



CITY COUNCIL WORKSHOP

June 19, 2024 at 5:30 PM

City Council Chambers, 16 Colomba Rd.

DeBary, Florida 32713

AGENDA

CALL TO ORDER

ROLL CALL

PUBLIC PARTICIPATION FOR ANY ITEMS NOT ON THE AGENDA (Citizen comments are limited to three (3) minutes per speaker. Speakers will be called when the item is introduced for discussion.)

PRESENTATIONS

1. Staff is presenting an overview to the City Council on Chapters 8 and 11 of the proposed Land Development Code (LDC).

COUNCIL DISCUSSION

ADJOURN

If any person decides to appeal any decision made by the City Council with respect to any matter considered at this meeting or hearing he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 668-2040.



City Council Meeting City of DeBary AGENDA ITEM

Subject: Land Development Code, Chapters 8 and 11	Attachments: <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Supporting Documents/ Contracts <input checked="" type="checkbox"/> Other
From: Steven E. Bapp, AICP Growth Management Director	
Meeting Hearing Date June 19, 2024	

REQUEST

Staff is presenting an overview to the City Council on Chapters 8 and 11 of the proposed Land Development Code (LDC).

PURPOSE

To inform the Council on the provisions of the proposed Chapters 8 and 11 of the Land Development Code.

CONSIDERATIONS

The City is drafting a new LDC that is a reorganization of the existing chapters to a more modern user-friendly code, updates to each chapter to ensure consistency with current practice, incorporate recent ordinances, updates to all regulatory references.

Chapter 8: Landscaping

- Complete overhaul of the entire chapter.
- Introduced new tree protection regulations.
- Proposed new buffer standards.
- Utilized current terminology for trees (understory and canopy) to be used in development.

Chapter 11: Signs

- Consolidated signage regulations from other chapters.
- Updated terminology to be consistent with the supreme court case.
- Created new definitions in Chapter 2.
- Adjusted regulations to be content neutral based on the Supreme Court ruling (Reed v. Town of Gilbert).

COST/FUNDING

None.

RECOMMENDATION

It is recommended the City Council provide staff with feedback to facilitate the LDC Implementation.

IMPLEMENTATION

City staff will present the entire LDC for adoption during the month of July 2024.

ATTACHMENTS

1. Chapters 8 and 11 – Strike-Thru Version

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CHAPTER 8 - LANDSCAPING AND BUFFERING

ARTICLE I. Purpose and Scope

Sec. 8.1. Purpose.

It is the purpose of this chapter to establish regulations pertaining to functional landscaping in the City, whether within the right-of-way or on-site. These regulations provide for the protection of existing trees and provide standards and criteria for new landscaping, thereby promoting the health and general welfare of the citizenry and at the same time maintaining and improving the aesthetic quality of the City.

Sec. 8.2. Scope.

The terms and provisions of this chapter apply to all real property, public and private, within the City limits, except for bona fide agricultural use.

Wherever tree caliper is referenced in this chapter, the caliper of *existing* trees shall be measured as diameter at breast height (DBH), or 4 1/2 feet above the ground. The caliper of new trees to be *installed* shall be measured six inches above the ground.

ARTICLE II. Tree Protection

Sec. 8.3. Intent.

- (a) It is the intent of this section to promote the community health, safety and welfare by protecting trees in order to enhance community appearance and protect quality of life and the environment.
- (b) It is the intent of this section to maintain a minimum required amount of tree cover, while at the same time regulating the removal of certain trees through the permit system.
- (c) It is the intent of this section to prohibit the strip clearing or "clear cutting" of land.

The City finds it in the best public interest to enact this Article controlling tree removal and requiring the planting of new trees.

Sec. 8.4. Protected, Specimen and Historic Trees

Unless exempt by Section 163.045, F. S., it shall be unlawful for any person, entity, utility or other governmental agency to cut, trim, or remove protected, specimen, or historic trees without first obtaining a permit from the City as required in this Chapter.

Sec. 8.5. Tree removal permit exemptions.

