

# City of Palm Coast, Florida Agenda Item

**Agenda Date:** November 14, 2023

<b>Department</b>	COMMUNITY DEVELOPMENT	<b>Amount</b>
<b>Division</b>	PLANNING	<b>Account #</b>
<b>Subject:</b> PRESENTATION - SIGN CODE AMENDMENT		
<b>Presenter:</b> Estelle Lens, AICP, Planner		
<b>Attachments:</b> <ol style="list-style-type: none"><li>1. Presentation, City Attorney</li><li>2. Presentation, Staff</li><li>3. Draft Ordinance</li><li>4. Temporary Sign Chart</li><li>5. Document from Flagler County Association of Realtors (FCAR)</li><li>6. Public Correspondence Email</li></ol>		
<b>Background:</b> <p>Chapter 12 of the Land Development Code – SIGNS AND ADVERTISING - was adopted along with the balance of the Unified Land Development Code (LDC) in August 2008. It has been amended twice, once in 2009 and again in 2012. These amendments were made working with stakeholders to provide more flexibility for applicants in the development community. The sign code is being amended now to comply with changes in the law, address challenges and make the code less restrictive, more business friendly and more community friendly.</p> <p>The Assistant City Attorney has provided the following as a background for the required and proposed changes to the City's sign code:</p> <p>The U.S. Supreme Court changed the face of sign regulation by local governments in the case of <i>Reed v. Gilbert</i>, a unanimous decision. In the opinion of most experts, the decision requires amendments to almost all local government codes, including the City of Palm Coast's code. The Supreme Court held that Gilbert's sign restrictions were content based unconstitutional regulations of speech that did not survive the highest level of scrutiny that the Court applies. The Town of Gilbert, Arizona sign code required permits for signs which allowed a number of exemptions such as:</p> <ul style="list-style-type: none"><li>• Political signs were permitted up to 32 square feet.</li><li>• Temporary directional signs were only permitted up to 6 square feet.</li><li>• Ideological signs were allowed up to only 20 square feet.</li></ul> <p>A local church was cited for violation of the rules for temporary directional signs and then challenged the sign code for violating their First Amendment rights. The Town argued (and the lower courts agreed) that the challenged regulations were content neutral, and that the sign distinctions were based on objective factors and not the expressive content of the sign.</p>		

The distinctions did not favor nor censor a particular viewpoint or philosophy. And the justification for the regulation was unrelated to the content of the sign.

Justice Thomas, writing for the Supreme Court, disagreed. He found the distinctions plainly content based and therefore subject to strict scrutiny. The various type of sign distinctions “depended entirely on the communicative content of the sign”. The Court articulated the “need to read” standard, meaning if a code enforcement officer has to read the sign to determine if a sign regulation applies to it, then the provision will be stricken as unconstitutional. This was true despite the fact that it was evident to the Court that the Town had benign motives in creating these sign categories. Put another way, the Court struck the Gilbert code because a particular sign was treated differently based on the purpose of the sign, instead of on its size, shape, location, or other content neutral time, place and manner regulation.

The Town attempted to address the strict scrutiny standard by offering two governmental interests to support its distinctions: aesthetic appeal and traffic safety. The Court held that even if these distinctions were compelling governmental interests, the regulations were not narrowly tailored. Justice Kagan noted in her own opinion (concurring in the judgment only) that the Town’s distinctions did “not pass strict scrutiny, or intermediate scrutiny, or even the laugh test.” The Court required the Town of Gilbert to pay Reed’s attorneys’ fees to the tune of \$800,000.

Because the Court found the sign code to have content-based regulations, the regulations were required to pass the “strict scrutiny” standard, and they failed. Most codes do, because “strict scrutiny” is described as being just like a civil war stomach wound. The Court even stated that directional signs could only potentially be considered a lawful sign category if sufficiently valid reasons for allowing them could be articulated by the city. Sign codes are being constitutionally contested throughout the court based on the “characterization” of signs (i.e. church signs; gas station signs; political signs).

The Court attempted to reassure local governments that sign codes could withstand scrutiny if cities and counties limit regulation to regulation of size, building materials, lighting, moving parts, and portability, if done in an even-handed manner. The Court recently found that regulation based on location was a valid way to regulate signs, so that banning off-site signs is not a content-based regulation.

Based on the *Reed* analysis, time restrictions on temporary signs must be carefully evaluated. For example, temporary signs cannot be severely limited in number or duration, because that regulation would unlawfully impact political and real estate signs.

*Reed* shows the degree to which courts will now scrutinize a city’s efforts to regulate signs and how those regulations impact free speech. Any code provisions in the City code that might show content bias must be amended to remove those distinctions. Cities are left, in the wake of *Reed*, with being forced to err on the side of allowing for less restrictive, rather than more restrictive, sign regulations, until the courts provide more guidance on these matters.

However, *Reed* did not explicitly overrule prior Supreme Court precedent allowing off site and on-site signs to be treated differently or permitting commercial signs to be regulated more strictly than non-commercial signs, as demonstrated in the case involving the City of Austin recently decided by the U.S. Supreme Court, which upheld Austin’s distinction between “on-site” and “off-site” signs. Another bright note is that it appears that so far cities still have the

ability to choose the content of “government” signs on their own property and in the rights of way. Plus, lower courts have limited Reed’s application to temporary signs only.

In conclusion, it behooves the City to amend its sign code or the City will be vulnerable to a challenge. If contested on constitutional grounds and the City loses, the sign code becomes void.

Another case impacting sign codes is *Sweet Sage Café, LLC v. Town of North Redington Beach* a case from the Middle District of Florida, Tampa Division. In this case, the United States District Court ruled that the town’s ordinance infringed on the right of free speech protected by the U.S. Constitution. Specifically, the Court ruled that the ordinance was facially unconstitutional because it regulated based on content of the speech and could not survive the strict scrutiny test. As a result, the town’s sign code was voided by the Court utilizing the precedent in the *Reed v. Town of Gilbert* case. The attorney for Sweet Sage Café subsequently filed suit in federal court asking for legal fees.

Considering these factors, Staff and the Assistant City Attorney met with the Flagler County Association of Responsible Developers (FCARD) nine times to hammer out these sign code amendments several years ago. Subsequently, in August and September of this year, City Staff met two times with other stakeholders to help modify these amendments. The stakeholders at the meetings this year included members from the Flagler County Association of Realtors (FCAR) and the Palm Coast-Flagler Regional Chamber of Commerce, local attorneys, and FCARD.

The substantive changes to the sign code are primarily as follows:

- Revising Purpose & Intent to reflect new findings on signage.
- Revising Exempt and Prohibited Signs, exempting temporary signs from permitting
- Correcting glitches.
- Deleting content-based definitions and replacing with new location-based qualifiers.
- Government signs are no longer regulated by the City sign code, in keeping with case law.
- Revising Temporary Signs, to genericize the categories. Signs are regulated based upon the zoning district in which the sign is placed. Simplified categories of temporary signs by providing a table. Generally, signs that are currently permitted will remain permitted, and signs that are currently prohibited will remain prohibited.
- Revising Glossary for commercial and temporary signage.
- The text of the regulations are outlined in the attached draft Ordinance in cross-out and underline format.

The amendments do not modify the amount or type of site or wall signage for commercial uses. Also, the regulation regarding Commercial banners is not modified.

**Recommended Action:  
FOR PRESENTATION ONLY**



## **You Really “Need to Read” Reed**

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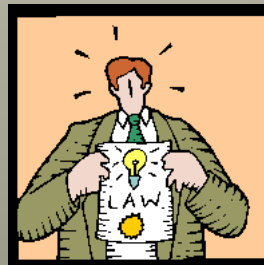
# Basis of Zoning Power and Limitations

- “Police Power”

Permissible basis for zoning: i.e. traffic, congestion, property values, nuisance

- The Fifth Amendment of the U.S. Constitution Places Limits

“After all, if a policeman must know the Constitution, then why not a planner?” *Brennan Dissenting, San Diego Gas and Electric Co. v. City of San Diego*, 101 S. Ct. 1287 (1981).



# When a regulation involves the First Amendment...

- Enhanced judicial scrutiny.
- Not presumed constitutional.



## First Amendment

**Governments “shall make no law** respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging the freedom of speech**, or of the press; or the right of the people peaceably to assemble, **and to petition the Government for a redress of grievances.”**

Unlike oral speech, signs take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. For these reasons, it is accepted that governments may regulate the physical characteristics and locations of signs.





## Sign Regulation: Justification/Evidence

- Preambles important – List any past litigation, point to Clearwater pictures of transformation, Comprehensive Plan policies.
- Ensure all codes contain a strong well-articulated purpose provision, and include blight prevention, economic development, place making, design creativity, prevention of clutter, protection of property values, encouragement of free speech, democracy, and scenic view protection.
- Include studies and data in the findings section, including traffic safety studies.

# Before Sign Regulation



Clearwater, Florida

## After Sign Regulation



Clearwater, Florida

# Sign Regulations

Per U.S. S. Ct., regulations of signs are usually acceptable if:

- No reference to the content of the signs (i.e., content neutral);
- Narrowly tailored to serve a significant governmental interest; and
- Leave open ample alternative channels for communication of the information.



# Content-Based Regulations

- Normally, any time government makes distinctions based on the “content” of the regulated speech, courts will apply a very demanding analysis, known as “strict scrutiny.”
- **What is content-based regulation of speech?** According to Reed:  
*Do you have to read the message to determine whether the rule applies?* If so, content-based. The “need to read” rule adopted by Reed.  
*Examples:* Identifying “for sale,” “directional,” “identification,” “grand opening,” or “stop” signs in your code.





Justice Thomas



Justice Alito



Justice Roberts



Justice Scalia



Justice Kennedy

## Reed vs. Town of Gilbert - Unanimous



Justice Breyer



Justice Kagan



Justice Ginsburg



Justice Sotomayer

## Religious Signs and Free Speech

- The Supreme court decided in [Reed v. Town of Gilbert, Ariz](#), that Town of Gilbert's ordinance that placed different limits on political, ideological and directional signs violated the First Amendment.
- The Justices agreed on the bottom line but not the rationale. Six Justices said the ordinance was subject to strict scrutiny, and that it could not survive it. Three justices agreed that the ordinance must fall but said the legal principles announced by the majority were too sweeping, endangering many reasonable sign ordinances.



# Maximum Sign Sizes

Homeowners Association signs

Political signs (nonresidential zone)

Note: Gilbert was subject to a state law requiring that it allow larger political signs in ROW

Ideological signs

Note: actually a permanent sign type, limited in number, and not allowed in ROW

Qualifying Event signs

Note: allowed in multiple numbers in ROW

The Town's Code  
(Per Reed's Counsel)



## Reed Decision Facts/Holding

- First Supreme Court decision on sign law for over 20 years.
- Town of Gilbert prohibited outdoor signs without a permit except for 23 categories with varying standards.
- The Town offered justifications of aesthetics and traffic safety but that means the Code's distinctions (allowing larger election signs for example) are "highly underinclusive".

- Gilbert's distinctions do not pass strict scrutiny, intermediate scrutiny, or the laugh test
- The Town offered no coherent justification for restricting the size of directional signs to 6 square feet while allowing other signs to reach 20 square feet.
- The city said directional signs “need to be smaller because they need to guide travelers along a route”.





# Key Quotes Showing Ruling Has Broad Impacts

- Event Signs - Court struck down the “event based” provisions as content based. “A regulation that targets a sign because it conveys an idea about a specific event is no less content based than a regulation that targets a sign because it conveys some other idea.”



- Regarding Warning Signs - “An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers and passengers—e.g., warning signs marking hazards on private property or signs directing traffic-MIGHT also survive strict scrutiny”.



➤ Apparently, court agreed Government can still make distinctions:

1. Commercial vs. noncommercial



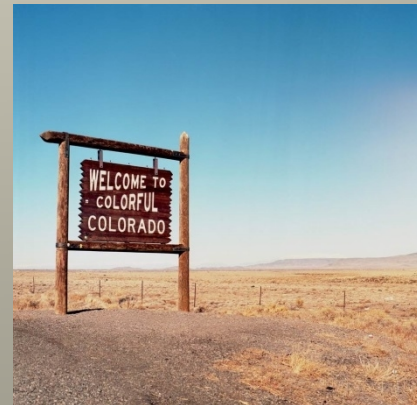
VS



2. Temporary vs. Permanent



VS



- Consequence of the Confusing Broad Decision: “Our communities will find themselves in an unenviable bind: they will have to either repeal the exemptions that allow for helpful signs on streets and sidewalks, or else lift their sign restrictions altogether and resign themselves to the resulting clutter”.



# Important Points from Reed

1. Anyone (including candidate for office or billboard company) can bring a facial challenge to the code, and recover attorneys' fees. For this reason, a local government should amend its code before it is sued.

THE CITY OF  
**PLEASANTON**  
A City of Excellence

**CITY OF PLEASANTON CODE ENFORCEMENT**  
**COMPLAINT INFORMATION FORM**

**INSTRUCTIONS ON HOW TO FILE A COMPLAINT**

1. Describe and identify the specific complaint.
2. Give your name, address, and telephone number (this information is for staff and is kept confidential).
3. Give the exact location of the problem.
  - a. Street address with house number.
  - b. If no address, location of property, i.e., northwest corner of Main and Neal Street.
4. Give specific description and details of complaint, such as type of debris, vehicle license number, etc.
5. Send completed form to Code Enforcement either by saving and then email to [codeenforcement@pleasanton.gov](mailto:codeenforcement@pleasanton.gov) or by printing and then fax to 925-801-5463.

Complaints are usually handled in the order received. It may take one to two weeks before an inspection is conducted. Health and safety issues take precedence over all other complaints and are investigated as soon as possible, usually within a day or two of the complaint. Creating a violation may take up to 90 or 120 days, however with voluntary action on the part of the violator, this time could be reduced to 15 days or less.

LOCATION OF COMPLAINT: \_\_\_\_\_

COMPLAINT: \_\_\_\_\_

NAME OF COMPLAINANT: \_\_\_\_\_ HIM PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ WK PHONE: \_\_\_\_\_

CONTACT REQUESTED: yes  no

DATE OF COMPLAINT: \_\_\_\_\_ TIME:  AM  PM

(City Staff Use)

CEO Action: Inspect: \_\_\_\_\_ Letter or Personal Contact: \_\_\_\_\_

Warning: \_\_\_\_\_ Citel: \_\_\_\_\_ Abated: \_\_\_\_\_ Other: \_\_\_\_\_



## Important Points from Reed Cont'd

- KEY: Do not require that additional temporary signage be used for the purpose it is designed for. (Example: Allow small sign by door and expect it to be used for address but don't require it). Only possible exception: commercial temporary real-estate signs.





3. Enforcement: Selective enforcement can give rise to liability. Consider your appetite for enforcement in adopting these rules.



Do you want to limit election signs during presidential election year? Or ever?

Solutions: Maybe allow sign anarchy at election time or just allow certain number of signs per square foot of each parcel.

## Critical Areas To Review:

1. Key: Local government cannot be stricter on one type of temporary sign than another. Court will say if you really need the regulation, you would apply it uniformly. If express goal is to eliminate sign clutter, does allowing “Grand Opening Signs” nullify that aesthetic interest? Or if a code allows noncommercial signs to be larger than real estate signs, is the government undermining its general interest in reducing driver distraction?



2. Consider whether the exceptions to permitting requirements further the asserted purpose of the sign code (avoiding clutter etc.)
3. Have different section of the code for temporary and permanent signs so they can be severed.
4. Ideal: Use one standard for all commercial temporary signs (including garage sales) and one standard for all noncommercial temporary signs (applies year round, not just during elections; don't limit number but have a spacing regulation)



Best to have only 3 categories of signs—reduce sign categories as much as possible

- a. Temporary/Permanent
- b. Onsite/Offsite
- c. Commercial/Noncommercial

Slicing and dicing of sign categories will lead to litigation.

<b>Ban on Banners</b>	<b>Exception for grand opening banners</b>	<b>Exception for commercial banners</b>	<b>Banners permitted</b>
Least speech	Slightly more speech	Most speech – substitution applies	Most Speech
Least scrutiny	Strict scrutiny	Less scrutiny	Least scrutiny

## Types of Businesses

Look carefully at how you differentiate among business types. No “speaker based” signs, giving priority to one type of business or to non-profits. For example, problematic to favor gas stations with higher signs and changeable copy, but limit tire stores to shorter signs without changeable copy.



## Example of Permanent vs Temporary Signs

- Can distinguish between permanent and temporary signs, since easily distinguished based on structural characteristics-- permanent signs are affixed to the ground or wall, while temporary signs are not. They are made of different material.



