

ORDINANCE 3188-20

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ARTICLE IV OF CHAPTER 58 OF THE LAND DEVELOPMENT CODE CONCERNING SIGN REGULATIONS; PROVIDING FOR REVISED REGULATIONS RELATING TO TEMPORARY SIGNAGE; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that the location and maintenance of temporary signage affects the public health, safety, and general welfare of the businesses and residents of the City, and that in order to preserve and enhance the City as a desirable community in which to live and do business, a pleasing and visually attractive environment of utmost importance; and

WHEREAS, the City recognizes that the regulation of temporary signage within the City is a means by which the aesthetics and character of the City may be maintained, and that the uncontrolled and unlimited proliferation of temporary signage would degrade the attractiveness of the natural and manmade attributes of the City, thereby undermining the economic value of tourism, visitation, and permanent economic growth; and

WHEREAS, the City finds that the regulation of temporary signage shall further improve pedestrian and traffic safety within the City, minimize the adverse possible impacts of temporary signage on nearby public and private property, lessen the competition and visual clutter that may otherwise be caused by the improper placement, excessive height, excessive size, or increasing numbers of temporary signage that conceals or obstructs adjacent land uses or signs; and

WHEREAS, the City has deemed it necessary to clarify and simplify existing temporary signage regulations and to provide additional revisions necessary to ensure the delicate balancing of First Amendment and free speech principles while achieving the City's goals of creating a healthy, safe, and attractive environment that does not contain excessive clutter and visual distractions throughout the City; and

WHEREAS, in accordance with section 163.3174, Florida Statutes, and section 58-3 of the City Code of Ordinances, the City's local planning agency, which is the designated planning and zoning board, has reviewed and made recommendations as to the amendments set forth herein;

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER PARK, FLORIDA:

SECTION I: RECITALS. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

SECTION II: Portions of Chapter 58, Land Development Code, Article IV, Sign Regulations, are hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike-through~~ shall constitute deletions to the original text.

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SECTION III: Chapter 58, Land Development Code, Article IV, Sign Regulations, Subsection 58-123 "Definitions" is hereby amended to add or amend the definitions as shown below:

Sec. 58-123. – Definitions.

Banner means anything attached to a building, wall, pole, or any structure that is visible from a street or right-of-way which displays a message, color(s), logo, or other design. As opposed to a flag, a banner is attached to structures or mounts at opposite ends, hung from a horizontal mount with the length of the banner running parallel to such mount, or otherwise affixed to the side of a building, wall, or any other structure.

Flag means any material which displays a message, color(s), logo, or other design, which is attached at one side of the flag, with the length of the flag perpendicular to a singular flagpole when fully extended.

Snipe sign means any unauthorized sign of any material whatsoever that is placed upon public property or attached in any way to any public utility pole, tree, or any other object located or situated on or within any public road right-of-way or easement or placed upon a private property without the express written permission of the property owner.

Temporary sign means any sign that is not a permanent sign. Temporary signs shall include any and all signs formerly or commonly referred to as temporary election signs, temporary political signs, temporary free expression signs, temporary real estate signs, temporary directional signs, temporary construction signs, temporary grand opening signs, or any other temporary sign unless otherwise expressly provided herein. Permitted temporary signs shall not include any sign devoted to commercial off-site advertising for services such as lawn care, day care, construction services or solicitations.

SECTION IV: Chapter 58, Land Development Code, Article IV, Sign Regulations, Subsection 58-134 "Temporary signs" subsections (a) through (e) are hereby repealed in their entirety and shall be amended, modified and readopted as subsections (a) through (f) as shown below:

Sec. 58-134. – Temporary signs. In addition to other signs permitted by this section, temporary signs may be permitted in accordance with the following requirements. Such temporary signs shall meet all requirements of this article except as otherwise provided in this subsection. Further, a temporary sign may display multiple independent messages on any portion of the sign surface or copy area of such temporary sign.