During emergency conditions caused by a hurricane or other natural disaster, the provisions of this article may be suspended by the direction of the City Manager. Additionally, the following activities do not require a tree removal permit:

- (a) Prohibited trees, as defined in section 2.2.
- (b) Trees, except historic trees, within an existing private right-of-way or maintenance easement which must be removed or thinned to ensure the safety of the motoring public and to maintain visibility of oncoming traffic at intersecting public streets.
- (c) Trees within licensed wholesale plant or tree nurseries and botanical gardens.
- (d) Trees, except historical or specimen trees, removed by franchised utility companies, provided that:

(1) The utility company provides prior written notice of its intention to remove trees to the City Manager and the record property owner. The written notices shall be delivered, at minimum, 15 days prior to the intended tree removal; and

(2) The utility company can demonstrate to the GMD prior to tree removal that:

a. The tree will cause a continual disruption of service; and

b. The threat of service interruption cannot be remedied by tree pruning in accordance with standards as set by the American National Standards Institute, as amended.

(e) Trees on residential properties where the property owner has obtained documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect certifying that the tree presents a danger to persons or property.

(f) Deteriorated/dead trees can be removed without a permit at the discretion of the GMD.

Sec. 8.6. Tree Removal Prohibited

Unless exempt by F.S. §163.045 or Section 8.5 (Tree removal permit exemptions), it shall be unlawful for any person, entity, utility or other governmental agency to cut, trim, relocate, destroy, or remove a protected, specimen or historic tree (as defined in Chapter 2) without first obtaining a permit from the City. The removal of deteriorated trees without prior approval of the City Manager shall be presumed to have been in good condition and shall be considered a violation of this Code and subject to the provisions of section 8.9 (Penalty).

Sec. 8.7. Tree Removal Permit

(a) New Multifamily and non-residential developments. A permit for the removal, alteration or relocation of a protected tree shall be reviewed and acted upon in conjunction with a site plan or preliminary plat review by the Development Review Committee (DRC). Upon approval by the DRC, the City shall issue a permit authorizing the removal of the trees.

(1) The site plan review and/or preliminary plat application shall be accompanied by documentation demonstrating that every effort to preserve existing trees is taken. A tree survey of all trees requiring a permit for removal and a landscape plan shall be provided as follows:

a. For parcels of land five acres or less, the application must include a tree survey and a site plan showing all trees proposed to be removed and those to be preserved.

b. For parcels larger than five acres, the application must be accompanied with an aerial photograph and a site plan of the proposed area to be developed.

c. An inspection of the site will be conducted to determine the accuracy of the submitted tree survey and the location and condition of significant trees on the site. A determination will be made on which trees shall be preserved. These trees shall be tagged on site and identified on the site plan for small sites, or the landscape plan for larger sites.

d. Any modifications to the approved landscape plan shall be approved by the Growth Management Director (GMD). Modifications may include, but shall not be limited to, changes in approved size, species, location or number of trees as indicated on the approved landscape plan, based on the validity of the issued development order.

(2) Protected trees requiring permits under this section which die or are damaged during development or within two years after development completion shall be removed and replaced by no fewer than four understory trees or one canopy tree as determined by the GMD, based on available space left within the site and the species of trees.

(3) A tree removal permit shall not be issued until a site inspection has been conducted and all trees slated for preservation have been properly barricaded (see **Section 8.8**, Tree Protection During Development). Prior to

issuance of a tree removal permit and/or commencement of site clearing or site construction work, the GMD shall inspect the site to ensure that trees slated for preservation, as indicated on the approved site plan, are barricaded in accordance with this section.

(4) Tree protection area requirements.