# More Issues

- **Single Family Neighborhoods**

- Must allow noncommercial speech in single family residential zones. (Example: “Nuke the Whales”)



(Court upheld sign code pre – Reed because “sign” violated color & size of wall signs)

- Must allow some kinds of commercial speech in single family residential zones. (Example: “For Sale” and “For Rent”)

- **Flags Always an Issue**

Must avoid viewpoint discrimination. Example: cannot only allow US flags or governmental flags. *Dimmitt v. Clearwater*, 985 F.2d 1565 (11<sup>th</sup> Cir. 1993).

# Right of Way

Protect the right of way and all public property by a complete ban on privately placed signs. Based on a government speech doctrine, you have broad discretion.

- Don't open your right of way to any signs or you're subject to hate speech.
- Remove traffic control devices from the sign regulations, and add findings that traffic control devices are in the public interest.
- No banners over roads except where government is a sponsor for the event and controls content.







# Sign Code Trap



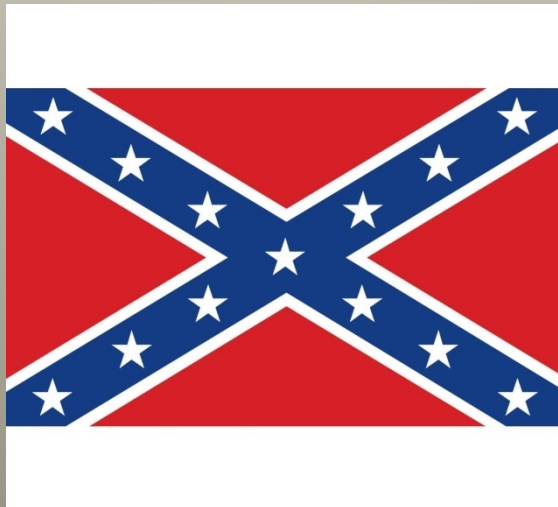
- Favoring Commercial Speech – Very Important!
  - Must not single out political or noncommercial speech for less favorable treatment than commercial speech.  
(i.e. problematic to have more restrictive regulations of **political campaign signs** than of **real estate signs**)



- Most Important - Commercial speech does not have the same protection. Political speech is holiest of holies.
- “What’s good for the goose” rule applies. If 4’ by 4’ temporary real estate commercial sign is allowed in residential districts, political signs should not be limited to 2’ by 2’. Both are temporary signs with the same impacts

## Bright Note: Walker – Decided with Reed

- The Confederate Flag and Free Speech
- The Supreme Court decided in [Walker v. Texas Division, Sons of Confederate Veterans](#) that Texas was free to reject specialty license plates bearing the Confederate battle flag.
- When government speaks, it is not barred by the Free Speech Clause from determining the content of what it says.



## Government Speech:

- Can regulate signs based on 1) Manual on Uniform Traffic Devices 2) To identify property—“high voltage” 3) To implement State laws—post “no trespassing”.
- Safety with government speech - Can define government sign to include signs that are required to be placed by a government either directly or to enforce a property owner’s rights.
- Mandate identification signs



## **Regulate Signs Through:**

1. Location
2. Dimensions
3. Use of Technology
4. Duration
5. Now: Spacing

## Fine-Tuning

- Creates Content
- Based Distinctions
- Underinclusive

## Dumbing Down

- Overinclusive

## What if you allow X square feet of signage, both temporary or permanent?

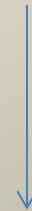
### Problems:

1. Recalculation each time owner wants change to any sign.
2. If total signage is restrictive, permanent signs may become too small to be legible.
3. Temporary signs may become quasi-permanent to compensate for insufficient options.

## Risk Continuum For Temporary Signs

**Will Get Sued**

**Won't Get Sued**



Current Sign Code

Define and regulate signs based on activities on site where sign is located

Each residential parcel is allowed 2 commercial signs and 2 non-commercial to be removed 10 days after the "event"

Each parcel is allowed 32 square feet of non-commercial signage for 180 days per year

No regulations that require you to read the sign (i.e. allow billboards)

# QUESTIONS





# City of Palm Coast

## Sign Code Amendment



**Community Development Department**  
**Presented by: Estelle Lens, AICP, Planner**

# Land Development Code (LDC)

## Chapter 12

## Signs and Advertising



Sign Code Adopted 2008 with the City's Land Development Code

Certain sections were amended in 2009 and 2012

- These amendments were made working with stakeholders to provide more flexibility for applicants in the development community.

Code is being amended now to:

- Comply with changes in the law.
- Address challenges and make the code more business and community friendly.



## Proposed changes to Chapter 12 include:

- Deleting content-based definitions and replacing with new location-based qualifiers.
- Revising Section 12.06 – Temporary signs to generalize the categories and simplify the categories by providing a table.
- Generally, signs that are currently permitted will remain permitted, and signs that are currently prohibited will remain prohibited.



The table for Temporary Signs replaces the former subsections for:

- Construction signs
- Garage Sale signs
- Political signs
- Real Estate signs, including Open House
- Banners/miscellaneous temporary signs



# TEMPORARY SIGN STANDARDS - NON-RESIDENTIALLY ZONED PROPERTIES

Sign Type	NEW CODE		CURRENT CODE	
	No. of Signs	Area (cumulative) and Height	No. of Signs	Area and Ht.
<b>Commercial signs</b> (Banners – Section 12.06.06 i.e., Grand Opening/Going out of Business)	1 banner sign per business	Limited to height of building	1	32 sf
<b>Non-commercial signs</b> (Political – 12.06.03 Also covers non-Commercial Special Events)	4 per business	Area: lots less than 1 acre - 16 sf; 1.1 acres to 10 acres - 32 sf; more than 10 acres - 48 sf Ht.: 7'	1	16 sf Ht. – 10'
<b>Signs for parcels with active site/building permits</b> (Construction Signs – 12.06.01)	2 visible from row adjacent to lot	Area: lots less than 1 acre - 16 sf; 1.1 acres to 10 acres - 32 sf; more than 10 acres - 48 sf; Ht. - 7'	1	12-48 sf Ht. – 7'
<b>Signs on property being actively marketed for sale, rent or lease</b> (Real Estate – 12.06.04)	2 visible from row adjacent to lot	Area: lots less than 1 acre - 16 sf; 1.1 acres to 10 acres - 32 sf; more than 10 acres - 48 sf; Ht. - 7'	1 per frontage	24 sf Ht. – 7'

# TEMPORARY SIGN STANDARDS - RESIDENTIALLY ZONED PROPERTIES

Sign Type	NEW CODE		CURRENT CODE	
	No. of Signs	Area (cumulative) and Height	No. of Signs	Area and Ht.
<b>Non-commercial signs (Political-12.06.03)</b>	6	6 sf Ht. – 6'	1	6 sf Ht. – 5'
<b>Signs for parcels with active site/building permit (Construction signs-12.06.01)</b>	1	Area: lots less than 1 acre - 4 sf; 1.1 acres to 10 acres - 12 sf; more than 10 acres - 32 sf; Ht. – 7' max	1	6 sf Ht. – 7'
<b>Signs on property being actively marketed for sale, rent or lease, single family zoning (Real Estate Signs including Open House signs-12.06.04)</b>	2 visible from row adjacent to lot; 1 add'l – per property - when available for inspection by prospective buyer/tenant; no larger than 9 sf and only posted on private property with permission of property owner	6 sf per street frontage; Ht. – 6'	1 per frontage	6 sf Ht. – 7'
<b>Signs on property being actively marketed for sale, rent or lease, multi -family zoning (Real Estate signs-12.06.04)</b>	2 visible from row adjacent to lot; 1 add'l when available for inspection by prospective buyer/tenant; no larger than 9 sf and only posted on private property with permission of property owner	24 sf Ht. – 7'	1 per frontage	16 sf Ht. – 5'
<b>Signs on properties with a sale on the property (not defined above)(Garage Sales-12.06.02)</b>	1 per street frontage	6 sf Ht. – 6'	1 per frontage	4 sf

## Two Stakeholder Meetings were held:

- August 22, 2023
- September 26, 2023

The following groups were represented:

- Flagler County Association of Realtors (FCAR)
- Flagler County Association of Responsible Developers (FCARD)
- Palm Coast – Flagler Regional Chamber of Commerce
- Local Attorneys
- Local Developers







to 1  
lffi JUL 28 2023

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.

P.O. Box 1216 • Bunnell, FL 32110 • Phone: (386) 437-0095 • Fax: (386) 437-6070

www.FlaglerCountyRealtors.com • Email: [GAD@FlaglerCountyRealtors.com](mailto:GAD@FlaglerCountyRealtors.com)

November 15, 2023 - PLDRB Meeting

The Ordinance is tentatively scheduled for Public Hearings with City Council:

- December 5, 2023 – 1<sup>st</sup> Reading
- December 19, 2023 – 2<sup>nd</sup> Reading



# Questions?

**This chart replaces Section 12.06. - Temporary Signs  
The prior code sections and categories are listed below in RED**

**Sec. 12.06. - Temporary Signs.**<sup>1</sup>

12.06.01 Temporary Sign Standards.

<b>A. NON-RESIDENTIALLY ZONED PROPERTIES' TEMPORARY SIGN STANDARDS</b>				
<b>Sign type</b>	<b>Number of signs</b>	<b>Maximum sign area and height (The sign areas provided are cumulative for the number of signs allowed)</b>	<b>Time</b>	<b>Additional standards</b>
<b>Commercial signs</b> (Banners- Grand Opening/Going out of business 12.06.06)	One banner sign per business.	Limited to height of building.	Remove after 30 consecutive days	1. No more than three times per year. 2.No permit is required.
<b>Non-commercial signs</b> (Politica – Non-Commercial Special Events 12.06.03)	Four per business	Area: Lots less than 1 acre – 16 sf 1.1 acres to 10 acres – 32 sf More than 10 acres – 48 sf Limit 7' in height	If associated with an event, remove 15 calendar days after the event.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.
<b>Signs for parcels with active Site/building permits</b> (Constructions Signs 12.06.01)	Two visible from rights-of-way adjacent to lot.	Area: Lots less than 1 acre – 16 sf 1.1 acres to 10 acres – 32 sf More than 10 acres – 48 sf  Height: 7 ft max height	Remove within 3 calendar days after issuance of a final inspection or certificate of occupancy.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines. 3. Maximum 1 sign facing each public right of way. 4. Can divide sign allowance between 2 different signs.
<b>Signs on property being actively marketed for sale, rent or lease</b> (Real Estate 12.06.04)	Two visible from rights-of-way adjacent to lot.	Area: Lots less than 1 acre – 16sf 1.1 acres to 10 acres – 32 sf More than 10 acres – 48 sf  Height: 7 ft.	Remove within 3 calendar days after sale or lease.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.

**B. RESIDENTIALLY ZONED PROPERTIES' TEMPORARY SIGN STANDARDS**

Sign Type	Number of Signs	Maximum Sign Area and Height (The sign areas provided are cumulative for the number of signs allowed)	Time	Permit Requirements and Additional standards
<b>Non-commercial signs</b> (Political 12.06.03)	Six	Area: 6 sf Height: 6 ft	If associated with an event, remove 15 calendar days after the event.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.
<b>Signs for parcels with active site/building permits</b>  (Constructions Signs 12.06.01)	One per lot	Area: Lots less than 1 acre – 4 sf 1.1 acres to 10 acres – 12 sf More than 10 acres – 32 sf  Height: 7 ft max height	Remove within 3 calendar days after issuance of a final inspection or certificate of completion.	
<b>Signs on property being actively marketed for sale, rent or lease, single family zoning.</b> (Real Estate Signs including Open House Signs 12.06.04)	Two visible from rights-of-way adjacent to lot; one additional sign (per property) only when the premises are available for inspection by the prospective buyer or tenant; said additional sign shall not be larger than 9 sf and may only be posted on private property with the permission of the property owner.	Area: 6 sf per street frontage Height: 6 ft.	Remove within 3 calendar days of sale or lease.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.
<b>Signs on property being actively marketed for sale, rent or lease, multi-family zoning</b> (Real Estate Signs 12.06.04)		Area: 24 sf  Height: 7 ft		
<b>Signs on properties with a sale on the property</b> (Not defined above) (Garage Sales 12.06.02)	One per street frontage	Area: 6 sf  Height: 6 ft	Remove within 3 calendar days after the event.	

**ORDINANCE - \_\_\_\_\_**  
**UNIFIED LAND DEVELOPMENT CODE**

**AN ORDINANCE OF THE CITY OF PALM COAST, FLORIDA, AMENDING SECTION 3.01.06, USES NOT PERMITTED IN THE CITY, CHAPTER 3, ZONING USES, AND DIMENSIONAL STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF PALM COAST, TO PROHIBIT OUTDOOR ADVERTISING; AMENDING CHAPTER 12, SIGNS AND ADVERTISING OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE, TO ENSURE COMPLIANCE WITH CONSTITUTIONAL AND OTHER LEGAL REQUIREMENTS AND TO PROVIDE A PURPOSE, INTENT AND SCOPE; AMENDING SECTION 14.02 GLOSSARY, OF CHAPTER 14 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE TO ADD, DELETE AND RESTATE VARIOUS DEFINITIONS; AMENDING CRITERIA RELATED TO THE AMENDED DEFINITIONS; PROVIDING THAT EXISTING NON-CONFORMING SIGNS MAY BE CONTINUED; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

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

**WHEREAS**, the City of Palm Coast finds and determines that it is appropriate to delete sections, subsections, paragraphs, subparagraphs, divisions, subdivisions, clauses, sentences, phrases, words, and provisions of the existing ordinance which are obsolete or superfluous, and/or which have not been enforced, and/or which are not enforceable, and/or which would be severable by a court of competent jurisdiction; and

**WHEREAS**, the City Council of the City of Palm Coast has determined the need to update and revise the definitions as they relate to signs in its Land Development Code, and to update and revise other definitions in its Land Development Code; and

**WHEREAS**, the City Council wishes to ensure that the definitions in the City's Land Development Code as they relate to signs are in compliance with all constitutional and other legal requirements; and

**WHEREAS**, the City of Palm Coast finds and determines that the updated and revised definitions herein are consistent with all applicable policies of the City's adopted Comprehensive Plan; and

**WHEREAS**, the City of Palm Coast finds and determines that the updated and revised definitions herein are not in conflict with the public interest; and

**WHEREAS**, the City of Palm Coast recognizes that definitions in the City's Land Development Code need to be deleted, revised or added to in light of the recent decision in *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155 , 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015); and

**WHEREAS**, the City of Palm Coast finds and determines that it is appropriate to ensure that the Land Development Code as it relates to signs is in compliance with all constitutional and other legal requirements; and

**WHEREAS**, the City of Palm Coast finds and determines that the purpose, intent and scope of its signage standards and regulations should be detailed so as to further describe the beneficial aesthetic and other effects of the City's sign standards and regulations, and to reaffirm that the sign standards and regulations are concerned with the secondary effects of speech and are not designed to censor speech or regulate the viewpoint of the speaker; and

**WHEREAS**, the City of Palm Coast finds and determines that the limitations on the size (area), height, number, spacing, and setback of signs, adopted herein, are based upon sign types; and

**WHEREAS**, the City of Palm Coast finds and determines that limitations on signs are related to the zoning districts for the parcels and properties on which they are located; and

**WHEREAS**, the City of Palm Coast finds and determines that various signs that serve as signage for particular land uses, such as drive-through lanes for businesses, are based upon content-neutral criteria in recognition of the functions served by those land uses, but not based upon any intent to favor any particular viewpoint or control the subject matter of public discourse; and

**WHEREAS**, the City of Palm Coast finds and determines that the sign standards and regulations adopted hereby still allow adequate alternative means of communications; and

**WHEREAS**, the City of Palm Coast finds and determines that the sign standards and regulations adopted hereby allow and leave open adequate alternative means of communications, such as newspaper advertising and communications, internet advertising and communications, advertising and communications in shoppers and pamphlets, advertising and communications in telephone books, advertising and communications on cable and satellite television, advertising and communications on UHF and/or VHF television, advertising and communications on AM and/or FM radio, advertising and communications on satellite and internet radio, advertising and communications via direct mail, and other avenues of communication available in the City of Palm Coast [*see State v. J & J Painting*, 167 N.J. Super. 384, 400 A.2d 1204, 1205 (Super. Ct. App. Div. 1979); *Board of Trustees of State University of New York v. Fox*, 492 U.S. 469, 477 (1989); *Green v. City of Raleigh*, 523 F.3d 293, 305-306 (4th Cir. 2007); *Naser Jewelers v. City of Concord*, 513 F.3d 27 (1st Cir. 2008); *Sullivan v. City of Augusta*, 511 F.3d 16, 43-44 (1st Cir. 2007); *La Tour v. City of Fayetteville*, 442 F.3d 1094, 1097 (8th Cir. 2006); *Reed v. Town of Gilbert, Ariz.*, 587



