

**ORDINANCE NO. 26-13**

**AN ORDINANCE OF THE CITY OF AVON PARK, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF AVON PARK, FLORIDA; SPECIFICALLY TO AMEND ARTICLE 4, SIGN REGULATIONS, SECTION 4.03.00 PROHIBITED SIGNS, SECTION 4.04.00 PERMITTED SIGNS, SECTION 4.04.01, ON-SITE COMMERCIAL SIGNS, THE ADDITION OF SECTION 4.04.01.01, SIGNS FOR PERMITTED NON-RESIDENTIAL USES LOCATED IN NON-RESIDENTIAL ZONING DISTRICTS, THE ADDITION OF SECTION 4.04.01.02, MULTI-USE COMPLEX AND SHOPPING CENTERS; REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREIN; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3167(c), Florida Statutes, empowers the City to adopt land development regulations to guide the growth and development of the City; and

**WHEREAS**, the City Council of the City of Avon Park has determined it necessary and desirable to amend Article 4, Sign Regulations of the Unified Land Development Code to allow for pole signs and to provides amendments to and clarification of on-site commercial signs and non-residential signage;

**WHEREAS**, pursuant to Section 166.041(c)2, Florida Statutes, the Planning and Zoning Board and the City Council have held meetings and hearings to amend the **Unified Land Development Code as presented in the attached exhibit**, such exhibit attached as Exhibit "A" and made a part hereof; and, the meetings were advertised and held with due public notice, to obtain public comment; and having considered written and oral comments received during public hearings, find the changes necessary and appropriate to the needs of the City.

**NOW, THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF AVON PARK, FLORIDA** that the **Unified Land Development Code of the City of Avon Park** is amended as set forth in Exhibit "A".

(a) **Severability**: If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

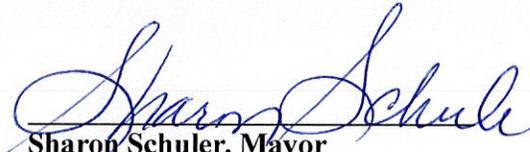
(b) This Ordinance shall be codified in the Code of Ordinances of the City of Avon Park, Florida.

(c) This ordinance shall be effective 10 days after passage upon Second Reading.

INTRODUCED AND PASSED on First Reading this 26<sup>th</sup> day of August, 2013.

PASSED AND DULY ADOPTED, on Second Reading with a quorum present and voting, by the City Council of Avon Park, Florida, this 9<sup>th</sup> day of September, 2013.

CITY OF AVON PARK, FLORIDA

  
Sharon Schuler, Mayor

ATTEST:

  
Cheryl Tietjen, City Clerk

Approved as to form:



Gerald T. Buhr, City Attorney

Motion made by Councilman Sutherland seconded by Councilman Hector.

The vote was 5 for 0 against with 0 abstentions and 0 absent

**Exhibit "A"**

**ORDINANCE NO. 26-13**

**AMENDMENTS TO ARTICLE 4 – SIGN REGULATIONS  
of the  
Unified Land Development Code**

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

**Proposed Amendments**

**ARTICLE 4. – SIGN REGULATIONS**

***4.03.00 Prohibited Signs***

The following types of signs are prohibited in all districts:

- (A) Billboards.
- (B) Abandoned signs.
- (C) Signs that are in violation of the adopted building or electrical codes.
- (D) Any sign that, in the opinion of the Development Director, constitutes a safety hazard.
- (E) Blank temporary signs.
- (F) Signs imitating or resembling official traffic or government signs or signals.
- (G) Signs attached to trees, telephone poles, public benches, streetlights, or signs placed on any public property or public right-of-way.
- (H) Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying said sign (this does not apply to permitted portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).
- (I) 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.
- (J) Any sign obstructing traffic visibility.
- (K) Signs with moving, revolving or rotating parts, except trademark signs at least 12 feet in

height and rotating at no more than two (2) revolutions per minute.

