



## Agenda Memo

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**AGENDA ITEM: A.**

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**TO:** Mayor and Commission

**AGENDA DATE:** 3/20/2017

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 9 - A

**SUBJECT:**

Public Hearing - Ordinance No. 29-2016, Amending Chapter 70-30, Definitions, and Chapter 102, Signs, of the Land Development Code, at second and final reading - Chris Bowley, AICP, Director, Planning & Development Services, (386) 878-8602.

Strategic Goal: Public Safety - Sign ordinance amendment/rewrite the sign code.

**LOCATION:**

City-wide.

**BACKGROUND:**

The City of Deltona (City) sign code is Chapter 102, and the proposed amendments to it and Chapter 70-30, Definitions, within the Land Development Code (LDC) is a strategic goal defined by the City. Within the recent past, the City has amended the sign code either in its entirety or through revisions. The amendments centered on changes to signage types, electronic changeable copy signs, hand held sign standards, vesting of existing signs, etc. This proposed amendment to the sign code is an entire rewrite of the ordinance.

Since the last amendment to the City's sign code, signs have been discussed for dimensional and locational criteria, sign types, land uses, etc. and a need to be readdressed. New federal case law at the U.S. Supreme Court concerning signage content (Reed v. Town of Gilbert, Arizona) and requests from the Deltona Business Alliance (DBA) have prompted changes to the sign code and the DBA had input with City staff for this sign code draft in 2016 at meetings with staff and at the City's Ordinance Review Committee (ORC) meetings.

The Planning & Zoning Board (Board) reviewed the ordinance on November 16, 2016. At the City Commission Workshop on November 28, 2016, the City Commission directed additional review and input from the DBA; which occurred on January 4 and January 11, 2017. The Board also reviewed the DBA and City's Enforcement Services Department changes on February 15, 2017, and voted 6-0 to recommend that the City Commission adopt the ordinance. Finally, on March 6, 2017, the City Commission voted 7-0 to approve Ordinance No. 29-2016 with potential time, place, and manner updates from the new City Attorney and reference to Chapter 812, Florida Statutes, from the Volusia County Sheriff's Office, for convenience business security signage.

**COST:**

N/A

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**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

Planning and Development Services

**STAFF RECOMMENDATION PRESENTED BY:**

Chris Bowley, AICP, Planning and Development Services - Staff recommends that the City Commission adopt Ordinance No. 29-2016, at second and final reading.

**POTENTIAL MOTION:**

"I hereby move to adopt Ordinance No. 29-2016, Amending Chapter 70-30, Definitions, and Chapter 102, Signs, of the Land Development Code, at second and final reading."

**ORDINANCE NO. 29-2016**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, REPEALING THE EXISTING CHAPTER 102, "SIGNS," OF THE LAND DEVELOPMENT CODE OF THE CITY OF DELTONA AND REPLACING IT WITH A NEW CHAPTER 102 "SIGNS"; AMENDING CHAPTER 70, SECTION 70-30, "DEFINITIONS", OF THE LAND DEVELOPMENT CODE OF THE CITY OF DELTONA; PROVIDING SIGNAGE REGULATIONS CONSISTENT WITH APPLICABLE FEDERAL CASE LAW; PROVIDING FOR PURPOSE AND INTENT; PROVIDING REGULATIONS AS TO APPLICATION, PERMITTING AND ENFORCEMENT; PROVIDING DEFINITIONS; PROVIDING PERMANENT, TEMPORARY, AND HANDHELD SIGNS TIME, PLACE AND MANNER REGULATIONS; PROVIDING FOR SIGN MAINTENANCE, VESTING, VARIANCES, ACTS OF EMINENT DOMAIN AND APPEALS; PROVIDING FOR SIGNAGE REMOVAL; PROVIDING FOR EXEMPT, DEMINIMUS SIGNS, AND PROHIBITED SIGNS; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Deltona deems it in the best interest of the City of Deltona to revise its sign regulations by the repeal of its current Chapter 102, "Signs", of the City's Land Development Code, and replacing it with a new Chapter 102, "Signs", of the City's Land Development Code; and

**WHEREAS**, the revised Chapter 102, "Signs", includes provisions that are consistent with new federal case law applicable to sign regulations; and

**WHEREAS**, the revised Chapter 102, "Signs", provides a greater range of signage types within a simplified sign ordinance; and

**WHEREAS**, the revised Chapter 102, "Signs", includes adopted signage definitions from Chapter 70-30, "Definitions", of the City of Deltona Land Development Code, and amends

Chapter 70-30, "Definitions", of the City of Deltona Land Development Code, by relocating the adopted signage definitions to the revised Chapter 102, "Signs"; and

**WHEREAS**, the City Commission of the City of Deltona, Florida, finds that the revised Chapter 102, "Signs" protects the public health, safety and welfare of the community, and supports economic development within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:**

**Section 1.** Chapter 102, "Signs", of the City's Code of Ordinances, is hereby amended by repealing the existing Chapter 102 in its entirety and replacing it to read as follows:

**Chapter 102 – Signs**

**ARTICLE I. GENERAL PROVISIONS**

**Sec. 102-1. Regulatory signage purpose and intent.**

The City of Deltona (City) places primary importance on signage throughout the City as a means to convey information and to provide for an attractive community. The purpose and intent of this sign code is to provide time, place and manner regulations that promote City beautification. The intent is also to ensure that adequate means of communication are met through signage and establish locations and setbacks for signage, which are designed to protect motorists from visual distractions, obstructions, and hazards. Signage within the City is an integral component to on-going economic development and beautification efforts and an important element in the overall design and development of the City. Both economic development and beautification are strategic goals of the City.

