USES; AMENDING CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE IV, SIGN REGULATIONS, SECTION 3-38 – PURPOSE, SECTION 3-39 – SIGN PERMIT REQUIRED, SECTION 3-40 – SIGNS EXEMPT FROM THE PERMITTING STANDARDS OF THE ARTICLE, SECTION 3-42 – PROHIBITED SIGNS, SECTION 3-44 - GENERAL SIGN REGULATIONS, SECTION 3-46 – TEMPORARY SIGNS, SECTION 3-47 – SITE IDENTIFICATION SIGNS, SECTION 3-48 - BUSINESS PREMISES IDENTIFICATION SIGNS, SECTION 3-49 - SIGN VARIANCES, AND ADDING A NEW SECTION 3-50 – SEVERABILITY, TO UPDATE DUE TO RECENT JUDICIAL DECISIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Ormond Beach ("City") finds and determines that it is appropriate to ensure that its *Land Development Code* as it relates to temporary signs is in compliance with all constitutional and other legal requirements; and

WHEREAS, the City's adopted Comprehensive Plan requires changes to the *Land Development Code* be consistent with State Laws and current planning methods for growth and economic development; and

WHEREAS, the City's planning staff has reviewed the proposed changes for consistency with the City's Comprehensive Plan and *Land Development Code*, and finds that the proposed changes are consistent with the foregoing Plan and Code; and

WHEREAS, the City has endeavored to adopt regulations governing signage that will comply with the First Amendment of the U.S. Constitution as interpreted by the U.S. Supreme Court; and

WHEREAS, the City finds and determines that it is appropriate to update and revise its *Land Development Code* relative to temporary signs; and

WHEREAS, the City recognizes that there have been decisions delivered by the U.S. Supreme Court over the past forty years that provide guidance to local governments in their regulation of signage, including *Linmark Associates, Inc. v. Township of Willingboro*, 431 U.S. 85 (1977); *Metromedia, Inc. v. San Diego*, 453 U.S. 490 (1981); *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984); *City of Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410 (1993); and *City of Ladue v. Gilleo*, 512 U.S. 43 (1994); and

WHEREAS, the City wishes to preserve the aesthetic beauty of the City of Ormond Beach, Florida; and

WHEREAS, the City finds and determines that Article II, Section 7, of the Florida Constitution, as adopted in 1968, provides that it shall be the policy of the state to conserve and protect its scenic beauty; and

WHEREAS, the City finds and determines that the regulation of temporary signage for purposes of aesthetics directly serves the policy articulated in Article II, Section 7, of the Florida Constitution, by conserving and protecting its scenic beauty; and

WHEREAS, under established Supreme Court precedent, a law that is content-based is subject to strict scrutiny under the First Amendment of the U.S. Constitution, and such law must therefore satisfy a compelling governmental interest; and

WHEREAS, under established Supreme Court precedent, a compelling government interest is a higher burden than a substantial or significant governmental interest; and

WHEREAS, under established Supreme Court precedent, aesthetics is not a compelling governmental interest; and

WHEREAS, until a recent Supreme Court decision released in June 2015, there had not been clarity as to what constitutes a content-based law as distinguished from a content-neutral law; and

WHEREAS, in *Reed v. Town of Gilbert*, 135 S.Ct. 2218, 192 L.Ed.2d 236 (2015), the United States Supreme Court addressed the constitutionality of a local sign ordinance that had different criteria for different types of temporary noncommercial signs; and

WHEREAS, in *Reed*, the Supreme Court held that content-based regulation is presumptively unconstitutional and requires a compelling governmental interest; and

WHEREAS, in *Reed*, the Supreme Court held that government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed; and

WHEREAS, in *Reed*, the Supreme Court held that even a purely directional message, which merely gives the time and location of a specific event, is one that conveys an idea about a specific event, so that a category for directional signs is therefore content-based, and also that event-based regulations are not content neutral; and

WHEREAS, in *Reed*, the Supreme Court held that if a sign regulation on its face is content-based, neither its purpose, nor function, nor justification matter, and the sign regulation is therefore subject to strict scrutiny and must serve a compelling governmental interest; and

WHEREAS, in *Reed*, Justice Alito in a concurring opinion joined in by Justices Kennedy and Sotomayer pointed out that municipalities still have the power to enact and enforce reasonable sign regulations; and

WHEREAS, Justice Alito included the following rules among those that would not be content-based: (1) rules regulating the size of signs, which rules may distinguish among signs based upon any content-neutral criteria such as those listed below; (2) rules regulating the locations in which signs may be placed, which rules may distinguish between freestanding signs and those attached to buildings; (3) rules distinguishing between lighted and unlighted signs; (4) rules distinguishing between signs with fixed messages and electronic signs with messages that change; (5) rules that distinguish between the placement of signs on private and public property; (6) rules distinguishing between the placement of signs on commercial and residential property; (7) rules distinguishing between on-premises and off-premises signs; (8) rules restricting the total number of signs allowed per mile of roadway; and (9) rules imposing time restrictions on signs advertising a

one-time event, where rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed; and

WHEREAS, Justice Alito further noted that in addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech [see *Pleasant Grove City v. Summum*, 555 U.S. 460, 467-469 (2009)], and that government entities may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots; and

WHEREAS, Justice Alito noted that the *Reed* decision, properly understood, will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate aesthetic objectives, including rules that distinguish between on-premises and off-premises signs; and

WHEREAS, as a result of the *Reed* decision, it is appropriate and necessary for local governments to review and analyze their sign regulations, beginning with their temporary sign regulations, so as to make the necessary changes to conform with the holding in *Reed*; and

WHEREAS, under established Supreme Court precedent, commercial speech may be subject to greater restrictions than noncommercial speech and that doctrine is true for both temporary signs as well as for permanent signs; and

WHEREAS, the City finds and determines there is a need for signs to identify and safely direct emergency personnel, pedestrian and vehicular traffic to a destination; and

WHEREAS, the City finds and determines that under Florida law, whenever a portion of a statute or ordinance is declared unconstitutional, the remainder of the act will be permitted to stand provided (1) the unconstitutional provisions can be separated from the remaining valid provisions, (2)

the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void, (3) the good and the bad features are not so inseparable in substance that it can be said that the legislative body would have passed the one without the other, and (4) an act complete in itself remains after the valid provisions are stricken [*see, e.g., Waldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990)]; and

WHEREAS, Chapter 3 does not regulate City signs on property owned by the City, Volusia County or the State of Florida, and does not regulate Traffic Control Devices; and

WHEREAS, the City specifically finds that these sign regulations are narrowly tailored to achieve the compelling and substantial governmental interests of traffic safety and aesthetics, and that there is no other way for the City to further these interests; and

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

WHEREAS, the City finds and determines that the City has consistently adopted and enacted severability provisions in connection with its ordinance code provisions, and that the City wishes to ensure that severability provisions apply to its land development regulations, including its sign regulations; and

WHEREAS, the City finds and determines that there be an ample record of its intention that the presence of a severability clause in connection with the City's sign regulations be applied to the

maximum extent possible, even if less speech would result from a determination that any provision is invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the City finds and determines that the amendments to its *Land Development Code*, as set forth herein, are consistent with all applicable policies of the City's adopted Comprehensive Plan; and

WHEREAS, the City finds and determines that these amendments are not in conflict with the public interest; and

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

WHEREAS, notice of public hearings on such amendments was published in the Daytona Beach News Journal, a newspaper of general circulation in Ormond Beach, Volusia County, Florida, on May 5, 2018; and

WHEREAS, words with double underlined type shall constitute additions to the original text and strike through shall constitute deletions to the original text, and asterisks (***) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. The City Commission hereby approves and adopts modifications to the *Land Development Code* of the City of Ormond Beach, by and through the amending of Chapter 1,

General Administration, Article III– Definitions and Acronyms, Section 1-22, Definitions and terms of words:

Chapter 1 – General Administration.