- (L) Signs with lights or illuminations that flash, move, rotate, blink, flicker, or vary in intensity or color except on theater marquees and time-temperature-date signs. Electronic message centers are allowed in C-2 and PI, Public Institution zoning only.
- (M) Illuminated signs of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians using or entering a public right-of-way, or that are a hazard or nuisance to occupants of any property because of glare or other characteristics.
- (N) Signs emitting sound, odor, smoke, or steam.
- (O) No sign shall be constructed or erected in a manner that interferes with any utility, communications or cable infrastructures without the prior authorization of the applicable utility, communications, or cable company.
- (P) Any sign that constitutes a traffic or pedestrian hazard or a detriment to traffic or pedestrian safety by obstructing the vision of pedestrians.
- (Q) Any sign preventing free ingress or egress from any door, window, fire escape or other entrance or exit to any building, or any sign attached to a standpipe or fire escape.
- (R) Any sign which is obscene or constitutes a public nuisance.
- (S) More than two (2) national or state government flags displayed per principal building.
- (T) Signs that emit audible sound, odor or visible matter.
- (U) ~~Pole Signs. A pole sign shall be defined as a sign supported on the ground by a pole and not attached to any building or other structure.~~

#### **4.04.00 Permitted Signs**

The following signs are permitted within the City of Avon Park, subject to the standards provided in this Section:

##### **4.04.01 On-Site Commercial Signs**

The following On-site commercial signs are permitted accessory to commercial or industrial non-residential structures on property zoned as non-residential for such uses with the exception of the Historic Main Street Corridor or unless not allowed due to other provisions of this Code:

- ~~(A) Monument Signs. Developed lots and sites shall be permitted one (1) freestanding ground (monument) sign. Such sign shall not be pole mounted. The height of such~~

freestanding ground sign shall not exceed seven (7) feet in height, including the sign pedestal, with a maximum area of 72 square feet. A monument sign shall be defined as a three-dimensional, self-supporting, solid base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

- (B) *Number of Signs Permitted.* Except as provided in this Paragraph, no more than one (1) sign shall be permitted for each development site. For lots or parcels situated at intersections, one (1) sign is permitted on a lot or parcel for each frontage of 75 feet or more on a publicly maintained road. For parcels having 200 feet or more of frontage on a single road, two (2) signs may be permitted along the longest frontage. No more than three (3) on-site commercial signs may be permitted on any commercial or industrial development site.
- (C) *Design Standards.* Except as otherwise provided, no on-site commercial sign shall exceed 96 square feet in size. On-site commercial signs not exceeding 192 square feet shall be permitted as a conditional use in shopping centers under development standards provided in Article 3. Maximum height for a sign shall be the same as permitted building height for the applicable zoning district. Each sign shall be set back from all property lines and all other structures a distance equal to or greater than its height; however, no sign shall be set back less than 10 feet from any property line or structure.
- (D) *Signs Affixed to a Building.* Commercial signs that are affixed to a building but extend above the roof of the structure, are not mounted flush with a wall, or project beyond the edge of a wall, are limited to 48 square feet in size. No more than one (1) such sign shall be mounted on any structure. No sign protruding above the roof of a structure may extend more than 10 feet above the roof, as measured from the elevation of the forward edge of the roof to the highest point of the sign, or its frame or supporting structure, whichever is higher. Under no circumstances shall a sign on a building exceed the highest restriction for the zoning district.
- (A) The total surface area of sign, shall not exceed two-hundred (200) square feet per zoning lot, except for signage in multi-use complexes and shopping centers (Section 4.04.01.02).
- (B) Signs serving or incidental to a Special Exception subject to approval by the City or Avon Park City Council; and
- (C) Small incidental signs such as those necessary to control or direct traffic, parking, or access shall be permitted in addition to those allowed above, provided no such sign shall exceed two (2) square feet on one side.

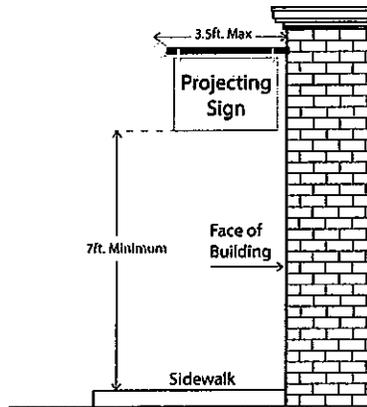
**4.04.01.01 Signs for Permitted Non-Residential Uses Located in Non-Residential Zoning Districts**

Signs are permitted as an accessory use to structures on property located in non-residential zoning districts.