- a. Fifteen percent of the square footage of any development shall be designated for the protection of trees. The area required to protect specimen trees may be included to satisfy this requirement. This required area may be constituted as one or more subareas within the development. Said area may include landscape buffers or other landscape areas required by this Code. Such designated areas shall be a minimum width and depth of 20 feet to adequately protect the trees. A minimum of 50 percent of the required minimum number of trees as provided in section 8-8 shall consist of existing trees within said area. The City Arborist may provide for a waiver or modification of this requirement if the development contains an insufficient number of existing trees to meet this requirement or if the City Arborist determines that modification of this requirement is warranted by specific on-site conditions.
- b. On new subdivision plats or replats, the required tree protection/preservation areas shall be exclusive of any lots, stormwater retention, utility easements, or any other area not compatible with the preservation of existing trees and native vegetation. All tree preservation/protection areas shall be located in separate tracts dedicated to the Homeowners Association or Property Owners Association for the subdivision for preservation/protection by that organization. Such a tract shall not be transferred to any entity other than the City, subject to the City's acceptance. A tree preservation/protection area shall not be included in the calculations for the developable area of any lots.
- c. On commercial site plans the required tree protection/preservation areas shall be exclusive of any stormwater retention, utility easements, or any other area not compatible with the preservation of existing trees and native vegetation. All tree preservation/protection areas shall be clearly labeled as such on the site plan and shall not be altered except as approved by the City Arborist.

(Ord. No. 08-07, § 1(G), 3-7-2007)

- (b) Existing Multifamily and non-residential developments. When an individual is not required to submit a site plan or plat but intends to remove a protected tree, the tree removal permit application shall be submitted to the GMD. The application shall also set forth the reason for the tree removal (see subsection (e), Criteria for Permit Approval).
- (c) Trees within the Right-of-Way. It shall be unlawful for any person, entity, utility or other governmental agency to cut, or remove any tree which has a six-inch diameter at breast height (DBH) or above and located within the right-of-way without first obtaining a permit from the City as follows.
 - (1) The permittee shall submit an application on a form designated by the City.
 - (2) The permittee shall not commence any work upon a City right of way or utility easement without a permit executed by a person authorized to legally bind the permittee and approved by the City.
 - (3) The permittee shall agree to restore the right of way or utility easement to a condition equal or better than before the work.
 - (4) The permittee shall dispose of debris in a safe and proper manner.
- (d) Single-family, duplex, and triplex developments.
- (e) Criteria for Permit Approval.
 - (1) Tree removal permits shall be approved where design modifications are not feasible and one or more of the following circumstances exist:
 - a. The location of the tree prevents the opening of reasonable and necessary travel lanes in a street or alley.

- b. The location of the tree prevents the construction of utility lines or drainage facilities which cannot feasibly be rerouted.
 - c. The location of the tree prevents reasonable access to the property.
 - d. The location of the tree precludes reasonable use of property located in a commercial zoning district.
 - e. The tree has lost a minimum of 50% of its total foliage or has a reduction of 50% of normal leaf size for that species.
 - f. Any tree which is dead or any tree which shall endanger the health, safety or welfare of any person or property shall be removed within ten days by the developer, homeowners' association, or owner after proper permit issuance or submittal of documentation stating that the tree presents a danger, and in accordance with the Code. If approved for removal, any stump(s)/trunk(s) of said tree(s) shall be removed below the surface of the ground so that the top of the stumps(s)/trunk(s) does not project above the surface of the ground.
- (2) When reviewing applications to remove a tree within the right-of-way, the GMD shall ensure that minimal damage is done to the tree/trees to be affected. If it appears that significant loss or damage will occur to a tree due to the installation, reroute, or location of utility easements and rights of ways, alternative methods shall be pursued to protect the tree.
- (3) No permit shall be issued if there has been a violation of this ordinance within three months or there remains outstanding fines from violation of this section.
- (4) If approved for removal, any stump(s)/trunk(s) of said tree(s) shall be removed below the surface of the ground so that the top of the stumps(s)/trunk(s) does not project above the surface of the ground.
- (f) Tree Replacement. Unless exempt by Section 163.045, F. S., any tree that has received a tree removal permit outside of the site development process shall be replaced as follows:
- (1) Specimen trees shall be replaced by the same species or other species of comparable size and quality.
 - (2) Species selection and replacement requirements shall be selected from the Florida-Friendly Plant List in "Florida Yards & Neighborhoods" edited by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS). The GMD shall have the authorization to modify the species and replacement requirements.

