

**AGENDA SUMMARY
TAVARES CITY COUNCIL
March 15, 2017**

AGENDA TAB NO. 4

FIRST READING

**SUBJECT TITLE: Ordinance 2017-01
Amendment to Sign Regulations-Content Neutral**

OBJECTIVE:

To consider an amendment to the Sign Regulations within the Land Development Regulation that would bring these into conformity with recent Supreme Court decisions.

SUMMARY:

A U.S. Supreme Court decision in *Reed v Town of Gilbert* ruled that regulating signs based on the message on the sign would be a restriction to free speech or conversely show favoritism to some category of speech. The court further determined that regulating signs based on the message would be unconstitutional and would invalidate the regulation or governing code.

This court opinion calls into question almost every sign code in this country (including Tavares) as few, if any, have "content-neutral" provisions.

In general, at present, most signs that are temporary are regulated by the message or purpose implied by the sign. Real estate, special event, garage sale, sidewalk sale and political signs are examples. Snipe signs are also considered temporary. Under the Supreme Court ruling, since message cannot be a regulating consideration, all temporary signs are clumped together with equal rights and our Code Enforcement Department now cannot legally differentiate between a real estate, yard sale or snipe sign.

The court did recognize that governmental type signs such as traffic signs in the street right-of-ways fall into a separate category and are necessary for safety and protection. All model ordinances and the proposed regulations for Tavares, defines and allows Governmental Signs in street right-of-ways. The court also stated that sign design such as size, height, location, number allowed, etc. could be regulated provided no reference is made to the sign message.

Highlights of Proposed Revised Regulations:

1. Only Governmental Signs are allowed in street Right-of-Ways.
2. Snipe Signs are not allowed.
3. Every land parcel is allowed two temporary signs not exceeding 6' in height or 32 square feet in size. The message displayed on these signs is not regulated.
4. No permit is required for temporary signs.
5. The design criteria for permanent signs have not been changed.
6. All references to messages displayed on signs have been removed (content-neutral).
7. Lake County's draft content-neutral sign ordinance was used as a guide for the proposed new regulation.

OPTIONS:

No Council action required at First Reading.

STAFF RECOMMENDATION:

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2017-01.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

This ordinance has been reviewed by the City Attorney and approved for legal sufficiency.

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ORDINANCE 2017-01

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 21, SIGN REGULATIONS, BY DELETING OR AMENDING DEFINITIONS FOR TYPES OF SIGNS THAT WERE DEFINED BASED UPON THE CONTENT OF THE SIGN; BY REPEALING OR REPLACING SECTIONS DEPENDENT ON THE COMMUNICATIVE CONTENT OF A SIGN; BY MODIFYING THE SIZE AND DURATION FOR TEMPORARY SIGNS; BY INSERTING A PROVISION THAT PROHIBITS ERECTING OR PLACEMENT OF ALL NON-GOVERNMENTAL TEMPORARY SIGNS WITHIN CITY ROAD RIGHT OF WAYS; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 7, 2005, the City of Tavares adopted the Land Development Regulations, specifying therein standards and regulations governing development within the city; and

WHEREAS, the United States Supreme Court held in the case of *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), that a government may regulate signs, but such regulations must not depend on the communicative content of the signs; and

WHEREAS, the Tavares City Council desires to amend the City's Land Development Regulations, Chapter 21 entitled "Sign Regulations", to be consistent with the Supreme Court's ruling by deleting or amending regulations and definitions that are dependent on the communicative content of a sign; and

WHEREAS, the Tavares City Council desires to amend the City's Land Development Regulations, Chapter 21 entitled "Sign Regulations", to modify the size and duration requirements for temporary signs, and to prohibit the erection or placement all "non-governmental" temporary signs within City Public Right of Ways.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Tavares, Florida, that:

Section 1. Text Amendments.

That the City of Tavares Land Development Regulations be hereby amended as follows:

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Chapter 21
Sign Regulations

As amended by Ordinance 2007-23 – (effective 10/17/07)
As amended by Ordinance 2008-01 – (effective 2/27/08)
As amended by Ordinance 2009-27 – (effective 9/2/09)

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- (A) Number of signs
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- (C) Maximum height
- (D) Maximum copy area

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- (A) Number of signs
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1 **Chapter 21**

2 **Sign Regulations**

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5 **Section 21-1 Purpose**

6
7 The purpose of this chapter is to establish regulations for the erection and use of signs and outdoor advertising within
8 the City limits of Tavares. These regulations are established to provide reasonable advertising and identification of
9 businesses within Tavares while also protecting the health, welfare and safety of the citizens of Tavares by reducing
10 the adverse effects of signage and displays on highway safety, building safety, property values and the aesthetic
11 enjoyment of the City. These regulations are further intended to avoid excessive competition and visual clutter among
12 sign displays in the demand for public attention.
13

14 **Purpose and Intent and Administration.**

15 The City of Tavares has become a recognized tourist and economic growth center in Florida. Sign
16 regulation is needed to encourage a visually pleasing environment in order to attract residential
17 construction, tourist activity, business and industrial development. The City of Tavares also views sign
18 regulation as a method of protecting the public investment, ensuring pedestrian and traffic safety,
19 promoting the effectiveness of advertising, discouraging over-concentration, unsuitable location, and
20 excessive height, bulk and area. It is the intent of this chapter to provide signage regulations to preserve
21 scenic, economic and aesthetic values including the special character and attractiveness of the City of
22 Tavares.

23 Where the provisions of this chapter are in conflict with any other regulations or parts of codes, the more
24 stringent shall apply.

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28 **Section 21-2 Definitions**

29
30 For the purpose of this chapter, the terms, phrases, and definitions contained below shall apply. Words used in the
31 singular shall include the plural, and the plural, the singular. Words used in the present tense shall include the future
32 tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined
33 herein shall be construed to have the meaning given by common and ordinary use as defined by the latest edition of
34 *Webster's Dictionary*.

35
36 Abandoned Sign – A sign which no longer serves to advertise a bona fide business conducted, service
37 performed or product sold where such business, service or products have been discontinued for a period of
38 twelve (12) months.

39 A sign where the permitted use or structure that the sign is an accessory to has been discontinued
40 or unoccupied for a period of eight (8) consecutive months or a sign that is unmaintained or otherwise in
41 a state of disrepair that renders the sign unusable, ineffective or hazardous.

42
43 Accessory Sign – A permanent ground or building sign that is permitted under these regulations as incidental
44 to an existing or proposed use of land.

45
46 Advertising – Sign copy intended to directly or indirectly promote the sale or use of a product, service,
47 commodity, entertainment, or real or personal property.

48
49 Banner Sign - A strip of cloth or similar material, not permanently affixed to a frame or surface, on which a
50 sign is painted, generally suspended between poles or structures by cloth straps or ropes and is intended as
51 a temporary sign.
52

1 Bench Sign - A sign located on any part of the surface of a bench or seat.

2
3 Billboard - A permanent ground sign supported by one or more poles attached to which is a sign area which
4 is at least two-hundred (200) square feet in size and which is used or installed to attract attention to a place
5 or product sold, other than at the location of said sign.

6
7 Building Sign - A sign displayed upon or attached to any part of the exterior of a building, including walls,
8 windows, doors, parapets, marquees and roof slopes of forty-five (45) degrees or steeper.

9
10 Change In Use - A change in use of property occurs whenever the essential character or nature of the
11 activity conducted on a lot changes. This occurs whenever:

- 12
13 (1) The change involves a change from one principal use category to another.
14
15 (2) The use changes to such an extent that the parking requirements for the overall use are increased.
16
17 (3) A land use within a Planned Development is added or amended which increases the overall intensity
18 of development within the PD.
19
20 (4) A business or enterprise, different in type and category, intends to operate from the same lot,
21 property and/or space from the previously existing business or enterprise.
22
23 (5) A change in the status of property from unoccupied to occupied or vice versa does not necessarily
24 constitute a change in use. Whether a change in use occurs shall be determined by comparing the
25 two active uses of property without regard to any intervening period during which the property may
26 have been occupied, unless the property has remained unoccupied for more than one-hundred-and-
27 eighty (180) consecutive days or has been abandoned.
28
29 (6) A change in ownership of a business or enterprise or a change in the name shall not be regarded as
30 a change in use.
31
32 (7) The intent of these provisions is to provide for the elimination of non-conforming structures and uses
33 consistent with Policy 1-1.6.1 of the City of Tavares Comprehensive Plan unless special
34 circumstance exist as determined by the City Council.

35
36 Commemorative Sign - A sign located in public rights-of-way, which serves as a memorial to individuals or
37 organizations, for donated community improvements such as ornamental plants, statues and signs.