**Sec. 102-2. Signage regulation application, permitting, and enforcement.**

The City shall support the use of signage through an application process and issue a permit when required by this code for both permanent and temporary signaged, by the sign type, either permanent sign or temporary sign. Sign permits shall be administered and issued through the City's Building and Enforcement Services Department and the permit application shall be accompanied by a sign plan indicating the appearance, dimensions, and location of the signs that conforms to this sign code. Signs should not be constructed, fabricated or installed until permitted. All signs within the City, unless vested or specifically exempted in this sign code, shall have a sign permit and be installed and used, as permitted. Alterations to sign plans or to a sign during construction, shall be subject to approval by the Building & Enforcement Services Department.

Sign plans shall be professionally completed in the form of design software or technical hand drawings. The plan shall, at a minimum, include the number of permissible signs and proposed signs per location or off-site with dimensions for on-site signs, the sign design, light emission and control standards, if any, sign height with dimensions, and sign orientation. All signs shall be maintained in like-new condition and all sign owners or land owners where the sign is located shall have all business tax receipts or permits required for the activities on the property, if any. Every site utilizing a permanent sign shall have the address for that location clearly and visibly placed on the sign or the associated building for public safety response purposes. The City's Building & Enforcement Services Department shall be responsible for enforcement of this sign code.

### **Sec. 102-3. Definitions.**

**Abandoned sign:** 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 City Manager or his/her designee shall consider any or all of the following: the existence or absence of a current occupational license, utility service deposit or account, use of the premises, and relocation of the business; any sign structure which has not been used for business purposes for over six months, that is nonconforming as to existing codes regarding height, setback or sign area; or any previously permitted portable or temporary sign of which permitted time has expired.

**Address sign:** a sign listing at least the numerical prefix of the street address. In certain cases the bay, suite, unit or apartment number must also be included. The definition is also applicable to a directional address sign, which a sign is indicating the address of a building or group of buildings and the direction of travel to proceed to such address.

**Animated sign:** any sign that utilizes motion of its parts by any means, or displays flashing, oscillating, or intermittent lights. This term also includes the use of animals or people for advertising purposes. This definition includes signs with rotating panels, generally referred to as tri-vision signs. Such signs are not permitted.

**Banner:** any temporary sign meeting the time limitation of the ordinance with characters, letters, illustrations, or ornamentation applied to cloth, paper, or fabric of any kind that is not permanently attached to a solid backing of wood, plastic, metal, masonry, or similar rigid material. A flag shall not be considered a banner.

**Bench sign:** any sign painted on or attached to a bench.

**Billboard:** any large off-site signboard, usually for sale or for lease, used for communicating a ~~advertising or message- to highway motorists purposes for highway oriented use~~ and is not considered a pole or pylon sign.

**Box or cabinet sign:** any sign, the face of which is enclosed, bordered or contained within a box-like structure, frame, or other device.

**Building identity sign:** a sign used to name a single structure either by naming the building or property or used as an identity of a main occupancy.

**Canopy sign:** means the same as "marquee sign."

**Changeable copy sign:** any sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign that also includes digital electronic changeable copy signs.

**Commercial hand-held sign:** handheld advertising activities shall be defined as a person twirling, holding, wearing, or otherwise displaying, within sight of any public right-of-way, a sign or signs advertising or promoting any commercial goods, service, business, or commercial activity. any sign which contains a commercial message that is held or worn by a person and is visible from any public road right of way, but does not include any sign that exclusively contains a political message, or other message that is not related in any way to a commercial or business venture.

**Commercial message:** any sign, wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

**Construction project sign:** a sign individually or jointly erected and maintained on the premises while undergoing construction by an architect, contractor, developer, finance organization, subcontractor or materials vendor upon which property such individual is furnishing labor, services and/or material.

**Construction, real estate sign:** a construction sign, as described above, which also advertises the real property where the sign is located for sale, lease or rent.

**Construction sign:** a sign announcing and identifying the construction project scheduled or underway on the site where the sign is located.

**Construction, start of:** the duly permitted permanent placing or erection of construction materials into position. When excavation or removal of an existing structure has commenced in preparation for new construction, such excavation or removal shall be deemed to be the start of construction. When fill or changes in the grade of a site have commenced in preparation for new construction, such fill or changes in grade shall be deemed to be the start of construction. The term includes built, constructed, reconstructed, moved upon or any physical operation on the premise required for building. The term shall also include the constructing, building, raising, assembling, relocating, placing, replacing, affixing, creating, structurally altering, painting, drawing, or in any other way creating or establishing a sign. It shall not include changing the copy or the customary maintenance or repair of a sign.

**Content-neutral:** equal to all communications, regardless of the message or view being espoused and refers to time, place, and manner regulations.

**Copy area or copy face:** the wording, symbol or message on a sign surface either in permanent or removable letter form. The area is the entire area of the advertising display surface area encompassed within any sign.

**Directional sign:**

1. A sign, permanently erected or permitted in the public right-of-way or private property by the city, county, the state or other governmental agency that is reasonably necessary for the safety of vehicle and foot traffic within or near the premises.
- ~~1. y, including signs that denote the name of any thoroughfare, the route to any city, town, village, educational institution, public building, historic place, shrine or hospital to direct and regulate traffic, to denote any railroad crossing, bridge, ferry or other transportation or transmission company for the direction or safety of the public.~~
2. A sign, notice or symbol for the information of the Federal Aviation Administration as to locations, directions, landings and conditions affecting safety in aviation.
- ~~3. An on-premises temporary sign that contains information regarding the time and place of regular meetings of civic or religious groups.~~
- ~~4.3. An on-site premises sign within and maintained by a complex or a planned unit development that is reasonably necessary for the safety of vehicle and foot traffic indicating the route of travel for reaching the place within the complex or planned unit development indicated on the sign face.~~
- ~~5.4. Any noncommercial sign customarily located used at the to indicate the direction to entrances, exits, parking areas, restrooms, drive-through facilities or other nonbusiness-related facilities on the site that is reasonably necessary for the safety of vehicle and foot traffic within the site.~~

**Directory sign:** Any sign listing only the names, uses or locations of more than one business, activity or professional office conducted within a building, group of buildings or commercial center.