Article III. Definitions and Acronyms.

Section 1-22, Definitions of Terms and Words.

Commercial message means any wording, logo, emblem, character, pictograph, trademark, or symbol used to represent a firm, organization, entity, product, or service, or other representation that, directly or indirectly, names, advertises, or calls attention to a product or service. For purposes of this section, terms such as sale, special, clearance, or other words which relate to commercial activity shall be deemed to be commercial messages.

Flag means a temporary sign consisting of a piece of cloth, fabric, or other-non-rigid material containing non-commercial speech.

~~Sign means any symbol, device, image, poster, flag, banner, billboard, design or directional sign used for advertising purposes, whether painted upon, attached to, erected on or otherwise maintained on any premises, containing any words, letters or parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business or a commodity or product, which is visible from any public highway and is used to attract attention. Exposed electric discharge tubing, such as exposed neon tubing, shall be considered signage.~~

Sign means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information to the public. The definition of a sign does not include:

- (1) Signs required or installed by a government agency on private property;
- (2) Notices required to be posted by law or ordinance on private property.

Only signs visible from any street, property (other than the subject site), beach or water body fall under the definition of sign.

~~*Sign, advertising.*~~

- ~~(1) The term "advertising sign" means any sign that is used to advertise a business commodity, service, the entertainment or accommodations offered, sold or conducted on the premises.~~
- ~~(2) The term "advertising sign" does not include directory signs, identification signs, professional signs, shingle signs or subdivision signs.~~

Sign, banner, means any sign applied to cloth, paper or fabric of any kind either with or without a frame. Flags are not banners.

~~*Sign, directory*, means any sign that includes directories for churches, apartment houses, clubs, and office buildings.~~

Signs, flutter or feather means any professionally produced streamers, balloons, wind signs, wind activated banners, cold air inflatables, pennants and other fixed aerial signage used outdoors for commercial advertising.

Sign, governmental shall mean any temporary or permanent sign erected by or on the order of a public official or quasi-public entity at the federal, state, or local government level in the performance of any duty.

Sign height means the vertical distance as measured from the finished grade to the highest point of the sign structure. Finished grade is the newly established grade at the base of the sign after construction of the sign, exclusive of any filing, berming, madding, or excavation solely for the purpose of locating the sign.

~~Sign, human directional, means a person, visible from the public right of way, who is holding, twirling or wearing a sign, wearing lights or wearing a costume to draw attention to a business, project, place or event.~~

Sign, ingress and egress means a noncommercial sign at the entrance to or exit from a parcel necessary to provide directions for vehicular traffic and provide a warning for pedestrian and/or vehicular traffic safety, which is not used to advertise services or goods.

~~Sign, political, means any sign that is related to:~~

- ~~(1) The election of a person to public office.~~
- ~~(2) The activity of a political party.~~
- ~~(3) An issue to be voted upon at a duly called election.~~
- ~~(4) Noncommercial speech outside of the scope of the foregoing, but encompassed within the protection provided by the First Amendment to the Constitution of the United States and/or article I, section 4 of the constitution of the state.~~

~~Sign, portable, means any sign that has no permanent attachment to a building or the ground. The term "portable sign" includes but is not limited to A-frame signs, sandwich signs, searchlights, inflatable signs and stands for signs designed to be transported as a trailer on its own wheels even though the wheels may be removed. The term "portable sign" also includes a costume worn by an individual and representing a character which is associated with a commercial enterprise.~~

~~Sign, public information, means any sign used for public information or directions including legal notices.~~

~~Sign, real estate, means any sign displayed for the purpose of offering for sale, rent or lease any land or building.~~

Sign, snipe, means any sign that is placed on public property or tacked, nailed, glued, or in any way affixed to trees, public utility poles, fences, or other objects-, or situated on any public road right-of-way, easement or alley.

~~*Sign, subdivision*, means any sign designed as a permanent structure that identifies the name of a subdivision. These signs are not intended to be used for development or promotional purposes.~~

Sign, temporary, means any sign, banner, pennant, valance or advertising display that is not a permanent sign, constructed of cloth, canvas, light fabric, cardboard, wall board, or other light materials, with or without frames, ~~intended to be displayed for a short period of time.~~ The term “temporary sign” shall not include any substitution of message on an existing lawful sign or sign structure. Unless otherwise provided in this Code, a sign with an intended use for a period of time related to an event shall be deemed a temporary sign. A flag is deemed a temporary sign.

Sign, wall, means any sign affixed, other than by paint, to the wall of any building or structure, and including seawalls and retaining walls, provided such sign shall not project more than twelve inches (12") from such building. ~~Such sign shall be limited to the identification of the name of the business and its logo.~~

Sign, wall wrap, means any sign composed of fabric, plastic, vinyl, mylar or a similar material that drapes or hangs over the side of a building, wall or window.

SECTION TWO. The City Commission hereby approves and adopts modifications to the *Land Development Code* of the City of Ormond Beach, by and through amending Chapter 2, District and General Regulations, Article II, District Regulations, by adding Section 2-43, Outdoor Advertising:

Sec. 2-43. Outdoor Advertising.

The “business of outdoor advertising” is a prohibited land use in all zoning districts of the City. The “business of outdoor advertising” means the business of constructing, erecting, operating, using, maintaining, leasing, or selling outdoor advertising structures, outdoor advertising signs, or outdoor advertisements.

SECTION THREE. The City Commission hereby approves and adopts modifications to the *Land Development Code* of the City of Ormond Beach, by and through amending Chapter 2, District and General Regulations, Article III, General Regulations, by amending Section 2-50, Accessory Uses:

Sec. 2-50 Accessory uses.