38
39 Construction Sign - A sign giving the names of principal contractors, architects and lending institutions
40 responsible for construction of the site where the sign is placed, together with other information included
41 thereof.

42
43 Copy - The linguistic or graphic content of a sign.

44
45 Copy Area - The advertising display surface area encompassed within any sign.

46
47 Directory Sign - A sign that identifies names, locations, businesses, points of interests, churches, and/or
48 tenants within multi-tenant buildings, districts, or planned developments made up of a group of buildings or
49 uses.

50
51 Electric Sign - Any sign containing electric wiring. Any sign that contains moving or lighted elements
52 wired for electricity.

53
54 Erect A Sign - To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint,

1 draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities
2 when performed as an incident to the change of message, or routine maintenance.
3

4 Flashing Sign— Any sign which contains an intermittent or flashing light source, or which includes the illusion
5 of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.
6 Automatic changing signs such as time and temperature or public service item signs are not considered as
7 flashing signs.
8

9 Feather Sign- A freestanding type of attention-getting device that resembles a sail made of fabric or
10 nylon affixed to a single light weight pole used for attracting attention, promotion or advertising. See
11 illustration as examples of feather signs.



12 **Examples of Feather Signs**

13 Frontage - The length of the property line of any one (1) parcel along a street on which it borders.
14

15 Government Sign. Any Sign erected and maintained by the City of Tavares, Lake County, the State of
16 Florida or the Federal Government.
17

18 Graffiti— Any unauthorized writing, painting, marking, and/or drawing placed upon property.
19

20 Ground Sign - A sign that is erected on the ground and whose base or means of support is concealed or
21 enclosed.
22

23 Harmful to Minors— With regard to sign content, any description or representation, in whatever form, of
24 nudity, sexual conduct, or sexual excitement, when it:
25

26 (1) — predominately appeals to the prurient, shameful, or morbid interest of minors in sex, and
27

28 (2) — is patently offensive to contemporary standards in the adult community as a whole with respect to
29 what is suitable sexual material for minors, and
30

31 (3) — taken as a whole, lacks serious literary, artistic, political, or scientific value.
32

33 (4) — The term "harmful to minors" shall also include any non-erotic word or picture when it:
34

35 — (a) — Is patently offensive to contemporary standards in the adult community as a whole with
36
37

1 respect to what is suitable for viewing by minors, and

2
3 ~~_____ (b) _____ taken as a whole, lacks serious literary, artistic, political, or scientific value.~~

4
5 Illuminated Sign - A sign which contains a source of light or which is designed or arranged to reflect light
6 from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also
7 include signs with reflectors that depend upon automobile headlights for an image.

8
9 LED Sign – Light Emitting Diode (LED) sign utilizing technology of diodes arranged in pixels to create
10 messages changeable by electronic means. Said signs are sometimes referred to as electronic message
11 centers and shall include other similar signs such as liquid crystal display signs, fiber optic signs, plasma
12 display screen signs, incandescent signs, time-temperature-date signs or any other such sign using similar
13 technologies.

14
15 Marquee - A permanent, roof-like structure supported by a building, generally designed and constructed to
16 provide protection from weather, which extends beyond the building line or property line and fully or partially
17 covers a sidewalk, public entrance or other pedestrian way.

18
19 Multiple Occupancy Complex - A commercial use, i.e. any use other than residential or agricultural,
20 consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated
21 project, with a building or buildings housing more than one occupant.

22
23 Murals - any artwork painted directly on a wall or other large permanent surface which may include text but
24 does not identify a product, or service sold on the premises and which exceeds five percent of the surface
25 area of any single exterior wall of a building or structure onto which the image is to be affixed.

26
27 Non-Commercial Signs – Any sign that addresses issues of public concern and does not advertise any
28 activities being conducted for profit or private gain, nor solicits contributions of any kind.

29
30 Off-Site Sign – A sign, either attached to a building or other structure located on real property, which is not
31 appurtenant to the use of the real property where the sign is located or which does not advertise a service
32 offered at the location where the sign is placed or which does not identify a business located where the sign
33 is placed as a purveyor of the merchandise or services advertised on the sign. The term “Off-Site Sign”
34 includes, but is not limited to, signs commonly known as billboards.

35
36 On-Site Sign – A sign that identifies or advertises only goods, services, facilities, events or attractions
37 available on the premises where the sign is located.

38
39 Owner - The owner of property, the tenant, agent, or person having the beneficial use of the building,
40 structure, or property upon which a sign may be located.

41
42 Parcel or Parcel of Land - A contiguous quantity of land in possession of, owned by, or recorded as property
43 of the same claimant person in the public records of Lake County, Florida, as of the effective date of this
44 chapter.

45
46 Permanent Sign - Designed, constructed and intended for more than short-term use.

47
48 Pole Sign - a sign supported by poles, uprights or braces which are not enclosed in a concealed base but
49 are permanently placed on or in the ground and wholly independent of any building for support. This
50 definition should not be construed to mean monopole style off-site signs.

51
52 Political Sign – Any temporary sign which publicizes any political candidate, party, referendum, or election.

53
54 Portable Sign - Any sign which is manifestly designed to be transported by trailer, or on its own wheels, or

1 other means including such signs even though the wheels may be removed and the remaining chassis or
2 support structure converted to an A or T frame sign and attached temporarily or permanently to the ground.
3

4 ~~Reader Board - a sign designed to accommodate changeable copy including, but not limited to, individual
5 letters and numbers that can be removed and replaced by hand. Electronic message centers are not
6 considered part of this definition.~~

7
8 ~~Real Estate Sign - Any sign which is used to offer for sale, lease or rent, the property upon which the sign is
9 placed.~~

10 Roof Line - A horizontal line intersecting the highest point or points of a roof.

11
12 Roof Sign - A sign placed above the roof line of a building or on or against a roof slope of less than forty-five
13 degrees (45°).
14

15
16 Shingle Sign - A sign over a show window or door of a store or business establishment, announcing only the
17 name of the proprietor and the nature of the business. The sign shall be supported by a bracket or chains
18 substantial enough to withstand the forces of wind and shall not exceed two-and-one-half square feet (2-1/2')
19 in sign area.
20

21 ~~Sign - Any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other
22 device which is used to announce, direct attention to, identify advertise or otherwise make anything known.
23 The term sign shall not be deemed to include the terms "building" or "landscaping" or any architectural
24 embellishment of a building not intended to communicate information, nor any holiday lights or decorations.~~

25
26 Sign. Any object or device or part thereof situated outdoors or indoors visible from the exterior of the
27 structure which is used to display words, letters, figures, designs, symbols, fixtures, colors, motion,
28 illumination, or projected images.

29
30 Sign Face - The part of a sign that is or may be used for copy.
31

32 Sign Area - The area of any regular geometric shape, which contains the entire surface area of a sign upon
33 which copy may be placed excluding any supporting base.
34

35 Sign Structure - Any construction used or designed to support a sign.
36

37 ~~Special Event Signs - Signs, including window signs, grand opening displays and poster signs which are
38 used to advertise a promotional venture such as the opening of a business, closing of a business or special
39 sale.~~

40
41 Snipe Sign. A Temporary Sign affixed to a tree, fence, pole, bench, or similar objects, either in the Right-
42 of-Way or other public property, or on private property without the permission of the property owner.

43
44 Street - A public or private right-of-way for vehicular traffic, including highways, thoroughfares, lanes,
45 roadways and boulevards.
46

47 Temporary - Designed, constructed, and intended to be used on a short-term basis.
48

49 Vehicle Sign - Any sign affixed to a vehicle.
50

51 Wall Sign - A sign attached to or erected against the wall of a building with the face in a parallel plane of the
52 building. Signs attached or erected against roofs of forty-five (45) degrees or greater slope shall also be
53 considered a wall sign.