**Double-faced sign:** a sign with two copy faces, which are typically parallel, but can be at an angle to one another not exceeding thirty (30) degrees, provided that there is an apex and joinder of the two copy faces. Copy faces cannot be perpendicular to one another.

**Election sign:** any sign that indicates the name, cause or affiliation of any person seeking office or indicates any issue or referendum question for which an election is scheduled to be held. This includes but is not limited to signs advertising candidates, referendums or any campaign information.

**Electrical sign:** a sign or sign structure in which electric wiring, connections or fixtures are used as part of the sign proper.

**Electronic message center:** a changeable copy face, lighted sign that flashes, moves and/or flashes to create an illusion of movement for the purposes of advertising, promotion or attention-getting, with or without copy (similar to "scoreboard or digital electronic changeable copy sign.")

**Erected:** attached, altered, built, constructed, reconstructed, enlarged or moved, and includes the painting of wall signs, but does not include copy changes on any sign. Also see "construction, start of."

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**Fascia sign:** a sign located on the fascia of a roof or canopy, or affixed to the front plane of a mansard roof that is a maximum of thirty (30) degrees from vertical, including signs that extend the plane of the structural fascia such that the vertical dimension of the sign is no more than one-third the distance from the ground to the bottom of the fascia, and no lateral supports are used. Signs attached no greater than a roof peak or ridge.

**Freestanding sign:** same as "ground sign."

**Full animation:** the use of movement or some element thereof, to depict action or create a special effect or scene across the entire face of a sign and is also known as "background animation."

**General information sign:** a sign providing information or a warning, such as "Entrance," "Exit," "Caution," "No Trespassing," or "Parking in Rear."

**Ground or freestanding sign:** a sign which is in contact with or in close proximity, to the ground for a minimum of 80 percent of its greatest horizontal dimension. A sign supported by a sign structure secured in the ground, typically on a foundation, and wholly independent of any building, fence, vehicle or object other than the sign structure for support.

~~**Handheld sign:** handheld advertising activities shall be defined as a person twirling, holding, wearing, or otherwise displaying, within sight of any public right of way, a sign or signs advertising or promoting any commercial goods, service, business, or commercial activity.~~

**Identification sign:** a sign that indicates the name and type of business or service, 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.

**Illuminated sign:** 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. This also include internally illuminated signs, which are signs that are backlit internally behind the copy face or faces.

**Information sign:** the same as "general information sign" or "use-related information sign."

~~**Instructional sign:** a sign conveying non advertising information relating to the use of the premises, including such signs as no parking, no trespassing and warning signs.~~

**LED display screen:** a type of changeable copy sign with a screen that utilizes light emitting diodes (LED) arranged in pixels to create messages changeable by electronic means.

**Marquee sign:** sign attached to, hung from, supported from or forming a part of a canopy or marquee.

**Master development sign:** a sign designating a multi-parceled plat, PUD, or DRI that is intended to be developed in separate zoning lot parcels.

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**Membership sign:** a sign identifying affiliation with a travel club, business association, credit card company or professional association.

~~**Memorial sign:** a permanent sign, plaque, inscription or similar group of symbols recording historical data relating to the construction of the building to which it is affixed.~~

~~**Model sign:** a sign that designates a particular dwelling unit design that is designated by the developer/builder as a model home.~~

**Monument sign:** same as "ground sign."

**Non-commercial onsite directional or instructional sign:** a noncommercial on-site sign that functions to provide ~~direction~~, information or instruction to pedestrian or vehicular traffic that is reasonably related or reasonably necessary for the movement of pedestrian or vehicular traffic on the premises, ~~and not displaying a commercial message, e.g., "entrance," "exit," "caution," "no parking," "one way only," "no trespassing," and the like.~~

**Non-conforming sign:** a sign that was in existence before the adoption of Chapter 102 and does not comply with the requirements of said code.

**Off-site sign:** any sign which directs attention to commercial or noncommercial activities not a business, commodity, service, product or activity not conducted, sold, offered or available on the premises where such sign is located or to which it is affixed.

**On-site sign:** a sign ~~relating to that identifies or advertises only goods, on-site commercial or noncommercial services, facilities, events or attractions~~ activities available on the premises where the sign is located and is affixed to the subject property ~~that contains the business venture.~~

**Opaque:**

1. A material does not transmit light from an internal illumination source. Applied to sign backgrounds,
2. The area surrounding any letters or symbols on the sign either is not lighted from within, or allows no light from an internal source to shine through it.

**Opinion sign:** any sign that indicates a belief concerning an issue, name, cause or affiliation not scheduled for an election and is not representing a commercial or business venture. This term includes, but is not limited to signs advertising political parties or any political information.

**Parasite sign:** any sign not exempted by this sign code, for which no permit has been issued, and which is attached to another sign. These signs are considered non-conforming signs and are subject to removal by the City.

**Permanent sign:** any sign installed and affixed on-site.

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**Personal gain sign:** sign advertising for personal gain on residential property; for example, a garage, yard or patio sale sign.

**Pole/pylon sign:** a sign which is supported poles/pylons of no less than eight (8) inches in diameter and otherwise separated from the ground by air.

~~**Political sign:** any sign that is for a federal, state, or local election sign and is considered similar to an opinion sign. These signs are not for commercial or business venture and are not treated as such.~~

**Portable sign:** a sign, exclusive of handheld signs, 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 sign, sign with wheels, pull attachments, or hot air or gas filled balloons. Depending upon the type of sign and whether a sign permit can be issued, unpermitted portable signs are considered non-conforming signs and are subject to removal by the City.