- (s) Home occupations. Home occupations are to be conducted entirely within a dwelling unit, and/or accessory buildings, and/or accessory structure and are subject to the following regulations:

- (3) Restrictions. Home occupations are permitted as an accessory use in all residential zones and subject to the following restrictions:

- j. In any advertisements for the business, the applicant cannot include the residential address of the business.
- k. ~~There shall be no advertising listing the residential address of the use.~~ One (1) nonilluminated on-premises sign, not to exceed one and one-half (1½) square feet in area is allowed provided it is mounted flat against the front wall of the dwelling or accessory structure used for the home occupation. For single-family homes of five (5) acres or greater, one (1) nonilluminated on-premises sign, not to exceed two (2) square feet in area is allowed provided it is ~~The sign must be~~ mounted flat against the wall of the dwelling or accessory structure used for the home occupation.

SECTION FOUR. The City Commission hereby approves and adopts modifications to the *Land Development Code* of the City of Ormond Beach, by and through amending Chapter 3, Performance Standards, Article IV, Sign regulations, Section 3-38 – Purpose, Section 3-39 – Sign permit required, Section 3-40 – Signs exempt from the permitting standards of this article, Section 3-42 – Prohibited signs, Section 3-44 – General sign regulations, Section 3-46 – Temporary signs, Section 3-47 – Site identification signs, Section 3-48 – Business premises identification signs, Section 3-49 - Sign variances, and by the addition of Section 3-50 – Severability:

CHAPTER 3 – PERFORMANCE STANDARDS

ARTICLE IV. - SIGN REGULATIONS

Sec. 3-38. - Purpose.

- (a) It is the purpose of this section to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this Chapter are also designed and intended to meet the statutory requirement that this municipality adopt land development regulations that regulate signage, a requirement set forth in Section 163.3202(f), Florida Statutes. The sign regulations in this Chapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics and safety. The sign regulations are designed to serve substantial government interests and, in some cases, compelling governmental interests such as traffic safety and warning signs of threats to bodily injury or death. The City specifically finds that these sign regulations are narrowly tailored to achieve the compelling and substantial governmental interests of traffic safety and aesthetics, and that there is no other way for the City to further these interests.

This section regulates signs, as defined in this *Land Development Code*, which are placed on private property or on property owned by public agencies including the City, and over which the City has zoning authority. This Chapter is not intended to extend its regulatory regime to objects that are not traditionally considered signs for purpose of governmental regulation.

The City of Ormond Beach is primarily a single family residential and resort community on the east coast of Florida. A part of the economic base of the City is dependent on visitors. In order to preserve and promote the City as a desirable community in which to live, vacation and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the City is an important means by which to achieve this desired end.

These sign regulations have been prepared with the intent of enhancing the visual environment of the City and promoting its continued well-being, and are intended to:

- (a) ~~The intent of this chapter is to ensure adequate means of communication through signage while maintaining the attractive visual appearance within the city. The regulations and requirements set forth herein are adopted for the following purposes:-~~
- ~~(1) — To preserve, protect and promote public health, safety, welfare and general aesthetic quality of the city.—~~
 - (1) Encourage the effective use of signs as a means of communication in the City;
 - (2) Maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth;
 - (3) Improve pedestrian and traffic safety;

- (4) Minimize the possible adverse effect of signs on nearby public and private property;
- (5) Foster the integration of signage with architectural and landscape designs;
- (6) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive sign (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- (7) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (8) Encourage and allow signs that are appropriate to the zoning district in which they are located;
- (9) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- (10) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- (11) Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
- (12) Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- (13) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the City;
- (14) Allow for traffic control devices without regulation consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- (15) Protect property values by precluding, to the maximum extent possible, sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (16) Protect property values by ensuring that sign types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;
- (17) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the City and that complements the natural surroundings in recognition of this City's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its resort community, as well as for its major subdivisions, shopping centers and industrial parks;

- (18) Enable the fair and consistent enforcement of these sign regulations;
- (19) Promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and advance the City's goals of quality development;
- (20) Provide standards regarding the non-communicative aspects of signs, which are consistent with city, county, state and federal law;
- (21) Provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design; and
- (22) Assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.
- ~~(2-23)~~ To provide adequate opportunity to advertise in commercial areas while preventing excessive advertising which would have a detrimental effect on the character and appearance of such districts.
- ~~(3) To limit signs in noncommercial districts to essential uses, primarily for purposes of identification and information, in order to preserve and protect the character and appearance of such districts.~~
- ~~(4~~ 24) To reduce glare and improve public safety and to reinforce the character of unique areas such as the historic district, the Downtown Overlay District and the Greenbelt and Gateway Preservation District.
- ~~(5-25)~~ To protect the general public from damage and injury caused by the faulty and uncontrolled construction and use of signs within the city.
- ~~(6-26)~~ To protect and maintain the visual integrity of roadway corridors within the city by establishing a maximum amount of signage on any one (1) site to reduce visual clutter.
- (b) Where there is conflict between this article and other sections of this Code, the most restrictive regulations shall apply.
- (c) This section does not regulate governmental signs on government property, including traffic control devices.

Sec. 3-39. - Sign permit required.

- (a) Before erecting, relocating, altering, or replacing any sign not specifically exempt under these regulations, the person authorized to erect such sign shall first secure a permit from the building division. The installment or painting of any sign requiring a permit under this article shall be conducted by and permitted to the property owner, or by a sign contractor, general

contractor or building contractor. An applicant for a sign permit shall submit the following to the chief building official:

- (1) An accurate, scaled drawing which shows the dimensions, materials, illumination and colors of the proposed sign;
 - (2) Construction details meeting the state building code;
 - (3) Electrical plans conforming to the requirements of building and electrical codes adopted by the city;
 - (4) A survey and elevation drawing showing the location of the proposed sign on the site or building, including dimensions to property lines and/or buildings on the site; and
 - (5) The location, type and dimensions of other signs on the same site advertising the same business.
- (b) An application for a sign permit shall be completed at the time such plans are submitted; however, the payment of the fee is not required until the permit is issued. All signs shall be inspected annually, with the inspection to cover the period from October 1 to September 30. Inspection and renewal fees shall be established by ordinance.
- (c) Sign permit application review. This process provides the exclusive method for any appeals regarding sign permits. An applicant shall submit a sign permit application for a permanent sign to the planning and building department, building inspection division, or such other office as may be designated by the City. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this chapter and any applicable zoning law of the City of Ormond Beach as set forth in the City of Ormond Beach's Code of Ordinances. Whenever required by state statute, the explanation for a denial of a sign permit shall include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit; in the event that the applicant fails to receive a statutorily required explanation, the applicant shall submit a written request for the explanation to the City's Planning Director via certified mail.
- (1) The review of the sign permit application shall be completed within thirty (30) calendar days following receipt of a completed application, not counting the day of receipt and not counting any Saturday, Sunday, or legal holiday that falls upon the first or the thirtieth (30th) day after the date of receipt.
 - (2) A sign permit shall either be approved, approved with any condition that is specifically described and set forth in the *Land Development Code* or the City of Ormond Beach's Code of Ordinances, or disapproved, and the decision shall be reduced to writing. A disapproval shall include or be accompanied by a statement of the reason(s) for the disapproval.
 - (3) In the event that no decision is rendered within thirty (30) calendar days following submission, the application shall be deemed denied and the denial shall be a final

decision of the City if the applicant chooses not to seek reconsideration at that time. At any time within sixty (60) calendar days, not counting any intervening Saturday, Sunday, or legal City holiday, following passage of the thirty (30) day period, the applicant may submit a written request via certified mail to the City for a decision setting forth the reason that the application was not approved and the City shall promptly respond within ten (10) calendar days after receipt of the written request, not counting the day of receipt and not counting any Saturday, Sunday, or legal holiday, by providing a written explanation of the reason(s) for the nonapproval of the application for the permanent sign.