1
2 Window Sign - A permanent sign affixed to, suspended behind or painted on either face of a window or glass
3 door that reads to the exterior of the building.
4
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6 **Section 21-3 Prohibited Signs**
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8 The following signs are expressly prohibited unless exempted by another section of these regulations:
9

- 10 (A) Signs that are in violation of the Florida Building Code Standard Building Code or The National Electrical Code
11 as adopted by the City.
12
- 13 (B) ~~Signs, other than official traffic signs or commemorative signs, erected within the right-of-way lines of any street~~
14 ~~or public way, without approval of the City Administrator or designee. Signs placed in the right-of-way shall~~
15 ~~become the property of the City.~~
16
17 Any temporary sign within the right-of-way of any street or public way. Any temporary sign or snipe sign within
18 the right-of-way shall become the property of the City and may be immediately removed by the City without
19 notice.
20
- 21 (C) Any sign that, in the opinion of the City Administrator or designee ~~does or will constitute a safety hazard.~~ is
22 abandoned.
23
- 24 (D) ~~Blank temporary signs and/or snipe signs except as authorized in association with a permitted yard sale or~~
25 ~~special event.~~ Snipe Signs
26
- 27 (E) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or
28 other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional
29 barber poles. This is not intended to prohibit billboards whose copy may be changed or rearranged
30 electronically or mechanically without altering the sign structure.
31
- 32 (F) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color,
33 except for time-temperature-date signs and LED signs as provided for in Section 21-19.
34
- 35 (G) Strings of light bulbs used on commercially developed parcels ~~for commercial purposes~~, other than traditional
36 holiday decorations.
37
- 38 (H) Signs, commonly referred to as wind signs, consisting of one or more banners, flags, pennants, ribbons,
39 spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move
40 upon being subjected to pressure by wind; except as permitted in Section 21-15 of these regulations.
41
- 42 (I) Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use
43 of live animals.
44
- 45 (J) Signs that emit odor or visible matter such as smoke or steam.
46
- 47 (K) ~~Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of~~
48 ~~position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size,~~
49 ~~location, movement, content, color, or illumination that may be reasonably confused with or construed as, or~~
50 ~~conceal, a traffic control device.~~
51
- 52 (L) Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets and/or
53 flooding light onto adjacent residentially zoned properties.
54

- 1 (M) Non-governmental signs that use the words "stop", "look", "danger", or any similar word, phrase or symbol and
 2 that mimic a traffic control sign.
 3
- 4 (N) Signs, within ten (10) feet of public right-of-way or one-hundred (100) feet of traffic control lights, that contain
 5 red or green lights that might be confused with traffic control lights.
 6
- 7 (O) Signs of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian
 8 using or entering a public way.
 9
- 10 (P) Signs that contain a mechanism that causes unreasonable interference with radio, television or other
 11 communication signals.
 12
- 13 (Q) ~~Searchlights. used to advertise or promote a business or to attract customers to a property.~~
- 14
- 15 (R) Signs painted, pasted, or printed on any sidewalk, flagstone, curbstone, pavement or any portion of any street
 16 within a Public Right-of-Way except house numbers and traffic pavement control markers.
 17
- 18 (S) Signs or than Governmental Signs erected on public property, or on private property (such as private utility
 19 poles) located on public property. ~~other than signs erected by public authority for public purposes.~~
 20
- 21 (T) Signs which are located in or over any lakes, rivers, canals, or other bodies of water within the City are
 22 prohibited, except the following:
 23
- 24 (1) ~~Directional or other regulatory signs placed and permitted by any state, local, or federal~~
 25 ~~governmental entity or agency.~~ Governmental Signs
 26
- 27 (2) ~~Identification signs for individual docks, marinas or waterfront subdivisions.~~
 28
- 29 (3) ~~Warning or danger signs notifying boaters or swimmers of water hazards.~~
 30
- 31 (U) Vehicle signs with a total sign area on any vehicle in excess of ten (10) square feet, when the vehicle:
 32
- 33 (1) Is parked for more than sixty (60) consecutive minutes within one-hundred (100) feet of any street
 34 right-of-way, and
 35
- 36 (2) Is visible from the street right-of-way that the vehicle is within one hundred (100) feet of; and
 37
- 38 (3) Is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used
 39 primarily for advertising, or for the purpose of providing transportation for owners or employees of
 40 the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of
 41 the business.
 42
- 43 (V) ~~Signs displaying copy that is harmful to minors as defined by these regulations.~~
 44
- 45 (W) Portable signs as defined by these regulations, except for portable signs utilized by governmental agencies
 46 for public safety purposes. Such governmental public safety signs may be LED signs as defined in Section
 47 21-19 and such signs may display public safety and public information messages. Portable signs of this
 48 nature are considered Governmental Signs.
 49
- 50 (X) Signs, flyers or handbills of any kind attached or against any tree along any street, avenue or
 51 thoroughfare.
 52
- 53 (Y) Roof signs.
 54

1 (Z) Pole signs.

2
3 (AA) Off-Site Signs Billboard Signs , except as provided for in Section 21-17 of these regulations.

4
5 (BB) Signs affixed to benches or waste receptacles located within the City Right-of-Way.

6
7 With the exception of commemorative plaques attached to benches which serve to memorialize an individual
8 or organization.

9
10 ~~(CC) Graffiti.~~

11 12 13 **Section 21-4 Permits Required**

14
15 Except as otherwise provided in Section 21-5, it shall be unlawful for any person to erect, construct, enlarge, move or
16 convert any sign in the City, or cause the same to be done, without first obtaining a sign permit for each such sign.
17 Sign permit procedures are set forth in *Chapter 4*,

18 19 20 **Section 21-5 Signs Exempt from Permitting Requirements**

21
22 The following signs are exempt from the permit and/or permit fee requirements of this chapter, unless they have an
23 electrical connection, in which event an electrical permit shall be required. All exempt signs must comply with the
24 minimum requirements of these regulations related to zoning classification, setback, size limitation and construction.
25 The square footage of sign area used for exempt signs in non-residential zoned districts shall apply to, and be
26 counted as part of, the maximum sign area allowable for a particular parcel.

27
28 (A) One (1) shingle sign having a face area of not more than two and one-half square feet (2 ½'), located over
29 a show window or door of a business establishment. ~~announcing only the name and/or nature of the~~
30 ~~business.~~

31
32 (B) Paper signs located on the interior show windows only of commercial establishments.

33
34 (C) Temporary signs as outlined in Section 21-15.

35
36 (D) ~~Signs directing traffic movement onto a premise or within a premise if said sign is less than thirty (30) inches~~
37 ~~high and contains no advertisement.~~

38
39 (E) ~~Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or~~
40 ~~directional signs erected on public property with permission as appropriate from the State of Florida, the~~
41 ~~United States, Lake County, or the City of Tavares. Governmental Signs~~

42
43 (F) ~~Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or~~
44 ~~when constructed of bronze or other non-combustible materials attached to the surface of a building~~
45 ~~provided such signs are no greater than four (4) square feet. House identification, address numbers or~~
46 ~~bronzed or cut masonry nameplates attached to a building face that do not exceed two (2) square feet.~~

47
48 (G) Signs incorporated onto machinery or equipment by a manufacturer or distributor, ~~which identify or advertise~~
49 ~~only the product or service dispensed by the machine or equipment~~, such as signs customarily affixed to
50 vending machines, newspaper racks, telephone booths and gasoline pumps.

51
52 (H) Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.

53
54 (I) Signs carried by a person. ~~or animal.~~

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- (J) Repainting or otherwise changing the copy of a sign that does not alter any other portion of the sign or sign structure shall not require a permit.
- (K) Painted signs are exempt from permitting but subject to review for compliance with the maximum sign area calculations outlined in this chapter and compliance with Section 21-6.
- (L) Window signs are exempt from permitting provided that the sign covers less than forty (40) percent of the window. Window signs which exceed a coverage area of forty (40) percent are prohibited.
- (M) Murals are exempt from permitting. However, murals which can be seen from the public right-of-way must be approved by the City Council through a resolution.
- (N) ~~One a-frame and/or sandwich board sign per property frontage less than three (3) feet in height and two (2) feet in width, placed in a manner posing no potential safety hazard shall be exempt from permitting provided that the sign is removed by the end of business day, is labeled with the owners name and telephone number and is non-electric and non-illuminated.~~

Section 21-6 Design Requirements

- (A) Ground signs.
 - (1) The width of the base of all ground signs shall be at least one-half (1/2) the width of the sign face. The base shall be finished in brick, stucco, finished metal, textured masonry or similar materials or embedded within a raised landscaped planter.
 - (2) Ground Signs located within the CD and MU Districts shall be designed in conformity with Section 21-20, Signs in the Commercial and Mixed Use Zoning District.
 - (3) Construction standards.
 - (a) Every ground sign shall provide rigid construction to withstand wind action from any direction.
 - (b) Portable sign frames may not be used for permanent ground signs.
 - (c) Whenever anchors or supports consist of wood embedded in the soil, the wood shall be pressure treated with an approved preservative.
 - (4) Visibility. Where a ground sign is erected on a corner lot, it shall not be erected within twenty five (25) feet of the intersection corner of an intersecting street which would obstruct the view around such corner.
- (B) Wall signs. The construction of wall signs shall conform to the following standards:
 - (1) A wall sign shall not extend beyond any edge of the surface to which it is attached, nor disrupt a major architectural feature of the building.
 - (2) A wall sign above a pedestrian way shall have a minimum of seven feet, six inches (7' 6") clearance to the walkway.
 - (3) No wall sign or supporting structure shall project more than twelve (12) inches from the surface to which it is attached. Further, no wall sign shall extend above the roof line except where an exterior