**Poster frame sign:** a frame or similar structurally delineated area on the exterior wall of a building designed to accept pre-printed signs that are generally displayed for weeks or months at a time, as the time period is defined with the sign permit.

**Projecting sign:** a sign, other than a wall sign, attached to and projecting at a ninety (90) degree angle from a structure or building.

**Promotional sign:** sign announcing a promotional activity sponsored by the owner or agent of the property and being located on the site of the event. The sign permit for the sign will define the time period of signage use.

**Public sign:** publically owned and maintained signs for the specific use of public safety, public events, and civic-oriented occasions.

**Real estate sign:** a sign erected by the owner or his agent indicating property for rent, for lease or for sale and shall be removed within thirty (30) days of property sale.

**Religious sign:** a shape symbolizing a religious belief.

**Roof sign:** any sign erected upon, against or directly above a roof or on top of or above the parapet of a building, but no greater than a roof peak or ridge.

**Sandwich board sign:** any sign consisting of two faces that are partially joined together and is free of structure or support and not secured to the ground.

**Sidewalk or sandwich sign:** movable sign not secured or attached to the ground.

**Sign:**

1. Is any structure that is regulated or specifically exempted from regulation by the Deltona Sign Ordinance:
2. A device or representation for visual communication that is used for the purpose of bringing its subject to the attention of the general public. Signs do not include the following (unless they are used as attention-getting device):
  - a. Flags of nations, or an organization of nations, states and cities, fraternal, religious and civic organizations.
  - b. Merchandise, pictures, models or projects incorporated in a window display.
  - c. National, state, religious, fraternal, professional and civic symbols or crests of less than three square feet.
  - d. Works of art that in no way identify a project or business, and do not serve a commercial purpose as advertising or as an attention-getting device.
  - e. Holiday and seasonal decorations.

**Sign area:** the square foot area enclosed by the perimeter of the sign face. When a sign is composed of letters only, the sign area is the area of the smallest rectangles needed to enclose all letters. The area is that section within a perimeter that forms the outside shape including any frame that forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled. On any sign with more than one face, only the square footage of the face visible from any one direction at a time will be counted, provided that all faces are equal in size and contained in a common perimeter. When a sign is composed of letters only, the sign area is the sum of the areas of the rectangles enclosing all letters.

**Sign face (a.k.a. copy face):** part of the sign that is or can be used for communication purposes.

**Sign height:** vertical distance measured from the top of the sign base to the highest point of the structure. The sign base is also the sign foundation and shall not be altered to adjust the sign height.

**Sign, neon:** sign including luminous gas-filled tubes formed into text, symbols or decorative elements and directly visible from outside the sign cabinet.

**Snipe sign:** sign tacked, nailed, pasted, glued or otherwise attached to trees, poles, stakes, fences, or to other objects with the message appearing on the sign.

**Special event sign:** A sign ~~erected or maintained for a~~ that refers to any public or private non-profit event of limited duration as listed on the sign permit, in which the general public is invited to participate, and other events of limited duration that ~~are~~ otherwise unrelated to the primary use of the property.

**Subdivision sign:** sign designating a subdivision, plat or other division of real property.

**Supplementary wall sign:** a non-permanent sign installed within a poster frame, window, door, clip frame, or other similar display fixture or area. Temporary window signs are considered supplementary wall signs.

**Temporary sign:** any sign or attention-getting device intended to be used less than twelve (12) months or only during the duration of a particular activity (for example, construction) or event (for example, a fair). Advertising on retail equipment, vehicles, trailers, real estate signs and the outside placement of products or displays except where specifically provided for in the approved site plan or uniform sign plan are examples of temporary signs.

**Temporary sign permit:** a permit for a temporary sign.

**Time and temperature:** electronic or mechanical sign designed to alternate from time to temperature only.

**Trailer sign:** sign placed in or on or attached to a portable or mobile device or a device that may be made portable or mobile. These signs cannot be used as permanent signs.

**Under-canopy sign:** A sign painted on or attached to the underside of a canopy or marquee.

**Uniform sign plan:** sign plan for more than one business use setting forth standards for uniform sign area, letter style, letter height and sign colors.

**U-pick sign:** sign advertising a farming operation where, for a fee, produce may be gathered by the general public.

**Use-related informational sign:** sign that relates to an activity on the premises upon which it is located.

**Vehicle sign:** sign for the purpose of identification affixed to a transportation vehicle, including automobiles, trucks, boats, trailers and campers. These signs cannot be used as permanent signs.

**Wall sign:** a sign painted on or affixed to the structural wall of a building, with a sign face approximately parallel to the wall perpendicular to the ground and projecting no more than twelve (12) inches from the wall. The general term "wall sign" shall also include window signs and fascia signs.

**Window sign:** sign installed inside or painted on a window or other opening so as to be visible from outside the premises. This term does not include merchandise located in a window.

**Window sign, temporary or promotional:** window sign of a temporary nature located on the premises of a ~~used to direct attention to the sale of merchandise, or a change in the status of the business, including~~ but not limited to signs for sales, specials, going out of business, grand openings, etc.