- (A) Number of Free Standing/Ground-mounted Signs Permitted. For each frontage of seventy-five (75) feet to two hundred fifty (250) feet on a publicly maintained road, one free standing/ground-mounted sign is permitted near the right-of-way. For parcels having two hundred fifty (250) feet or more of frontage on a single road, an additional free standing/ground-mounted sign per entrance shall be allowed and signs shall be located near the entrance.
- (B) Corner Lots. For lots or parcels situated at intersections, an additional sign may be placed on the additional street frontage, one for up to two hundred fifty (250) feet of frontage and one additional sign if there is more than two hundred fifty (250) feet of street frontage, placed on the second street.
- (C) Small Lots. For businesses with less than seventy-five (75) feet of street frontage, only one sign, mounted on the building, is allowed.
- (D) Through Lots. For through lots, an additional sign may be mounted on the back of the building.
- (E) Sign Types.: The maximum two hundred (200) square feet of signage as required by Section 4.04.01.02 may be distributed through the following sign types:
  - (1) Design Standards for Affixed Signs. Signs that are affixed to a building are limited to one (1) square foot of sign area for each two (2) lineal feet of street frontage, or thirty-six (36) square feet of sign area, whichever is larger and limited to a total of 6 signs.
  - (2) Design Standards for Projecting Signs: Projecting signs shall be permitted as building signs within the non-residential zoning districts subject to the following conditions:
    - a. Projecting signs shall be included in calculating the maximum allowable building sign area in accordance with this Section and shall have no more than two sides.
    - b. One (1) projecting sign may be permitted per principal ground-floor business.
    - c. Projecting signs shall not exceed eight (8) square feet in sign area if mounted at a height of fifteen (15) feet or lower measured from the finished sidewalk to the bottom of the sign.

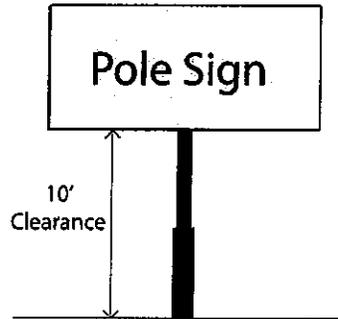
- d. Projecting signs shall not exceed twenty-five (25) square feet in sign area if mounted higher than fifteen (15) feet measured from the finished sidewalk to the bottom of the sign.
- e. Projecting signs shall be located within five feet (5) (horizontally) of the principal business entrance. In no case, however, shall a projecting sign be mounted within ten (10) feet of any other projecting sign.
- f. Projecting signs may project no more than forty-two (42) inches from the building wall.
- g. Projecting signs shall maintain a seven (7) foot clearance, between the bottom of the sign and the finished surface of all public and private pedestrian pathways.
- h. Within the Historic Main Street area, exceptions to conditions b. through f. above may be approved by the Historic Preservation Board based upon a determination that sufficient historical documentation exists to justify the exception(s).

Example of Projecting Sign



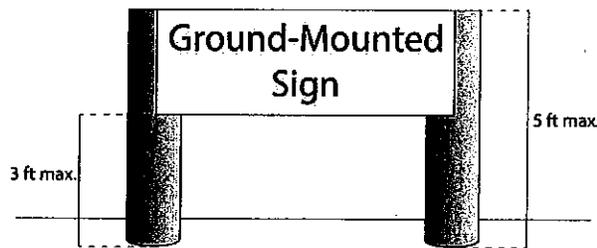
- (3) Design Standards for Freestanding Signs. Total sign area may be up two (2) square feet for each lineal foot of building street frontage or one (1) square foot for each lineal foot of lot street frontage whichever results in a larger sign area, but not to exceed sixty-four (64) square feet in C-2 and I zones. Sign height shall not exceed fifteen (15) feet in C-2 and I zones. All freestanding signs shall be set back ten (10) feet from any property line.

Example of free standing (pole) Sign



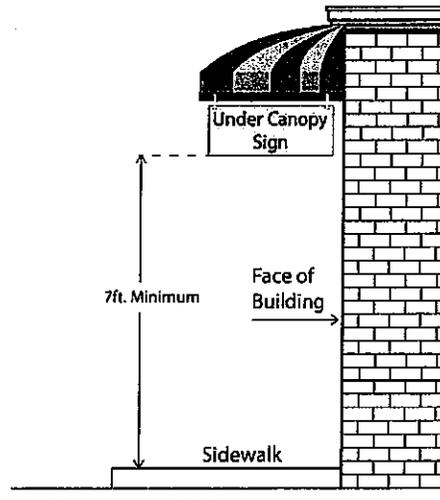
- (4) Design Standards for Ground-mounted signs. Ground-mounted signs shall not exceed five feet in height and the bottom of a ground-mounted sign shall be a maximum of three feet above the ground. The total sign area may be up two (2) square feet for each lineal foot of building street frontage or one (1) square foot for each lineal foot of lot street frontage whichever results in a larger sign area, but not to exceed forty-eight (48) square feet in surface area and may contain an area designated as a reader sign board which does not exceed fifty percent (50%) of the sign surface per side. All ground-mounted signs shall be set back ten (10) feet from any property line and must meet requirements as provided in Section 3.02.04 of this code relating to Clear Visibility Triangle.