- (a) Each property in the City shall be allowed twelve (12) square feet of non-illuminated temporary signage on each street frontage. Such temporary signs may be either where an owner or resident is actively attempting to sell or lease such property, either personally or through an agent, or is displaying signage which is supporting an election or political purpose or free expression purpose. Such temporary sign(s) shall not individually exceed four (4) square feet in area nor six (6) feet in height. Temporary signs promoting an election, political purpose shall be limited to no more than two (2) signs per street frontage and only one per candidate. Temporary signs promoting an event, free expression or a real estate purpose shall be limited to no more than one (1) sign per street frontage. Such sign(s) may be up to twelve (12) square feet in size in areas that are permitted for nonresidential buildings as long as the twelve (12) square feet is used entirely for the purpose of advertising the sale or lease of property, otherwise, such signs are limited to four (4) square feet in size.
- (b) Temporary signs used for the purpose of supporting an event, including an election shall be removed within seven (7) days after the event is concluded.
- (c) One on-site non-illuminated temporary development sign may be permitted on property where there is an active building program is underway to identify the project, the developer, architect, contractor, realtor and others involved in the design, construction and financing in accordance with Florida law. Such sign shall be permitted on a temporary basis and shall not be erected more than five days prior to the start of construction. Such temporary sign shall be removed upon issuance of a certificate of occupancy or when there has been no construction activity on the property for sixty (60) days or more. Such sign shall be limited to one per street frontage and shall not exceed eight (8) square feet in size or six (6)

- feet in height for single family and duplex building projects; thirty-two (32) square feet in size and eight (8) feet in height for multifamily building projects and thirty-two (32) square feet for nonresidential building projects. For construction projects of multifamily or non-residential buildings, the wind screen coverings on construction fences may contain pictures and perspective elevations of the project but the area of text, words, logos, and other project information shall not cover more than thirty-two (32) square feet of the fence wind screen materials per street frontage.
- (d) In addition to the above, a maximum of two additional temporary signs may be used to direct interested persons to the location of an open house. The two directional signs are limited in size to four (4) square feet, may not be adorned with any visual attractors such as balloons or pinwheels and may be placed in the public right-of-way subject to not blocking visibility for traffic and are subject to allowing removal by the abutting property owner if that owner does not consent to the placement of the sign. Such directional signs shall be posted only during the hours of 9:00 a.m. to 6:00 p.m. and shall be removed immediately following the close of the open house event. Open house signage shall not be posted more than two days per week.
- (e) All temporary signs shall be located only on private property with the express permission of the property owner or occupant of such property, and such signage shall be located behind the sidewalk, or ten (10) feet behind the curb or edge or pavement, whichever is greater. When a vacant property is used for the placement of more than two (2) temporary signs, the City may presume that the property owner has not granted express permission for such temporary signage and such signs may be removed by the city. No such temporary signage shall be allowed on any public property or within the public right-of-way. Temporary signage that is placed in violation of this subsection is subject to immediate removal and disposal by the city.

Sec. 58-134. - Temporary signs.

~~(a) In addition to other signs permitted by this section, temporary signs may be permitted in accordance with the following requirements: Such temporary signs shall meet all requirements of this article except as otherwise provided in this subsection.~~

~~(b) Subdivision development signs shall be permitted to identify subdivisions where an active building and development program is underway. Such signs shall be permitted on a temporary permit basis only for a maximum of two years or until the subdivision is completed, whichever shall occur first. Such signs shall be limited to one per street frontage and shall not exceed 32 square feet in size or eight feet in height. For construction projects of multi-family or non-residential buildings, the wind screen coverings on construction fences may contain pictures and perspective elevations of the exterior of the project on up to 50 percent of the wind screen area but the area of text, words, logos, and other project information shall not cover more than 32 square feet of the fence wind screen materials per street frontage.~~