#### **Sec. 102-4. Permanent sign time, place, and manner regulations.**

Signage regulations for permanent signs are as follows:

**Table 102-1: Permanent Sign Height and Sign Area as Measured by the City**

| Sign Type                                  | Max. Sign Height               | Max. Sign Area          |
|--|--------------------------------|-------------------------|
| Monument (multi-tenant or single tenant)   | 10-ft. from the sign base      | 80-SF sign              |
| Pole/pylon (multi-tenant or single tenant) | 20-ft. from the sign base      | 64-SF sign              |
| Wall/fascia/fascia return                  | Per wall copy area             | 35% of copy area        |
| Awning/canopy                              | Per awning/canopy copy area    | 35% of copy area        |
| Under-canopy/hanging                       | 2-ft. over an 8-ft. clear zone | 8-SF                    |
| Window/etching                             | Per window copy area           | 50% of window copy area |
| Menu-boards/Drive-through                  | 8-ft.                          | 48-SF                   |
| Home Occupation                            | 1-ft.                          | 2-SF                    |

1. Permanent signs have no time limit on their use.
2. Sighting and location of signs shall be based on a sign plan per site and shall not violate any other provisions in the City’s Code of Ordinances.
3. Signs shall place the public health, safety, and welfare as paramount, be located in a safe manner that maintains clear site lines/visibility triangles, and does not obstruct public safety personnel.
4. Signs shall not impede pedestrian or motorist safety, as determined by the City.
5. Sign information shall be clearly legible to pedestrians and motorists.
6. Sign construction and installation shall be in compliance with the Florida Building Code and Florida Fire Prevention Code standards, as amended.
7. Maintenance of any sign is the sole responsibility and expense of the sign owner or user/tenant.
8. Signs shall not create public or private nuisances or interfere with other electronic devices.
9. All free-standing signs shall be placed along a property frontage with the adjacent roadway.
10. All free-standing signs per lot shall be a minimum of one (1) sign per 100-LF measured from the edge of the base of the sign as a minimum separation distance. The minimum separation distance shall not include measurement from signs on adjoining/adjacent lots.
11. Signs shall not be located closer than 10-ft. from any ~~right-of-way or~~ applicable property line.
- ~~13-12.~~ Signs shall use decorative architectural features, where possible.
- ~~13-~~
- ~~14-13.~~ Signs are for on premise use only, unless defined through a remote signage agreement/use permit that has been approved by the City upon a showing of necessity.
- ~~15-14.~~ Changeable/electronic changeable copy signs are permitted for a permanent sign or copy area and shall be equipped with automatic dimming technology that automatically adjusts for a sign’s brightness in direct correlation with ambient light conditions, as applicable.
- ~~16-15.~~ Billboards shall only be permissible using federal highway sighting standards, directly adjacent to/oriented towards the interstate roadway travel-lane frontage, and shall be approved through Section 102-11 of this sign code for their dimensions, placement, and lighting standards.
- ~~17-16.~~ Signs may be placed on property only with the written permission of the property owner.

**Sec. 102-5. Temporary sign time, place, and manner regulations.**

Temporary signs are non-permanent signs. Temporary sign frames without their original copy area are not signs and are not permitted in the City. Signage regulations for temporary signs are as follows:

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**Table 102-2: Temporary Sign Height and Sign Area as Measured by the City**

| Sign Type                 | Max. Sign Height         | Max. Sign Area |
|---------------------------|--------------------------|----------------|
| Signs on post and panels  | 8-ft. from the sign base | 32-SF          |
| All other temporary signs | Per proposed use/permit  | 48-SF          |

1. The temporary sign use period shall be up to 120-days per calendar year and the use defined in each sign permit. At the end of the temporary sign use period listed in the permit, the sign shall be removed by the property/sign owner. The City may exercise municipal processes to remove temporary signage beyond the temporary sign use permit period.
2. Signs shall not impede pedestrian or motorist safety, as determined by the City.
3. Sign information shall be clearly legible to pedestrians and motorists.
4. Where temporary signs are proposed to be located on other's property, the permit application shall be accompanied by a written consent of the underlying land owner where the sign is to be placed.
5. Sign construction and installation shall be in compliance with the Florida Building Code and Florida Fire Prevention Code standards, as amended.
6. Signs are for on premise use only, unless defined through a remote signage agreement/use permit that has been approved by the City upon a showing of necessity.
7. Temporary window signs shall be limited to 25% of the window copy area per window and be placed properly for public safety purposes.
8. Signs shall not be located closer than 10-ft. from any right-of-way or applicable property line.

**Sec. 102-6. Commercial handheld signs time, place and manner regulations.**

Commercial handheld signs shall not require a permit, but are subject to the following regulations:

- ~~1. Commercial handheld signs include all signage pertaining to commercial activity, political opinion, religious, or any other purpose and may only be displayed during daylight hours between the hours of 7:00 a.m. and 7:00 p.m.~~
2. Commercial handheld signs may not be displayed in the roadway vision triangle as defined in Section 96- 37(a)(7), Obstruction of visibility, or within 25-feet of the edge of pavement at a street corner, whichever is less.
3. Persons holding commercial handheld signs shall not interfere with, and must promptly yield to traffic circulation and/or parking in any parking lot, pedestrians utilizing any public or private sidewalk or other walkway, and anyone seeking access to any building, driveway, or parking lot.
4. Commercial handheld signs cannot be displayed along any City, Volusia County, or state roadway with a posted speed limit exceeding 45-miles per hour.
5. Persons displaying commercial handheld signs shall place precedent on public safety and be aware of their environment for public safety to the maximum extent possible.
- 5.6. Commercial handheld signs shall have a maximum sign area of eight square feet with a dimension not to exceed 2-ft. by 4-ft. Each handheld sign carrier is limited to one sign per person and shall be held by that person at all times.

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**Sec. 102-7. Signage maintenance, vesting, variances, acts of eminent domain, & appeals.**

Sign applications submitted and being processed prior to the adoption of this sign code shall have the option of using the former standards. Upon adoption of this sign code, new applications shall only utilize the adopted sign code. Interpretations of this sign code shall be by the City's Building & Enforcement Services Department, with appeals, if any, to the City Commission.