Example of Ground-Mounted Sign



- (5) Design Standards for Under Canopy Signs. Signs mounted under a canopy, awning, or awning-like structure shall be a maximum of four (4) square feet in size, shall maintain a clearance of seven (7) feet from the bottom of the sign to the top of the walkway beneath, and shall swing freely. Under canopy or under awning signs that are not visible from the property frontage shall not count against the total signage.

### Example of Under Canopy Sign



- (H) Engineering Plans Required for Large Signs. Signs exceeding seventy-two (72) square feet must be designed by a professional engineer for safety reasons. The sealed engineering plans must accompany the request for a permit.
- (I) Window Advertising. Window advertising of the kind described in this paragraph shall not count against the total signage for a business, industry, or profession, but not more than twenty-five percent (25%) of all of the glass surfaces of the windows facing a public street or right-of-way may be used for signage or any other opaque items that block the glass, including, but not limited to, posters, fliers, advertisements, display racks, other interior furnishings, or similar materials or objects.

#### **4.04.01.02 Multi-Use Complex and Shopping Centers.**

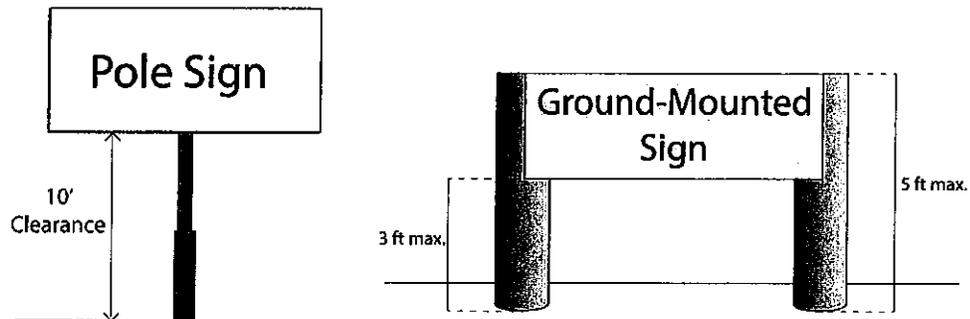
This Section shall apply to all shopping centers and multi-use complexes located within Commercial and Industrial zoning districts.

- (A) Number of Freestanding/Ground-mounted Signs Permitted. For each frontage of seventy-five (75) feet to two hundred fifty (250) feet on a publicly maintained road, one (1) freestanding/ground-mounted sign is permitted for the development near the right-of-way. For parcels having two hundred fifty (250) feet or more of frontage on a single road, an additional sign per entrance shall be allowed and signs shall be located near the entrance.
- (B) Corner Lots. For lots or parcels situated at intersections, an additional freestanding/ground-mounted sign may be placed on the secondary street frontage

of seventy-five (75) feet or more on a publicly maintained road. No more than three (3) ground-mounted or pole signs may be permitted on any development site.

(B) Sign Types. The following sign types are permitted:

- (1) Freestanding or Ground Mounted Signs. Total sign area may be up two (2) square feet for each lineal foot of building street frontage or one (1) square foot for each lineal foot of lot street frontage whichever results in a larger sign area, but not to exceed sixty-four (64) square feet. Sign height shall not exceed fifteen (15) feet. All freestanding or ground mounted signs shall be set back ten (10) feet from any property line. Business directories are allowed as a part of the sign face square footage, but not in addition to it. Individual business directory signs shall be a minimum of twelve (12) inches in height.