1 parapet wall projects above the roof line, in which case such sign may extend to the top of the
2 parapet wall provided the wall is sufficiently reinforced to withstand the additional structural stresses
3 created by the wall sign.
4

- 5 (4) Wall signs not required to be designed by an engineer shall be attached in accordance with the
6 applicable requirements of the Standard Building Code as adopted by the City Florida Building
7 Code.
8

9 (C) Awnings. Awnings containing copy may be permitted in the non-residential districts. Copy on awnings shall
10 not be counted the maximum allowable copy area. The following regulations shall apply to awnings. For
11 additional standards relating to awnings in the CD and MU districts, see Section 21-20 of this chapter.
12

- 13 (1) Awnings shall be entirely supported from the building and shall meet all applicable fire and building
14 codes.
15
16 (2) The maximum height of awnings, measured on a vertical plane from the point of attachment at the
17 top of the awning to a point horizontal to the lowest edge of fabric, shall not exceed five (5) feet, or
18 thirty-five (35) percent of the building height, whichever is greater.
19
20 (3) Awnings are allowed to project three (3) feet into required yards, provided such projection does not
21 exceed fifty (50) percent of the minimum yard dimension. Where existing buildings have setbacks of
22 less than five (5) feet from the property line, awnings may project two-thirds (2/3) of the width of the
23 setback. Fixed awnings on private property must have at least six feet, eight inches (6' 8") of
24 clearance to the ground. Fixed awnings extending into a public right-of-way must have at least nine
25 (9) feet in the clearance, between the lowest point of projection and the sidewalk immediately below.
26 If a valance is attached to an awning, no portion of said valance may have less than seven (7) feet
27 of clearance.
28

29
30 (D) Murals. Murals shall conform to the following standards:
31

- 32 (1) ~~Murals are to be of a general public interest and are not to be designed for the sole purpose of~~
33 ~~advertising a good or service sold on the premises to which the mural is affixed.~~
34
35 (2) A request to paint a mural must be submitted to the Community Development Department to
36 forward to City Council for approval. The request is to include a color rendition of the proposed
37 mural.
38
39 (3) The City Council shall approve or deny the request and such determination shall be final.
40

41 (E) ~~Painted Signs. Painted signs shall conform to the following standards:~~
42

- 43 ~~(1) Painted signs are to be professional in quality and artistic in nature.~~
44
45 ~~(2) A request to paint a sign must be submitted to the Community Development Department for~~
46 ~~review for compliance with this chapter.~~
47
48 ~~(3) Painted signs shall be in harmony with adjacent businesses and properties.~~
49
50 ~~(4) Painted signs shall not utilize florescent, day glow or black color as the sole/predominant sign~~
51 ~~color.~~
52
53
54

1 **Section 21-7 Maintenance**

2
3 All signs, including signs that are exempt from permitting under Section 21 - 5, together with their supports, braces,
4 guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in
5 accordance with the building and electrical codes adopted by the City, and shall present a neat and clean
6 appearance. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of
7 ten (10) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris shall be permitted under
8 or near the sign.
9

10
11 **Section 21-8 Calculation of Copy Area**

- 12
13 (A) Copy area for signs enclosed in a frame. All area within the perimeter frame or border of the sign shall be
14 considered copy area.
15
16 (B) Copy area for individual symbols. Individual letters, numbers, logos, insignias, and similar symbols, attached
17 to a wall shall be calculated by drawing a straight line closest to copy extremities encompassing individual
18 letters or words.
19
20 (C) Wall and window signs. Only one side of a wall or window sign shall be counted.
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23

24 **Section 21-9 Single Use Businesses**

- 25
26 (A) Total allowable copy area.
27
28 (1) C-1, C-2, I zoning districts = One-and-one-half (1.5) square feet for every lineal foot of building
29 frontage, up to a maximum of one-hundred-and-fifty (150) square feet.
30
31 (2) Within the CD and MU Districts, allowable copy area shall conform to Section 21-20, Signs in the
32 Commercial and Mixed Use Zoning District.
33
34 (3) PD zoning district. Total allowable copy area for signs for businesses within a PD district shall be in
35 accordance with the equivalent standard zoning district in which the use would be permitted unless
36 otherwise specified in the adopting ordinance. If the use is allowed in more than one standard
37 zoning district, the more restrictive sign area allocations shall apply.
38
39 (B) Ground signs.
40
41 (1) Number of ground signs per parcel. One (1) ground sign shall be allowed per parcel or one sign per
42 each abutting right-of-way except that two (2) ground signs shall be allowed if a parcel has right-of-
43 way frontage in excess of four-hundred (400) lineal feet. In that case, each ground sign shall be
44 separated by a minimum of one-hundred (100) lineal feet. In cases where there is more than one
45 ground sign, both ground signs shall be counted individually toward the maximum allowable sign
46 area.
47
48 (2) Minimum setbacks. Ground signs for single use businesses shall be set back a minimum of five
49 feet (5') from rights-of-way and observe side setbacks for the parcel's respective zoning district.
50
51 (3) Maximum height (including the base).
52
53 (a) C-1, C-2, I zoning districts = twelve (12) feet.
54

1
2 (b) Within the CD and MU Districts, maximum allowable heights shall conform to Section 21-
3 20, Signs in the Commercial and Mixed Use Zoning District.
4
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6 (c) PD zoning district. Maximum height for signs for businesses within a PD zoning district shall
7 be in accordance with the equivalent standard zoning district in which the use would be
8 permitted unless otherwise specified in the adopting ordinance. If the use is allowed in
9 more than one standard zoning district, the more restrictive height shall apply.
10

11 (4) Maximum sign area (not including the base).
12

13 (a) C-1, C-2, I zoning districts = eighty (80) square feet.
14

15
16 (b) Within the CD and MU Districts, maximum allowable sign areas shall conform to Section
17 21-20, Signs in the Commercial and Mixed Use Zoning District.
18

19 (c) PD zoning district. Maximum sign area for signs for businesses within a PD zoning district
20 shall be in accordance with the equivalent standard zoning district in which the use would
21 be permitted unless otherwise specified in the adopting ordinance. If the use is allowed in
22 more than one standard zoning district, the more restrictive allocation shall apply.
23

24 (C) Wall and window signs.
25

26 (1) C-1, C-2, I, PD zoning districts = one-and-one-half (1.5) square feet per one (1) foot of building
27 frontage up to a maximum of one-hundred (100) square feet.
28

29 (2) Within the CD and MU Districts, maximum allowable sign areas shall conform to Section 21-20,
30 Signs in the Commercial and Mixed Use Zoning District.
31

32 (3) Window signage used by convenience stores shall allow a clear and unobstructed view from
33 outside the building and in a normal line of sight of the cash register and sales transaction area.
34 Window signage in all other single-use businesses shall not use signage that covers more than fifty
35 (50) percent of the window area.
36
37

38 (D) Temporary Signs
39

40 (1) No more than two (2) Temporary Signs shall be placed on a parcel and each sign shall be set
41 back a minimum of twenty-five (25) feet from any road right-of-way and ten (10) feet from all
42 property lines.
43
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46
47 **Section 21-10 Commercial Shopping Centers**
48

49 (A) Ground Signs.
50

51 (1) Number of signs. One ground sign per street frontage on the same ownership parcel is allowed
52 provided the street is considered an arterial or collector road. If the frontage on the arterial or
53 collector road is greater than eight-hundred (800) lineal feet, two (2) signs may be allowed provided
54 they are placed a minimum of seven-hundred (700) feet apart. Shopping centers fronting a local

1 road are allowed one (1) ground sign on the primary road frontage. In cases where there is more
2 than one ground sign, all ground signs shall be counted individually toward the maximum allowable
3 sign area.
4

5 (2) Minimum Setbacks. Ground signs for commercial shopping centers shall be set back a minimum of
6 five (5) feet from right-of-way and observe side setbacks for the parcel's respective zoning district.
7

8 (3) Maximum Height (including base).
9

10 (a) The maximum height of ground signs for shopping centers in C-1 and C-2 zoning districts shall
11 be fifteen (15) feet.
12

13 (b) The maximum height of ground signs located within the CD and MU Districts shall be as
14 specified within Section 21-20, Signs in the Commercial and Mixed Use
15 Zoning District.
16

17 (4) Maximum Sign Area (not including the base). The total allowable sign area for ground signs for
18 commercial shopping centers shall be as follows:
19