F.3d 966, 980-981 (9th Cir. 2009), *aff'd in part & remanded in part on other grounds*, 832 F. Supp. 2d 1070, *aff'd*, 707 F.3d 1057, 1063 (9th Cir. 2013), *cert. granted*, 134 S. Ct. 2900 (2014), *rev'd on other grounds & remanded*, 135 S. Ct. 2218 (2015).]; and

**WHEREAS**, the City of Palm Coast finds and determines that the provisions of Chapter 12 (Unified Land Development Code), City of Palm Coast Code of Ordinances, that replace the current Chapter 12 are consistent with all applicable policies of the City's adopted Comprehensive Plan; and

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

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

**WHEREAS**, the City of Palm Coast recognizes that 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**, the City of Palm Coast recognizes that under established Supreme Court precedent, a compelling government interest is a higher burden than a substantial or significant governmental interest; and

**WHEREAS**, the City of Palm Coast recognizes that under established Supreme Court precedent, aesthetics is not a compelling governmental interest but is a substantial governmental interest; and

**WHEREAS**, the City of Palm Coast recognizes that 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**, the City of Palm Coast recognizes that in *Reed v. Town of Gilbert, Ariz.*, -- U.S. —, 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015), the United States Supreme Court, in an opinion authored by Justice Thomas, and joined in by Chief Justices Roberts, Scalia, Alito, Kennedy and Sotomayer, addressed the constitutionality of a local sign ordinance that had different criteria for different types of temporary noncommercial signs; and

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

**WHEREAS**, the City of Palm Coast recognizes that 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**, the City of Palm Coast recognizes that 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**, the City of Palm Coast recognizes that 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**, the City of Palm Coast recognizes that Justice Alito in the concurring opinion joined in by Justices Kennedy and Sotomayer provided a list of rules that would not be content-based; and

**WHEREAS**, the City of Palm Coast recognizes that Justice Alito noted that these rules, listed below, were not a comprehensive list of such rules; and

**WHEREAS**, the City of Palm Coast recognizes that 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 [see discussion in Memorandum dated September 11, 2015 from Lawrence Tribe to Nancy Fletcher, President, Outdoor Advertising Association of America, re Applying the First Amendment to Regulations Distinguishing Between Off-premises and On-premises Signs After *Reed v. Town of Gilbert*]; (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**, the City of Palm Coast recognizes that 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, Utah 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**, the City of Palm Coast recognizes that 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 esthetic objectives, including rules that distinguish between on-premises and off-premises signs; and

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

**WHEREAS**, the City of Palm Coast recognizes that 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 U.S. Supreme Court has determined that persons desiring to sell their homes have the same right to communication via signage as other commercial interests, and residents were entitled to information on sales activity, so real estate signs could not be prohibited, in *Linmark Associates, Inc. v. Township of Willingboro*, 97 S.Ct. 1614 (1977); and

**WHEREAS**, the City of Palm Coast finds and determines that it should continue to prohibit discontinued signs regardless of whether or not there was any intent to abandon the sign; and

**WHEREAS**, the City of Palm Coast finds and determines that a traffic control device sign, exempt from regulation under the City's land development regulations for signage, is any government sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard, and according to the MUTCD traffic control device signs include those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information); and

**WHEREAS**, the City of Palm Coast finds and determines that it is appropriate to continue to prohibit certain vehicle signs similar to the prohibition suggested in Article VIII (Signs) of the Model Land Development Code for Cities and Counties, prepared in 1989 for the Florida Department of Community Affairs by the UF College of Law's Center for Governmental Responsibility and by a professional planner with Henigar and Ray Engineering Associates, Inc., and that is nearly identical to Section 7.05.00(x) of the Land Development Regulations of the Town of Orange Park, which were upheld against a constitutional challenge in *Perkins v. Town of Orange Park*, 2006 WL 5988235 (Fla. 4th Cir. Ct.); and

**WHEREAS**, the City of Palm Coast finds and determines that in order to preserve the City as a desirable community in which to live, recreate and do business, a pleasing, visually-attractive urban environment is of foremost importance; and

**WHEREAS**, the City of Palm Coast finds and determines that the regulation of signs within the City is a highly contributive means by which to achieve this desired end, and that the sign standards and regulations in this proposed Ordinance are prepared with the intent of enhancing the urban environment and promoting the continued well-being of the City; and

**WHEREAS**, the City of Palm Coast 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 of Palm Coast finds and determines that the regulation of signage for purposes of aesthetics is a substantial governmental interest and directly serves the policy articulated in Article II, Section 7, of the Florida Constitution, by conserving and protecting its scenic beauty; and

**WHEREAS**, the City of Palm Coast finds and determines that the regulation of signage for purposes of aesthetics has long been recognized as advancing the public welfare; and

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

**WHEREAS**, the City of Palm Coast finds and determines that aesthetics is a valid basis for zoning, and the regulation of the size of signs and the prohibition of certain types of signs can be based upon aesthetic grounds alone as promoting the general welfare [see *Merritt v. Peters*, 65 So. 2d 861 (Fla. 1953); *Dade Town v. Gould*, 99 So. 2d 236 (Fla. 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade Town*, 425 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 805 (1970)]; and

**WHEREAS**, the City of Palm Coast finds and determines that the enhancement of the visual environment is critical to a community’s image and its continued presence as a master planned community; and

**WHEREAS**, the City of Palm Coast finds and determines that the sign control principles set forth herein create a sense of character and ambiance that distinguishes the City as one with a commitment to maintaining and improving an attractive environment; and

**WHEREAS**, the City of Palm Coast finds and determines that the beauty of the City of Palm Coast, both with regard to its natural and built and developed environment has provided the foundation for the economic base of the City’s development, and that the City’s sign regulations not only help create an attractive community for its residents, but also bolster Palm Coast’s image as a master planned community; and

**WHEREAS**, the City of Palm Coast finds and determines that the goals, objectives and policies from planning documents developed over the years, demonstrate a strong, long-term commitment to maintaining and improving the City’s attractive and visual environment; and

**WHEREAS**, the City of Palm Coast finds and determines that, from a planning perspective, one of the most important community goals is to define and protect aesthetic resources and community character; and

**WHEREAS**, the City of Palm Coast finds and determines that, from a planning perspective, sign regulations are especially important to cities with a master planned community , and sign control can create a sense of character and ambiance that distinguishes one community from another; and

**WHEREAS**, the City of Palm Coast finds and determines that preserving and reinforcing the uniqueness of a community like Palm Coast attracts future residents and, more importantly, establishes a permanent residential and commercial base to ensure the future viability of the community; and

**WHEREAS**, the City of Palm Coast finds and determines that the purpose of the regulation of signs as set forth in this Ordinance is to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements; and

**WHEREAS**, the City of Palm Coast finds and determines that the sign regulations in this Ordinance are intended to enable the identification of places of residence and business; and

**WHEREAS**, the City of Palm Coast finds and determines that the sign regulations in this Ordinance are intended to allow for the communication of information necessary for the conduct of commerce; and

**WHEREAS**, the City of Palm Coast finds and determines that the sign regulations in this Ordinance are intended to lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic; and

**WHEREAS**, the City of Palm Coast finds and determines that the sign regulations in this Ordinance are intended to enhance the attractiveness and economic well-being of the City as a place to live, recreate and conduct business; and

**WHEREAS**, the City of Palm Coast finds and determines that the sign regulations in this Ordinance are intended to protect the public from the dangers of unsafe signs; and

**WHEREAS**, the City of Palm Coast finds and determines that the sign regulations in this Ordinance are intended to permit signs that are compatible with their surroundings and aid orientation, and to preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs; and

**WHEREAS**, the City of Palm Coast finds and determines that the sign regulations in this Ordinance are intended to encourage signs that are appropriate to the zoning district in which they are located and which are consistent with the category of use to which they pertain; and

**WHEREAS**, the City of Palm Coast finds and determines that the sign regulations in this Ordinance are intended to curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business; and

**WHEREAS**, the City of Palm Coast finds and determines that the sign regulations in this Ordinance are intended to 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;

**WHEREAS**, the City of Palm Coast finds and determines that the sign regulations in this Ordinance are intended to preclude signs from conflicting with the principal permitted use of the site or adjoining sites; and

**WHEREAS**, the City of Palm Coast finds and determines that the sign regulations in this Ordinance are intended to regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians; and

**WHEREAS**, the City of Palm Coast finds and determines that the sign regulations in this Ordinance are intended to require signs to be constructed, installed and maintained in a safe and satisfactory manner; and

**WHEREAS**, the City of Palm Coast finds and determines that the sign regulations in this Ordinance are intended to preserve and enhance the natural and scenic characteristics of this master planned community committed to aesthetics and environmentally sensitive design; and

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

**WHEREAS**, the City of Palm Coast finds and determines that it has adopted a land development code, known as the Unified Land Development Code, in order to implement its Comprehensive Plan, and to comply with the minimum requirements in the State of Florida's Growth Management Act, at Section 163.3202, Florida Statutes, including the regulation of signage and future land use; and

**WHEREAS**, the City of Palm Coast finds and determines that the Unified Land Development Code is the manner by which the City has chosen to regulate signage; and

**WHEREAS**, the City of Palm Coast finds and determines that the Unified Land Development Code and its signage regulations were and are intended to maintain and improve the quality of life for all citizens of the City; and

**WHEREAS**, the City of Palm Coast finds and determines that in meeting the purposes and goals established in these preambles, it is appropriate to continue to prohibit certain sign types; and

**WHEREAS**, the City of Palm Coast finds and determines that consistent with the foregoing preambles, it is appropriate to continue to generally prohibit the sign types listed in Sec. 12.03.02, Prohibited Signs within this Ordinance; and

**WHEREAS**, the City of Palm Coast finds and determines that billboards detract from the natural and manmade beauty of the City; and

**WHEREAS**, the City of Palm Coast agrees with the American Society of Landscape Architects' determination that billboards tend to deface nearby scenery, whether natural or built and the Sierra Club's opposition to billboard development and proliferation and the American Society of Civil Engineers Policy Statement 117 on Aesthetics that aesthetic quality should be an element of the planning, design, construction, operations, maintenance, renovation, rehabilitation, reconstruction, and security enhancement of the built environment; and

**WHEREAS**, the City of Palm Coast recognizes that states such as Vermont, Alaska, Maine, and Hawaii have prohibited the construction of billboards in their states and are now billboard-free in an effort to promote aesthetics and scenic beauty; and

**WHEREAS**, the City of Palm Coast finds and determines that the prohibition of the construction of billboards and certain other sign types, as well as the establishment and continuation of height, size and other standards for on-premise signs, is consistent with the policy set forth in the Florida Constitution that it shall be the policy of the state to conserve and protect its scenic beauty; and

**WHEREAS**, the City of Palm Coast agrees with the courts that have recognized that outdoor advertising signs tend to interrupt what would otherwise be the natural landscape as seen from the highway, whether the view is untouched or ravished by man, and that it would be unreasonable and illogical to conclude that an area is too unattractive to justify aesthetic improvement [*see E. B. Elliott Adv. Co. v. Metropolitan Dade Town*, 425 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 805 (1970); *John Donnelly & Sons, Inc. v. Outdoor Advertising Bd.*, 339 N.E.2d 709, 720 (Mass. 1975)]; and

**WHEREAS**, the City of Palm Coast recognizes that local governments may separately classify off-site and on-site advertising signs in taking steps to minimize visual pollution [*see City of Lake Wales v. Lamar Advertising Association of Lakeland Florida*, 414 So.2d 1030, 1032 (Fla. 1982)]; and

**WHEREAS**, the City of Palm Coast finds and determines that billboards attract the attention of drivers passing by the billboards, thereby adversely affecting traffic safety and constituting a public nuisance and a noxious use of the land on which the billboards are erected; and

**WHEREAS**, the City of Palm Coast finds, determines and recognizes that billboards are a form of advertisement designed to be seen without the exercise of choice or volition on the part of the observer, unlike other forms of advertising that are ordinarily seen as a matter of choice on the part of the observer [*see Packer v. Utah*, 285 U.S. 105 (1932); and *General Outdoor Advertising Co. v. Department of Public Works*, 289 Mass. 149, 193 N.E. 799 (1935)]; and

**WHEREAS**, the City of Palm Coast acknowledges that the United States Supreme Court and many federal courts have accepted legislative judgments and determinations that the prohibition of billboards promotes traffic safety and the aesthetics of the surrounding area. [*see Markham Adver. Co. v. State*, 73 Wash.2d 405, 439 P.2d 248 (1969), *appeal dismissed for want of a substantial federal question*, 439 U.S. 808 (1978); *Markham Adver. Co., Inc. v. State*, Case No. 648, October Term, 1968, Appellants' Jurisdictional Statement, 1968 WL 129277 (October 14, 1968); *Suffolk Outdoor Adver. Co., Inc. v. Hulse*, 43 N.Y.2d 483, 372 N.E.2d 263 (1977), *appeal dismissed for want of a substantial federal question*, 439 U.S. 808 (1978); *Suffolk Outdoor Adver. Co., Inc. v. Hulse*, Case No. 77-1670, October Term, 1977, Appellant's Jurisdictional Statement (March 23, 1978); *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 509-510 (1981); *Members of the City Council of the City of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 806-807 (1984), *City of Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410, 425 and 442 (1993); *National Advertising Co. v. City and County of Denver*, 912 F.2d 4055, 409 (10th Cir. 1990), and *Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1239 (D. Kan. 1999)]; and

**WHEREAS**, the City of Palm Coast finds, determines and recognizes that on-site business signs are considered to be part of the business itself, as distinguished from off-site outdoor advertising signs, and that it is well-recognized that the unique nature of outdoor advertising and the nuisances fostered by billboard signs justify the separate classification of such structures for the purposes of governmental regulation and restrictions [*see E. B. Elliott Adv. Co. v. Metropolitan Dade Town*, 425 F.2d 1141, 1153 (5th Cir. 1970), *cert. denied*, 400 U.S. 805 (1970), quoting *United Advertising Corp. v. Borough of Raritan*, 11 N.J. 144, 93 A.2d 362, 365 (1952)]; and

**WHEREAS**, the City of Palm Coast finds and determines that a prohibition on the erection of off-site outdoor advertising signs has and will reduce the number of driver distractions and the number of aesthetic eyesores along the roadways and highways of the City [*see, e.g., E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1154 (5th Cir. 1970), *cert. denied*, 400 U.S. 805 (1970)]; and

**WHEREAS**, the City of Palm Coast finds and determines that billboard signs are public nuisances given their adverse impact on both traffic safety and aesthetics; and

**WHEREAS**, the City of Palm Coast finds and determines that billboards are a traffic hazard and impair the beauty of the surrounding area, and the prohibition of the construction of billboards will reduce these harms [*see Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1239 (D. Kan. 1999)]; and

**WHEREAS**, the City of Palm Coast finds and determines that the presence of billboards along the federal interstate and the federal-aid primary highway systems has prevented public



property in other jurisdictions from being used for beautification purposes due to view zones established by state administrative rule; and

**WHEREAS**, the City of Palm Coast recognizes that Scenic America, Inc. recommends improvements in the scenic character of a community's landscape and appearance by prohibiting the construction of billboards, and by setting height, size and other standards for on-premise signs [*see Scenic America's Seven Principles for Scenic Conservation, Principle #5*]; and

**WHEREAS**, the City of Palm Coast recognizes that more than three hundred Florida communities have adopted ordinances prohibiting the construction of billboards in their communities in order to achieve aesthetic, beautification, traffic safety, and/or other related goals; and

**WHEREAS**, the City of Palm Coast finds and determines that in order to preserve, protect and promote the safety and general welfare of the residents of the City, it is necessary to regulate off-site advertising signs, commonly known as billboard signs or billboards, so as to prohibit the construction of billboards in all zoning districts, and to provide that the foregoing provisions shall be severable; and

**WHEREAS**, the City of Palm Coast finds and determines that the continued prohibition of billboards as set forth herein will improve the beauty of the City, foster overall improvement to the aesthetic and visual appearance of the City, preserve and open up areas for beautification on public property adjoining the public roadways, increase the visibility, readability and/or effectiveness of on-site signs by reducing and/or diminishing the visual clutter of off-site signs, enhance the City as an attractive place to live and/or work, reduce blighting influences, and improve traffic safety by reducing driver distractions; and