Existing permanent signs that are maintained in good condition and were not prohibited signs under the City's sign code in existence as of the date of the erection of the permanent sign shall be considered vested from the date of the adoption of this sign code and shall remain in their current condition with maintenance to keep that vesting. Existing temporary signs, for the purposes of this sign code, shall not be considered vested by this sign code. All existing hand-made or hand-lettered signs or billboards shall be considered to be temporary in nature, regardless of the message on the sign face, and shall be removed no later than thirty (30) days after the effective date of this sign code.

Anyone desiring to make use of their site, or any portion thereof, other than in accordance with the restrictions and specifications set forth in this sign code, shall apply to the Building & Enforcement Services Department. Section 102-11 of this sign code affords an opportunity to provide signage that varies from the regulations listed in this sign code and utilizes the City's Development Review process for approval. The City shall not approve any application for a variance, unless it finds that denial of the application would result in an undue hardship upon the applicant, where there is no potential for redesign to stay in conformance with the sign code, and that the inability to comply with the provisions of this sign code is due to site constraints, and is not brought on by the property or sign owner. The grant of a waiver shall be in harmony with the general intent of this sign code.

Where a permitted sign is subject to an act of eminent domain that is not a complete or total taking of a tract that includes a sign location, the property/sign owner shall be allowed to relocate the sign at their or the taking authority's expense to a location on-site in the remainder condition that provides both public safety and site function. Due to the nature of the taking action that may create a legally non-conforming lot, the sign relocation may or may not comport to the Land Development Code regulations. Any appeal of a decision regarding a sign permit shall be made to the City Commission, in writing and by hand-delivery or through certified mail to the City Clerk, within thirty (30) days from the date of notice of the decision being appealed. Upon receipt of the written appeal by the City Clerk, the Director of Planning & Development Services shall make a recommendation to the City Commission on the appeal. The City Commission shall make the final decision on the appeal, and any further appeal shall be in accordance with Florida law.

**Sec. 102-8. Signage removal.**

Other than for maintenance and repair, removal of any sign that is replaced by a new sign, shall be permitted and constructed using the regulations and guidelines of this sign code, as amended from time to time. Signs that are not placed in the proper location shall be properly relocated by the property or sign owner at their expense.

Existing permanent signs that are unmaintained or are in an unsafe condition as determined by the City, shall have thirty (30) calendar days from the date of written notice from the City to repair and maintain the sign, replace the sign to the standards listed within this sign code, or remove the sign. Following written notice from the City, and an appropriate property owner remedy/repair period, any permanent sign removed by the City for non-compliance with this sign code shall be at the expense of the property owner. All signs are to be in as like-new condition as possible. Signs falling into disrepair and/or have functional obsolescence at the discretion of the City, shall be subject to repair and/or removal, at the expense of the property owner.

Existing temporary signs shall have thirty (30) calendar days from the effective date of this sign code to be permitted with a temporary sign permit or be removed. Any temporary sign removed by the City, following the appropriate repair period, for non-compliance with this sign code shall be at the expense of the property owner.

Empty sign frames or structures without a copy area are not allowed under this sign code and shall be immediately removed by the property owner, and if not so removed, they may be removed by the City, following the appropriate repair period, at the expense of the property owner. Other than for maintenance and repair, reuse or repurposing of a sign, or placing a new copy area on a sign, is not permitted without a new sign permit under this sign code.

**Sec. 102-9. Exempt signs.**

All exempt signs shall be maintained in good condition while in use. The following signs are exempt from the permitting requirements of the sign code, provided that such signs comply with applicable Florida Building Code (FBC), the City Land Development Code, and obtain electrical permits, where required:

1. ~~Signs erected and maintained by a governmental entity or governmental agency.~~
1. ~~Public safety signs and public signs for public benefit use or events are exempt from this sign code and may be placed in rights of ways or on public property with either a use permit or agreement from the respective public entity or right of way agency.~~
2. Seasonal decorations.
3. Public art preapproved by the City.
4. Banners, decorative flags, and bunting for a celebration, convention, or commemoration of significance to the entire community.
5. Banners ~~located at and maintained by~~ public and private recreational facilities (i.e. parks, gymnasiums, ballfields, etc.) that are safely secured.
6. Signs under one (1) square foot in total area ~~located on the premises of a property being used for a for-home occupation use.~~
7. A-frame or sandwich boards placed and removed the same day as the use or event.
8. ~~Signs with faces not exceeding eight (8) square feet For sale, for rent, political, or opinion signs, with no more than one (1) identical sign per roadway frontage per lot. Thus, corner or double frontage lots may utilize additional signage. Each such sign shall not exceed eight (8) square feet of sign face, and shall only be located on property with the specific permission of the owner or tenant of the property. For sale signs shall be permitted to have up to four (4) riders per sign, with up to three (3) riders below and~~

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~~one (1) rider above the sign.~~ The sign shall be removed within ten (10) calendar days after the event for its use.

9. Prefabricated no trespassing or no dumping signs of two (2) square feet or less.
10. Prefabricated ~~temporary event or activity garage sale~~ signs to be placed and removed daily during the event.
11. Temporary freestanding or building mounted signs meeting the dimensions of this sign code for memorial signs, placards, and/or tablets.
12. Advertising and identifying signs located on operable vehicles that does not impair the operation of the vehicle.
13. ~~Non-commercial on-site signs maintained by Internally oriented~~ homeowner/property owner/condo owner associations ~~for the benefit of that particular community's residents, message boards and signs.~~

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#### Sec. 102-10. Prohibited signs.