20 (a) Within the CD and MU Districts, maximum allowable sign areas shall conform to Section
21 21-20, Signs in the Commercial and Mixed Use Zoning District.
22

23 (b) Shopping centers fewer than seventy-five-thousand (75,000) square feet in building size are
24 allowed a maximum sign area of ninety (90) square feet or less.
25

26 (c) Shopping centers seventy-five-thousand (75,000) square feet to two-hundred-and fifty-
27 thousand (250,000) square feet in building size are allowed one-hundred and thirty-four
28 (134) square feet or less.
29

30 (d) Shopping centers over two-hundred-and-fifty-thousand (250,000) square feet in building
31 size are allowed one-hundred and eighty (180) square feet or less.
32

33 (B) Directory Signage. Directory signage for a shopping center shall be allowed in conformity to the following
34 standards.
35

36 (1) One wall or freestanding directory sign for each building not to exceed two (2) square feet for each
37 tenant or twenty-four (24) square feet in total area, whichever is less. Such signage shall be oriented
38 to parking and pedestrian areas for directional purposes only, and shall not be oriented outside of
39 the complex.
40

41 (2) Freestanding directory signs shall not exceed eight (8) feet in height and four (4) feet in width.
42

43 (C) Individual Businesses within a Shopping Center.
44

45 (1) Ground Signs. No ground signs are permitted for individual businesses within a shopping center.
46

47 (2) Wall and Window Signs. For individual businesses within shopping centers, the total allowable copy
48 area for both wall and window signs shall be two square feet for each lineal foot of business
49 frontage up to a maximum of one-hundred (100) square feet. In MU and CD zoning districts the
50 maximum shall be seventy-five square feet (75'). - Within the CD and MU Districts, maximum copy
51 areas shall conform to Section 21-20, Signs in the Commercial and Mixed Use Zoning District.
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(a) Corner stores within shopping centers may be allowed additional signage for the side façade based on two (2) square feet per business front foot, but in no case shall more than one side facade of a corner store exceed one-hundred (100) square feet of sign area. In MU and CD zoning districts the maximum shall be seventy-five square feet (75'). Within the CD and MU Districts, the regulations within Section 21-10, Signs in the Commercial and Mixed Use Zoning District shall apply. Sign area is not transferable between facades. Any additional side façade signage may be in addition to the maximum allowable sign area as prescribed in section (C) (2) above.

(b) In no case shall window signage cover more than fifty percent (50%) of the window area.

(D) Out Parcels. Out parcels within shopping centers shall conform to Section 21-9 of these regulations.

(E) Temporary Signs

(1) No more than two (2) Temporary Signs shall be placed on a parcel and each sign shall be set back a minimum of twenty-five (25) feet from any road right-of-way and ten (10) feet from all property lines.

Section 21-11 Industrial Parks, Office Parks, Complexes, and Planned Unit Developments

Subdivisions of land or multi-tenant complexes shall be permitted signage as follows:

(A) Ground Signs.

- (1) Number of Signs. One (1) sign for each right-of-way subdivision entrance consisting of identification signage. The sign may be a single sign with two (2) faces of equal size or may be two (2) single faced structures of equal size located on each side of the entrance.
- (2) Minimum Setbacks. A minimum of twenty-five (25) feet from side lot lines and five (5) feet from the right-of-way.
- (3) Maximum Height (including base). Fifteen (15) feet.
- (4) Maximum Sign Area (not including base). Eighty (80) square feet per sign.

(B) Directory Signs. Directory signage for an industrial or office park or complex shall conform to the following standards:

- (1) One (1) wall or freestanding directory sign for each building not to exceed two (2) square feet for each tenant or twenty-four (24) square feet in total area, whichever is less. Such signage shall be oriented to parking and pedestrian areas for directional purposes only, and shall not be oriented outside of the complex.
- (2) Freestanding directory signs shall not exceed eight (8) feet in height and four (4) feet in width.

(C) Multi-tenant Complex within an Industrial or Office Park.

- (1) Ground Sign.

- (a) Number of Signs. One (1) per multi-tenant complex.
- (b) Minimum Setbacks. A minimum of twenty-five (25) feet from side lot lines and five (5) feet from the right-of-way.
- (c) Maximum Height (including base). Fifteen (15) feet.
- (d) Maximum Sign Area (not including base).
 - 1. Multi-tenant complexes less than fifty-thousand (50,000) square feet in building size are allowed eighty (80) square feet.
 - 2. Multi-tenant complexes of fifty-thousand (50,000) square feet to one-hundred-thousand (100,000) square feet in building size are allowed one-hundred and two (102) square feet.
 - 3. Multi-tenant complexes of over one-hundred-thousand (100,000) square feet in building size are allowed one-hundred fifteen (115) square feet.

(2) Wall Signage. Wall signage for individual tenants in multi-tenant complexes are permitted one (1) square foot of signage for each two (2) feet of tenant building frontage up to a maximum of one-hundred (100) square feet.

(D) Individual Single Use Businesses within an Industrial or Office Park. Individual single use businesses within an Industrial Park shall conform to *Section 21-9* of these regulations.

(E) Temporary Signs

(1) No more than two (2) Temporary Signs shall be placed on a parcel and each sign shall be set back a minimum of twenty-five (25) feet from any road right-of-way and ten (10) feet from all property lines.

Section 21-12 Residential Subdivision Signs

Ground signs shall be permitted for residential subdivisions, which have received final plat approval, as follows:

- (A) Number of Signs. One (1) ground sign for each entrance. The sign may be a single sign with two (2) faces or two (2) single face structures of equal size on each side of the subdivision entrance.
- (B) Minimum Setbacks. The setback from rights-of-way shall be five (5) feet.
- (C) Maximum Height (including base). Eight (8) feet above the crown of the road.
- (D) Maximum Sign Area (not including base).

Section 21-13 Multi-Family Residential Complex

Ground signs shall be permitted for multi-family residential complexes as follows:

- (A) Number of Signs. One (1) ground sign for each street frontage. The sign may be a single sign with two (2) faces or two (2) single face structures of equal size on each side of the complex entrance.
- (B) Minimum Setbacks. The setback from rights-of-way shall be five (5) feet and shall observe side setbacks for

1 the parcel's respective zoning district.

2
3 (C) Maximum Height (including base). Six (6) feet.

4
5 (D) Maximum Sign Area (not including base).

6
7 (1) Twelve (12) dwelling units or less = twenty-five (25) square feet.

8
9 (2) Thirteen (13) dwelling units or more fifty (50) square feet.

10
11 (E) Temporary Signs

12
13 (1) No more than two (2) Temporary Signs shall be placed on a parcel and each sign shall be set
14 back a minimum of twenty-five (25) feet from any road right-of-way and ten (10) feet from all
15 property lines.

16
17 **Section 21-14 Uses in PFD Districts or Non-Residential Uses in Residential Districts**

18
19 Ground signs shall be permitted within the PFD district or non-residential uses in residential districts as follows:

20
21 (A) Minimum Setbacks. Ground signs shall be set back five (5) feet from rights-of-way and must meet side
22 setbacks for the parcel's respective zoning district.

23
24 (B) Uses.

25
26 (1) Houses of worship shall be permitted one (1) ground sign with a maximum sign area of fifty (50)
27 square feet (not including base) and a maximum height of eight (8) feet (including base).

28
29 (2) Day care centers shall be permitted one (1) ground sign with a maximum sign area of twenty-five
30 (25) square feet (not including base) and a maximum height of eight (8) feet (including base).

31
32 (3) All other PFD or non-residential uses in residential districts shall be permitted one (1) ground sign
33 with a maximum sign area of fifty (50) square feet (not including base) and a maximum height of
34 eight (8) feet (including base).

35
36 (4) Home occupation uses may be permitted one (1) wall sign with a maximum area of one square foot
37 (1'). This sign shall be affixed to the wall adjacent to the front entrance.

38
39 (C) Temporary Signs

40
41 (1) No more than two (2) Temporary Signs shall be placed on a parcel and each sign shall be set
42 back a minimum of twenty-five (25) feet from any road right-of-way and ten (10) feet from all
43 property lines.

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45
46 **Section 21-15 Single or Two Family Residential Uses**

47
48 The following provisions govern signage in all single family or two family residential districts or within Residential
49 Planned Developments that allow these uses. Signs shall not be joined together to create a larger sign than allowed.

50
51 (A) Signs owned or controlled by a homeowners' association or other similar entity and located at the
52 entrance of a subdivision or development.

1 (1) A maximum of two (2) Ground Signs, Wall Signs, or gate signs may be located at the main
2 entrance to a subdivision or development. The maximum allowable Sign Copy Area for each
3 sign shall not exceed sixty (60) square feet.

