
ORDINANCE NO. 2023-07

1
2
3 **AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA,**
4 **RELATING TO SIGNS; AMENDING CHAPTER 122 OF THE CITY OF**
5 **EDGEWOOD CODE OF ORDINANCES RELATING TO PROHIBITED**
6 **SIGNS; MODIFYING THE LIST OF PROHIBITED SIGNS; PROVIDING**
7 **FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS,**
8 **AND EFFECTIVE DATE.**

9
10 **WHEREAS**, the City Council desires to preserve the aesthetic beauty of the City of
11 Edgewood; and

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

14 **WHEREAS**, as far back as 1954, the United States Supreme Court recognized that “the
15 concept of the public welfare is broad and inclusive,” that the values it represents are “spiritual as
16 well as physical, aesthetic as well as monetary,” and that it is within the power of the legislature
17 “to determine that the community should be beautiful as well as healthy, spacious as well as clean,
18 well balanced as well as carefully patrolled.” [Justice Douglas in *Berman v. Parker*, 348 U.S. 26,
19 33 (1954); and

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

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

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

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

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

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

34
35 **WHEREAS**, during the implementation of new sign regulations, the City has monitored
36 the effectiveness and efficiency of said regulations; and

37
38 **WHEREAS**, in order to optimize the effectiveness and efficiency of its sign regulation
39 program, the City Council finds it appropriate to amend the regulations to better address the needs
40 of the community and provide greater clarity to applicants.

41
42 **WHEREAS**, as sign technology evolves, aesthetic and traffic safety challenges can
43 become more significant; and

44
45 **WHEREAS**, the ability to project signs using lights onto walls and other surfaces
46 represents a technology not directly addressed in existing sign codes; and

47
48 **WHEREAS**, in order to provide clarity to residents, businesses, and members of City staff,
49 the City Council finds it advisable to update its sign regulations prohibit signs that are projected
50 on buildings or other structures; and

51
52 **WHEREAS**, the City Council finds that this Ordinance is limited to the secondary effects
53 of speech including aesthetics and traffic safety, and is not intended to regulate viewpoints or
54 censor speech, and for those and other reasons that the foregoing provisions are not subject to, or
55 would not fail, a “prior restraint” analysis.

56
57 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
58 **OF EDGEWOOD, FLORIDA, AS FOLLOWS:**

59
60 **SECTION ONE.** The findings set forth in the recitals above are hereby adopted as
61 legislative findings of the City Council pertaining to this Ordinance.

62
63 **SECTION TWO.** Chapter 122, “Signs,” of the City of Edgewood Code of Ordinances is
64 hereby amended as set forth as follows (note: additions are indicated by underline, deletions are
65 indicated by ~~striketrough~~, and portions of the Code that remain unchanged and which are not
66 reprinted here are indicated by ellipses (***):

67
68 **Sec. 122-10. - Prohibited signs.**

69 The following types of signs are prohibited:

- 70 (1) Abandoned signs.
71 (2) Balloons, cold air inflatables, streamers and pennants.
72 (3) Banner signs except as expressly allowed in section 122-12 herein.
73 (4) Bench signs, other than the identification of the transit company or its route schedule.
74 (5) Billboards.
75 (6) Electronic changeable message signs except as specifically allowed in subsection 122-
76 13(b)(4)a.5, herein.
77 (7) Pavement markings, except street addresses and vehicle directional arrows.
78 (8) Portable signs except as expressly authorized in section 122-12 herein.
79 (9) Pole signs.
80 (10) Roof signs.
81 (11) Signs in or upon any lake or other body of water.
82 (12) Signs erected by other than a governmental entity on or extending into publicly-owned land,
83 easements or rights-of-way.
84 (13) Signs that emit sound, vapor, smoke, odor, particles or gaseous matter.
85 (14) Signs that have unshielded illuminating devices or which reflect lighting onto public rights-
86 of-way thereby creating a potential traffic or pedestrian hazard.

-
- 87 (15) Animated signs or signs that appear to display motion in any way whatsoever, including
88 beacons.
- 89 (16) Signs that obstruct, conceal, hide, or otherwise obscure from view any traffic control device
90 sign or official traffic signal.
- 91 (17) Snipe signs.
- 92 (18) Obscene signs.
- 93 (19) Hazardous signs.
- 94 (20) Vehicle signs.
- 95 (21) Any sign that is not specifically described or enumerated as permitted.
- 96 (22) Signs attached to temporary structures.
- 97 (23) Window signage except as expressly allowed within this Chapter. Window signage lawfully
98 existing as of June 21, 2022 shall be allowed to remain until the earlier of: 1) voluntary
99 removal of the window signage or 2) a change of occupancy in the unit upon which the
100 window signage is located.
- 101 (24) Signs projected on building façades or other structures, also may be known as hologram
102 signs, projection mapping signs, video projection, or outdoor building projection signs.

103

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

109

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

113

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

116

117 PASSED ON FIRST READING THIS _____ DAY OF _____, 2023.

118

119 PASSED AND ADOPTED THIS _____ DAY OF _____, 2023.

120

121 CITY OF EDGEWOOD, FLORIDA
122 CITY COUNCIL

123

124 _____
125 Richard A. Horn, Council President

126 ATTEST:
127 _____
128 _____
129 Sandra Riffle, City Clerk
130