- (d) An approval, an approval with conditions, or disapproval by the Planning Director shall be deemed the final decision of the City upon the application.
- (e) In the case of an approval with conditions or a disapproval, including a disapproval by lapse of time as described herein, an applicant may ask for reconsideration of the decision on the grounds that the Planning Director may have overlooked or failed to consider any fact(s) that would support a different decision.

 - (1) A written request for reconsideration, accompanied by such additional fact(s) that address the deficiencies that the applicant may wish the Planning Director to consider, shall be filed with the Planning Director within fourteen (14) calendar days after the date of the written decision. No fee shall be required for a request for reconsideration.
 - (2) Upon the timely filing of a request for reconsideration, the decision of the Planning Director or designee shall be deemed stayed and not a final decision until the request for reconsideration is decided. The request for reconsideration shall be decided within fourteen (14) calendar days of receipt by the City, not counting any intervening Saturday, Sunday, or legal City holiday. Such decision shall be in writing and shall include a statement of the reason(s) for the decision. In the event that no decision is rendered within fourteen (14) calendar days following the request for reconsideration, the application shall be deemed denied and the denial shall then be a final decision of the City. At any time within sixty (60) calendar days, not counting any intervening Saturday, Sunday, or legal City holiday, following passage of the fourteen (14) calendar day period, the applicant may submit a written request via certified mail to the City and request a decision setting forth the reason for the denial of the request for reconsideration, and the City shall promptly respond within ten (10) calendar days after receipt of the written request, not counting the day of receipt and not counting any Saturday, Sunday, or legal holiday, by providing a written explanation of the reason(s) for not approving the application upon reconsideration.
- (f) All decisions shall be mailed, transmitted electronically, or hand delivered to the applicant. A record shall be kept of the date of mailing, electronic transmittal, or hand delivery. For the purposes of calculating compliance with the thirty (30) day deadline for a decision upon an application or the fourteen (14) day deadline for a decision upon request for

reconsideration, the decision shall be deemed made when deposited in the mail, transmitted electronically, or hand delivered to the applicant.

(g) As exceptions to the foregoing, the thirty (30) day deadline for approval and the fourteen (14) day deadline for a decision upon receipt of a request for a reconsideration shall not apply (that is, the time shall be suspended):

(1) In any case in which the application requires a rezoning of the property, or an amendment to the comprehensive plan of the City, then upon written request of the applicant delivered to the Planning Director by certified mail before the applicable deadline, the time shall be suspended until a final decision is made upon the application for the variance, rezoning, or comprehensive plan amendment.

(2) If the applicant is required to make any change to the application in order to obtain an unconditional approval so as to satisfy an express provision of state law, the *Land Development Code*, or the City of Ormond Beach Code of Ordinances, then upon the written request of the applicant delivered by certified mail to the Planning Director before the applicable deadline, the time shall be suspended while the applicant makes such change.

(3) If an applicant is required by state statute or by any express provision of either the *Land Development Code* or the City of Ormond Beach Code of Ordinances to obtain an approval of the sign from any other governmental agency within the limitations set forth in Section 166.033(4), Florida Statutes, then upon the request of the applicant in writing delivered by certified mail before the applicable deadline, the time shall be suspended. The time shall remain suspended until such approval is obtained or until the applicant requests, in writing, delivered by certified mail to the Planning Director, that the City take final action. The City shall comply with the provisions of Section 166.033(4), Florida Statutes.

(4) In any of the foregoing cases, the applicant may elect to not make any changes to the application or to not obtain an approval that may be required by another governmental agency, and may instead demand, in writing, a final decision upon the sign permit application as filed. Such a written demand shall be delivered by certified mail to the Planning Director. In such event, the Planning Director shall make a decision on the application as appropriate within thirty (30) business days after receiving such demand. If a decision is not made in such a time, the application shall be deemed denied.

(h) Any person aggrieved by the decision of the Planning Director upon a sign permit application, or aggrieved by any failure by the Planning Director or by any other City official to act upon a sign permit application in accordance with the *Land Development Code*, shall have the right to seek review by the City Commission if a notice of appeal is filed within 30 days from the date the action was required. Any person aggrieved by the decision of the City Commission shall have the right to seek judicial review by the Circuit Court of the Seventh Judicial Circuit in and for Volusia County, Florida, or by any other court of

competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.

- (i) If an applicant believes that his or her speech rights are being denied due to enforcement of subsection 3-39(e) or 3-39(g), above, he or she may immediately contact the Planning Director in writing, via certified letter, and request immediate review of any pending sign permit application. If such a letter is received by the Planning Director, the City shall have twenty (20) days to review the permit application under subsection 3-39(c) above, notwithstanding provisions of Section 3-39(e) or (g) above. If the Planning Director does not respond to the applicant following receipt of the certified letter, the substance of the applicant's complaint shall be deemed rejected.
- (j) If an application is deemed incomplete, the applicant may either take steps to submit a complete application or challenge the City's decision by seeking review by the City Commission within 30 days from the date the City finds the application incomplete. Any person aggrieved by the decision of the City Commission shall have the right to seek judicial review by the Circuit Court of the Seventh Judicial Circuit in and for Volusia County, Florida, or by any other court of competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedying as may be available.
- (k) Sign permit fees. Before issuance of a permit, the Planning Director shall collect the necessary sign permit fees. The sign permit fees shall be as designated by resolution of the City Commission.
- (l) Inspection. The Planning Director may make or require any inspections to ascertain compliance with the provision of this section and the *Land Development Code*.
- (m) Revocation of sign permit. If the work under any sign permit is proceeding in violation of this section, the *Land Development Code*, or the Florida Building Code, or should it be found that there has been any false statement or misrepresentation of a material fact in the application or plans on which the sign permit was based, the permit holder shall be notified of the violation. If the permit holder fails or refuses to make corrections within ten (10) days, it shall be the duty of the Planning Director to revoke such sign permit and serve notice upon such permit holder. Such notice shall be in writing and signed by the Planning Director. It shall be unlawful for any person to proceed with any part of work after such notice is issued.

Sec. 3-40. - Signs exempt from the permitting standards of this article.

