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BY: xh'

**Open House Sign ordinance for City of Palm Coast
Recommended by the Flagler County Association of REALTORS**

FCAR recommendations in Black Ink

City's proposed code amendment/responses in Red Ink (Provided at the September 26, 2023 Stakeholder Mtg.)

Summary of request and response - Highlighted

1. One (1) free standing "Open House" sign per street frontage shall be allowed per property. Sign area shall not exceed three (3) square feet and shall be placed only upon the property to be sold or leased. Sign shall be displayed only when the premises are available for inspection by the prospective buyer or tenant.

Amendment proposes for Property being actively marketed for sale or lease:
(Land Development Code (LDC) Subsection (SS) 12.06.01 Temporary Sign Standards)

- 2 (real estate) signs visible from ROW adjacent to lot
(Non-Res = 16 SF to 48 SF pending lot size – 7ft high)
(SFR = 6 SF area – 6 ft high)
(MFR = 24 SF – 7 ft high)
- 1 additional (open house sign) – per property - only when premises are available for inspection by buyers/tenants - 9 SF max - posted on private property w. permission of property owner
- Location: Setback: (for all above)
 - 2 ft. from public right-of-way.
 - 15 ft. from side property lines.

Request is for one (1) sign per frontage with a 3 SF sign area.

Proposed amendment allows two (2) per street frontage on the subject property and 1 additional - per property - on other lots with owner's permission.

Proposed amendment also allows larger sign areas.

2. Directional Open House signs, which are exhibited by real estate licensees, shall conform to the quantity, size, shape and color restrictions set forth in this Ordinance. Open house signs used by real estate licensees must exhibit the name of the brokerage (FREC guidelines). All open house signs must be done in a professional manner.
 - City does not regulate the content of the sign.
 - LDC SS 12.03.02 Prohibits certain materials (e.g. Paper, cardboard, etc.)

Proposed amendment does not regulate the content of the signs, just size and location of the sign(s) as provided in number 1 above.

Off-Premises directional signs may be permitted subject to the regulations below:

- A. Directional sign size shall not exceed eighteen (18) inches x twenty-four (24) inches.
(Proposing to allow a greater size for the additional sign – 9 SF)
Request is to limit to 18" (1.5') X 24" (2') = 3 SF. Proposed amendment allows the additional sign(s) to be 9 sf.
- B. The signs shall be made of plastic, steel, or aluminum. The signs' support posts shall also be made of aluminum or steel. No wooden posts will be permitted.
 - Proposed amendment does not regulate the construction material of the signs. The code currently prohibits certain materials as stated above. e.g. Paper, cardboard, etc. (LDC SS 12.03.02). This is not proposed to change.
Proposed amendment does not regulate this.
- C. Signs shall not be placed more than two (2) feet in height above the abutting road elevation.
 - See no 1 above. (Proposing to allow taller – 6 or 7 ft.
Request is to allow maximum height of two (2) feet. Proposed amendment allows 6 ft (SFR zoning), 7 ft (Non-Residential or MFR zoning)
- D. The Sign shall exhibit the name of the brokerage; the words "OPEN HOUSE" are permitted. Signs must exhibit the Disclosure Notification Sticker/Rider" along with QR Code. Signs will abide by FREC guidelines in regard to contact information.
City does not regulate the content of signs.
This is not regulated by the City
- E. No more than one (1) directional sign per real estate office shall be placed in each permitted right-a-way (FOOT and State locations not permitted). Signs shall not be placed in any median.
 - See no 1 above for location criteria.
 - Signs are Prohibited in Right of Way LDC SS 12.03.02. EE. (Prohibited Signs)
 - Per the attorney's presentation at the stakeholder meeting on August 22, 2023, municipalities cannot distinguish between types/purpose (content) of signs and are challenged with this issue. Therefor all signs are prohibited in the right of way.
Signs are not permitted in the right-of-way. (See attorney's legal perspective above, and as provided in the Agenda Item Executive Summary. City is working on an educational tool to educate Realtors (and City staff) on the location of the right-of-way.
- F. Signs shall not be attached to any existing signs, trees, utility poles or any other structures.
 - Yes – Covered in LDC Subsection 12.03.02.
City agrees with this. This is not proposed to change.
- G. Signs placed in any right-a-way abutting an existing structure(s) shall require the permission of the property owner.
 - Signs are prohibited in any right of way. (See E above.)
Signs are not permitted in the right-of-way. City is working on an educational tool to assist in determining the location of the right of way.

H. The brokerage of the aforementioned sign of the directional signs shall be held responsible for the removal of such signs no later than 8:00pm on the evening of the Open House. Any signs in violation will be subjected to removal along with the sign being removed and discarded.

- Amendment proposes "...only when the premises are available for inspection by the prospective buyer or tenant".

The amendment allows the signs to be posted only when the premises are available for inspection by the buyer or tenant.

I. Real estate licensees who violate this ordinance shall be levied a fine by FCAR with the proceeds benefiting the Flagler Realtors Foundation.

- City staff are obligated to follow the Land Development Code and State Statutes.

City is obligated to follow city codes and state statutes.

*Disclosure Notification Sticker/Rider must be placed on each sign along with QR Code with a required verbiage to be determined by FCAR. The verbiage will notify the community of the allotted times whereas the sign can be posted, and a direct link to FCAR to report this in violation of sign ordinance or past allotted timeframe.

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