**WHEREAS**, the City of Palm Coast wishes to assure that new billboards are effectively prohibited as a sign-type within the City; and

**WHEREAS**, the City of Palm Coast finds and determines that anything beside the road which tends to distract the driver of a motor vehicle directly affects traffic safety, and signs, which divert the attention of the driver and occupants of motor vehicles from the highway to objects away from it, may reasonably be found to increase the danger of accidents, and agrees with the courts that have reached the same determination [*see In re Opinion of the Justices*, 103 N.H. 268, 169 A.2d 762 (1961); *Newman Signs, Inc. v. Hjelle*, 268 N.W.2d 741 (N.D.1978)]; and

**WHEREAS**, the City of Palm Coast acknowledges that the Seven Justices' views in *Metromedia*, as expressly recognized in the later Supreme Court decisions in *Taxpayers for Vincent* and *Discovery Network*; and in more than a dozen published Circuit Court of Appeal decisions following *Metromedia*, on the permissible distinction between onsite signs and offsite signs-when it comes to government's substantial interest in prohibiting the latter sign type (the offsite sign), including: *Major Media of the Southeast, Inc. v. City of Raleigh*, 792 F.2d 1269, 1272 (4th Cir. 1986); *Georgia Outdoor Advertising, Inc. v. City of Waynesville*, 833 F.2d 43, 45-46 (4th Cir. 1987); *Naegle Outdoor Adver., Inc. v. City of Durham*, 844 F.2d 172, 173-174 (4th Cir. 1988); *Nat'l Adver. Co. v. City and County of Denver*, 912 F.2d 405, 408-411 (10th Cir. 1990);

*Nat'l Adver. Co. v. Town of Niagara*, 942 F.2d 145, 157-158 (2nd Cir. 1991); *Outdoor Systems, Inc. v. City of Mesa*, 997 F.2d 604, 610-612 (9th Cir. 1993); *Outdoor Graphics, Inc. v. City of Burlington, Iowa*, 103 F.3d 690, 695 (8th Cir. 1996); *Ackerley Communications of Northwest v. Krochalis*, 108 F.3d 1095, 1099 (9th Cir. 1997); *Southlake Property Associates, Ltd. v. City of Morrow, Ga.*, 112 F.3d 1114, 1117-1119 (11th Cir. 1997), *cert. denied*, 525 U.S. 820 (1998); *Bad Frog Brewery, Inc. v. New York State Liquor Authority*, 134 F.3d 87, 99 (2nd Cir. 1998); *Lavey v. City of Two Rivers*, 171 F.3d 1110, 1114-1115 (7th Cir. 1999); *Long Island Bd. of Realtors, Inc. v. Incorp. Village of Massapequa Park*, 277 F.3d 622, 627 (2nd Cir. 2002); *Clear Channel Outdoor, Inc. v. City of Los Angeles*, 340 F.3d 810, 814-816 (9th Cir. 2003); *Riel v. City of Bradford*, 485 F.3d 736, 753 (3rd Cir. 2007); *Naser Jewelers, Inc. v. City of Concord, N.H.*, 513 F.3d 27, 36 (1st Cir. 2008); and *RTM Media, L.L.C. v. City of Houston*, 584 F.3d 220, 225 (5th Cir. 2009); and

**WHEREAS**, the U.S. Supreme Court recently affirmed these cases by ruling that laws distinguishing between on-premises and off-premises signs regulate a sign's location, not its message. Those laws are therefore subject to intermediate, not strict, scrutiny, according to *City of Austin, Texas v. Reagan Nat'l Advert. of Austin, LLC*, 142 S.Ct. 1464 (2022); and

**WHEREAS**, the City of Palm Coast recognizes that the distinction between the location of off-premises signs and on-premises signs is a time, place and manner regulation, and recognizes that in 1978 in *Suffolk Outdoor*, over the objection of Justices Blackmun and Powell, the U.S. Supreme Court denied review of the underlying decision for the want of a substantial federal question and that the denial on this basis was a decision on the merits, wherein the decision was framed by the petitioner's jurisdictional statement which presented its first question as to whether a total ban on billboards within an entire municipality was constitutional, claiming that this disparate treatment of off-premises billboards from on-premises accessory signs was a violation of the First Amendment; and

**WHEREAS**, the City of Palm Coast acknowledges that the significance of *Suffolk Outdoor* is that it was a merits decision that recognized that it is constitutionally permissible to distinguish between on-site signs and off-site signs (Billboards) for regulatory purposes, and to ban the latter, and that this merits decision has never been overturned, and that it has been recently upheld in *City of Austin, Texas v. Reagan Nat'l Advert. of Austin, LLC*, 142 S.Ct. 1464 (2022); and

**WHEREAS**, the City of Palm Coast finds and determines, consistent with the foregoing preambles, that the business of outdoor advertising should be a prohibited use in each of the City's zoning districts; and

**WHEREAS**, the City of Palm Coast finds and determines that by confirming in its ordinance that noncommercial messages are allowed wherever commercial messages are permitted, the City will continue to overcome any constitutional objection that its ordinance impermissibly favors commercial speech over noncommercial speech [*see Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1236-1237 (D. Kan. 1999)]; and

**WHEREAS**, the City of Palm Coast finds and determines that the prohibition on billboards, as contained herein, continue in effect regardless of the invalidity or unconstitutionality of any, or even all, other provisions of the City’s sign regulations, other ordinance code provisions, or other laws, for any reason(s) whatsoever; and

**WHEREAS**, the City of Palm Coast finds and determines that it desires to make clear that billboards are not a compatible land use within the City and that there can be no good faith reliance by any prospective billboard developer under Florida vested rights law in connection with the prospective erection or construction of new or additional billboards within the jurisdictional limits of the City; and

**WHEREAS**, the City of Palm Coast finds and determines that it is appropriate to allow for the display of allowable temporary signage without any prior restraint or permit requirement; and

**WHEREAS**, the City of Palm Coast finds and determines that it is appropriate to prohibit direct illumination of the surface of any temporary sign but such prohibition shall not be construed to constrain the general illumination of flags and flagpoles unless otherwise expressly prohibited; and

**WHEREAS**, Chapter 12 does not regulate City signs on property owned by the City, Flagler 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 Florida Legislature has recently adopted subsection 22 of Fla. Stat. §553.79, which appears to be a content based sign code in violation of *Reed v. Gilbert*, --U.S.--, 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015); but in the interest of avoiding a claim under Fla. Stat. §57.112, the sign code is amended to recognize that to the extent of a documented conflict between the City sign code and Fla. Stat. §553.79(22), the statute will prevail.

**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.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:**

**SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.** The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

**SECTION 2.** It is hereby ordained by the City of Palm Coast, Florida: that Section 3.01.06, Uses not permitted in the City, of Chapter 3, Zoning Uses, and Dimensional Standards,

of the Unified Land Development Code, City of Palm Coast, Florida, is hereby amended to add a use to the list of prohibited uses as follows:

3.01.06. *Uses not permitted in the city.* The following uses may be permitted by a super majority vote of the City Council subsequent to an affirmative or negative recommendation by the Planning and Land Development Regulation Board. This is due to their potential incompatibility with current development trends in the City, their potential deleterious effects upon the public health, safety, and welfare, and the potential likelihood that they will create nuisances and significant adverse impacts upon adjacent land uses. The list is not all-inclusive and other uses found by the Land Use Administrator to be similar in nature and character to the listed uses shall also require approval by the City Council in the aforementioned manner.

Asphalt Manufacturing Plants

Animal Feed Lots and Livestock Operations

Bottle Clubs

Business of Outdoor Advertising\*

Deep Well Injection of Waste Products

Dog Farms

Hog and Poultry Farms

Incinerator Plants

Junkyards, Salvage Yards

Motor Vehicle Race Tracks

Paper and Pulp Mills

\* \* \*

\*The business of outdoor advertising means the business of erecting, operating, using, maintaining, leasing, or selling outdoor advertising structures, outdoor advertising signs, or outdoor advertisements that are prohibited in this code.

\* \* \*

**SECTION 3.** It is hereby ordained by the City of Palm Coast, Florida: that Chapter 12 – Signs and Advertising of the Unified Land Development Code, City of Palm Coast, Florida, is hereby amended to read as follows:

## Chapter 12 - SIGNS AND ADVERTISING

## Sec. 12.01. - Generally.

12.01.01. Purpose and intent. ~~The purpose of this chapter is to ensure adequate means of communication through signage while maintaining the attractive visual appearance within the City. This chapter does not regulate content of signage or restrain the free exercise of protected speech. By specifying criteria for all signage as stated herein, this chapter is intended to serve the following purposes:~~

(1) It is the purpose of this chapter 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 F.S. § 163.3202(f). 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 governmental 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 chapter regulates signs, as defined in this Unified Land Development Code, which are placed on private property. This chapter is not intended to extend its regulatory regime to objects that are not traditionally considered signs for purpose of government regulation.

The City boundary is depicted on the official zoning map. In order to preserve and promote the City as a desirable community in which to live, recreate and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the City is a highly contributive means by which to achieve this desired end.

This chapter is intended to serve the following purposes:

- A. Maintain the established suburban character of the City by regulating all exterior signage in a manner which promotes low profile signage of high quality design and enhances the City's ability to attract sources of economic development and growth;
- B. Protect and maintain the visual integrity of roadway corridors within the City by establishing a maximum amount of signage on any site to avoid visual clutter;
- C. Protect motorists from visual distractions, obstructions, and hazards by regulating the location of signs;
- D. Enhance the appearance of the physical environment by requiring that signage be designed to complement the architecture of the structure which the signage is intended to identify, and sited in a manner which is sensitive to the existing natural environment;
- E. Allow signage that satisfies the visibility, identification, and communication needs of the local business community;

- F. Foster civic pride and community spirit by maximizing the positive impact of development;
- G. Establish procedures and regulations for the construction and maintenance of signs, removal of nonconforming signs, variances, and enforcement of these regulations;
- H. Improve pedestrian and traffic safety;
- I. Minimize the possible adverse effect of signs on nearby public and private property;
- J. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- ~~K. Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function;~~
- ~~L. Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;~~
- ~~M. 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;~~
- ~~N. 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;~~
- ~~O. 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 master planned community, as well as for its major subdivisions, shopping centers, and industrial parks; ~~and~~~~
- ~~P. Provide the fair and consistent enforcement of these sign regulations;~~
- O. Allow for traffic control devices and government signs without regulation, consistent with state and national standards, because they promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and by notifying road users of regulations and providing state and nationally consistent warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream and modes of travel, while regulating private signs to ensure that their size, location and other attributes do not impair the effectiveness of such traffic control devices.
- P. Enable the fair and consistent enforcement of these sign regulations;
- Q. 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;

- R. Provide standards regarding the non-communicative aspects of signs, which are consistent with city, county, state and federal law;
- S. Ensure 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.
- T. Ensure that the constitutional guaranteed right of free speech is protected. Applications will be reviewed only with respect to sign structure or placement, excluding any reference to message, category, subject, topic or viewpoint.
- U. Reduce the Impact of Sign Clutter. Excessive signage and sign clutter impair legibility and undermine the effectiveness of governmental signs, Traffic Control Devices and other required signs (such as building, unit or house number signs, street identification signs, and building identity signs) that are essential to identifying locations for the delivery of emergency services, mail and package delivery, and other compelling governmental purposes. The intent of these sign regulations is to enhance the visual environment of the City, ensure that City residents and visitors can safely navigate through the City to their intended destinations, and promote the continued well-being of the City. It is therefore the purpose of this Chapter to promote aesthetics and the public health, safety and general welfare, and assure the adequate provision of light and air within the City through reasonable, consistent and nondiscriminatory standards for the posting, displaying, erection, use, and maintenance of signs and sign structures that are no more restrictive than necessary to achieve these governmental interests.
- V. 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.

(2) Where there is conflict between this chapter and other sections of this Code, the most restrictive regulations shall apply.

(3) This chapter does not regulate government signs on government property.

12.01.02. *Applicability.* These regulations apply to signs within residential and nonresidential areas. Signs shall be erected, placed, established, painted, created, and maintained in the City only in conformance with the regulations, procedures, exemptions, and other requirements of this chapter and pursuant to City standards and the Florida Building Code.

12.01.03. *Effect.* The effect of this chapter is to prohibit all signs not expressly allowed in this Code, except as approved through the variance process established herein and in Chapter 2.

12.01.04. *Definitions.* Words and phrases used in this chapter are defined in Chapter 14 (Glossary).

## Sec. 12.02. - Sign Permits.

12.02.01. *Permit required.*

A. It is prohibited and unlawful for any person to erect, construct, alter, or relocate within the corporate City, any sign without first obtaining a sign permit, except as otherwise specified in this chapter. Applications shall be filed in accordance with City standards.

~~B. The owner of each sign shall obtain a separate sign permit and shall be compliant with an approved signage program as described in Subsection 12.02.02~~

~~B.C.~~ When considering the placement of freestanding signs, the Land Use Administrator shall consider the location of public utilities, sidewalks, and future street widening.

~~C.D.~~ The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this section and any applicable zoning law. The review of a completed sign permit application shall be completed within ten calendar days.

## Sec. 12.03. - Exempt and Prohibited Signs.

12.03.01. ~~*Exemption from permitting signs.*~~ The following signs are ~~shall be~~ exempt from sign permit requirements; ~~the requirements of this chapter;~~ however they shall meet all other code requirements, including applicable construction regulations, and electrical permits as determined by the adopted electrical code:

- ~~A. Temporary Signs. For each parcel in multifamily residential district and in a nonresidential district, three flags not greater than 24 square feet in sign area (each) may be displayed;~~
- ~~B. One free expression sign four square feet or less in sign area for each parcel within the City with the written permission of the property owner;~~
- ~~B.C. Signs required by federal or state law;~~
- ~~C.D. A sign (except a window sign which shall be subject to the provisions of this section) located entirely inside the premises of a building or enclosed space;~~
- ~~D.E. A motor vehicle sign, other than a prohibited vehicle sign or signs, as set forth in Subsection 12.03.02;~~
- ~~F. Traffic control devices required or allowed by the Florida Department of Transportation Traffic Control Manual;~~
- ~~E.G. The change of copy on permitted manually changeable copy signs;~~
- ~~F.H. For 911; and emergency response systems, and public safety purposes street address signs and residential mailboxes; For each parcel within the City, one attached wall street address sign shall be displayed. For parcels in residential use, the street address shall not exceed two square feet in sign copy area. For each parcel in nonresidential use, the street address sign shall not exceed four square feet in sign copy area. In addition to the street~~



~~address signs, each residence in the City with a freestanding mailbox shall be allowed a sign with the address of the property affixed to the mailbox if the sign is no larger than one side of the mailbox.~~

~~G.I. For 911 and emergency response systems, signs which identify the occupant. For each residence, business or other occupancy within the City, one attached wall sign may be displayed. For residences, the occupant identification signs shall not exceed two square feet in sign copy area. For any nonresidential use, the occupant identification sign shall not exceed four square feet in sign copy area;~~

~~H.J. Machinery and equipment signs. Machinery and equipment signs shall be allowed in all districts; and~~

~~K. Temporary window and door signs;~~

~~I.E. Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property; Warning signs, such as "No Trespassing" and "Keep Out" measuring two square feet or less.~~

~~J. Signs protected by state statutes; and~~

K. Signs regulated by state statute. Sign applicants claiming an element of their proposed sign is regulated by F.S. § 553.79(22), as may be amended from time to time, must include all supporting documentation with their application and a clear and concise statement of regulatory applicability for review.