The City has an interest in allowing the following signs in order to comply with State and local laws and to promote public safety on City property or in the street right-of-way. Any sign which does not meet the criteria of this section and is not specifically permitted elsewhere in this article is prohibited. The following signs are exempt from the permitting requirements of this article, provided they meet all building permit and electrical code standards, are kept in good repair, and are not placed in such a manner as to create a hazard of any kind:

- (1) Noncommercial temporary signs do not require a sign permit.
- (2) Signs on property for sale or lease do not require a sign permit if under 16 square feet.
- (4 3) Address and ingress/egress signs for safety and traffic circulation purposes only. Signs not exceeding one and one-half (1½) six (6) square feet in area and bearing no commercial content. only street address numbers, post office box number and the names of the occupants of any private premises, for identification purposes only. Every building must display an address sign that is clearly visible from the street for 911 purposes.
- ~~(2) Legal or public hearing notices posted by an authorized representative of a governmental agency.—~~
- (4) Interior Facing Signage. The City does not intend that Article IV regulate or be applicable to signage located in the interior of school yards, ball/play fields or similar uses where such signage is designed to face the interior of such location and is not designed to be viewed or seen from adjacent roadways.
- ~~(3) Identification, informational or directional signs erected by any governmental agency.—~~
- ~~(4) Signs directing and guiding traffic and parking on private property which do not exceed six (6) square feet in area and bear no advertising matter.—~~
- ~~(5) Flags and insignia of the United States or the state which are five feet (5') by eight feet (8') or smaller. (Note: Flagpole shall require building permit).—~~
- ~~(6) Integral decoration or architectural festoon of buildings except letters, trademarks, moving parts or moving lights.—~~
- (7 5) Projecting signs in nonresidential areas displaying the name of the business and having an area of two (2) square feet or less when located under a pedestrian canopy, excepting that only one (1) such sign shall be allowed for each building occupancy.
- ~~(8) Bumper stickers properly displayed on motor vehicles.—~~
- ~~(9) Buses, taxicabs and similar common carrier vehicles which are licensed or certified by a public body or agency.—~~
- ~~(10) Credit card logos, open-close, hours of operation, registration and licensing information.—~~
- ~~(11) Signs on newsracks, phone booths, bus shelters, vending machines and similar structures related to the product or service provided therein.—~~
- ~~(12) Community event posters, provided that such posters are removed within three (3) days after the event and have a sign area less than eight (8) square feet. Community~~

~~event posters shall not be posted closer than forty-five (45) days from the day the event is scheduled to commence.~~

~~(13 6)~~ Window signs, provided they meet the requirements of this article.

~~(7) Signs on vehicles parked on commercially zoned property are allowed, provided that the vehicle otherwise conforms to any pertinent requirement of this Code, is not used as a means of providing additional signage not otherwise permitted by this Code, does not cause visual blight or a safety hazard, particularly at the entrance to business premises and shopping centers, and is in conformance with the following:~~

~~(a) The vehicle is parked within the confines of a building;~~

~~(b) The vehicle is parked in an area designated on an approved site plan for the storage of commercial vehicles owned by the business operated at the site; or~~

~~(c) The vehicle is properly licensed and maintained in an operable condition and:~~

~~(i) When it is not being operated during the normal course of business hours, the vehicle is not parked in such manner as to intentionally promote its use for advertising purposes; and~~

~~(ii) When it is not being operated during the normal course of business, the vehicle is parked in a designated commercial loading or storage area shown on an approved site plan; and~~

~~(iii) If the building housing the business being advertised abuts any arterial road, the vehicle may not be parked within the front and side corner setbacks established by this Code.~~

~~(8) Signs protected by state statute, however all signs require a building permit.~~

Sec. 3-42. - Prohibited signs.

It shall be a violation of this article to erect or maintain the following signs:

(1) Signs not specifically allowed by this article.

(2) Signs on or over any public property or public right-of-way except for permitted A Frames and Projecting signs meeting the requirements of Sec. 3-46 and 3-40(5) respectively. Except as required by state law or otherwise permitted by this section, any sign installed or placed on public property shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign, as is specifically permitted in these regulations. Signs may be erected on public property only by an authorized

~~representative of a public agency or a quasi public agency, provided such sign is approved by the city commission prior to its erection. Signs on state road rights-of-way shall fully comply with F.A.C. ch. 14-51.~~

- (3) Advertising signs on benches, trash receptacles, phone booths, bus shelters and similar structures, when visible from the public rights-of-way.
- (4) Portable signs.
- (5) Billboards.
- (6) Off-site signs.
- (7) Revolving signs.
- (8) Snipe signs.
- (9) Wind signs.
- ~~(10) Human directional signs (costumes, waving hands, waving flags, etc.).~~
- ~~(11) Signs which are painted to any part of a building.~~
- ~~(12 10)~~ Exposed electric discharge tubing, such as exposed neon tubing, shall not be permitted on the exterior of a building except as window signage in accordance with section 3-48.F.
- ~~(13 11)~~ Arrangements of lights in rows, strings, patterns or designs that outline or are attached to any portion of a building or structure, including windows, are prohibited. This prohibition does not apply to lights which are an integral part of an approved sign or those required for public safety.
- ~~(14 12)~~ Electric backlit awnings containing any graphic symbol or lettering used for signage. Decorative awnings not containing any signage, logos or other form of graphic illustration may be backlit.
- ~~(15 13)~~ Flutter signs, feather signs, streamers, wind activated signs, ~~B~~balloons or other inflatable items, ~~in commercial businesses unless authorized by the city for a special event.~~
- ~~(16) Signs or banners announcing community or special events shall not be located within the public right-of-way unless approved by the site plan review committee.~~
- (14) Wall wrap signs.

Sec. 3-44. - General sign regulations.

All signs shall comply with the following regulations:

- (1) Compliance with other codes. All signs shall be erected, altered or maintained in accordance with the city's adopted building and electrical codes and all other applicable regulations.
- (2) Fire and health hazards. Vegetation shall be kept trimmed in front of, behind, and underneath the base of any ground sign for a distance of ten feet (10'), and no rubbish shall be permitted to remain under or near such sign which would constitute a fire or health hazard.
- (3) Public interference. Signs shall not create a traffic or fire hazard, nor create conditions which adversely affect public safety.
- ~~(4) Signs over public right of way. Only one (1) sign per business use is allowed to overhang the public right of way. The portion of any sign overhanging the right of way shall not extend more than four feet (4') beyond the right of way line and shall not exceed forty (40) square feet in area, provided that there is a minimum clearance of eight feet (8') above the ground and that such signs do not overhang a vertical projection of the curbline. No support of the sign structure shall be upon the public right of way. No permit shall be issued for any sign overhanging the public rights of way in accordance with this provision unless the applicant posts a bond, or public liability insurance. Such bond or liability insurance shall be kept in effect at all times.~~
- (~~4~~ 5) Wind pressure and dead load requirements. All signs shall be designed and constructed in strict conformity with the state building code; the chief building official is authorized to require certification thereof by a licensed professional engineer.
- (~~5~~ 6) Illumination. The brightness of an illuminated sign shall not exceed thirty (30) footcandles as measured with a light meter five feet (5') away from the sign. Except for signs located facing or fronting the public right-of-way, signs that are within one hundred-fifty feet (150') of a residential district or existing, conforming single-family home shall be indirectly illuminated and designed to have the minimum impact on the residential neighborhood. White backgrounds are prohibited for interior illuminated signs.
- (~~6~~ 7) Prohibited lights. There shall be no red, amber, blue or green lights, either fixed, moving or flashing, which could create confusion with traffic lights or lights on emergency vehicles.