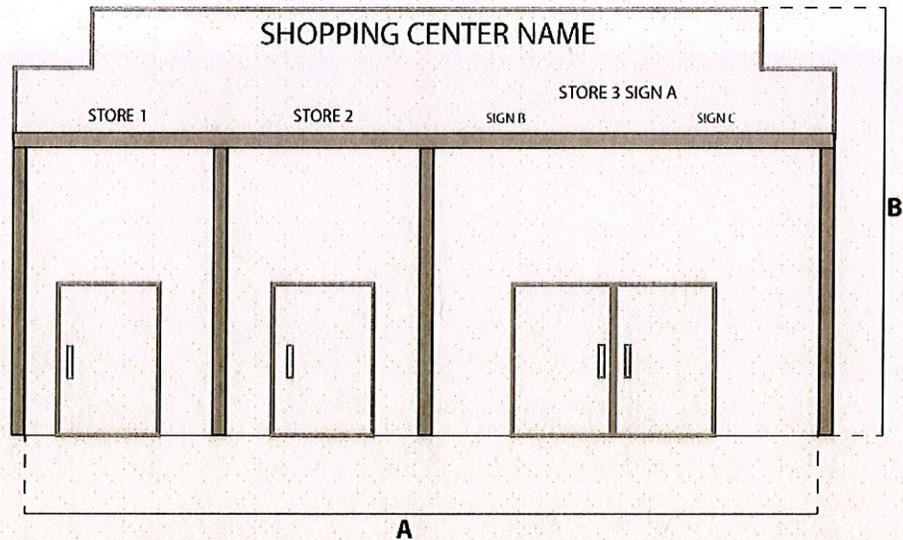


- (2) Affixed/Projecting Signs. Affixed/Projecting signage is allotted to the development as a whole as well as the occupants of the multi-occupancy development.

a. Signage for the Multi-Occupancy Development Property:

1. Each multiple-occupancy development property may display one (1) affixed sign on any one (1) side of the principal building in which such occupancy is located.
2. The sign shall be no greater than twenty percent (20%) of the surface area of such building side or two hundred (200) square feet, whichever is the smaller.
3. Where a multiple-occupancy development consists of only one principal building, one additional sign (a secondary sign) may be allowed if a second public street abuts the multiple-occupancy development.

4. The size of the secondary sign may not exceed an area of fifty (50) square feet.
5. The secondary sign for a multiple-occupancy complex shall only include identification of the multiple-occupancy complex.
6. Wall-mounted signs for a multiple-occupancy complex shall only include identification of the complex itself.
7. No secondary sign shall be allowed to be located on any face of a building or any roof which would be directly opposing any property having a single-family land use designation on the future land use map or zoned for single-family use. This provision shall not apply to single-family land uses designated on arterial roadways (shown in the City of Avon Park 2030 Comprehensive Plan).



**maximum = 20% of A x B or 200 sq ft, whichever is less**

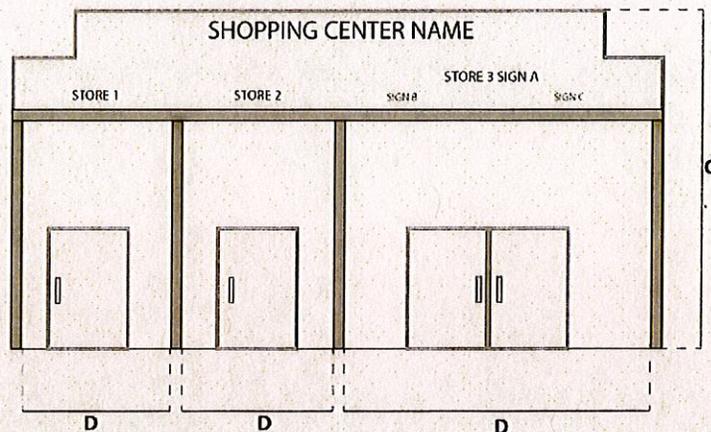


b. Signs for occupants of a multiple-occupancy development.

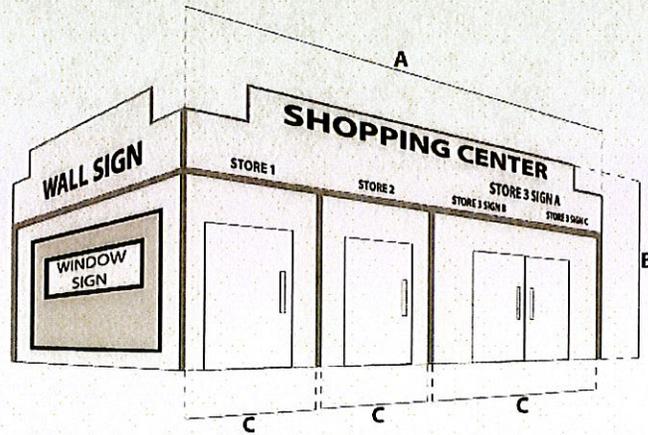
Each occupant of a multiple-occupancy complex may display such signs on the principal building in which such occupant is located, with the following limitations.