4 (a) The Sign Copy Area shall not exceed the height or length of the wall or gate upon
5 which it is located. The Ground Sign shall not exceed ten (10) feet in height.

6 (b) Setbacks. Signs shall maintain a fifteen (15) foot setback from all property and right-of-
7 way lines, with the exception of Signs which are part of a wall, which may be located
8 along the property lines.

9 (c) Maintenance. The City shall not accept any liability or responsibility for maintenance of
10 decorative entrances, structures or landscaping features. Sign construction and
11 maintenance shall be at the expense of the developer or the homeowners' association
12 and their successors, assigns and heirs.

13 (d) Sign Illumination. Ground Signs may be illuminated internally or externally. The source
14 of externally illuminated signs shall be installed so that it is arranged or screened as to
15 not shine, glare or adversely impact adjacent properties or roadways.

16 (2) One (1) Sign at each secondary entrance of a subdivision or development, which shall be
17 restricted to a Ground Sign, not to exceed twenty (20) square feet in area and the height shall
18 be limited to four (4) feet.

19 (B) Bed and Breakfast Establishments.

20 (1) On a parcel where a bed and breakfast establishment is located a Sign not exceeding four (4)
21 square feet is allowed to be attached to the home and a permit is not required. A free standing
22 sign not exceeding six (6) square feet is also allowed; a permit is required.

23 (C) Temporary Signs.

24 (1) No more than two (2) Temporary Signs shall be placed on a parcel.

25 (2) Subdivisions or other similar developments undergoing construction. One (1) Temporary Sign
26 may be permitted for each parcel undergoing construction. The Temporary Sign shall not
27 exceed thirty-two (32) square feet and shall not be located closer than twenty (20) feet to any
28 property line or twenty-five (25) feet from any right-of-way.

30
31
32 **Section 21-16 Temporary Signs**

33 (A) ~~Special Events Signs. Special event signs for civic or charitable events or for promotional events may be~~
34 ~~permitted in all non-residential zoning districts, including the MU district subject to a obtaining a Special~~
35 ~~Event permit pursuant to the following regulations:~~

36 (1) ~~Type of Signs Permitted Allowed.~~

37 (a) ~~Temporary ground signs shall be allowed permitted provided they are constructed of wood.~~
38 ~~The sign may be double faced and shall be attached to wood posts on each end of the~~
39 ~~sign.~~

40 (b) ~~Temporary banner signs shall be permitted allowed provided they are constructed of~~
41 ~~canvas or other durable material and securely attached to the building face or between~~
42 ~~posts or other vertical structures.~~

43 (2) ~~Duration.~~

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- (a) For civic and charitable events a sign may be erected for a maximum of twenty-one (21) days.
- (b) For non-civic special events a sign may be erected for a maximum of fifteen (15) days and may not be renewed for a period of ninety (90) days. This provision shall apply to individual businesses as well as shopping centers, office and industrial parks as a singular entity.
- (c) Special event signs shall be removed within two (2) working days after the conclusion of the event.

- (3) Maximum Copy Area. Maximum copy area for temporary ground signs or banner signs shall be in addition to the total sign area allowed per use. Temporary promotional signs affixed to, suspended behind or painted on either face of a window or glass door that reads to the exterior of the building shall be counted toward the total allowable copy area and in no case shall more than fifty (50) percent of any window be covered by temporary or permanent signage. Maximum sign area for non-civic special events shall be thirty-two (32) square feet. There shall be no maximum copy area for signs associated with civic or charitable events.
- (4) Location. All non-civic temporary signs must be located on the property on which the event is to take place. The signs shall be setback a minimum of five (5) feet from the right-of-way and shall meet the side setbacks for the property on which it is located. The location of temporary signs for civic or charitable special events may be approved by the City Administrator or designee.

(B) Real Estate and Construction Signs. Real estate and construction signs, as defined herein, shall be permitted allowed subject to the following regulations:

- (1) Number of Signs. One (1) real estate or construction sign shall be permitted allowed per street frontage.
- (2) Minimum Setbacks. Each sign shall be setback a minimum of five (5) feet from any right-of-way and twenty-five (25) feet from side property lines or equidistant from each side property line.
- (3) Maximum Height.
 - (a) Residential or MU districts = five (5) feet.
 - (b) All other districts = ten (10) feet.
- (4) Maximum Copy Sign Area.
 - (a) Real Estate Signs.
 - 1. Residential or MU districts = six (6) square feet.
 - 2. All other districts = thirty-two (32) square feet.
 - (b) Construction Signs.
 - 1. Residential or MU districts = sixteen (16) square feet.
 - 2. All other districts = sixty-four (64) square feet.
- (5) Construction signs shall be permitted allowed only after site plan or preliminary plat approval. Construction signs shall not be erected more than sixty (60) days prior to construction and shall be

1 removed thirty (30) days after construction is completed. If construction is halted for more than thirty
2 (30) consecutive days, all construction signs shall be removed.

3
4 (6) — Subcontractor signs of two (2) square feet or less may be permitted allowed in excess of the total
5 allowable construction sign area provided they are affixed to the main sign structure. Any
6 subcontractor sign in excess of two (2) square feet shall count towards the total allowable sign area.

7
8 (C) — Political Signs. Political signs are permitted allowed in all zoning districts subject to the following limitations:
9

10 (1) — Political signs must be removed within seven (7) days after the final election in issue.

11
12 (2) — Political signs do not have to meet yard setbacks except that no sign may be placed within a right-
13 of-way. Political signs found in the right-of-way shall be removed and disposed of by the City.

14
15 (3) — Political signs may not exceed five (5) feet in height in any residential or Mixed-Use district and six
16 (6) square feet in area.

17
18 (4) — Political signs may not exceed ten feet in height in all other zoning districts or a total of thirty-two
19 (32) square feet in area.

20
21 (D) — Temporary Outside Sales. Signs for temporary outside sales approved under Chapter 8, Section 8-12(D)
22 may be permitted allowed pursuant to the following regulations:

23
24 (1) — Type of Signs Permitted Allowed.

25
26 (a) — Temporary ground signs shall be permitted allowed provided they are constructed of wood
27 or similar material. The sign may be double faced and shall be attached to wood posts on
28 each end of the sign.

29
30 (b) — Temporary banner signs shall be permitted allowed provided they are constructed of
31 canvas or other durable material and securely attached to the building face or between
32 posts or other vertical structures.

33
34 (2) — Duration. The sign may be erected for a maximum of thirty (30) days in correlation with the
35 temporary sales permit. Signs shall be removed within two (2) working days after the conclusion of
36 the event.

37
38 (3) — Maximum Copy Sign Area. Maximum copy sign area for temporary ground signs or banner signs shall
39 be thirty-two (32) square feet.

40
41 (4) — Location. All temporary signs must be located on the property on which the sale is to take place. The
42 signs shall be set back a minimum of five (5) feet from the right-of-way and shall meet the side setbacks
43 for the property on which it is located.

44
45
46 E) — Feather Signs. Feather Signs shall be subject to the following regulations:

47
48 — (1) Feather Signs are allowed in all non residential zonings and in residential zonings when associated
49 with a new home sales office.

50
51 — (2) Feather Signs may not be placed in City Right-of-Ways, protrude over any city sidewalks or obstruct
52 traffic visibility as determined by the City's Public Works Director.

53
54 — (3) A maximum number of 2 feather signs are allowed per parcel of real property as identified by the

1 ~~Property Appraiser for Lake County. A maximum of 2 feather signs are allowed for a new home sales~~
2 ~~office per subdivision.~~

3
4 ~~(4) A feather sign cannot exceed 15 feet in height.~~

5
6 ~~(5) A Temporary Sign Permit for each feather sign must be obtained from the city building department.~~

7
8 ~~(6) The applicant for a Temporary Sign Permit for a feather sign must submit the written permission of~~
9 ~~the parcel owner for the installation of the feather sign prior to the issuance of the permit.~~

10
11 ~~(7) If a feather sign becomes tattered or damaged within the 6 month period, as determined by the City's~~
12 ~~Code Enforcement Officer, it must be removed.~~

13
14 (A) Temporary Signs may only be displayed for a maximum of ninety (90) days during a calendar year.
15 Temporary Signs are exempt from the permitting requirements under Section 21-4.
16 A Temporary Sign shall:

- 17 (1) Not exceed six (6) feet in height;
- 18 (2) Not exceed thirty-two (32) feet in Sign Copy Area;
- 19 (3) Not be an Electric Sign or Portable Sign;
- 20 (4) Not obstruct the visibility of a permanent sign;
- 21 (5) Not be illuminated; and
- 22 (6) Not be erected on vacant property, unless associated with a temporary vendor's permit.