(7 8) Shielding. All illuminated signs shall provide shielding of the source of illumination in order to prevent a direct view of the light source from a street or from a residence in a residential area.

(9) ~~Obscene nature. No sign shall be erected that displays any statement, word, character or illustration of an obscene nature, as defined by F.S. ch. 847.~~

Sec. 3-46. - Temporary signs.

A. A-frame signage.	1. Maximum size limit.	2. Maximum number.	3. General requirements.
	a. Six (6) square feet.	a. One (1) per commercial business.	a. Where less than a two foot (2') setback exists between a business and the existing public rights of way, an A-frame sign may be placed upon a sidewalk within the public rights of way closest to the business entry point of the business.
			b. Where a business has a setback from the public rights of way, such sign may be placed upon the interior sidewalk closest to the business entry point of the business. Where no sidewalk exists, such placement may occur in front of the business but must remain outside of required parking, drive aisles, and buffers.
			c. A permit shall be required and such permit number shall be placed upon the sign for easy identification. Each year thereafter, a renewal fee shall be required for such sign.
			d. Design materials shall be of wood, aluminum, heavy gauge plastic or metal and may include a chalkboard, but it shall be sturdy enough to withstand reasonable wind loading conditions without blowing

			over.
			e. A letter of authorization from the owner and or management entity shall be required for business tenant.
			f. All A frame signs shall provide a four foot (4') clear area for all sidewalks. Where business entry doors swing out over the sidewalk, there shall be a clear zone for placement of A frame signage of at least five (5') feet.
			g. Signs shall be removed from the sidewalk when the business is closed.
			h. When such sign extends past the property line, proof of liability insurance must be provided to the city, and an indemnity waiver agreement must be filed with the permitting agency indicating the entity that has jurisdiction of the rights-of-way is held harmless.
B. Constructi on signage.	1. Maximum size limit.	2. Maximum number.	3. General requirements.
	a. Primary contractor: thirty two (32) square feet.	a. One (1) per frontage on a public roadway per contractor or subcontractor.	a. Shall be allowed in conjunction with approved building permits.
	b. Subcontractor: twelve (12) square feet.		b. All signs shall be removed within seven (7) days following the issuance of a certificate of occupancy.

	Maximum of eight (8') feet in height, as measured from site grade or crown of the road, whichever is higher.		
C. Community event banner.	1. Maximum size limit.	2. Maximum number.	3. General requirements.
	a. One hundred forty-four (144) square feet.	a. One (1) banner per event.	a. Shall be limited to events and displayed only in the Downtown Overlay District.
			b. Shall be limited to fourteen (14) days in duration.
			c. Shall be required to advertise community events and not individual businesses.
			d. If placed over a state roadway, a state department of transportation permit shall be required as part of the city application for the banner. The applicant shall add the city to the hold harmless documents required by the state department of transportation for banners over state roadways.
			e. Applicants shall provide liability insurance in an amount acceptable to the city.
D.Development	1. Maximum size limit.	2. Maximum number.	3. General requirements.

promotion at signage.	a. Thirty two (32) square feet.	a. One (1) per frontage on a public roadway.	a. Shall be permitted when the site is either under active SPRC review or has an approved site plan.
	b. Maximum of eight (8') feet in height as measured from site grade or crown of the road, whichever is higher.		b. Alternative development promotional signage may be permitted depending on lot size and property dimensions by the SPRC.
E. Nonprofit special events.	1. Maximum size limit.	2. Maximum number.	3. General requirements.
	a. Sixty four (64) square feet.	a. One (1) banner, pennant or flag set.	a. Qualifying events include, but are not limited to, festivals, athletic events, community festivals, carnivals, fairs, exhibitions, and picketing within a public right-of-way.
			b. Shall be allowed to be displayed for a maximum of fourteen (14) days per occurrence, four (4) times per year.
			c. City-sponsored events and nonprofits are exempt from payment of permit fees.
F. Outdoor activities signage.	1. Maximum size limit.	2. Maximum number.	3. General requirements.
	a. Sixty four (64) square feet.	a. One (1) banner, pennant or flag set.	a. Qualifying outdoor activities include, but are not limited to, business activities, e.g., sidewalk sales or the grand opening of a new business.

			<p>b. Permitted in association with, or independent of, an approved permit for outdoor activities as referenced in section 2-50 of this LDC.</p>
			<p>c. Shall be allowed to be displayed for a maximum of fourteen (14) days per occurrence, four (4) times per year.</p>
G- Political signs.	1. Maximum-size limit.	2. Maximum-number.	3. General requirements.
	a. Nonresidential-zoning: eight (8) square feet.	a. One (1) per frontage on a public roadway erected for each candidate for public office, for each side of any issue to be decided in a duly called referendum, or for each side of any	a. Bonding. Prior to the erection of any political sign, other than one which is within the parameters of subsection four (4) of the definition of "political sign," a \$150.00 cash or surety bond shall be posted by the candidate or his agent; the obligation of said bond shall be in compliance with all of the applicable regulations of this article, including removal in accordance with subsection G.3.f of this section.
	b. Residential-zoning: four (4) square feet.	given general-issue or topic on any parcel, or contiguous-parcels, of real property under the same-ownership. There shall be a minimum-separation between political-signs of five (5') feet unless the parcel frontage is	b. Time limit. No political sign, other than one which is within the parameters of subsection four (4) of the definition of "political sign," may be erected until a person becomes a "candidate," as such term is defined in F.S. § 106.011, for the office to which the sign relates, or until a referendum has been duly called if the sign relates to an issue which is subject to a vote of the electorate, rather than a political office.

		insufficient to allow the placement of all desired signs. In that event, the maximum separation possible shall be achieved.	
			c. Location. No political sign shall be placed on or over any public property or public right of way; no political sign shall be placed on private property without the prior consent of the owner or of an occupant with the authority to give such consent. Political signs may be placed on existing nonconforming billboards/off-site signs.
			d. Interpretation of number, area and spacing of signs. For the purposes of subsections G.1 and 2 of this section, if two sign faces are placed on one (1) or more poles in a back-to-back manner, or if two or more sign faces are placed on poles which provide a common point of connection as, for example, a V type of placement, such placement shall be considered to be one sign; if there is no common point of connection for the separate sign faces, then such placement shall be considered to be separate signs.
			e. Removal prior to election. Any sign placed on any public property or public right of way shall be subject to immediate removal. In all other cases, the chief building official, or his designee, shall provide notice of such violation to the