12.03.02. Prohibited signs. Except as required by state law or otherwise permitted by this Article, 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, the City shall have the right to recover damages from the owner or person placing such sign. It is prohibited and unlawful to erect or maintain any sign not specifically authorized by this chapter, including:

A. Signs that are in violation of the building code or electrical code adopted by the City;

B. Any sign that constitutes a traffic hazard or a detriment to traffic safety, as determined by accepted engineering standards, by reason of its size, location, movement, content, coloring, or intensity of illumination;

C. Specifically prohibited are signs using:

1. Signs using lights or illuminations that flash, move, rotate, blink, flicker, or vary in intensity or color and stock tickers, except when required by the Federal Aviation Authority;

2. Signs using bare exposed incandescent or LED bulbs in excess of 11 watts;

3. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics;

- 4F. Pursuant to state law, signs using words and traffic control symbols which interfere with, mislead, or confuse traffic, such as "stop", "look", "caution", "danger", "slow", or which violate with the Manual on Uniform Traffic Control Devices (MUTCD);
- 5G. Signs that resemble any official sign or marker erected by any governmental agency or that by reason of position, shape, or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic control device; ~~and~~
- 6H. Signs within ten feet of public rights-of-way or 100 feet of traffic control lights that contain red or green lights that might be confused with traffic control lights;:
- ~~D~~I. ~~Non~~governmental ~~s~~Signs attached to traffic control devices or utility poles;:
- ~~E~~J. Signs attached to trees;:
- ~~F~~K. Signs made of combustible materials that are attached to or located within 20 feet of fire escapes or firefighting equipment;:
- ~~G~~L. Signs that obstruct a fire escape, window, door, or other opening used as a means of ventilation, ingress, or egress;:
- ~~H~~M. Any type of balloon signage;:
- ~~I~~N. Signs that incorporate projected images;:
- ~~J~~O. Signs that involve the use of live animals ~~and/or human beings~~;:
- ~~K~~P. Signs that emit audible sound, odor, or visible matter such as smoke or steam;:
- ~~L~~Q. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals;:
- ~~M~~R. Signs that are painted, pasted, or printed on buildings or any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs required by law;:
- ~~N~~S. Off-site signs; ~~, unless otherwise specifically allowed in this chapter~~
- ~~O~~T. Banners or signs placed across any public street, park, or property, ~~unless specifically permitted in this chapter~~;:
- ~~P~~U. Private signs erected within any navigable waterway within the City;:
- ~~Q~~V. Portable signs, except as provided in this Chapter;:
- ~~R~~W. Roof, marquee, and pole/pylon signs;:
- ~~S~~X. Abandoned signs;:
- ~~T~~. ~~Signs containing statements, words, or pictures of an obscene nature.~~
- ~~U~~Y. Paper, cardboard, chalk, or white-board signs, except as allowed in this chapter;:
- ~~V~~Z. Exposed neon or LED signs;:
- ~~W~~AA. Animated signs, including, flashing, undulating, swinging, rotating, or otherwise moving or scrolling signs ~~or other decorations such as banners, pennants, ribbons,~~

~~spinners, streamers, or captive balloons, or other inflatable signs, or devices designed to attract attention unless permitted as a temporary sign.~~

~~XBB.~~ Electronic display type signs, including time and/or temperature signs, or any sign displaying any type of screen using animated or scrolling displays, such as a LED (light-emitting diode) screen or any other type of video display, even if the message is stationary; or signs displaying alternating or intermittent lights or lights of changing degrees of intensity or changes. Signs that have multiple views and objects that digitally or electronically produce color and/or black and white images similar to a television screen are prohibited. In addition, signs may not be multivision signs or display devices capable of presenting two or more separate images or ad copy sequentially by rotating multi-sided cylinders.

~~YCC.~~ Any sign or illumination that causes any direct glare into or upon any building, other than the building to which the sign may be related.

~~ZDD.~~ A-frame signs, except as provided in this Chapter.

~~AAEE.~~ Any sign located within a right-of-way, except as may be allowed by this chapter.

~~BBFF.~~ Signs as a principal use in any zoning district, ~~except as may be allowed by this chapter.~~

~~CCGG.~~ Snipe signs.

~~DDHH.~~ Signs mounted to fences except as permitted in this chapter.

~~EEII.~~ Parasite signs.

~~FFJJ.~~ Motor vehicle signs or any signs attached thereto or placed thereon subject to the following exceptions:

1. Any vehicle appropriately parked on private property so long as the vehicle is used regularly, is only parked while not in use, and is not intentionally parked on the private property for the sole purpose of displaying the sign on the vehicle.
2. Any vehicle appropriately parked in a non-residential area upon which is placed a sign, ~~identifying the firm or its principal~~ if such vehicle is one that is operated during the normal course of business; provided, however, that no such vehicle shall be routinely parked in a location for the purpose of serving as, or constituting, additional signage.
3. Buses, taxicabs, and similar common carrier vehicles that are licensed or certified by the City of Palm Coast, Flagler County, other governmental entities, and/or Florida Public Service Commission

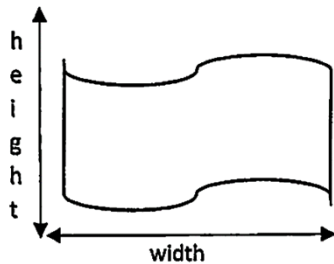
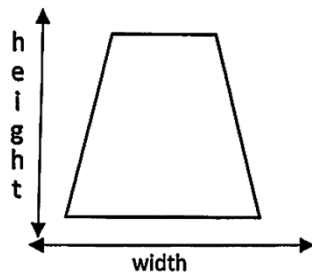
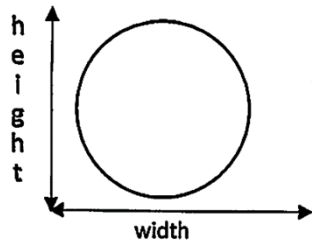
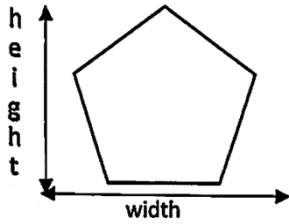
KK. Permanent commercial signs on lots without a principal use.

LL. Pole signs.

Sec. 12.04. – ~~General Sign Provisions~~ for Permanent Signs.

12.04.01 *Calculating sign area.*

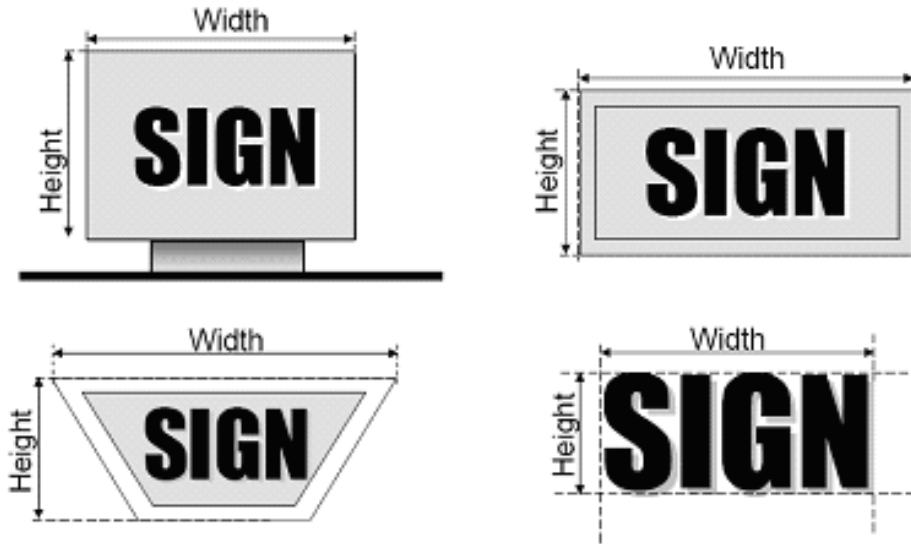
- A. In computing sign area, standard geometry formulas for common shapes shall be used. Common shapes shall include squares, rectangles, trapezoids, circles, and triangles. In the case of irregular shapes, the total sign area will be the area of the smallest common shape that encompasses the various components of the sign (see graphic below).



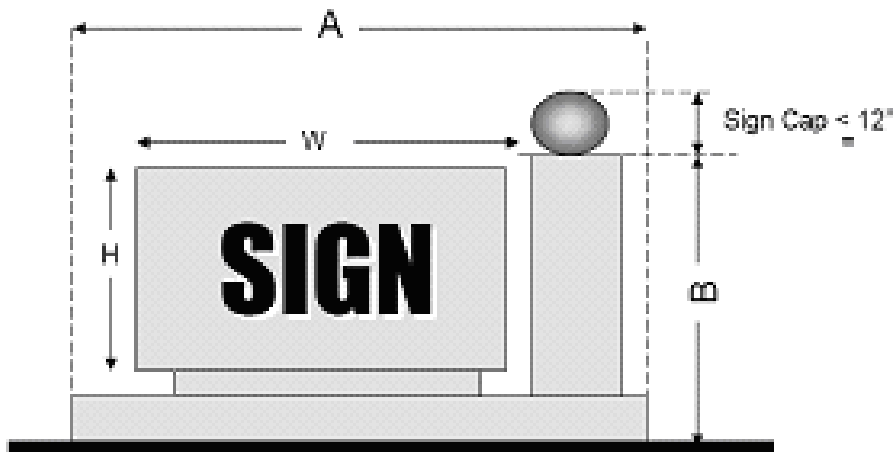
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[ABOVE PICTURES ARE NEW TEXT TO THE CODE]

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- B. All words and components of a sign, including the support base of freestanding signs, shall be deemed to be part of a single sign. Individual words or components may be considered separate signs only if they are obviously disassociated from other components. When signs are enclosed in a border (not to include the cabinet) or highlighted by background graphics, the perimeter of such border (not to include the cabinet) or background will be used to compute sign area. Double face signs that meet the definition contained in this chapter shall be considered one sign.
- C. The aggregate sign area of freestanding signs shall not be more than double of the proposed sign area, exclusive of the sign area, only to include architectural features. See graphics below.



Sign Area =  $W \times H$   
 Aggregate Sign Area =  $A \times B$

\*Graphics is not to scale

- D. The allowable size of some freestanding signs is determined based on lot frontage (i.e., the width of a site along a public street). The allowable size of some wall signs is calculated based on the building frontage (i.e., width of the building façade where the public entrance is located).

12.04.02. *Measuring sign height/clearance.*

- A. Freestanding sign height shall be measured from the ground elevation at the base of the sign to the highest point of the sign structure. The maximum height of permanent freestanding signs shall be 7 feet, unless otherwise specified in this code. Decorative column caps may extend up to 12 inches above the maximum height permitted.
- B. The clearance of a projecting sign shall be measured from the bottom of the area to the ground below.
- C. The height of a wall sign shall be measured from the grade level of the base of the building below the sign to the top of the sign. The top of the area shall be no higher than the roof eave line.

12.04.03. *Construction and maintenance requirements.*

- A. Except for ~~banners, flags,~~ temporary signs and window signs conforming in all respects with the requirements of this Code, all signs shall be constructed of durable materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- B. All signs and their supports, braces, guys, and anchors; electrical parts and lighting fixtures; and all painted and display areas shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this Code at all times. Damaged faces or structural members shall be promptly removed or replaced.
- C. Vegetation around, in front of, behind, and at the base of any sign shall be installed and maintained and neatly trimmed to conform to City landscape maintenance standards.
- D. All signs shall maintain a minimum clearance from electric power lines of ten feet horizontally and 15 feet vertically or as otherwise directed by the utility provider.
- E. No sign structure or framework may be exposed to public view due to ~~by~~ removal of sign faces or advertising copy for a period in excess of 15 days.

12.04.04. *Existing signs.*

- A. *Modifications to signs.* Modifications to signs shall not result in a sign that violates the requirements of this Code. The modification of sign height or size requires sign permit approval.
- B. *Permits not required for change of sign copy.* No permit or permit fee shall be required for changing the copy of a sign, as long as no changes are made to the sign's height, size, location, or structure. This exemption shall also apply to any change of copy on a changeable copy sign. ~~However, a change in sign color requires approval from the Land Use Administrator.~~ However, a color change to the base of a sign must be aesthetically compatible with the associated primary structure.

- C. *Nonconforming signs.* Signs lawfully existing prior to the effective date of this Code may be continued although their size, location, or other physical attributes do not conform to this chapter.
- D. *Loss of legal nonconforming status of a sign.* A sign loses its legal nonconforming status and shall be considered in violation of this Code if one or more of the following occurs:
1. The sign is structurally altered in any way, including increasing its height, weight, width, depth, or enlarging it in any manner, except for normal maintenance or repair, which tends to or makes the sign less in compliance with the requirements of this chapter than it was before the alteration.
  2. The sign is destroyed to such an extent that more than 60 percent of the upright supports of a sign structure are physically damaged such that normal repair practices of the industry would call for, in the case of wooden sign structures, replacement of the broken supports and, in the case of a metal sign structure, replacement of at least 25 percent of the length above ground of each broken, bent, or twisted support. A sign will not be considered "destroyed" within the meaning of this section where the destruction is caused by vandalism or other criminal or tortious act.
  3. Signs determined to be abandoned under the provisions of Subsection 12.04.04.E of this section.
- E. *Abandonment.* All nonconforming signs and sign messages shall be removed by the owner or lessee of the premises upon which an on-site sign is located when the business it advertises is no longer conducted. Conforming signs shall have the copy area face removed and replaced with a blank face. Said signs on vacant or unoccupied property must be removed after 30 days. Any sign face which advertises a service no longer conducted or product no longer sold upon the property must be removed after 30 days. If the owner or lessee fails to remove the sign or sign message, the sign or sign message shall be deemed in violation of this Code.
- F. *Signs subject to immediate removal.* Any sign erected without a required building permit is unlawful and must be removed by the owner thereof.
- G. *Off-site signs.* Existing off-site signs may not be converted to electronic display type signs.

12.04.05. *Sign design.* Freestanding signs shall be aesthetically compatible with the principal structure, shopping center or subdivision.

12.04.06. *Lighting of signs.*

- A. Any lighting used to illuminate signs shall be shielded such that the light source cannot be seen from abutting roads or properties.
- B. No unshielded light source may be visible from the edge of the public right-of-way at a height of three feet.
- C. Sign lighting shall not be designed or located to cause confusion with traffic lights.

- D. Illumination by floodlights or spotlights is permissible if none of the light emitted shines directly onto an adjoining property or into the eyes of the motorist using or entering public streets.
- E. Illuminated signs shall have luminance no greater than 300 foot candles.
- F. Illuminated signs shall not have lighting mechanisms that project more than 18 inches perpendicularly from any surface of the sign over public space.
- G. Backlit awnings are prohibited.

12.04.07. *Sign location criteria.* The following location standards shall apply to all signs, unless stated otherwise in this chapter.

A. Freestanding signs.

- 1. Freestanding signs shall only be allowed on sites with a frontage of 50 feet or more.
- 2. Unless specifically noted in this chapter, signs shall be located wholly within the premises, and shall maintain a minimum setback of ten feet from all property lines. ~~However, no sign shall be allowed within an easement not designated to include signs, or within a sight triangle.~~ Signs may be allowed within an easement unless it is in conflict with the purpose of the easement.
- 3. No freestanding sign shall be located closer than 15 feet from any other freestanding sign, on or off the premises. On corner lots, the freestanding signs on each frontage shall be at least 100 feet apart, measured along the rights-of-way. This requirement does not apply to temporary signs.
- 4. Freestanding signs shall include landscaping around the base of the sign as required in Chapter 11. The plant material shall be selected to complement and enhance the sign.
- 5. Signs in nonresidential districts shall not be located closer than 50 feet from a residential zoning district except signs on property where the principal use is allowed outright or by special exception in that residential district. ~~advertising uses allowed outright or by special exception in that residential district and conforming to the section of this chapter relating to that use.~~

B. Other signs.

- 1. Wall signs shall not exceed 75 percent of the width of the wall where they are placed, except if business is occupying more than one unit and no other wall signs will be placed on the adjoining unit(s) or if there are architectural elements separating facades where signs would be located.
- 2. Wall signs shall not cover windows and shall preserve the architectural integrity of the building.



3. No wall sign shall extend above the roofline except where an exterior parapet wall projects above the roofline, in which case, such sign may not extend above the top edge of the parapet.
4. Wall signs on multistory buildings are allowed above the first floor.
5. Wall signs shall not be allowed within 50 feet of a residential district, if facing a residential zoning district, unless it is a mixed use district.
6. A projecting sign shall be erected only on a wall of a building, and shall not project out more than four feet. Projecting signs over a parking space, travel lane, or a driveway shall have a minimum clearance from finished grade of 14 feet to the bottom of the sign.
7. Projecting signs that extend over a sidewalk or walkway shall provide a clearance of eight feet between the finished grade and the bottom of the sign.
8. Awning lettering shall be placed on the awning valance and not on the vertical arc or diagonal portion of the awning. The awning material may include a design pattern.
9. Directory signs, for emergency and traffic circulation purposes, may be attached to a wall or be freestanding, but shall not be located within ~~50~~ 10 feet of any public right-of-way line.

12.04.08. Flagpoles. Flagpoles are allowed subject to the following conditions:

- A. Two ~~One~~ flagpoles are is allowed on each parcel parcel/lot having less than 100' of road frontage. Three flagpoles are permitted on lots having 100' or greater of road frontage in the City.
- B. Maximum pole height shall be 30 feet in nonresidential districts, and 25 feet in residential districts.
- C. All poles shall be ground mounted.
- D. All flagpoles shall have a minimum five-foot setback from the property lines.

