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## MEMORANDUM

**TO:** Howey-in-the-Hills Planning Board  
**CC:** J. Brock, Town Clerk  
**FROM:** Thomas Harowski, AICP, Planning consultant  
**SUBJECT:** Sign Code Amendments  
**DATE:** March 18, 2024

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As we have been reviewing code changes to the land development code, The Town Attorney has identified the need to modify the sign code section of chapter five in the LDR to address issues generated by a recent Supreme Court decision on sign regulations. Essentially the court ruled that signs cannot be regulated based on sign content. This concept has been in effect for some time, but the most recent decision on signs has been broadened to impact on temporary signs like political signs, real estate signs, yard sale signs and similar signage. Now the sign may not be regulated separately from other temporary signs if one needs to read the sign to classify it.

The Town can regulate such items as the number, size and location of temporary signs, but we cannot set a different time period for a type of temporary sign since the sign content would have to be analyzed to determine how to classify the sign. Most of the changes offered by the Town Attorney are removing the specifics of different types of temporary signs and replacing them with a generic regulation that sticks to the items that Town can regulate.

The planning board is being asked to review the proposed revisions and make a recommendation on the proposal to the Town Council.

**ORDINANCE NO. 2024-003**

**AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO SIGNS; AMENDING SECTIONS 5.03.04 THROUGH 5.03.07 OF THE LAND DEVELOPMENT CODE TO REVISE REGULATIONS GOVERNING TEMPORARY SIGNAGE; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE HILLS, FLORIDA:**

**Section 1. Amendment to section 5.03.01 of the Land Development Code.**

Paragraph 7 of subsection 5.03.01A of the Land Development Code is amended to read:

**5.03.01 Generally**

A. The intent of this section is to ensure adequate means of communication through signage while maintaining the attractive visual appearance within the Town. The purposes of this section are to:

\* \* \*

7. Restrict sign regulation to time, place, and manner, without limitations on content, ~~so long as the material displayed avoids content commonly judged by the community to be immoral, indecent, or obscene;~~ and

**Section 2. Amendment to certain definitions in the Land Development Code.**

The following specified definitions in section 1.12.00 of the Town’s Land Development Code are amended to read:

*Sign* means any device or display consisting of letters, numbers, symbols, pictures, illustrations, announcements, trademarks, including all trim and borders, designed to advertise, inform or attract the attention of persons not on the premises on which the device or display is located, and visible from the public way. A sign shall be construed to be a single

1 display surface or device containing elements organized, related, and  
2 composed to form a single unit.

- 3
- 4 1. **Banner sign** means any sign having characters, letters, or  
5 illustrations applied to cloth, paper, or fabric of any kind, with only  
6 such material as backing, which is mounted to a pole or building  
7 by one (1) or more edges. National, state, or municipal flags or the  
8 official flag of a business or institution shall not be considered a  
9 banner.
- 10 2. **Barber Pole sign** means any traditional cylindrical, striped  
11 revolving sign identifying barbers.
- 12 ~~3. **Construction sign** means any sign advertising the construction  
13 actually being done on the premises where the sign is located. The  
14 sign may also include the contractor's name, the owner's name, the  
15 architect's name, and the name of the institution providing  
16 financial services.~~
- 17 4. **Detached sign**. See “Freestanding/ground sign” and “Pole sign.”
- 18 5. **Exempt sign** means any sign for which a permit is not required.
- 19 6. **Freestanding or Ground sign** means any detached sign, including  
20 any signs supported by structures in or on the ground and  
21 independent of support from any building. Includes the term  
22 “monument sign.”
- 23 ~~7. **Garage Sale sign** means any sign pertaining to the sale of personal  
24 property in, at, or upon any residentially zoned property, whether  
25 made under any other name, such as lawn sale, backyard sale,  
26 rummage sale, or any similar designation.~~
- 27 8. **Identification sign** means any sign which indicates the name,  
28 owner or address of a residence, office, or business, but bearing no  
29 advertising.
- 30 9. **Illuminated sign** means any sign having characters, letters, figures,  
31 design, or outlines illuminated by electric lights or luminous tubes  
32 designed for that purpose, whether or not the lights or tubes are  
33 physically attached to the sign.
- 34 10. **Incidental sign** means any general informational sign which has a  
35 purpose secondary to the use of the site on which it is located, such  
36 as "Open", "Closed", "Welcome", "No Parking", "Entrance",  
37 "Loading Only", and similar information and directives. ~~No sign  
38 with a business name, logo, or advertising shall be considered  
39 incidental.~~