1. The sign may be placed only on the exterior surface of the principal building, or portion thereof, which is included as part of the occupant's individually leased or owned premises in accordance with the following:
  - i. On the side which is the primary entrance/exit to the occupancy, the occupant may display in the leased or owned area as many as three (3) signs.
  - ii. Only one (1) building side will be considered as being any occupant's primary entrance/exit.
  - iii. The three (3) signs may have a combined maximum size of ten percent (10%) of the surface area of the exterior wall included in such occupant's individually leased or owned premises or one hundred 100 square feet, whichever is the less.
  - iv. If the occupant has an entrance/exit on a corner or on more than one (1) side, the occupant may choose which building side shall count as having the primary entrance/exit.

- v. One (1) additional sign may be placed on the non-entrance/exit side of the occupant's leased or owned area.
  - vi. The maximum size of a sign on a non-entrance/exit side of an occupancy shall be twenty-four (24) square feet. Such sign shall be allowed if the property adjacent or opposite to the non-entrance/exit side is zoned non-residential.
2. Each occupant, the individually owned or leased premises of which do not include part of an exterior wall of a principal building, may nevertheless display one (1) such sign of up to six (6) square feet of sign area on one (1) side of the principal building in which such occupant is located.
  3. A common or jointly owned area shall not be included as part of the exterior surface of any one occupancy. The allowable sign area of two (2) or more occupants may be placed on a common or jointly owned area providing:
    - i. The common area is an integral part of all occupants which will be included in the sign.
    - ii. Only one (1) sign, common to all occupants of the common area, may be displayed.



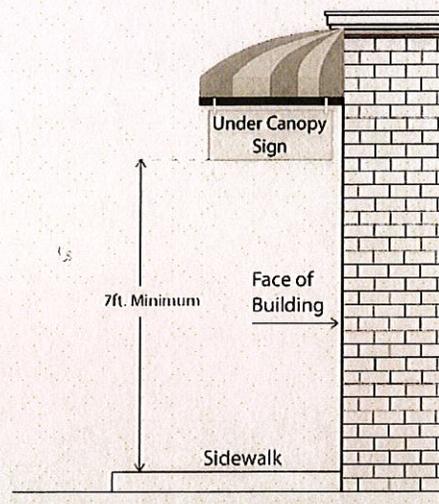
**each business = 10% of C x D or 100 sq ft, whichever is less**



**Shopping Center Sign = max. of 20% of A x B or 200 sqft, whichever is less**  
**Wall Sign (Secondary Shopping Center Sign) = max. of 50sqft**  
**Each Business = a max. of 10% of B x C or 100 sqft, whichever is less**

- (3) Under Canopy or Under Awning Signs. Under canopy or under awning signs that are not visible from the property frontage shall not count against the total signage. One (1) under canopy or under awning sign per tenant shall be permitted as follows:

Signs mounted under a canopy, awning, or awning-like structure shall be a maximum of four (4) square feet in size, shall maintain a clearance of seven (7) feet from the bottom of the sign to the top of the walkway beneath, and shall swing freely.



- (4) Window Advertising. Window advertising of the kind described in this paragraph shall not count against the total signage, but not more than

twenty-five percent (25%) of all of the glass surfaces of the windows facing a public street or right-of-way may be used for signage or any other opaque items that block the glass, including, but not limited to, posters, fliers, advertisements, display racks, other interior furnishings, or similar materials or objects.

(C) Landscaping. All ground-mounted and free standing signs shall be landscaped. When shrubs or small trees are used, only those shrubs or small trees listed in this Code are permissible. For a list of permissible shrubs and trees, see Article 3, Section 3.07.03.

(D) Illumination. Illumination of permitted signs may be from external sources. Lighting on signs which are not internally illuminated shall be shielded with an opaque shade and directed so as to produce no glare on roadways or surrounding properties. The use of neon is prohibited.