Sec. 8.8. Tree Protection During Development.

- (a) Minimum Measures. No material, machinery, temporary soil deposits, equipment, parking of construction vehicles or employee vehicles, construction of buildings, structures, paving surfaces, compaction of soil, cut-way, digging or trenching shall be allowed within six feet of any understory tree or within ten feet of any canopy tree to be preserved. A tree with a diameter of four feet or more shall require additional space as may be determined by the GMD.
- (b) Permitted Activities within the Protected Area.
 - (1) Sidewalks which are laid on top of the existing grade with fill placed at the sides, rather than cut into the ground.
 - (2) Utility lines which are tunneled beneath tree roots in order to protect feeder roots, rather than trenched.
 - (3) Placement of sod or other ground covers, and the preparation of the ground surface for such covers. Landscape preparation in the undisturbed area shall be limited to shallow disking of the area.
- (c) Protective Barrier Required. Where construction may endanger a tree, the following protective barriers shall be required by the GMD as follows:
 - (1) Protective posts two inches by four inches or larger wooden post, two inches' outer diameter or larger galvanized pipe, or other post material of equivalent size and strength shall be implanted deep enough in the ground to be stable and with at least four feet of the post visible above the ground.

- (2) Posts shall be placed at points not closer than the drip line of the protected tree, with the posts being not further than six feet apart, except that access may be allowed within this line as specified on site plans, but in no case, shall heavy equipment be permitted access with the protective barrier zone.
 - (3) All protective posts shall be linked together (fencing at least four feet high, two courses of rope or cord not less than one-half inch in diameter or a chain of comparable visibility). Each section shall be clearly flagged with yellow plastic tapes or other markers.
 - (4) Protective barriers shall remain in place and intact until construction is complete.
 - (5) The City shall conduct inspections periodically throughout the construction site in order to ensure that the tree ordinance, site plan and planting specifications are being complied with.
 - (6) Prior to issuance of a certificate of occupancy, the City shall inspect the site to determine the site's compliance with the tree ordinance and the landscaping provisions of the land development code.
- (d) Grade Changes. No grade changes shall be made within the minimum undisturbed area without prior approval of the GMD.
- (e) Pruning. Pruning of a protected tree to compensate for the additional stress placed on the tree shall be conducted in the following manner:
- (1) Pruning shall be proportionate to the amount of the reduction allowed in the undisturbed area, and the crown must be pruned by removing lateral branches and thinning rather than topping. Roots greater than one inch in diameter shall be cut cleanly by a sharp pruning tool.
 - (2) Exposed roots, if cut or broken shall be pruned back to healthy tissue and covered to prevent drying.
 - (3) Broken limbs and broken or shipped tree bark shall be promptly pruned and treated. Low hanging branches that could be injured by vehicles shall be carefully pruned.

Sec. 8.9. Violations and Enforcement.

- (a) Any tree removal or alteration in violation of this part and any failure to maintain or protect trees in accordance with the requirements of this part, shall be deemed to be a violation of this section and subject to enforcement by the Special Magistrate. The property owner, occupant and/or agent shall be responsible in all enforcement matters.
- (b) To ensure compliance, all appropriate development sites shall be inspected by the City prior to issuance of the Certificate of Occupancy. If the site does not comply with the approved development plan, then the certificate of occupancy shall not be issued until the site conforms with the approved development plan.

Sec. 8.10. Penalty.

If any person shall cut, trim, or remove any tree in violation of this ordinance they shall be guilty of a misdemeanor and/or be subject to the specified fine in Chapter 2, **Article III of the Code of Ordinances**.

Sec. 8.11. Appeals.

Any person aggrieved by a decision of the GMD or designee may file an appeal in accordance with **Chapter 3**.

- Sec. 8.12. RESERVED
- Sec. 8.13. RESERVED
- Sec. 8.14. RESERVED
- Sec. 8.15. RESERVED
- Sec. 8.16. RESERVED

ARTICLE III. Landscaping and Buffer Requirements

Sec. 8.17. Applicability.