23 24 **Section 21-16 Miscellaneous Signs**

25
26 (A) Flags. Flags shall be permitted to display insignias of governmental, charitable, religious, fraternal,
27 corporate or other organizations.

- 28
29 (1) Number of Flags Permitted. Three (3) flags shall be permitted per parcel; however the display of
30 flags within any multi-occupancy development shall be designed for the use of the entire
31 development, rather than for use by any individual tenant for his/her tenant space.
- 32
33 (2) Maximum Size. Fifty (50) square feet.
- 34
35 (3) Maximum Height. The maximum height of any flagpole shall be thirty-five (35) feet. In the absence
36 of a flag pole the maximum height of a flag affixed to a structure shall be thirty-five (35) feet.
- 37
38 (4) Flags or insignias containing any phrase identifying property for real estate purposes must adhere to
39 the following regulations:
 - 40
41 (a) The maximum height of such flags is eight (8) feet and the maximum area is fifteen (15)
42 square feet.
 - 43
44 (b) The main entrance to a residential subdivision, planned residential development, multi-
45 family development, sub-phase of planned residential development or individual single
46 family, duplex, or villa model is allowed two (2) flags.

47 48 **Section 21-17 Billboards**

49
50 Billboards advertising services or goods not sold on the property where the sign is erected may be located in C-2 or
51 C-1 zoning districts only.

- 1
- 2 (A) Restrictions. Billboards shall be subject to the following restrictions:
- 3
- 4 (1) Billboards shall not exceed thirty-five (35) feet in height from the finished grade to the top of the sign
- 5 and shall not exceed four-hundred (400) square feet of sign area.
- 6
- 7 (2) Billboards shall not be spaced less than one-thousand (1000) feet apart on the same side of the
- 8 highway.
- 9
- 10 (3) Billboards shall be located not less than fifteen (15) feet from the front property line and ten (10)
- 11 feet from utility lines and shall be located no closer than five (5) feet from the side lot lines and on a
- 12 corner lot shall be located no closer than one-hundred (100) feet from an intersection.
- 13
- 14 (4) Billboards shall be no closer than one-hundred (100) feet from any residential zoning district
- 15 boundary line.
- 16
- 17 (5) Billboards shall be oriented toward the roadway or street, away from the residential districts.
- 18
- 19 (6) May utilize embellishments of ten (10) percent of the sign area.
- 20
- 21 (7) Nothing in these regulations shall prohibit the owner of a billboard to make improvements or
- 22 otherwise enhance the appearance of an existing billboard. Enhancements and improvements to
- 23 existing billboards are encouraged whenever possible.

24

25 (B) Limitation on Number of Billboards and Replacement Procedure.

- 26
- 27 (1) A billboard inventory shall be developed which lists all locations of billboard signs for which a City of
- 28 Tavares sign permit has been issued on or before January 6, 1993. The billboard inventory shall be
- 29 maintained in the office of the City Administrator or designee and shall at all times reflect current
- 30 information relating to the locations of the billboards. Unpermitted billboards shall be deemed illegal
- 31 and shall be subject to immediate removal.
- 32
- 33 (2) Billboards listed and maintained in the billboard inventory may be reconstructed in conformity with
- 34 the provisions of this section. A billboard may be reconstructed upon the same parcel of land that it
- 35 occupied on January 6, 1993 and if so reconstructed, shall be required to conform to the
- 36 construction standards set forth in this section. A billboard constructed on new parcels of land shall
- 37 be required to conform to all provisions of this section. A billboard may not be constructed upon a
- 38 new parcel of land unless an existing billboard is removed and the City of Tavares sign permit for
- 39 the removed billboard is transferred to the new location. It is the intent of this provision that the
- 40 number of billboards shall not increase beyond the number existing on January 6, 1993. A City of
- 41 Tavares sign permit for a billboard may be freely transferred from one (1) parcel of land to another,
- 42 provided the billboard to be constructed on the new parcel of land fully complies with all the
- 43 provisions of this section. A City of Tavares billboard sign permit may be transferred from one (1)
- 44 permit owner to another.

45

46 **Section 21-18 Non-Conforming Signs**

- 47
- 48 (A) Compliance. All signs within the City at the time of adoption of this chapter are required to meet all the
- 49 conditions of this chapter except as provided herein.
- 50
- 51 (1) Any sign erected without the required City, State or Federal permit shall be required to conform to
- 52 these regulations.
- 53
- 54 (2) Any repair or modification of a sign that exceeds fifty (50) percent of the value of the sign in its

1 preexisting state shall require conformance to the provisions of this chapter. Changes in advertising
2 message are not considered a change that would terminate legally existing non-conforming status
3 rights.
4

- 5 (3) Abandoned non-conforming signs shall not be permitted for reuse.
6
7 (4) A nonconforming sign may not be relocated, except to bring it into compliance with these
8 regulations.
9
10 (5) A sign destroyed by vandalism or other criminal or tortuous acts may be re-erected in kind provided
11 the replacement complies with the regulations of this chapter.
12
13 (6) Any sign that becomes non-conforming or must be removed as a result of an eminent domain action
14 may not be replaced, except in conformity with the requirements of this chapter.
15
16 (7) Any addition to a structure or parking area that increases its square footage or size by twenty-five
17 (25) percent or more shall require all signage to conform to these regulations.
18
19 (8) Any sign for which a permit has been issued by the City and has been made nonconforming by
20 these regulations with respect to maximum area or height requirements may continue in existence
21 on a permanent basis if the particular nonconformity does not exceed more than ten (10) percent of
22 the specific requirement.

23
24 (B) Existing Legal Non-Conforming Signs. Existing signs that do not conform to these regulations at the time of
25 their adoption may be considered legally existing non-conformities, provided:

- 26
27 (1) Use of a non-conforming sign(s) shall terminate upon any change in use and shall be required to
28 comply with the provisions of these regulations.
29
30 (2) Any nonconforming signs destroyed by fire, wind, explosion, war flood or other catastrophe to such
31 an extent that the cost of repair or reconstruction will exceed fifty (50) percent of the replacement
32 cost at the time of damage, shall not be reconstructed except in conformity with these regulations.
33
34

35 **Section 21-19 LED Signs**

36
37 Light Emitting Diode Signs, or LED Signs, may be permitted under the following conditions:

- 38
39 (A) LED signs may only be permitted in the C-1, C-2, MU, CD, I and PFD zoning districts.
40
41 (B) LED signs shall comply with the applicable sign provisions for the specific zoning district as provided for in
42 this chapter.
43
44

45 **Section 21-20 Signs in the Commercial Downtown and Mixed Use Zoning District**

46
47 The commercial downtown and mixed used zoning districts are special districts designed to accommodate both
48 commercial and residential uses in a compact urban form which supports pedestrian activity, commerce,
49 entertainment and quality urban residential living. Signs in this area are to compliment the residential nature of the
50 district and market area businesses and destinations.
51

- 52 (A) Awnings. Awnings in the downtown are strongly encouraged. Awnings provide shade and comfort to
53 outdoor spaces and reduce energy consumption by reducing heat penetration through windows. In the CD and MU
54 zoning districts, awnings are permitted in accordance with Section 21-6 (C). The following regulations shall also

1 apply.

- 2
3 (1) Text shall be permitted on awnings and the text area shall not be counted toward the maximum
4 allowable signage.
5
6 (2) ~~Awning signage shall be professional in quality and artistic in nature. Awning signage shall be in~~
7 ~~harmony with adjacent businesses and properties. Awning signage shall not utilize florescent, day~~
8 ~~glow or black color as the sole/predominant color.~~
9
10 (3) Awnings may project over any abutting sidewalk provided that the awning is entirely supported from
11 the building and subject to an approved permit. Fixed awnings on private property must have at
12 least six feet, eight inches (6' 8") of clearance to the ground. Fixed awnings extending into a public
13 right-of-way must have at least nine (9) feet of clearance between the lowest point of projection and
14 the sidewalk immediately below. If a valance is attached to an awning, no portion of said valance
15 may have less than seven (7) feet of clearance.
16

17
18 (B) Ground signs.

- 19
20 (1) Number. One ground sign shall be permitted per parcel of property or one sign per each abutting
21 right-of-way.
22
23 (2) Area. The maximum area for ground sign shall be twenty four (24) square feet,
24
25 (3) Design. Ground signs may be permitted with an unenclosed base. Such signs shall be
26 professionally designed and decorative or ornamental in nature. Signs are encouraged to be
27 designed in the style of the City's branding signage.
28
29 (4) Height. The maximum permitted height of a ground sign shall be four (4) feet. However, the base
30 may be enclosed within a raised landscape planter that raises the effective sign height a maximum
31 of two additional feet.
32

33
34 (C) Wall Signs.