- 1 11. **Off-site sign** means any sign which advertises the services or  
2 products of a business not on the premises where the sign is  
3 erected.
- 4 12. **Pole sign** means any sign erected on a pole which is wholly  
5 independent of any building for support.
- 6 ~~13. **Political signs** are those concerning candidacy for public office or  
7 urging action on any ballot issue in a forthcoming public election  
8 or pertaining to or advocating political views or policies.~~
- 9 14. **Portable sign** means any sign, whether on its own trailer, wheels,  
10 chassis, or otherwise movable support, which is manifestly  
11 designed to be transported from one place to another.
- 12 15. **Projecting sign** means any sign which is affixed to any building,  
13 wall, or structure and which extends beyond the building, wall, and  
14 structure (see "bracket sign").
- 15 ~~16. **Real Estate sign** means any on-premises structure showing that the  
16 premises upon which it is located is either for sale, for lease or for  
17 rent, or open for inspection.~~
- 18 17. **Sandwich or Sidewalk sign** means any sign, double- or single-  
19 faced, which is portable, able to be moved easily by an individual,  
20 and which fits within a sidewalk while still allowing for pedestrian  
21 travel.
- 22 18. **Snipe sign** means any sign which is tacked, nailed, posted, pasted,  
23 glued, or otherwise attached to trees, poles, stakes, fences, or other  
24 objects.
- 25 19. **Street Number sign** means any sign displaying a street number on  
26 a structure, wherever located.
- 27 20. **Temporary sign.** A sign addressing (i) a discrete, upcoming,  
28 and nonrepeating event such as an election or referendum, a "grand  
29 opening," a garage sale, a going-out-of-business sale, a festival,  
30 celebration, parade, or other community event, etc., or (ii) a  
31 temporary condition such as a construction project, a property for  
32 sale, a temporary closure of a facility or area, etc.
- 33 21. **Wall sign.** Any sign that shall be affixed parallel to the wall or  
34 painted on the wall of any building in such a manner as to read  
35 parallel to the wall on which it is mounted, in such a way that the  
36 wall becomes the supporting structure for, or forms the background  
37 surface of the sign; provided, however, said wall sign shall not  
38 project more than 12 inches from the face of the building; shall not  
39 project above the top of the wall or beyond the end of the building.
- 40 ~~22. **Yard Sale sign.** See "Garage sale sign."~~

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**Section 3. Amendment to Section 5.03.03 of the Land Development Code.**

Subparagraph D.3.e of section 5.03.03 of the Town’s Land Development Code is repealed and reserved:

- e. ~~Reserved. Nonconforming real estate or construction signs shall be removed no later than six months after the date of adoption of this amendment. Thereafter, all such nonconforming signs shall be deemed unlawful and prohibited and subject to the enforcement provisions of this chapter.~~

**Section 4. Amendment to Section 5.03.04 of the Land Development Code.**

Section 5.03.04 of the Town’s Land Development Code is amended to read:

- 5.03.04 Prohibited Signs.** The following signs are prohibited:  
~~The signs identified in this section are prohibited within the Town.~~
- A. ~~Any~~ A sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, ~~content~~, coloring, or method of illumination.
  - B. ~~Any~~ A sign that obstructs the vision between pedestrians and vehicles using the public right-of-way, including, but not restricted to, those not meeting intersection visibility requirements set forth in Section 7.01.08.
  - C. Signs with lights, lighted screens or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color, except for time-temperature-date signs.
  - D. Signs that contain words and traffic control symbols ~~so as to~~ that interfere with, mislead, or confuse motorists, such as "stop," "look," "caution," "danger," or "slow."
  - E. ~~Snipe signs attached to trees or utility poles.~~
  - F. ~~Reserved. Snipe signs, except as permitted for campaign advertising or other special events under Section 5.03.07.~~
  - G. Signs with visible moving, revolving, or rotating parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
  - H. Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
  - I. Signs that emit audible sound, odor, or visible matter such as smoke or steam.

- 1 J. Signs that are of such intensity or brilliance as to cause glare or
- 2 impair the vision of any motorist, cyclist, or pedestrian using or
- 3 entering a public right-of-way, or that are a hazard or a nuisance to
- 4 occupants of any property because of glare or other characteristics.
- 5 K. Signs that are painted, pasted, or printed on any curbstone, flagstone,
- 6 pavement, or any portion of any sidewalk or street, except house
- 7 numbers and official traffic control signs.
- 8 L. Offsite advertising signs, with the exception of sandwich boards as
- 9 set forth in Section 5.03.11(D) and temporary signs ~~Special Event~~
- 10 ~~Signs~~ as permitted in 5.03.07.
- 11 M. Signs mounted on any portion of a roof.
- 12 N. Abandoned signs.
- 13 O. Signs erected, installed, or placed on public property, with the
- 14 exception of signs erected by public authority for public purposes,
- 15 and sandwich boards as set forth in Section 5.03.10 (D) ~~and Special~~
- 16 ~~Event Signs as permitted in 5.03.07.~~
- 17 P. Portable or trailer signs.
- 18 Q. Pole signs.
- 19 R. Internally lit signs within or adjacent to residential property.
- 20 S. Any other signs ~~that are~~ not specifically permitted or exempted by this
- 21 LDC.
- 22