1. ~~Home~~ made or hand lettered signs ~~that are not handheld.~~
2. Signs or attention-getting devices that emit sound, have reflective material, overly bright lights, use animate objects, or are a public safety hazard, as determined by the City.
3. Roof-mounted signs, as defined in this sign code.
4. Antennae/tower-mounted signs.
5. Flag-pole mounted signs.
6. Banners on posts or copy faces not securely or properly attached.
7. Unpermitted snipe or parasite signs (i.e. on utility poles).
8. Stickers/adhesive backed signs that are not window signs.
9. Vehicle lettering/graphics/magnetic signs on inoperable vehicles or trailers, or vehicles parked for advertising and not use, as determined by the City.
10. Signs in rights-of-way are prohibited and shall be removed by the City, unless one of the following four scenarios is present:
  - a. ~~Signs erected and maintained by a governmental entity or governmental agency.~~
  - a. ~~Public safety signs and public signs for public benefit use or events;~~
  - b. ~~Political Signs of no more than 24 x 18, on inches on the day of an the election (not to include early voting days) or during a public event of a limited and specified time frame - (not to include early voting days) but they must be removed that election or event day within two hours after the closing of the polls or event;~~
  - b.c. Temporary ~~directional irectional real estate~~ signs located at ~~for~~ new subdivisions with five (5) or more lots ~~during for~~ weekend-only model home events, or ~~during for~~ individual real estate open house events on the day of the open house only; or
  - e.d. No more than two (2) off-site temporary directional ~~garage sale~~ signs on the day of ~~tan event he garage sale~~ only, provided that such ~~event garage sale~~ is in conformance with ~~all applicable the provisions of Chapter 22, Businesses, Article V, Garage Sales, Section 22-151, Signs, of the Deltona Code of Ordinances, as amended from time to time.~~

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#### Sec. 102-11. Alternative sign approval process.

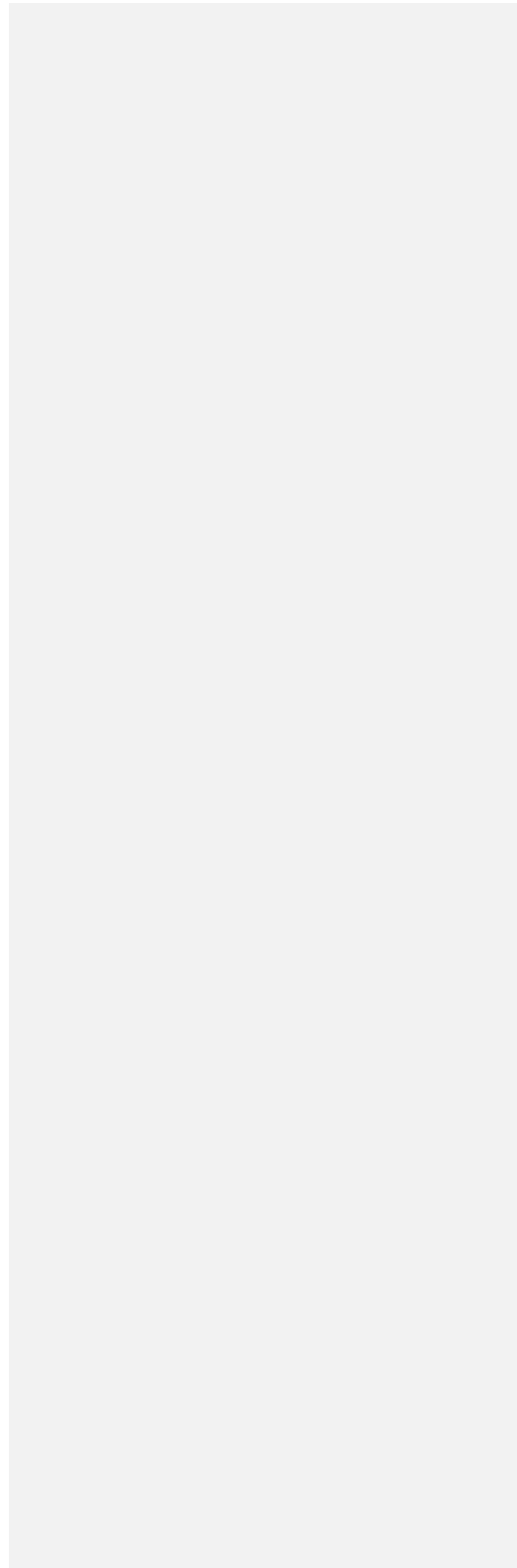
In order to provide for additional flexibility and innovation for signs, an application for a sign or group of signs that would not otherwise be permitted under this Chapter 102, may be processed in the following manner at the option of the applicant. A sign plan that has been professionally completed in the form of design software or technical hand drawings shall be submitted to the City, processed through the Planning & Development Services staff for review of completeness and sufficiency of the application and proposed sign plan, Development Review Committee (DRC)

City of Deltona, Florida

Ordinance No. 29-2016

Page 16 of 17

review and vote at one (1) DRC meeting and City Commission review and vote at one (1) public



hearing. The plan shall, at a minimum, include the number of permissible signs and proposed signs per location or off-site with dimensions for on-site signs, the sign design, light emission and control standards, if any, sign height with dimensions, and sign orientation, as well as depictions that accurately reflect the visual appearance of the signs in the locations where they are proposed to be located. The City Commission shall make the final decision as to the approval or disapproval of the sign plan. The standards that shall be utilized for the review and approval or disapproval of the sign plan shall be:

1. Whether the sign plan is appropriate considering the location of the property on which the sign(s) will be located, taking into consideration the size and speed limit of the roadway fronting the location of the sign(s), and the proximity of residential or other non-commercial properties;
2. Whether the sign plan results in blockage or interference with other pre-existing signs;
3. Whether the sign plan results in an unfair competitive advantage considering existing signs on nearby properties;
4. Whether the signs will have a positive or negative effect upon the property values in the area; and
5. Whether the signs result in an over-all aesthetically pleasing effect.

**Sec. 102-12 – 102.20. Reserved.**

**Section 2.** Conflicts. All Ordinances or parts of Ordinances, insofar as they are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of any conflict.