- 35
36 (1) Area. One-and-one-half (1.5) square feet for every lineal foot of building face which can be seen
37 from the public right-of-way, up to a maximum of one-hundred and twenty (120) square feet per
38 building face. Sign area is not transferable between facades.
39

40 (D) Shingle Signs.

- 41
42 (1) Number. One sign per building or one per business provided that each sign can be hung above the
43 entrance or street facing window of the business it advertises and each sign is separated by a
44 minimum of ten (10) linear feet.
45
46 (2). Area. The maximum permitted sign area of a shingle sign in the CD and MU district shall be six (6)
47 square feet and the supporting structure shall be permitted to extend three (3) feet from the building
48 face.
49
50 (3) Height. Shingle signs on private property must have at least seven (7) feet of clearance to the
51 ground. Shingle signs extending into a public right-of-way must have at least nine (9) feet of ground
52 clearance.
53
54

1 (E) Sandwich board signs. One a-frame and/or sandwich board style sign per building frontage may be allowed
2 on an abutting sidewalk in accordance with the following regulations.

- 3
4 (1) ~~Size.~~ The sign may be no great in size than three (3) feet in height and two (2) feet in width.
5
6 (2) ~~Clearance.~~ The sign must allow for at least five (5) feet of straight linear clearance along the
7 sidewalk for pedestrians.
8
9 (3) ~~Design.~~ Signs must be constructed of weatherproof materials that present a finished appearance.
10 Rough cut plywood is not an acceptable material. Quality plastic, painted or stained wood or metal
11 is acceptable. Signs must not be electric or illuminated.
12
13 (4) ~~Notice.~~ Signs must identify the owner of the sign and a valid telephone number at which the owner
14 can be reached.
15
16 (5) ~~Removal.~~ Signs must be removed each day by the end of the business day.
17
18 (6) ~~Revocation.~~ The City of Tavares' Code Enforcement Officers and/or any Emergency Services
19 Personnel (i.e. Police, Fire, EMT) are authorized to remove a sidewalk sign in violation of this
20 ordinance and/or obstructing safe use of the sidewalk. In the case that the sign is removed by the
21 Code Enforcement Officer, an attempt shall be made to return the sign to its owner. If the sign
22 owner does not claim the sign within twenty-four hours, the sign will become the property of the City
23 of Tavares. In the case that a single business is found to have violated this ordinance on two or
24 more occasions, the violating business shall no longer be authorized to place a sign in the sidewalk.

25
26 (F) Directory Signs.

- 27
28 (1) One wall directory sign for each building not to exceed two (2) square feet for each tenant or six (6)
29 square feet in total area, whichever is less. Such signage shall be oriented to pedestrian areas only.
30
31 (2) Freestanding directory signs shall not exceed eight (8) feet in height and four (4) feet in width.
32

33 **Section 21-21 Variance**

34
35 A variance to the dimensional and location requirements of these sign regulations may be requested as set forth in
36 Chapter 4 where such variances will not be contrary to the public interest and where, owing to special conditions, a
37 literal enforcement of the provisions of this sign code would result in unnecessary hardship.
38

39 **Section 2. Severability and Conflicts**

40
41 The provisions of this ordinance are severable and it is the intention of the City Council of Tavares,
42 Florida, to confer the whole or any part of the powers herein provided. If any court of competent jurisdiction
43 shall hold any of the provisions of this ordinance unconstitutional, the decision of such court shall not
44 impair any remaining provisions of this ordinance.
45

46 **Section 3. Effective Date**

47 This Ordinance shall take effect immediately upon its final adoption by the Tavares City
48 Council.
49

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PASSED AND ADOPTED this _____ day of _____, 2017 by the City Council of the City of Tavares,
Florida.

Lori Pfister, Mayor
Tavares City Council

First Reading: _____

Second Reading; _____

ATTEST:

Susie Novak, City Clerk

Approved as to form:

Robert Q. Williams, City Attorney

**AGENDA SUMMARY
TAVARES CITY COUNCIL
March 15, 2017**

AGENDA TAB NO. 5

FIRST READING

**SUBJECT TITLE: Ordinance 2017-02
Amendment to Code of Ordinances-Garage Sales-Content Neutral**

OBJECTIVE:

To consider an amendment to the city's Code of Ordinances pertaining to garage sales and permitted signage that would bring these into conformity with recent Supreme Court decisions.

SUMMARY:

A U.S. Supreme Court decision in *Reed v Town of Gilbert* ruled that regulating signs based on the message on the sign would be a restriction to free speech or conversely show favoritism to some category of speech. The court further determined that regulating signs based on the message would be unconstitutional and would invalidate the regulation or governing code.

This court opinion calls into question almost every sign code in this country (including Tavares) as few, if any, have "content-neutral" provisions.

In general, at present, most signs that are temporary are regulated by the message or purpose implied by the sign. Real estate, special event, garage sale, sidewalk sale and political signs are examples. Snipe signs are also considered temporary. Under the Supreme Court ruling, since message cannot be a regulating consideration, all temporary signs are clumped together with equal rights and our Code Enforcement Department now cannot legally differentiate between a garage sale and snipe sign.

The city's Code of Ordinances presently allows up to three signs advertising garage sales within the city street right-of-way. Since signage cannot be regulated by its message, this inadvertently would also allow snipe signs. The only constitutional way to eliminate snipe signs in city right-of-ways is to prohibit all signs other than governmental signs in right-of-ways.

The proposed ordinance eliminates the provision allowing garage sale signs in the street right-of-ways and does allow temporary signage as provided in the amended sign regulations of the Land Development Regulations on the parcel of property conducting the sale. Since temporary signs, typically political, real estate and special event do not require permits, permitting for garage sale signage has also been deleted. This presently is a "no-fee" permit and will therefore have no fiscal impact.

OPTIONS:

No Council action required at First Reading.

STAFF RECOMMENDATION:

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2017-02.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

This ordinance has been reviewed by the City Attorney and approved for legal sufficiency.

39 during any calendar year. Garage sales shall be limited in duration to no more than the daylight hours
40 (not to exceed 7:00 p.m.) of three (3) consecutive days.

41 ~~**Sec. 10.5-153. - Signs permitted.**~~

42 ~~Notwithstanding any other provision of this Code, one sign of not more than four (4) square feet
43 shall be permitted to be displayed on the property of the residence where a garage sale is being
44 conducted pursuant to this article. In addition, the permittee may place not more than three (3)
45 directional signs in the city right-of-way. All such signs shall be displayed only during the time of the
46 sales, and must include the dates of the event, the address of the premises, and the permit number.~~

47 **Sec. 10.5-153 – Signs Permitted**

48 A Temporary Sign complying with the city's Land Development Regulations may be placed on the
49 parcel of property where the garage sale is being conducted. No signs shall be placed within the city's
50 street Right-of-Way.

51 **Sec. 10.5-154. - Parking.**

52 All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances.
53 Further, the police department may enforce such temporary controls which would alleviate any special
54 hazards and/or congestion created by any garage sale.

55 **Sec. 10.5-155. - Exception.**

56 The provisions of this article shall not apply to sales of personal property made pursuant to a valid
57 order of a court of competent jurisdiction.

58 **Sec. 10.5-156. - Penalty.**

59 Any person who conducts or aids in conducting any garage sale not in accordance with the
60 provisions of this article shall be in violation of this Code of Ordinances and shall be punished in
61 accordance with Section 1-15 of this Code. Any person who owns or controls a residential property
62 not in accordance with the provisions of this article shall be in violation of this Code of Ordinances and
63 shall be punished in accordance with Section 1-15 of this Code or, in the alternative, may be subject
64 to prosecution before the City Code Enforcement Board.

65 **Secs. 10.5-157—10.5-180. - Reserved.**

68 **Section 2. Severability and Conflicts**

69 The provisions of this ordinance are severable and it is the intention of the City Council of
70 Tavares, Florida, to confer the whole or any part of the powers herein provided. If any court of
71 competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the decision
72 of such court shall not impair any remaining provisions of this ordinance.

74 **Section 3. Effective Date**

76 This Ordinance shall take effect immediately upon its final adoption by the Tavares City Council.

77 **PASSED AND ADOPTED** this ____ day of _____, 2017 by the City Council of the City of
78 Tavares, Florida.

79

80

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Lori Pfister, Mayor

83

Tavares City Council

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85 First Reading: _____

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87 Second Reading: _____

88

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90 ATTEST:

91

92 _____

93 Susie Novak, City Clerk

94

95 Approved as to form:

96

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99 _____

00 Robert Q. Williams, City Attorney