The requirements of this section shall apply to all new development or the expansion/redevelopment of existing development except for single-family, duplex and triplex dwellings on individual lots, which are only subject to the requirements of Section 8.7(d) and public elementary, middle and high schools, which are only subject to the buffer requirements of Section 8.18(b). Where Form-Based Code standards remain silent with regard to landscaping, the provisions of this chapter shall apply.

Sec. 8.18. Perimeter Landscaping and Buffers Between Uses.

- (a) In General. The purpose of buffer areas is to mitigate the impact that a use or traffic may have on the neighboring sites. The buffer yard area, the barrier, and the planting specified for each buffer are designed to reduce nuisances between adjacent land uses.
 - (1) Buffers shall not include buildings or vehicular use areas but may include ponds as regulated by paragraph (2) of this subsection.
 - (2) If the required buffer provided includes a pond, the required perimeter landscape area shall be provided beyond the minimum maintenance berm of a retention pond, unless otherwise approved by the City Engineer.
- (b) Landscaping and Buffer Requirements.
 - (1) The following table below shows the minimum perimeter landscape area, trees, shrubs and buffer required based on the proposed and adjacent uses.

	Perimeter Landscape Area (minimum width)	Trees (type and minimum quantity)	Shrubs (minimum height & spacing)	Buffer (minimum height and type)
RESIDENTIAL USES				
Multi-family use <i>adjacent to:</i> Single family, duplex, triplex, townhome, mobile home park use or district	25'	1 evergreen understory tree for each 25 linear feet, or fraction thereof,	24" in height at the time of planting and spaced a minimum of 30" on center	6' fence*

NON-RESIDENTIAL USES				
Non-residential use adjacent to: Any residential use or district	30'	1 evergreen understory tree for each 25 linear feet, or fraction thereof,	24" in height at the time of planting and spaced a minimum of 30" on center	6' Masonry Wall*
Non-residential use adjacent to: Non-residential use or district	5'	None	24" in height at the time of planting and spaced a minimum of 30" on center	None

*Refer to Sec. 8.16(c)(1)

- (2) Where a masonry wall is required, it shall be constructed of a finished, maintenance free material such as brick, split-faced masonry block, textured concrete or similar materials, and shall be consistent with the architectural style of the building(s) on site and surrounding properties. Columns or pilasters shall be required and shall not be spaced more than 50 linear feet on center. The height of the wall shall be measured on the interior side of the wall.
- (3) The tree requirement for public schools adjacent to other uses may be reduced by the GMD if the area is not adjacent to areas of high activity and determined that the reduction would not adversely impact adjacent residences.
- (4) Canopy trees may be used in lieu of understory trees, but shall comply with the minimum separation requirements stated in **Section 8.24**.

(c) Adjustments.

The Development Review Committee (DRC) may approve a waiver or modification of some of the requirements of this section if the committee determines that the waiver/modification will not adversely impact the compatibility of land and water uses in the area, the use of a masonry wall would adversely impact adjacent residential uses, and/or existing specimen trees greater than 30 inches DBH and in good health would be affected by the buffer requirements. Appeals of the DRC waivers shall be heard by the GMD.

- (1) The DRC may allow a six-foot high solid hedge instead of the required fence. All other perimeter landscape area width and landscaping requirements shall still apply.
- (2) The DRC may reduce the perimeter landscape area width to a minimum of 15 feet if a six-foot high continuous decorative wall as described above in **subsection (b)** is provided and all the landscaping requirements are met.
- (3) For lots located within the Corridors and Nodes Overlay District or within a public school site, the DRC may reduce the required perimeter landscape area width and buffer. If the DRC waives the masonry wall for public schools, a continuous six-foot solid fence shall be provided along the property line requiring buffering. However, if the required buffer width is provided and the buffer is adjacent to an area where minimal activity takes place, a six-foot high vinyl coated chain link fence may be provided instead of the masonry wall.
- (4) The DRC may waive the perimeter landscape area, landscaping and buffer requirements between uses if their vehicular use areas are unified and designed to be shared.