**Section 3.** Codification. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

**Section 4.** Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

**Section 5.** Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
DELTONA, FLORIDA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

First Reading: \_\_\_\_\_

Advertised: \_\_\_\_\_

Second Reading: \_\_\_\_\_

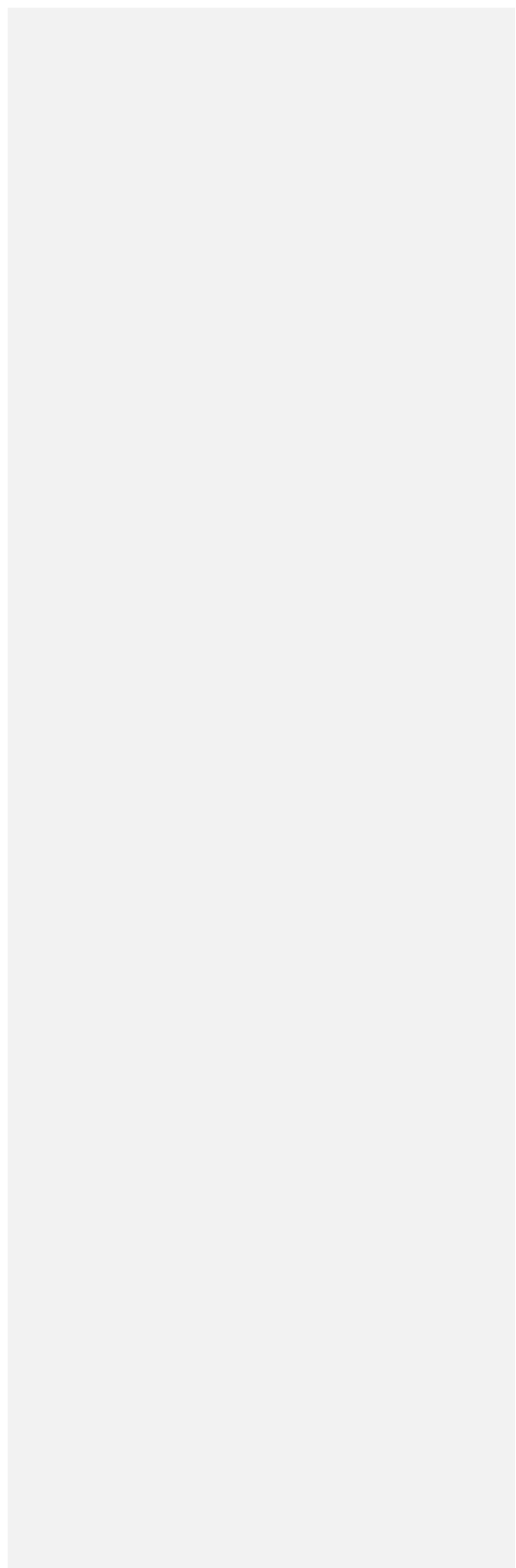
BY: JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

\_\_\_\_\_  
JOYCE RAFTERY, CMC, MMC, City Clerk

Approved as to form and legality  
for use and reliance of the City of  
Deltona, Florida

\_\_\_\_\_  
\_\_\_\_\_, City Attorney





# Staff Report

**To:** Planning & Zoning Board

**From:** Chris Bowley, AICP, Director  
Planning & Development Services

**Date:** January 11, 2017

**Re:** Ordinance No. 29-2016: Amending Chapter 102, Signs, and Section 70-30, Definitions, of the City's Land Development Code

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## A. Summary of Application:

**Applicant:** N/A

**Request:** To amend Chapter 102, Signs, of the City's Land Development Code.

**B. Background:** The City of Deltona has amended its sign code, Chapter 102, Signs, within the Land Development Code (LDC) in the past. The attached Ordinance No. 29-2016 proposes a rewrite of the current signage regulations within an abbreviated sign code that replaces the existing Chapter 102, Signs, in the LDC. The proposed new sign code also includes updated federal signage regulations that keeps the City's sign code consistent with updated content law. The proposed sign code provides for a greater range of signage types (i.e. monument signs and pole signs) and allows for a provision for an applicant to propose a sign plan package through the Development Review Committee (DRC). The Deltona Business Alliance (DBA) provided initial input in 2016 and attended an Ordinance Review Committee (ORC) meeting providing additional input. Also, the Planning & Zoning Board (Board) reviewed the 2016 draft that went back to a City Commission Workshop. The City Commission requested additional DBA review, which has since occurred (see the attached letter of support). The attached draft of the ordinance includes a strike through/underline version of the resulting sign code, a final

formatted version, and the letter of support from the DBA. Within additional input from the Building & Enforcement Services Department, this sign code draft and ordinance is presented.

**CONCLUSION:**

With thorough review and input, this final draft of the sign code as Ordinance No. 29-2016, inclusive of bringing definitions from Section 70-30, Definitions, of the City's Land Development Code into the ordinance, should be re-reviewed by the Board and sent to the City Commission. Staff recommends adoption of this version of Ordinance No. 29-2016.



January 19, 2017

Dear Mr. Mayes,

Members of the Deltona Business Alliance (DBA) met with City staff and attended a City Ordinance Review Committee (ORC) meeting in 2016 to provide input into the City's new Sign Code.

More recently, on January 4 and January 11, 2017, members of the DBA provided additional input on the proposed Sign Code in a meeting at City Hall and at a scheduled DBA meeting. Our comments were incorporated in the most current draft. The Officers and Members voted, on January 11, 2017, in support of acceptance of the revised City sign ordinance.

With this letter, the DBA supports this current Sign Code draft to be provided in the form of City Ordinance No. 29-2016.

Thank you,

Frank DeMarsh  
President  
Deltona Business Alliance, LLC