Sec. 12.05. - Permitted Permanent Signs.

This section establishes the type, location, and size of signs allowed within residential and nonresidential zoned districts.

12.05.01. *Residential zoning districts.*

- A. Monument Entrance signs at entrances. Residential subdivisions and residential multitenant developments may erect ~~a development entrance signs~~ meeting the following requirements at the entrance to the subdivision or multi-tenant development:

1. *Number of signs.* One double-sided freestanding sign or two identical single-sided signs, one on each side of the entrance, are allowed at each entrance to the development (excluding emergency access entrances).
  2. *Maximum sign area.* The total sign area for each entrance sign shall not exceed 32 square feet.
    - a. Signs that are combined with a minimum of two architectural embellishments, such as decorative walls, artificial rock formations, waterfalls, lake/pond mounted signs, signs located on grandiose entrance roads or other similar aesthetic features may qualify for an increase of signage square footage up to 64 square feet, and increase in height up to 14 feet, as approved by the land use administrator.
  - ~~3. *Sign location.* Signs shall be located on a tract or parcel or easement designated for signage purposes. Such tract or parcel shall be owned and maintained by a common property association and shall be located at the entrance of the subdivision or multitenant complex.~~
  - 4.3. *Maximum height.* Maximum sign height shall be seven feet. See 12.05.01.A.2.a for possible increase in height.
- B. Signs for nonresidential uses. Except for those signs and sign-types allowed in residential and residentially zoned districts in accordance with Subsection 12.05.01.A, no additional permanent signs or sign-types shall be allowed for permitted nonresidential uses in residential or residentially zoned districts, except for the following sign-types:
1. Freestanding sign. One double-sided freestanding sign meeting the following:
    - a. The total sign area shall not exceed 24 square feet.
    - b. Signs shall not exceed ~~six~~ seven feet in height.
  2. Wall sign. Nonresidential uses permitted in residential districts pursuant to Table 3-2 of the LDC are allowed one wall sign per business. Such sign shall be included in the sign area calculation noted in Subsection 12.05.01.B.1. No other signs are permitted on the building, except signs to identify the number and address of the property, for 911 and emergency response systems and public safety purposes.
- C. Directional signs. Directional signs are allowed in residential districts subject to the following requirements:
1. ~~Directional signs to assist onsite vehicular traffic flow shall be~~ Signs to assist onsite traffic must be low-profile signs not to exceed three feet in height above grade and four-square feet of surface area, ~~with the legend to be affixed thereon to include arrows and the words "enter" or "exit" as appropriate so that public safety personnel can easily identify addresses and to ensure proper traffic flow.~~

2. All such ~~directional~~ signs shall be of consistent size, font, and color.

12.05.02. *Nonresidential zoning districts.* The following regulations shall apply to signs within nonresidential zoning districts, ~~however electronic game promotion all signs shall also comply with Chapter 16, Article IX, in the City of Palm Coast Code of Ordinances and F.S. ch. 166.~~

A. ~~Subdivision entrance signs.~~ Monument signs at entrances.

1. Number of signs. One double-sided freestanding sign or two identical single-sided freestanding signs, one on each side of the entrance, are allowed at each entrance to the development (excluding emergency access entrances).
2. *Maximum sign area.* The sign shall ~~only display the name of the subdivision and shall not exceed a sign area of 32 square feet~~ per sign.
3. ~~Sign location. Signs shall be located on a tract or parcel or easement designated for signage purposes. Such tract or parcel shall be owned and maintained by a common property association and shall be located at the entrance of the subdivision or multitenant complex.~~
3. *Maximum height.* Maximum sign height shall be seven feet. A maximum of 12 inches cap on a column is allowed in addition to the maximum sign height.

B. Freestanding sign. Freestanding signs are allowed provided they are monument signs that meet the following requirements:

1. Single use developments.
  - a. Number of signs. One freestanding sign is allowed per lot frontage facing a street.
  - b. Maximum sign area. Thirty-two square feet for the first 100 feet of lot frontage, plus one square foot for each four lineal feet thereafter, to a maximum size of 96 square feet for each sign.
  - c. Maximum height. Maximum sign height is seven feet.
2. Multitenant development. Multitenant developments such as shopping centers, mixed use developments, small retail centers, and office parks shall comply with the following standards:
  - a. Number of signs. The main development/center and each outparcel may have one freestanding sign per frontage on a public street. ~~The main development/center sign shall identify the center. Center name may be placed in the aggregate sign area of the sign and not counted towards the sign area.~~ One additional freestanding sign may be allowed on parcels within a shopping center development containing a Mid-Scale Retailer or a Large-Scale Retailer and an approved Signage program.

- b. Maximum sign area. The maximum sign area permitted for freestanding signs for the main development shall be calculated based on the street frontage for the entire development site (including outparcels), using the formula noted above for single use signs. ~~The total size allowed may be divided among the center and the various outparcels fronting the street located within the master development site with a development order. The development order shall specify how the sign area will be divided amongst those qualifying and proposing to use a freestanding sign.~~ Developments that do not have outparcels or outparcels that are not part of the development order sign criteria shall calculate the maximum sign area using the formula noted above as a single use sign.
- c. Maximum height. Maximum sign height shall be seven feet.
- d. ~~Sign plan.~~
1. ~~At master site plan application, developments shall include a conceptual wall sign plan showing consistency between architectural elements, designs, and themes for freestanding, wall, and where applicable, directory and directional signs throughout the planned development. The conceptual sign plan shall contain sufficient detail to address sign pattern, style, color, illumination, and locations(s). To encourage flexibility in the overall design of the master site plan project, up to 20 percent of total wall sign allowance on the street front facade can be transferred to the freestanding sign provided the request is depicted in a sign plan, the total size of the freestanding sign does not exceed 115 square feet, and is included in the development order. All other signs shall be in compliance with Chapter 12 of the LDC.~~
  2. ~~At site plan application, multitenant developments shall include a sign plan for all freestanding, wall, and where applicable, directory and directional signs throughout the development that identifies sign style and locations consistent with the architectural theme and architectural integrity of the proposed building(s). The sign plan shall be compatible with other sites within a master site plan development. The sign plan shall be part of the site plan development order with approved elevation plans and site plan showing the sign locations to include visual details of sign patterns, style, illuminations, and landscaping. Signs shall be in compliance with Chapter 12 of the LDC.~~
    - a. ~~Wall signs. Wall signs with similar style sign casings and/or framings or architectural designated locations and illuminations are encouraged. Wall signs may have minor adjustments in location and size due to unit resizing or unit combining, but the overall architectural integrity of the building(s) and theme of the sign plan shall be maintained.~~
    - b. ~~Freestanding signs. Freestanding signs are to be compatible with the proposed architectural design and landscaping.~~

C. Wall signs. Wall signs are allowed provided they meet the requirements of Subsection 12.04.07 (Sign Location Criteria) and the following requirements:

1. Maximum sign area. Each individual business having a separate building entrance shall be permitted one wall sign per street frontage including awning and projecting signs. If the business has a customer entrance on a separate building elevation not facing a street, an additional wall sign meeting the maximum sign area requirements may be permitted for that elevation. Signs shall be subject to the following maximum square footages:

Table 12-1: Permitted Maximum Wall Sign Area in a Nonresidential District

Business Frontage (Linear Feet)	Area (Square Feet)
25 or less	32
26—50	50
51—100	75
101—150	90
151—200	110
201 or more	150

2. Buildings with shared space and one entrance. A building with a common entrance for multiple tenants may share wall signage with all tenants if the owner submits a master signage plan that complies with Table 12-1. The owner may share the allocation allotted under Table 12-1 among three separate signs so long as the total square footage does not exceed Table 12-1 and meets the requirements of 12.04.07. If the allocation is used for multiple signs, all signs must be consistent with the approved signage plan. Signs must be of same style, size, font and color.
3. Large-scale retailers. Large-scale retailers, as defined in Chapter 14, may have one major wall sign and ~~three~~ four minor wall signs. The major wall sign shall not exceed the maximum square footage depicted in Table 12-1. The minor wall signs shall not exceed ~~32~~ 24 square feet each.
4. Mid-Scale Retailers. Mid-Scale Retailers that are part of a shopping center will be allowed a major wall sign and 2 minor wall signs. The major wall sign shall

not exceed the maximum square footage depicted in Table 12-1. The minor wall signs shall not exceed 24 square feet each.

- ~~3.5.~~ *Canopies.* No additional sign area is permitted for canopies over fuel operations. However, permitted wall sign area for the principal structure or building may be transferred to the canopy, as long as the canopy signage is only situated on the sides of the canopy facing a right-of-way. This does not apply to required signage pertaining to safety or hazardous situations.
- 4.6. *Window signage.* Window signage, including temporary window signs, shall not exceed 35 percent of the total glass surface area of any one building elevation.
- D. *Directory Signage:* ~~Directory signage~~ Permanent directory signs designed to assist 911 and emergency response systems, pedestrian circulation and traffic circulation shall comply with the following requirements:
1. Sign area for each sign cannot exceed a maximum size of 24 square feet and not more than two signs per building.
  2. Maximum sign area of 24 square feet applies to both freestanding and wall signs.
  3. If freestanding signs are used, the sign height shall be limited to six feet.
  - 3.4. All ~~directory~~ signs shall be consistent with building aesthetics.
- E. *Under-canopy sign.* Each tenant within a multitenant development shall be allowed one under-canopy sign. The under-canopy sign area shall not be counted toward the maximum wall sign area allowed. ~~The sign shall display the name of the business only.~~
1. The sign shall be no larger than six square feet.
  2. The sign shall be rigidly supported by a decorative chain or bracket and the bottom of the sign shall have minimum clearance of eight feet above the sidewalk.
  3. The sign shall be designed aesthetically compatible with the principal structure.
- F. *Directional signage for Emergency Services Purposes.* In addition to the other types of signs allowed on a site, directional signs designed to assist 911 and emergency response systems and traffic circulation are allowed subject to the following requirements:
1. Directional signs to assist onsite vehicular traffic flow shall be low-profile signs not to exceed three feet in height above grade and four square feet of surface area, ~~with the legend to be affixed thereon to include arrows and the words "enter" or "exit" as appropriate.~~
  2. All directional signs shall be of consistent size, font, and color.
- G. *Flagpoles.* Refer to Subsection 12.04.08.

H. Signs facing drive-through lanes. Drive-through menu board and speakers. Drive-through restaurants are allowed to display ~~menu boards~~ drive-through lane signs subject to the following provisions:

1. Each restaurant may display up to two freestanding ~~menu~~ compatible signs per drive-through, which shall be adjacent to and oriented toward the drive-through area.
2. The sign area—Menu boards may be a maximum of 30 square feet in total, with a maximum height of six feet.
3. If two signs are located side by side, the total sign area may be shared and increased to 45 square feet if the Land Use Administrator determines it to be preferable from a safety perspective.
4. Supporting ancillary equipment is allowed, such as speakers and order confirmation devices. These devices, when combined with a cabinet, must not exceed the maximum height requirements of the signs.

I. ~~Wayfinding sign. May only be installed by the City.~~

I. Signage program.

1. At master site plan application, developments shall include a conceptual signage program showing consistency between architectural elements, designs, and themes for freestanding, wall, and all other signs throughout the planned development. The conceptual signage program shall contain sufficient detail to address sign pattern, style, color, and locations(s). To encourage flexibility in the overall design of the master site plan project, up to 20 percent of total wall sign allowance on the street front facade can be transferred to the freestanding sign provided the request is depicted in a signage program, the total size of the freestanding sign does not exceed 115 square feet, and is included in the development order. All other signs shall be in compliance with Chapter 12 of the LDC.
2. At site plan application, multitenant developments shall include a signage program for all freestanding, wall, and other signs throughout the development that identifies sign style and locations consistent with the architectural theme and architectural integrity of the proposed building(s). The signage program shall be compatible with other sites within a master site plan development. The signage program shall be part of the site plan development order with approved elevation plans and site plan showing the sign locations to include visual details of sign patterns, style, and landscaping. Signs shall be in compliance with Chapter 12 of the LDC.
  - a. Wall signs. Wall signs with similar style sign casings and/or framings or architectural designated locations and illuminations are encouraged. Wall signs may have minor adjustments in

location and size due to unit resizing or unit combining, but the overall architectural integrity of the building(s) and theme of the sign plan shall be maintained.

- b. Freestanding signs. Freestanding signs are to be compatible with the proposed architectural design and landscaping.

Sec. 12.06. - Temporary Signs.<sup>1</sup>

12.06.01 Temporary Sign Standards.

<b><u>A. NON RESIDENTIALLY ZONED PROPERTIES' TEMPORARY SIGN STANDARDS</u></b>				
<u>Sign type</u>	<u>Number of signs</u>	<u>Maximum sign area and height (The sign areas provided are cumulative for the number of signs allowed)</u>	<u>Time</u>	<u>Additional standards</u>
<u>Commercial signs</u>	<u>One banner sign per business.</u>	<u>Limited to height of building.</u>	<u>Remove after 30 consecutive days</u>	<u>1. No more than three times per year. 2.No permit is required.</u>
<u>Non-commercial signs</u>	<u>Four per business</u>	<u>Area: Lots less than 1 acre – 16 sf 1.1 acres to 10 acres – 32 sf More than 10 acres – 48 sf</u>  <u>Limit 7' in height</u>	<u>If associated with an event, remove 15 calendar days after the event.</u>	<u>Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.</u>
<u>Signs for parcels with active Site/building permits</u>	<u>Two visible from rights-of-way adjacent to lot.</u>	<u>Area: Lots less than 1 acre – -16 sf  1.1 acres to 10 acres – 32 sf  More than 10 acres – 48 sf</u>	<u>Remove within 3 calendar days after issuance of a final inspection or certificate of occupancy.</u>	<u>Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines. 3. Maximum 1 sign facing each public right of way.</u>



		<u>Height: 7 ft max height</u>		<u>4. Can divide sign allowance between 2 different signs.</u>
<u>Signs on property being actively marketed for sale, rent or lease</u>	<u>Two visible from rights-of-way adjacent to lot.</u>	<u>Area: Lots less than 1 acre – 16sf</u> <u>1.1 acres to 10 acres – 32 sf</u> <u>More than 10 acres – 48 sf</u> <u>Height: 7 ft.</u>	<u>Remove within 3 calendar days after sale or lease.</u>	<u>Setback:</u> <u>1. 2 ft. from public right-of-way.</u> <u>2. 15 ft. from side property lines.</u>

**B. RESIDENTIALLY ZONED PROPERTIES’ TEMPORARY SIGN STANDARDS**

<u>Sign Type</u>	<u>Number of Signs</u>	<u>Maximum Sign Area and Height (The sign areas provided are cumulative for the number of signs allowed)</u>	<u>Time</u>	<u>Permit Requirements and Additional standards</u>
<u>Non-commercial signs</u>	<u>Six</u>	<u>Area: 6 sf</u> <u>Height: 6 ft</u>	<u>If associated with an event, remove 15 calendar days after the event.</u>	<u>Setback:</u> <u>1. 2 ft. from public right-of-way.</u> <u>2. 15 ft. from side property lines.</u>
<u>Signs for parcels with active site/building permits</u>	<u>One per lot</u>	<u>Area: Lots less than 1 acre – 4 sf</u> <u>1.1 acres to 10 acres – 12 sf</u> <u>More than 10 acres – 32 sf</u>  <u>Height: 7 ft max height</u>	<u>Remove within 3 calendar days after issuance of a final inspection or certificate of completion.</u>	<u>Setback:</u> <u>1. 2 ft. from public right-of-way.</u> <u>2. 15 ft. from side property lines.</u>
<u>Signs on property being actively marketed for sale, rent or lease, single family zoning.</u>	<u>Two visible from rights-of-way adjacent to lot; one additional sign (per property) only when the premises are available for inspection by the prospective buyer or tenant;</u>	<u>Area: 6 sf per street frontage</u> <u>Height: 6 ft.</u>	<u>Remove within 3 calendar days of sale or lease.</u>	<u>Setback:</u> <u>1. 2 ft. from public right-of-way.</u>

<u>Signs on property being actively marketed for sale, rent or lease, multi-family zoning</u>	<u>said additional sign shall not be larger than 9 sf and may only be posted on private property with the permission of the property owner</u>	<u>Area: 24 sf Height: 7 ft</u>		<u>2. 15 ft. from side property lines.</u>
<u>Signs on properties with a sale on the property</u>  <u>(not defined above)</u>	<u>One per street frontage</u>	<u>Area: 6 sf Height: 6 ft</u>	<u>Remove within 3 calendar days after the event.</u>	

Footnote 1: However, see ULDR Sections 4.01.01 and 12.04.07. A.2 prohibiting signs in City easements.