			<p>contact person listed on the permit application. Such person may, within 24 hours of receipt of such notice, request a hearing before the city manager, or his designee, which hearing shall be held by the city manager or designee (who may not be the chief building official) within 24 hours of the request. If a hearing is held, the decision of the city manager, or designee, shall be final. If no hearing is requested, or if a violation is determined to exist following such a hearing, the sign shall be immediately removed by the permittee. Failure to do so will authorize removal by the chief building official, with \$5.00 being deducted from the bond for each such sign removed.</p>
			<p>f. Removal after election. All political signs which relate to the election of a candidate or to an issue decided at a referendum must be removed by the permittee no later than ten (10) days following the election at which the candidate was duly elected to office or defeated, which first occurs or the issue is decided by the electorate.</p>
H. Real-estate signs.	1. Maximum size limit.	2. Maximum number.	3. General requirements.
	a. Single-family zoning: six (6) square feet.	a. Less than two-hundred fifty (250) feet: one (1) sign.	a. Nonresidential real estate signage over sixteen (16) square feet:
	b. Multifamily	b. Two hundred	(i) Shall require a sign permit.

	uses: sixteen (16) square feet.	fifty one (251) to five hundred (500) feet: two (2) signs.	
	e. Nonresidential: thirty two (32) square feet.	e. Five hundred one (501) to seven hundred fifty (750) feet: three (3) signs.	(ii) Shall visually appear to be permanent signs and landscaped to screen all visible means of support.
	d. Maximum of eight (8') feet in height as measured from site grade or crown of the road, whichever is higher.	d. Seven hundred fifty one (751) feet and over: four (4) signs maximum.	(iii) Shall be set back a minimum of five (5) feet from the property line.
			(iv) Alternative standards may be approved by the planning director based on unique property characteristics.
			b. Where multiple signs are permitted, no sign shall be closer than one hundred (100) feet to another sign on the same property.
I. Signs on Vehicles.	1. Maximum size limit.	2. Maximum number.	3. General requirements.
	Not Applicable.	Not Applicable.	a. Vehicles parked on commercially zoned property, provided that the vehicle otherwise conforms to any pertinent requirement of this Code, is not used as a means of providing additional signage not otherwise permitted by this Code, does not cause visual blight or a safety hazard, particularly at the entrance to business premises and shopping centers, and is in conformance with the following:
			(1) The vehicle is parked within the

General Temporary Sign Criteria

			confines of a building;
			(2) The vehicle is parked in an area designated on an approved site plan for the storage of commercial vehicles owned by the business operated at the site; or
			(3) The vehicle is properly licensed and maintained in an operable condition:
			(a) When it is not being operated during the normal course of business hours, the vehicle is not parked in such manner as to intentionally promote its use for advertising purposes.
			(b) When it is not being operated during the normal course of business, the vehicle is parked in a designated commercial loading or storage area shown on an approved site plan.
			(c) If the building housing the business being advertised abuts any arterial road, the vehicle may not be parked within the front and side corner setbacks established by this Code.

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<u>Sign Type</u>	<u>Number of Signs</u>	<u>Maximum sign size in Square Feet (SF)</u>	<u>Height¹</u>	<u>Time allowed</u>	<u>Permit/Registration Requirements & additional standards</u>
<u>1. Temporary commercial sign with Active Building Permit in Non-Residential Zoning Districts</u>	<u>1 per contractor</u>	<u>32 SF</u>	<u>8 feet</u>	<u>Remove within 7 days following issuance of Certificate of Occupancy.</u>	<u>1. 3 ft. setback</u> <u>2. Permit required.</u>
<u>2. Temporary commercial sign with an approved unexpired site plan or actively under SPRC Review in Non-Residential Zoning Districts</u>	<u>1</u>	<u>32 SF</u>	<u>8 feet</u>	<u>Remove within 7 days of expiration of site plan approval or issuance of Certificate of Occupancy.</u>	<u>1. 3 ft. setback.</u> <u>2. Permit required.</u>
<u>3. Temporary commercial sign in Non-Residential Zoning Districts</u>	<u>1 per business</u>	<u>64 SF</u>	<u>none</u>	<u>14 days for 4 times a year, totaling 56 days.</u>	<u>1. 3 ft. setback</u> <u>2. Permit required.</u> <u>3. Must also meet code requirements for Special Events and Outdoor Activity, where applicable.</u>

4. <u>Temporary Real Estate Sign in Nonresidential zoning district</u>	>250 frontage – 1 <251 frontage – 2 <501 frontage – 3 <751 frontage - 4	<u>32 SF</u>	<u>8 feet</u>	1. <u>Displayed while for sale, rent or lease.</u> 2. <u>Remove within 7 days of closing, signing lease, or expiration of listing contract.</u>	1. <u>Permit required if over 16 SF.</u> 2. <u>3 foot setback from property line.</u> 3. <u>100 ft. separation between signs on same property.</u> 4. <u>Can combine street frontage allowances into one sign.</u>
5. <u>Temporary Real Estate Sign in Single family zoning districts (REA, RR, SR, R1, R2, R2.5 R3, NP and T2)</u>		<u>6 SF</u>	<u>8 feet</u>		
6. <u>Temporary Real Estate Sign in Multifamily zoning districts of R4, R5, and R6</u>		<u>16 SF</u>	<u>8 feet</u>		
7. <u>Temporary noncommercial signs in single-family, two-family and multi-family zoning districts</u>	<u>6</u>	<u>6 SF</u>	<u>6 feet</u>	<u>If related to an event, remove 7 days after event.</u>	1. <u>Sign permit not required.</u> 2. <u>Shall not be attached to or painted on the principal or accessory structure.</u> 3. <u>15 ft. separation between signs.</u> 4. <u>Can combine sign allowance into one sign in nonresidential</u>
8.	8 per business	64 SF/128	none		

<u>Temporary noncommercial signs in nonresidential zoning districts</u>		<u>SF maximum total sign area</u>			<u>zoning districts.</u>
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FOOTNOTES: ¹ Not applicable to flagpoles.

(a) Display of temporary sign requires permission of real property owner. A temporary sign on any parcel shall not be maintained if the placement of the same does not have the permission of the owner of real property.

(b) A temporary sign must not display any lighting or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity of color.

(c) A temporary sign must not incorporate fluorescent color or exhibit florescence.

(d) A temporary sign must not obstruct the view of a permanent sign as viewed from any public road, street or highway or any public sidewalk, and must not obstruct the vision between pedestrians and vehicles using the public right-of-way, including, but not restricted to, those meeting intersection visibility requirements.

(e) A temporary sign may display multiple independent messages on any portion of the sign surface of a temporary sign.

(f) Temporary non-commercial signs are not subject to permitting. A temporary commercial sign requires a permit, except for signs under 16 square feet on property for sale or lease.