~~(c) On-site development signs shall be permitted on property where there is an active building program underway to identify the project, the developer, architect, contractor, realtor and others involved in the design, construction and financing. Such signs shall be permitted on a temporary basis and shall not be erected more than five days prior to the start of construction. Signs shall be removed upon issuance of a certificate of occupancy or when there has been no construction activity on the property for 60 days or more. Such signs shall be limited to one per street frontage and shall not exceed eight square feet in size or six feet in height for single family and duplex building projects; 32 square feet in size and eight feet in height for multifamily building projects and 32 square feet for nonresidential building projects. For construction projects of multi-family or non-residential buildings, the wind screen coverings on construction fences may contain pictures and perspective elevations of the project but the area of text, words, logos, and other project information shall not cover more than 32 square feet of the fence wind screen materials per street frontage.~~

~~(d) One temporary real estate sign offering real property for sale or lease shall be permitted on each street frontage of properties where an owner is actively attempting to sell or lease such property, either personally or through an agent. Such sign shall not exceed four square feet in area nor six feet in height in residential zones for one or two-family dwellings and shall not exceed 12 square feet in area for multifamily dwellings or nonresidential buildings. All such temporary real estate signs shall be located behind the sidewalk or ten feet behind the curb or edge of pavement, whichever is greater. Additionally, a maximum of two "open house" signs may be used to direct interested persons to the location of an open house, in addition to the "open house" sign placed at the site of the real property offered for sale. The two directional signs are limited in size to two square feet and may be~~

~~placed in the public right-of-way subject to not blocking visibility for traffic and are subject to allowing removal by the abutting property owner if that owner does not consent to the placement of the sign. Such "open house" signs shall be posted only during the hours of 9:00 a.m. to 6:00 p.m. and shall be removed immediately following the close of the open house event. Open house signage shall not be posted more than two days per week.~~

~~(e) Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that such signs are subject to the following regulations:~~

~~(1) Such signs shall be erected not earlier than 45 days prior to such election and shall be removed within three days following such election. For city elections, political signs posted prior to the date of the scheduled primary election date may remain posted until three days following the general election.~~

~~(2) One sign is permitted on any one property frontage, except as modified herein. Such signs shall not exceed two square feet in area, and if detached, shall not exceed six feet in height. For city elections, when an election is held for two city commission seat vacancies, two signs (one for each seat) are permitted on any one property frontage. In addition, one additional sign (other than a sign for a city commission seat or city mayoral candidate) may be placed on any property street frontage. For elections when no city commission or mayoral candidate or other city matter is on the ballot, one sign is permitted on any one property frontage.~~

~~(3) All signs shall be located behind the sidewalk, or ten feet behind the curb or edge of pavement, whichever is greater.~~

~~(4) Any candidate, election committee or organization for an electoral measure that does not conform to these provisions shall be subject to the misdemeanor penalties provided by [section 1-7](#) of this Code of Ordinances, or shall be subject to issuance of a citation under [chapter 1](#), article II, of this Code of Ordinances or shall be subject to issuance of a notice to appear before the city's code enforcement board as provided under [chapter 2](#), article III, division 4 of this Code of Ordinances.~~

~~Prior to the imposition of any of the foregoing penalties on a candidate for political office, written notice of the violation shall be delivered to the candidate's local campaign treasurer or to the candidate or his representative. If the violation is not corrected within 72 hours following delivery of such notice, the candidate shall be in violation of this subsection (e) whether or not the candidate erected the signs constituting the violation.~~

~~Prior to the imposition of any of the foregoing penalties on an election committee or organization for an electoral provision, written notice of the violation shall be delivered to the person or persons who publicly represent themselves as chairman of or in charge of such committees or organizations. If the violation is not corrected within 72 hours following delivery of such notice, the election committee or organization for an electoral provision shall be in violation of this subsection (e) whether or not the committee or organization erected the signs constituting the violation.~~

SECTION V. INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION VI: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION VII: CODIFICATION. Sections II through IX of this Ordinance shall be codified and made a part of the City of Winter Park Land Development Code, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION VIII: This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 11th day of November, 2020.

City of Winter Park

Mayor Steve Leary

Attest:

City Clerk Rene Cranis