12.06.01. ~~Construction site signs. Construction site signs, which may include temporary subdivision signs, are permitted for each project as follows:~~

A. ~~Number. One general sign per site.~~

B. ~~Sign area. The maximum sign square footage for single family and duplex residential lots shall not exceed six square feet. The maximum sign area allowed for other uses is based on parcel size as follows:~~

Table 12-2: Permitted Construction Sign Area

Parcel Size	Maximum Area
Less than 1 acre	12 sq. ft.
1.1 acres to 10 acres	32 sq. ft.
More than 10 acres	48 sq. ft.

C. ~~Sign height. Seven feet maximum.~~

D. ~~Setback.~~

1. ~~A minimum of five feet from property line abutting any street.~~

2. ~~A minimum of 25 feet from side property lines or equidistant between side property lines.~~

~~E. — Duration. Construction site signs shall not be erected prior to the issuance of a building permit and shall be removed within three calendar days after issuance of a certificate of occupancy. Such signs shall be removed immediately if construction has not begun after 60 calendar days from issuance of a building permit or if construction is halted thereafter for a period of more than 60 calendar days.~~

~~12.06.02. Garage sale signs. Residentially zoned properties may display up to one garage sale sign per street frontage. The sign(s) shall not exceed four square feet each and shall be displayed on the premises of which the sale is to be held. The sign shall not be located within the rights-of-way.~~

~~12.06.03. Political signs. Political campaign signs or posters are permitted in all zoning districts and shall comply with the following:~~

~~A. — Posting of political signs.~~

~~1. — Placement of political signs on private property may occur only with the expressed consent of the property owner.~~

~~2. — It is prohibited and unlawful to place a political sign on or within public rights-of-way or public property.~~

~~3. — Setback shall be two feet from public rights-of-way and 15 feet from side property lines and shall not be located within any sight triangle.~~

~~4. — Political signs placed in residential districts shall not exceed six square feet in size and shall not exceed five feet in height.~~

~~5. — Political signs placed in nonresidential districts shall not exceed 16 square feet in size and shall not exceed ten feet in height.~~

~~B. — Removal of political signs.~~

~~1. — Signs shall be removed within 15 calendar days after the election or referendum to which it pertains.~~

~~2. — The removal of all political signs shall be the joint and severally responsibility of the owner of the property upon which the sign is placed and the candidate for whom such sign was placed.~~

~~12.06.04. Real estate signs.~~

~~A. — Number of signs. A maximum of one sign shall be allowed per site frontage, except that large parcels with a site frontage of 500 feet or more are allowed a maximum of two signs per~~

frontage, at least 250 feet apart. Properties represented by more than one real estate office must utilize the same sign. The total sign area, height, and location shall not exceed that permitted under Table 12-3.

B.—— Sign area. An on-site sale or rental sign that is not illuminated is allowed for each street frontage. The sale or rental sign shall comply with the following:

Table 12-3: Permitted Maximum Real Estate Sign Area

Type of Zoning District	Maximum Sign Area Per Sign
Single family and duplex residential areas	Six sq. ft. per street frontage
Residential areas for buildings with three or more units	16 sq. ft. per street frontage
Nonresidential areas	24 sq. ft. per street frontage

C.—— Sign height. A maximum height of five feet in residential districts and seven feet in nonresidential districts is allowed.

D.—— Setback. Two feet from public rights-of-way and 15 feet from side property lines.

~~12.06.05~~12.06.02. Model home and sales offices.

A. A model home is permitted to have one on-site, ground mounted, nonilluminated, freestanding sign in accordance with the following dimensional limitations:

A1. Maximum sign area of 24 square feet.

B2. Maximum height of four feet.

C3. Setback a minimum of two feet from the right-of-way and located outside of the sight triangle as defined in Chapter 5.

~~DB. Model homes that front a second right-of-way are permitted to display are allowed to have one commercial or non-commercial "open" flag, with a maximum sign area of 24 square feet, set back of minimum of two feet from the right-of-way and located outside the sight triangle as defined in Chapter 5. that must be located within two feet of the freestanding sign, provided, however, that the sign may only be displayed during the model home's hours of operation.~~

~~EC. Model homes are not permitted to have additional permanent or temporary outdoor signage. Signage not permitted includes, but is not limited to, temporary signs advertising an open house or model home, banners, pennants, streamers, and "A-frame" signs. During hours of~~

operation, one “A-Frame” sign may be located on the model home site if in compliance with Section 12.06.03.

~~12.06.06. Banners/miscellaneous temporary signs. Banners or other miscellaneous temporary signs are allowed under the following conditions:~~

~~A. — Number of signs. No more than one banner/sign that is not illuminated shall be allowed per business frontage and no more than three signs per multitenant center at one time.~~

~~B. — Duration.~~

~~1. — In conjunction with a grand opening for a new business or use in a nonresidential zoning district, the banner/sign may be allowed to remain for a period not to exceed 30 consecutive days and must be utilized within the first three months of the new business or use.~~

~~2. — In conjunction with seasonal promotions, the sign may be displayed for the duration of the sale, as authorized in Subsection 4.19.04.~~

~~3. — In conjunction with a special event, the sign may be displayed for the duration of the event as authorized by Subsection 4.19.05. The temporary sign or banner may be installed up to 30 calendar days prior to the event and shall be removed no later than 48 hours following the closing of the event.~~

~~4. — No more than three permits may be issued for each site per calendar year.~~

~~C. — Sign area. The maximum sign area shall be 32 square feet per sign, unless as otherwise specified in this Code.~~

~~D. — Banners. Temporary banners may be allowed upon issuance of a banner permit based on guidelines provided by resolution or other action by the City Council.~~

~~E. — Temporary municipal and government signs. Temporary signs relating to municipal public purposes on City-owned property when installed to assist the public in locating City-sponsored programs or events shall be allowed.~~

~~12.06.073. *A-frame signs.*~~

~~A. *Permissible zoning districts.*~~

~~1. A-frame signs are permitted in the following all nonresidential zoning districts:~~

~~Neighborhood Commercial (COM-1)~~

~~General Commercial (COM-2)~~

~~High-Intensity Commercial (COM-3)~~

~~Limited Office (OFC-1)~~

~~General Office (OFC-2)~~

2. A-frame signs may be proposed as part of a nonresidential component of a Master Planned Development (MPD) District.

B. *Criteria for A-frame signs.*

1. *Maximum number allowed.* A business with its own separate building entrance is allowed no more than one A-frame sign.
2. *Location.*
  - a. No sign may block a business entrance and/or pedestrian or vehicular traffic. Sign placement shall not interfere with the American with Disabilities Act (ADA) requirements.
  - b. The sign(s) shall not be placed in landscaped areas.
  - c. The sign(s) shall be located within ten feet of the business entrance which it serves but in no event shall the sign be located beyond the width of the business frontage.
  - d. No A-frame sign shall be secured, tethered, or installed on traffic devices, utility equipment, trees, furniture, poles, or any other fixture.
  - e. Sign(s) shall be located on the ground/sidewalk.
  - f. Sign(s) shall not be located within sight triangles or in a manner that obstructs visibility to vehicular traffic.
  - g. Sign(s) shall be displayed outside only during business hours.
3. *Construction and maintenance.*
  - a. When the adjacent sidewalk is less than six feet in width, the overall dimensions shall not exceed two feet wide by three feet in height; when the adjacent sidewalk is six feet or greater in width, the overall dimensions shall not exceed three feet wide by four feet in height.
  - b. No sign shall have moving parts, illumination, or attachments.
  - c. The sign shall have no more than two sides and shall be constructed of finished all-weather materials.
  - d. Sign(s) must be properly anchored (temporarily) or weighted against the wind to prevent safety hazards.

Sec. 12.07. - Variances.

12.07.01. *Review criteria.* The Planning and Land Development Regulation Board may grant variances from the regulations contained in this Code, in accordance with Chapter 2, and based only upon the following criteria:

- A. To permit a setback for a sign that is less than the required setback, or
- B. To permit the area or height of a sign to be increased by up to 25 percent of the maximum height or area allowed.

12.07.02. *Review findings.* The Planning and Land Development Regulation Board may grant one of the above two types of variances authorized by this section only if it finds there are special physical conditions that:

- A. Are due to the exceptional narrowness, shallowness, shape, or topography of the premises on which an activity is located, and
- B. Prevent the activity from earning a reasonable return as compared with other activities in the area.

12.07.03. *Scheduling of public hearing.* An application for said variance shall be scheduled for public hearing within 30 working days of the date the application is deemed complete by the City.

Sec. 12.08. - Appeals to Planning and Land Development Regulation Board.

12.08.01. *Procedure.*

- A. Whenever it is alleged that there has been an error in an order, action, decision, determination, or requirement by the Land Use Administrator in the enforcement and application of any provision contained within this section or any other provision of this Code pertaining to sign permits (including any allegation that the Land Use Administrator has failed to act within applicable time frames), the aggrieved party may file a written appeal with the Planning and Land Development Regulation Board.
- B. The written appeal shall be filed with the Planning and Development Regulation Board within 30 calendar days of the date of the alleged error. The written appeal shall describe the alleged error and the applicable provisions of the Code pertaining to the Land Use Administrator's order, action, decision, determination, requirement, or failure to act.
- C. The Planning and Land Development Regulation Board shall hold a hearing within 45 calendar days following receipt of the written appeal, not counting the day of the receipt and not counting any Saturday, Sunday, or legal holiday which falls upon the first or the 45th day after the date of receipt.
- D. The Planning and Land Development Regulation Board shall render a written decision within ten working days following the hearing.
- E. If the Planning and Land Development Regulation Board does not render a decision within ten working days following the hearing, the sign permit shall be deemed denied.
- F. Failure to appeal the decision regarding a sign application by the Land Use Administrator to the Planning and Land Development Regulation Board shall not be deemed a failure

to exhaust administrative remedies. The applicant may choose to proceed directly to a judicial action once the sign application has been denied by the Land Use Administrator.

- G. If an administrative appeal is filed by the applicant, and the Planning and Land Development Regulation Board fails to meet within the prescribed time, the appeal will be deemed denied, and the decision of the Land Use Administrator regarding the sign application will be deemed a final decision subject to immediate appeal to a court of competent jurisdiction.
- H. Once a decision is appealed to the Planning and Land Development Regulation Board, the Land Use Administrator shall take no further action on the matter pending the Board's decision, except for unsafe signs that present an immediate and serious danger to the public, in which case the City may pursue any proper legal remedy available to it.
- I. The Planning and Land Development Regulation Board shall comply with all applicable rules of conduct and procedures that pertain to zoning and that are not inconsistent with the provisions in this chapter.

12.08.02. *Appellate decisions deemed final, subject to review.* The appellate decisions, pursuant to Subsection 12.08.01 above, shall be deemed final, subject to judicial review by the Circuit Court of the Seventh Judicial Circuit in and for Flagler County, Florida, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.

Sec. 12.09. - Substitution of Noncommercial Speech for Commercial Speech.

Notwithstanding anything contained in this chapter or Code to the contrary, any sign erected pursuant to the provisions of this chapter or Code may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another noncommercial message, as frequently as desired by the owner of the sign, provided that the size, height, setback, and other dimensional criteria contained in this chapter and Code have been satisfied.

Sec. 12.10. - Content Neutrality as to Sign Message (Viewpoint).

Notwithstanding anything in this chapter or Code to the contrary, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

Sec. 12.11. - Severability.

12.11.01. *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter 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 chapter and Code.

12.11.02. *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth above in Section 12.11, or elsewhere in this chapter, this



Code, or any adopting ordinance, if any part, section subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter 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 chapter or Code, 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.

12.11.03. *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth above in Subsection 12.11.01, or elsewhere in this chapter, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter 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 chapter that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under Subsection 12.03.02 of this chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter 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 chapter and Code.

12.11.04. *Severability of prohibition on off-site signs.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter and/or any other Code provisions and/or laws as 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 off-site signs as contained in this chapter and Code.

**SECTION 4.** It is hereby ordained by the City of Palm Coast, Florida: that Section 14.02. – Glossary, Chapter 14 – Glossary, of the Unified Land Development Code, City of Palm Coast, Florida, is hereby amended to read as follows:

Sec. 14.02. - Glossary.

\* \* \*

Commercial message: 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 Chapter 12, 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.

\* \* \*

Mid-Scale Retailers: A large store, such as a department store or supermarket, that is prominently located in a commercial shopping center to attract customers who are then expected to patronize the other shops in the center. The anchor or large store unit shall contain a minimum of 30,000 square feet up to 60,000 square feet.

\* \* \*

Sign: Any letters, numbers, symbols, graphics, pictures, or figures, or combination thereof that are erected, constructed, placed, or attached on a structure, ground, or body which identify, advertise, or direct attention to a product, business, institution, place, person, or event, or any other communication and that can be seen from the public right-of-way or public waterway. When not modified by the terms "structure" or "face", the term "sign" shall include all parts of the sign and its supporting structure. Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person, and which is to be viewed from any public street, road, highway, right-of-way or parking area (collectively referred to as a "public area"). For the purposes of these regulations, the term "sign" includes all structural members. A sign shall be construed to also include a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without an organized relationship between the components, each such component shall be considered to be a single sign. The term "sign" for regulatory purposes shall not include signs not visible from any street, property, or water body. The definition of 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.

Sign, A-Frame: A temporary sign that is supported by its own frame forming the cross sectional shape of an A. A type of sign composed of two boards set up in a triangle shape hinged along the top.

*Sign, abandoned:*

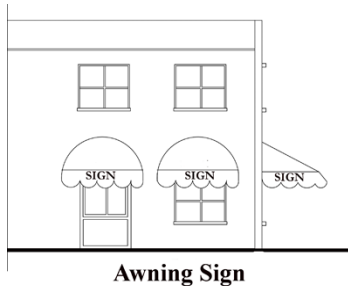
- (1) Any sign face which advertises a business no longer conducted or product no longer sold. In making the determination that a sign advertises a business no longer being conducted, the Land Use Administrator shall consider the existence or absence of a current occupational license, utility service deposit or account, use of the premises, and relocation of the business.
- (2) Any sign structure that not used for business purposes for over six months and that is nonconforming according to existing codes regarding height, setback, or sign area.

*Signage program:* A graphic representation showing a comprehensive detailed presentation of all signage proposed for a particular development to include style, color, location, size, and material.

*Sign, animated:* Any sign of which all or any part thereof revolves or moves in any fashion whatsoever; and any sign which contains or uses for illumination any light, lights or lighting device or devices which change color, flash or alternate, show movement or motion, or change the appearance of said sign or any part thereof automatically. Animated signs also include electronic, LCD and LED signs if they are using movement and change of light to depict action or to create special effects or scenes. Also, known as Automatic Electric Changing Signs (ACS). Does not include manually changeable copy sign.

*Sign area:* The area of a sign face (which is also the sign area of a wall or other sign with only one face) shall be computed by means of the smallest square, circular, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display. This includes any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The sign area does not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the LDC and is clearly incidental to the display itself.

*Sign area, aggregate:* The architectural area around the copy of the sign. The maximum aggregated sign area is determined by calculating sign area times two and is exclusive of the sign area.



**Awning Sign**

*Sign, awning:* Any sign consisting of information painted on, sewn on, imprinted on, or attached to the surface of an awning or canopy.

*Sign, banner:* A sign either enclosed or not enclosed in a ridged frame and secured or mounted to allow movement caused by atmosphere. Banners are temporary signs. Flags are not banners.

Sign, Changeable copy: A sign or portion thereof designed to accommodate frequent message changes composed of characters, letters, or illustrations and that can be changed or rearranged manually without altering the face or surface of such sign.

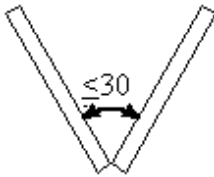
Sign, directional: Any non-commercial sign intended to provide direction for emergency services and, ~~including signs that direct traffic onto or within a site, identify restrooms, parking areas or spaces, freight entrances, or other facilities for the convenience safety of the public and traffic circulation.~~

Includes an informational, wayfinding, or directional sign similar to:

(a) A noncommercial sign located on and relating to an activity on the premises upon which the sign is located, that is providing information to or is related or reasonably necessary to the movement of pedestrian and vehicular traffic on the premises, and not displaying a commercial message, e.g., "entrance," "exit," "caution" and "no trespassing", "no parking", "one-way only", and the like;

(b) A noncommercial sign within a development, or at the entrances thereto, showing the name(s) and directions to the businesses or tenants within the development or the locations of the subdivisions comprising the development, etc.