23 **Section 5. Amendment to Section 5.03.05 of the Land Development Code.**

24 Section 5.03.05 of the Land Development Code is amended to read:

- 25 **5.03.05 Exempt Signs.** The following signs ~~identified in this section~~
- 26 are permitted ~~within the Town~~ and are exempt from the requirement to
- 27 obtain a permit:
- 28
- 29 A. Regulatory, statutory, traffic control, or directional signs erected on
  - 30 public property by or with permission of the State of Florida, Lake
  - 31 County, or the Town of Howey in the Hills.
  - 32 B. Legal notices and official instruments.
  - 33 C. Holiday lights and seasonal decorations displayed at times when such
  - 34 lights and decorations are generally considered appropriate.
  - 35 D. Signs incorporated into machinery or equipment by a manufacturer or
  - 36 distributor, which identify or advertise only the product or service
  - 37 dispensed by the machine or equipment, such as signs customarily
  - 38 affixed to vending machines, newspaper racks, and gasoline pumps.
  - 39 E. Incidental signs.
  - 40 F. Public warning signs to indicate the dangers of swimming, animals, or
  - 41 similar hazards.
  - 42 G. Barber poles at barbershops.
  - 43 H. ~~Temporary window signs are permitted and subject to the following~~
  - 44 ~~standards:~~

- 1           1. ~~The signs may display or announce any business, civic, cultural,~~
- 2           ~~or private sale or event for a period not to exceed thirty (30) days.~~
- 3           2. ~~Temporary signs shall be located wholly within a window and~~
- 4           ~~shall not exceed an aggregate area equal to ten percent (10%) of~~
- 5           ~~the total glassed area of the store front. Temporary signs, together~~
- 6           ~~with permanent window signs, shall not exceed an aggregate equal~~
- 7           ~~to twenty percent (20%) of the total glassed area of the store front.~~
- 8           I. ~~Temporary Signs allowed under section 5.03.07 (D).~~
- 9           J. ~~Works of art that do not constitute as advertising.~~
- 10          K. ~~Political signs allowed under section 5.03.07 (D)~~
- 11           1. ~~Signs shall not exceed 16" x 24" in size~~
- 12           2. ~~Signs are limited to a maximum of two signs per candidate or issue~~
- 13           ~~per parcel~~
- 14           3. ~~Signs may be erected not more than sixty days prior to any~~
- 15           ~~election. Removal of political signs shall be regulated by all~~
- 16           ~~applicable Florida Statutes.~~
- 17          L. ~~Garage sale or yard sale signs placed only on the premises of the sale.~~

18  
19 **Section 6. Repeal of Section 5.03.06 of the Land Development Code.** Section  
20 5.03.06 of the Land Development Code is repealed and reserved:

21           **5.03.06 Reserved. Provisionally Exempt Signs**

22           A. ~~Signs identified in this section may be placed without a permit,~~

23           ~~provided that such signs comply with the standards in Table 5.03.06~~

24           ~~(A).~~

25 **Table 5.03.06 (A) Standards for Provisionally Exempt Signs**

Type of Sign	Standards
Identification signs	2 square feet or less in area
"No trespassing" or "no dumping"	2 square feet or less in area
Memorial signs or tablets, and names of buildings and dates	Cut into any masonry surface, or of erection; constructed of bronze or other noncombustible materials and attached to the surface of a building
Decorative flags and bunting	Used for temporary events only.
Menu boards, price lists or other signage for drive-through facilities	Maximum of 2 such signs, and maximum area of 24 square feet or less, and located adjacent to and oriented toward the drive-through area
Menus	2 square feet or less in area, and mounted at the entrance to a restaurant

Real estate signs	One sign, 6 square feet or less in area. One sign 16 square feet or less is permitted for parcels of 5 acres or larger and for each commercial or industrial property, unless said property is located in the Town Center. A brochure box, information tube
Construction signs	One sign, 6 square feet or less in area, and located on property where a valid building permit has
Yard or garage sale signs	2 square feet or less in area, and located on the property on which a sale is being conducted, and limited to three (3) days per sale, not to exceed
Occupant or owner identification sign	2 square feet or less in area when located in a residential zoning district

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**Section 7. Amendment to Section 5.03.07 of the Land Development Code.**  
Section 5.03.07 of the Land Development Code is revised to read:

**5.03.07 Temporary Signs.** Temporary signs are may be placed or installed on property without a permit, subject to the following:

- A. A temporary sign pertaining to an event may be displayed for a period not to exceed 180 days. A temporary sign pertaining to a temporary condition may be displayed for the duration of the condition.
- B. A temporary sign must be removed no later than ten days (i) after the pertinent event occurs and is completed or (ii) after the pertinent condition ceases to exist, whichever is applicable.
- C. No temporary sign may be placed within right-of-way or other public property unless authorized by the government agency with jurisdiction.
- D. No sign that is prohibited under section 5.03.04 or any other part of this land development code may be displayed as a temporary sign.
- E. On property zoned or used for residential purposes a temporary sign may not exceed six square feet of copy area on each side and may not exceed three feet in height. The sign may contain its message on both sides. A temporary banner sign is prohibited.
- F. On property zoned and used for non-residential purposes, the copy area on each side of a temporary sign may not exceed 16 square feet. Copy area on a banner sign may not exceed 32 square feet.
- G. A temporary sign may be placed on property only with the permission of the owner.

**Special Event Signs**

- A. ~~Temporary signs for special events shall be permitted as described in this section. No fee is charged for signs meeting these requirements.~~
- B. ~~For purposes of this section, "special event" shall mean:~~



- ~~1. Community events, such as the Christmas Parade;~~
- ~~2. Grand openings of new businesses, businesses that have changed ownership, businesses that have reopened after extensive renovation, or businesses that have made appreciable expansion to their facilities. For purposes of clarification, the term "new business," as used in this section, shall mean any newly organized commercial venture that is opening for the first time, or an existing business that has changed location;~~
- ~~3. Promotion of events for nonprofit organizations; and~~
- ~~4. Real estate events such as open houses.~~

~~C. Design Standards~~

- ~~1. Setback shall be twenty five (25) feet from side property lines or equidistant between side property lines.~~
- ~~2. The maximum height shall be five feet in residential zones and eight feet in nonresidential zones, exclusive of banners, balloons and pennants.~~
- ~~3. The maximum size sign shall be 16 square feet.~~
- ~~4. The maximum size banner shall be 32 square feet.~~
- ~~5. Special event signs shall only be displayed on non-residential property.~~

~~D. General Requirements~~

- ~~1. No sign prohibited in section 5.03.04 of this chapter shall be authorized under this section as a special event sign.~~
- ~~2. No special event sign shall be placed so as to obscure visibility of any permanent freestanding sign, unless such placement has been approved by the property owner whose freestanding sign is obscured.~~
- ~~3. No special event sign shall be placed on lots or parcels of any privately owned, undeveloped property without written authorization of the property owner. Such authorization shall be filed with the town clerk prior to posting any sign on the undeveloped property.~~
- ~~4. All special event signs may be placed not more than fourteen (14) days prior to the event and shall be removed within 24 hours after the special event for which the sign was authorized.~~
- ~~5. Unless otherwise specified, all special event signs shall be limited to a period of twenty (20) consecutive days.~~
- ~~6. The erection and removal of all special event signs shall be the responsibility of the person sponsoring the special event, or duly authorized agent.~~
- ~~7. Any special event sign proposed to be placed on Town property must be first approved by the Town.~~

~~E. Temporary off-site Real Estate and Non-Profit signs are permitted within the Town subject to the following provisions:~~

- ~~1. Limited to eight (8) hours per day.~~
- ~~2. Limited to a maximum of six (6) signs, each sign not to exceed six (6) square feet per sign face.~~
- ~~3. Shall follow the sign design in diagram 5.03.07 (A) below~~
- ~~4. A brochure box, information tube or similar device may be attached to the sign as long as it does not exceed 10" x 12" in area.~~

**Section 8. Severability.** If any part of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, the remaining parts of this ordinance shall remain in full effect. To that end, this ordinance is declared to be severable.

**Section 9. Conflicts.** In the event of a conflict between this ordinance and other ordinances, this ordinance shall control and supersede.

**Section 10. Codification.** The amendments enacted in sections 1 through 7, inclusive, shall be codified in the Town's Land Development Code. The remaining sections shall not be codified. The Town Clerk is authorized and directed to make all nonsubstantive, conforming edits to other parts of the Land Development Code as may be necessary or useful for the codification.

**Section 11. Effective Date.** This ordinance shall take effect upon its enactment.

*[ Signatures on the following page*

1           **ORDAINED AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_,  
2 2024, by the Town Council of the Town of Howey-in-the-Hills, Florida.

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**TOWN OF HOWEY-IN-THE-HILLS,  
FLORIDA**  
By: its Town Council

By: \_\_\_\_\_  
Hon. Martha MacFarlane, Mayor

**ATTEST:**

**APPROVED AS TO FORM AND LEGALITY**  
(for the use and reliance of the Town only)

\_\_\_\_\_  
John Brock, Town Clerk

\_\_\_\_\_  
Thomas J. Wilkes, Town Attorney

First Reading held \_\_\_\_\_, 2024

Second Reading and Adoption held \_\_\_\_\_, 2024

Advertised \_\_\_\_\_, 2024