(g) A-frame signage. A business is permitted one six (6) square foot sign meeting the following requirements:

(1) Where less than a two-foot (2') setback exists between a business and the existing public rights-of-way, an A-frame sign may be placed upon a sidewalk within the public right-of-way closest to the business entry.

(2) Where a business has a setback from the public rights-of-way, such sign may be placed upon the interior sidewalk closest to the business entry. Where no sidewalk exists, such placement may occur in front of the business but must remain outside of required parking, drive aisles, and buffers.

- (3) A permit shall be required, and the permit number shall be placed upon the sign for easy identification. Each year thereafter, a renewal fee shall be required for such sign.
- (4) Design materials shall be of wood, aluminum, heavy gauge plastic or metal and may include a chalkboard, but must be sturdy enough to withstand reasonable wind loading conditions without blowing over.
- (5) A letter of authorization from the owner or management entity shall be required for a business tenant.
- (6) All A-frame signs shall provide a four-foot (4') clear area for all sidewalks. Where business entry doors swing out over the sidewalk, there shall be a clear zone for placement of A-frame signage of at least five (5') feet.
- (7) Signs shall be removed from the sidewalk when the business is closed.
- (8) When such sign extends past the property line, proof of liability insurance must be provided to the City, and an indemnity agreement must be filed with the permitting agency indicating the entity that has jurisdiction of the rights-of-way is held harmless.

Sec. 3-47. - ~~Site identification signs~~ Business Premise Signs.

~~All signs shall be located on the property which they identify.~~ Such A property shall include the lot frontage of any premises under single ownership or developed as a single site for purposes of meeting setback, buffer, land area or other dimensional requirements of this Code and subject to the following:

A. Planned development/special exception. Alternative ~~site identification~~ signage may be approved by the city commission through planned developments and special exceptions.

B. Street Address Signs.

For each parcel and for each tenant space, one sign for the official street address shall be displayed for public safety, to serve as a visible street address for 911 purposes, and for delivery of mail and official governmental notification.

- (1) For a parcel in residential use, the street address sign shall not exceed two (2) square feet in sign area.
- (2) For a parcel in non-residential use, the street address sign shall not exceed four (4) square feet in sign area.
- (3) The street address sign on a residential use may be externally illuminated, and on a

non-residential use may be externally or internally illuminated.
(4) Street address signs do not require a permit.

<u>BC.</u> Monument signs.	4. Maximum copy size limit.	5. Location requirements.	
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<u>CD.</u> Pole/Ground signs.	2. Maximum height limit.	5. Location requirement.	
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<u>DE.</u> Changeable copy signs.	1. Maximum size limit.	2. Maximum height limit:	3. General requirements.
			a. The background of the changeable copy signage shall be white and the letters shall be black. No other colors are permitted.
	a. Per requirements listed in subsections B and C above.	a. Per requirements listed in subsections B and C above.	b. Changeable copy signs shall be prohibited for industrial and residential (apartments, duplexes, single-family) uses.
			c. Changeable copy signs shall be included as part of the permitted sign area and shall not exceed the following percentage <u>80 percent</u> of the overall square footage allowed by this section. as follows:
			(1) Eighty (80%) percent. Convenience stores with gas

			pumps, governmental signage, movie theaters and other performance/entertainment facilities.
			(2) Fifty (50%) percent. All other uses.
EF. Directory signs.	1. Maximum size limit.	2. Maximum height limit.	3. General requirements.

FG. Electronic changeable copy signs.	1. Maximum size limit.	2. Maximum height limit.	3. General requirements.

G. Historic District/ bed & breakfast signs	1. Maximum size limit.	2. Maximum height limit.	3. General design standards.
	a. Residentially zoned property: Sixteen (16) square feet.	a. Per requirements listed in subsection B, above.	a. The building shall be listed on the Local Landmark or National Register List.
	b. Commercially zoned property: Thirty-two (32) square feet.		
* * *			

Sec. 3-48. - ~~Business premises identification signs~~ Ingress and egress and address signs for public safety and traffic circulation.

Each individual business having a separate entrance shall be permitted a business premises identification <u>must have an address/ingress and egress</u> sign, based on the linear building frontage of the business entrance, as follows:
A. Sign plan required for multitenant developments. It is the intent of this Code that signage and awnings within shopping centers, industrial parks or any other developments having more than one business, office or industrial use shall be harmoniously coordinated as follows:
1. Approved development orders. Multitenant buildings that are required to obtain or have obtained a development order shall provide the size, location and type of signs and awnings to be permitted, including lighting, colors, materials and lettering to be used. Signage for tenants in multitenant developments with approved development orders with signage programs shall be required to comply with those programs, even when such programs are more restrictive than those permitted under this section.
2. For existing complexes without approved signage criteria, the established dominant sign design shall prevail as the existing criteria, or a new plan may be submitted by the owner of the complex for SPRC review.
B. Planned developments/special exceptions. Alternative business premise identification signage may be approved by the city commission through planned developments and special exceptions.

Sec. 3-49. - Sign variances.

Sign variances to the requirements of this article shall be reviewed as a special exception or as part of a planned business development as follows:

- (1) Special exception. Sign variances may be requested through the special exception process where an applicant desires the use of a ground, pedestal, or pole sign in lieu of a required monument sign. No other type of variance shall be permitted other than the height of the site signage. Applications shall be reviewed against the following criteria:
 - a. There are special and unique conditions related to the property or structures on site exist that limit the ability to identify business within the property and cause a need to modify the monument sign height regulations. Examples of special and unique conditions would include limited visibility and traffic safety.
 - b. The proposed signs would be conducive to promoting traffic safety by preventing visual distractions.
 - c. The special exception shall not amend the requirements of subsection 3-47.~~CD~~. of this Code (allowed square footage, height maximum of 20', or number of site signs).

~~Secs. 3-50, 3-51. Reserved.~~

Sec. 3-50. Severability.

- (a) Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article.
- (b) Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth above in subsection (1) above, or elsewhere in this Article, the City of Ormond Beach Code of Ordinances, *Land Development Code*, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- (c) Severability of provisions pertaining to prohibited signs. Without diminishing or limiting in any way the declaration of severability set forth above in subsection (1) above, or elsewhere in this Article, the City of Ormond Beach Code of Ordinances, *Land Development Code*, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under Section 3-42, Prohibited Signs, of this Article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of Section 3-42 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 3-42, thereby ensuring that as many prohibited sign types as may be constitutionality prohibited continue to be prohibited.
- (d) Severability of prohibition on billboards. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article or any other Code

provisions or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained in this Section 3-42 or in the City of Ormond Beach Code of Ordinances.

Sec. 3-51. Reserved.

SECTION FIVE. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION SIX. SEVERABILITY. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION SEVEN. This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Commission, this 1st day of May, 2018.

PASSED UPON at the second and final reading of the City Commission, this 15th day of May, 2018.

BILL PARTINGTON
Mayor

ATTEST:

J. SCOTT McKEE
City Clerk