Sign, directory: A non-commercial sign that provides a listing of the occupants of a multitenant center and their suite/building numbers for emergency services purposes and to give direction to customers already within the site for the safety of the public, and for pedestrian and traffic circulation. Directory signs are not intended to be visible from the public right-of-way.



*Sign, double faced:* A sign with two faces that are no more than three feet apart at their closest point, or placed at an angle of 30 degrees or less. Double-faced signs shall be considered one sign.

*Sign, Drive-through lane sign:* Drive-through lane sign shall mean a sign oriented to vehicles utilizing a drive-through lane at an establishment.

*Sign, electronic display type:* A sign for presentation of information for visual reception, acquired, stored, or transmitted in various forms, where the input information is supplied as an electric signal, and uses a light source, LED (light emitting diodes), bare electric bulbs, luminous tubes, fiber optic, or other combination of light source to create the message. In addition, signs that appear protected, or are intermittently or intensely illuminated, or of a traveling, scrolling, or sequential light type, or contain, or are illuminated, or flashing light.

~~Sign, free expression: A sign, not in excess of four square feet in size (area) where the top of the sign is not more than three feet off the ground, if freestanding, and communicating~~

information or views of concern to the owner of the sign, or containing any other noncommercial message that is otherwise lawful.



Sign, freestanding: A monument sign supported by a sign structure in the ground and that is wholly independent of any building, fence, vehicle, or object other than the sign structure for support.

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

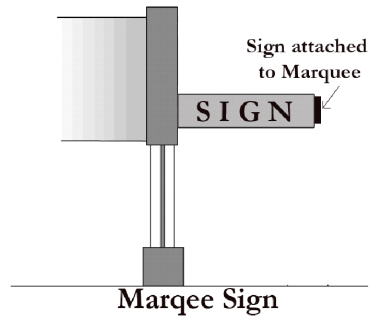
*Sign height:* The vertical distance as measured from the finished grade to the highest point of the sign structure. Finished grade is the newly established grade at the base of the sign after construction of the sign, exclusive of any filling, berming, madding, or excavating solely for the purpose of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

~~Sign, identification: A sign that indicates the name and type of business or service, residents, or the name of the development located on the site where the sign is located including street address, phone number, and graphic of business logo.~~

*Sign, illuminated:* A sign that uses artificial light, either internal or external to the sign faces, to draw attention to the sign or otherwise increase its visibility.

Sign, Ingress and egress: Ingress and egress sign shall mean a non-commercial sign at the entrance to or exit from a parcel or a building necessary to provide directions for vehicular and pedestrian traffic and provide a warning for pedestrian and vehicular traffic safety.

*Sign, machinery and equipment:* Graphics and trademarks on vending machines, gas pumps, and machinery customarily used outside of buildings. Also, includes signs on public works and/or construction equipment (bulldozers and such) that have the brand/make of the machinery or equipment.



*Sign, marquee:* A sign attached to or hung from a marquee that is a permanent projecting structure protruding from the entrance of a building wall to provide shelter and display advertising.

*Sign, manually changeable copy sign:* The message on the sign is changed manually (without the use of an electric signal) using individual letters, numbers, phrases, or symbols. Examples include reader boards with manually changeable letters or changeable pictorial panels.

*Sign, monument:* See *Sign, freestanding*.

*Sign, off-site advertising or “outdoor advertising”:* A nonaccessory (third party) sign identifying, advertising or directing the public to a business, merchandise, service, institution, residential area, entertainment or activity which is located, sold, rented, based, produced, manufactured, or taking place at a location other than on the site on which the sign is located.

*Sign, On-site:* Any commercial sign which directs attention to a commercial or industrial occupancy, establishment, commodity, good, product, service or other commercial or industrial activity conducted, sold or offered upon the site where the sign is maintained. The on-site/off-site distinction applies only to commercial message signs. For purposes of Chapter 12, all signs with noncommercial speech messages shall be deemed to be "on-site," regardless of location.

*Sign, parasite:* Any sign not exempted by this Code, for which no permit has been issued, and which is attached to another sign.

*Sign, Permanent:* Any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal

wear and tear) and position and in a permanent manner affixed to the ground, wall or building.

*Sign, pole:* A freestanding sign, greater than 3 feet in height, supported by a pole, a column, or other fabricated support member without any type of secondary support. Pole/pylon signs typically provide clear view between the sign and the ground.

~~Sign, political: Any sign used solely to present information suggesting a candidate's suitability for elected public office or presenting an issue to be voted upon in the upcoming legally recognized election at the Federal, State, County, or City level or for special districts.~~

*Sign, portable:* A sign that has no permanent attachment to a building or to the ground by means of a footing including, but not limited to, an A-frame or sandwich board sign; a sign with wheels designed to be pulled or towed on a trailer or similar device, pull attachments, hot air or gas filled balloons; umbrellas used for advertising; signs mounted for advertising purposes on a vehicle that is parked and visible from the public right-of-way, sidewalk, or curb.

*Sign, projecting:* A sign that is wholly or partly dependent upon a building for support and that projects horizontally more than 12 inches from such building.

*Sign, roof:* A sign painted on or affixed to the roof of a building and primarily supported by that roof structure, except fascia signs.

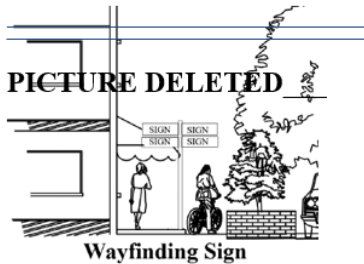
*Sign, snipe:* A sign made of any material which is tacked, nailed, posted, pasted, glued or otherwise attached to or placed on public property such as but not limited to a public utility pole, a public street sign, a public utility box, a public fire hydrant, a public right-of way, public street furniture, or other public property; except for A-frame and T-frame signs that are temporarily placed on public property under such limitations and constraints as may be set forth in the Land Development Code. Any sign or any material when such sign is attached in any way to trees, utility poles, motor vehicles, trailers, waterborne craft, or other objects

*Sign, temporary:* A sign intended for a use not permanent in nature. Unless otherwise provided for 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 banner and flag shall be deemed temporary signs. A sign erected for two weeks or less to advertise or identify transitory events unless specifically permitted for a longer period by this LDC.

\* \* \*

Sign, Temporary Window. Any temporary sign attached to, printed on or made of paper, cloth, fabric or similar material and located behind the window.

*Sign, wall:* A sign attached to a wall of a building or structure so that the wall forms the supporting structure or becomes the background of the sign. For the purpose of Chapter 12, wall signs include awning and projecting signs.



*Sign, wayfinding:* A directional sign placed in the public right-of-way to advertise the location of one or more business or facilities in the immediate area.

*Sign, window:* A sign posted, painted, placed, or affixed in or on the interior or exterior of a window/glass door, or placed within three feet of a window/glass door pane, or displayed to be visible from the exterior of the building.

\* \* \*

**SECTION 5. NON-CONFORMING SIGNS.** Signs lawfully existing prior to the Effective Date of this Ordinance may be continued although their size, location, or other physical attributes do not conform to this Ordinance. These signs will be subject to the City’s non-conforming structure provisions.

**SECTION 6. SEVERABILITY.** It is hereby declared to be the intention of the City Council that 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 by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**SECTION 7. CODIFICATION.** It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Unified Land Development Code of the City of Palm Coast, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, “Ordinance” may be changed to Section,” “Article,” or other appropriate word.

**SECTION 8. CONFLICTS.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 9. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

Approved on first reading this \_\_\_\_\_ day of \_\_\_\_\_ 2023.



Adopted on second reading after due public notice and hearing this \_\_\_\_ day of \_\_\_\_\_,  
2023.

CITY OF PALM COAST, FLORIDA

\_\_\_\_\_  
David Alfin, Mayor

ATTEST:

\_\_\_\_\_  
Kaley Cook, City Clerk

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Neysa Borkert.  
City Attorney

**This chart replaces Section 12.06. - Temporary Signs**  
**The prior code sections and categories are listed below in RED**

**Sec. 12.06. - Temporary Signs.<sup>1</sup>**

12.06.01 Temporary Sign Standards.

**A. NON-RESIDENTIALLY ZONED PROPERTIES' TEMPORARY SIGN STANDARDS**

<b>Sign type</b>	<b>Number of signs</b>	<b>Maximum sign area and height (The sign areas provided are cumulative for the number of signs allowed)</b>	<b>Time</b>	<b>Additional standards</b>
<b>Commercial signs</b> (Banners- Grand Opening/Going out of business 12.06.06)	One banner sign per business.	Limited to height of building.	Remove after 30 consecutive days	1. No more than three times per year. 2.No permit is required.
<b>Non-commercial signs</b> (Politica – Non-Commercial Special Events 12.06.03)	Four per business	Area: Lots less than 1 acre – 16 sf 1.1 acres to 10 acres – 32 sf More than 10 acres – 48 sf Limit 7' in height	If associated with an event, remove 15 calendar days after the event.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.
<b>Signs for parcels with active Site/building permits</b> (Constructions Signs 12.06.01)	Two visible from rights-of-way adjacent to lot.	Area: Lots less than 1 acre – 16 sf 1.1 acres to 10 acres – 32 sf More than 10 acres – 48 sf  Height: 7 ft max height	Remove within 3 calendar days after issuance of a final inspection or certificate of occupancy.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines. 3. Maximum 1 sign facing each public right of way. 4. Can divide sign allowance between 2 different signs.
<b>Signs on property being actively marketed for sale, rent or lease</b> (Real Estate 12.06.04)	Two visible from rights-of-way adjacent to lot.	Area: Lots less than 1 acre – 16sf 1.1 acres to 10 acres – 32 sf More than 10 acres – 48 sf  Height: 7 ft.	Remove within 3 calendar days after sale or lease.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.

**This chart replaces Section 12.06. - Temporary Signs**  
**The prior code sections and categories are listed below in RED**

**B. RESIDENTIALLY ZONED PROPERTIES' TEMPORARY SIGN STANDARDS**

Sign Type	Number of Signs	Maximum Sign Area and Height (The sign areas provided are cumulative for the number of signs allowed)	Time	Permit Requirements and Additional standards
<b>Non-commercial signs</b> (Political 12.06.03)	Six	Area: 6 sf Height: 6 ft	If associated with an event, remove 15 calendar days after the event.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.
<b>Signs for parcels with active site/building permits</b>  (Constructions Signs 12.06.01)	One per lot	Area: Lots less than 1 acre – 4 sf 1.1 acres to 10 acres – 12 sf More than 10 acres – 32 sf  Height: 7 ft max height	Remove within 3 calendar days after issuance of a final inspection or certificate of completion.	
<b>Signs on property being actively marketed for sale, rent or lease, single family zoning.</b> (Real Estate Signs including Open House Signs 12.06.04)	Two visible from rights-of-way adjacent to lot; one additional sign (per property) only when the premises are available for inspection by the prospective buyer or tenant; said additional sign shall not be larger than 9 sf and may only be posted on private property with the permission of the property owner.	Area: 6 sf per street frontage Height: 6 ft.	Remove within 3 calendar days of sale or lease.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.
<b>Signs on property being actively marketed for sale, rent or lease, multi-family zoning</b> (Real Estate Signs 12.06.04)		Area: 24 sf  Height: 7 ft		
<b>Signs on properties with a sale on the property (Not defined above)</b> (Garage Sales 12.06.02)	One per street frontage	Area: 6 sf  Height: 6 ft	Remove within 3 calendar days after the event.	



RECEIVED  
JUL 28 2023

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

BY: *[Signature]*

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.
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.

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.
- 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.
- C. Signs shall not be placed more than two (2) feet in height above the abutting road elevation.
- 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.
- E. No more than one (1) directional sign per real estate office shall be placed in each permitted right-a-way (FDOT and State locations not permitted). Signs shall not be placed in any median.
- F. Signs shall not be attached to any existing signs, trees, utility poles or any other structures.
- G. Signs placed in any right-a-way abutting an existing structure(s) shall require the permission of the property owner.
- 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.
- I. Real estate licensees who violate this ordinance shall be levied a fine by FCAR with the proceeds benefiting the Flagler Realtors Foundation.

\*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.

P.O. Box 1216 • Bunnell, FL 32110 • Phone: (386) 437-0095 • Fax: (386) 437-6070  
www.FlaglerCountyRealtors.com • Email: GAD@FlaglerCountyRealtors.com

*[Red Stamp: GAD]*



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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 (ie. 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. ie. 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-of-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-of-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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## Estelle Lens

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**From:** Denise Bevan  
**Sent:** Thursday, October 5, 2023 10:21 AM  
**To:** Ray Tyner; Estelle Lens  
**Cc:** Irene Schaefer; Theresa Carli Pontieri  
**Subject:** FW: Request to amend temporary sign Ordinance

Good morning Ray and Estelle,

Please note the following input from a member of the public.

Thank you,

Denise Bevan, CFM  
City Manager  
160 Lake Avenue  
Palm Coast, FL 32164  
Tel: 386-986-3702  
[www.palmcoast.gov](http://www.palmcoast.gov)



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**From:** Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>  
**Sent:** Wednesday, October 4, 2023 8:17 PM  
**To:** Dick Hoover <HOODBA@msn.com>  
**Cc:** Denise Bevan <dbevan@palmcoastgov.com>  
**Subject:** RE: Request to amend temporary sign Ordinance

Good Evening Mr. Hoover,

Thank you for your email and your engagement. We are working on the signage ordinance now and hope to have something for consideration very soon. Regarding code enforcement, I know that department works tirelessly with staff to ensure all staff is being used efficiently and in the best interest of our City. I have copied our City Manager herein so that she can consider your below comments as well. Enjoy the rest of your week.

Theresa Carli Pontieri  
Council Member - District 2  
160 Lake Avenue  
Palm Coast, FL 32164  
[www.palmcoast.gov](http://www.palmcoast.gov)



**From:** Dick Hoover <[HOODBA@msn.com](mailto:HOODBA@msn.com)>  
**Sent:** Wednesday, October 4, 2023 12:20 PM  
**To:** Cathy Heigher <[CHeigher@palmcoastgov.com](mailto:CHeigher@palmcoastgov.com)>; Nick Klufas <[NKlufas@palmcoastgov.com](mailto:NKlufas@palmcoastgov.com)>; Theresa Carli Pontieri <[TCarliPontieri@palmcoastgov.com](mailto:TCarliPontieri@palmcoastgov.com)>; Edward Danko <[EDanko@palmcoastgov.com](mailto:EDanko@palmcoastgov.com)>; David Alfin <[DAfin@palmcoastgov.com](mailto:DAfin@palmcoastgov.com)>  
**Subject:** Request to amend temporary sign Ordinance

### **Subject: Request to Amend Temporary Signage Ordinance**

Dear City Council member,

I hope this message finds you well. A few months ago, I reached out to express my concerns regarding temporary Open House signs along our city streets. Last night, I had the opportunity to attend the City Council meeting on October 3rd, and I must say that I left with a better understanding of the many important issues you face.

I fully appreciate that you are dealing with a myriad of concerns from our community, and it's clear to me that mine should not be a primary focus. However, I would like to highlight a few points for your consideration in a respectful manner, in the hope of finding a more efficient use of our Code enforcement officers' valuable time.

#### **1. Efficient Allocation of Resources:**

- I believe we can find a more efficient use of our Code enforcement officers' time. While I understand the importance of adhering to the city's regulations, perhaps their expertise could be better employed addressing more pressing matters, such as inspecting Fire Hydrants, Power poles, potholes, and other deficiencies within our community.

#### **2. Inconsistent Enforcement:**

- I've noticed some inconsistencies in the enforcement of temporary sign regulations, with certain signs left untouched while others are removed. It seems as though there may be biases at play, and I believe we can work towards a fairer and more consistent approach.

#### **3. Limited Impact on the Community:**



- Allowing temporary signs to be displayed only from Friday through Sunday would likely deter many individuals who do not wish to go through the effort of placing and retrieving their signs. This requirement may predominantly affect realtors like myself, who are committed to their work but find this task quite burdensome.

I kindly request that the City Council consider amending the existing ordinance regarding temporary signage. By doing so, it would not only help me get back to work but also potentially free up valuable resources that can be redirected toward more critical issues within our city.

Thank you for your time and attention to this matter. I understand the challenges you face, and I truly believe that together, we can find a balanced solution that benefits both our community and its hardworking residents.

Sincerely,

Richard Hoover

Sent from [Mail](#) for Windows