Sec. 8.19. Landscaping and Buffers Along Rights-of-Way.

- (a) Landscaped Strip: A landscape strip shall be provided within the site along every public and private street or right-of-way (except in locations where a driveway is approved). For new subdivisions minimum width of the landscaped strip shall be as follows:
 - (1) Residentially zoned sites located along Limited Access Highways and Railroads: 25 feet.

- (2) Along arterial or collector rights-of-way: 10 feet*
- (3) Along all other rights-of-way and all other uses not specified above: Seven feet.

*For arterials and collectors within a Node or Corridor, the minimum width of the landscape strip shall be coordinated with the GMD.

(b) Buffer:

- (1) Residential subdivisions located along Limited Access Highways and Railroads shall provide a continuous decorative masonry wall (or a berm with wall combination) at least six feet in height measured from the interior side of the wall. The buffer wall shall be constructed of a finished, maintenance free material such as brick, split-faced masonry block, textured concrete or similar materials, which shall be consistent with the architectural style of the building(s) on site and surrounding properties. Columns or pilasters shall be required and shall not be spaced more than 50 linear feet on center.
 - (2) Where the rear or side yard of a single family, duplex or triplex lot abuts an arterial or collector street, a six-foot high continuous decorative masonry wall or berm with hedge shall be constructed. The masonry buffer wall shall be constructed of a finished, maintenance free material such as brick, split-faced masonry block, textured concrete or similar materials, and shall be consistent with the architectural style of the building(s) on the site and surrounding properties.
- (c) Tree Canopy: One canopy tree meeting the size and species requirements of **Section 8.24** shall be planted for each 50 linear feet or fraction thereof of landscape strip. In order to create a canopy or near canopy over the street, the required trees shall be placed as close to the street pavement as public safety considerations allow, provided that consideration shall also be given to achieving a continuous alignment along adjacent sites. In some cases, such as new subdivisions, the City may require that the trees be installed in the right of way in accordance with City tree planting specifications outlined in this section. Where existing canopy trees are located within 50 feet of a required tree location, understory trees may be provided in lieu of the required canopy trees.
- (d) Shrubs, Berm or Wall: If the area of the site adjacent to the public or private right-of-way consists of an on-site vehicular use area, the landscape strip shall include shrubs, a berm, a wall or other durable landscape screen at least 24 inches high. The shrubs must have a minimum spacing of 30 inches on center or fraction thereof.
- (e) Ground Cover: The remainder of the required landscaped strip shall be landscaped with grass, ground cover or other landscaping material. See **Section 8.24(c)** for ground cover specifications.
- (f) Pole and Monument Signage Landscaping: Free-standing signs may be located within the buffer adjacent to a right-of-way. Shrubs or other durable landscaping a minimum of 18 inches in height shall be provided within a minimum two-foot area around the entire base of any pole or monument sign. Location of any pole or monument signage shall not take the place of or interfere with the required tree within any required landscape island.

Sec. 8.20. Landscaping within Vehicular Use Areas.

The landscaping requirements of this section shall be met by placing the required landscaping in one or more of the following types of locations: parking lot landscape islands, the space between head-to-head rows of parking, the area between parking surfaces and buildings and the area between vehicular use areas and property lines.

- (a) At least 25 square feet of landscaped area shall be provided per parking space.
- (b) There shall be a landscape island at the end of every parking row, and also every ten parking spaces.
- (c) Each separate required landscaped area or island shall contain a minimum of 50 square feet of landscaping with a minimum width of at least ten feet and a minimum depth at least the depth of the adjacent parking space.
- (d) Landscape island(s) which contain an interior sidewalk to connect the public sidewalk to the building shall be a minimum of 15 feet in width.
- (e) Each required island within parking areas located between the building and the adjacent right(s)-of-way shall have a canopy tree with a minimum caliper of four inches in size, rather than two and one-half inches, at the time of planting. All other islands shall have a minimum of one canopy tree meeting the standards of **Section 8.24**.

- (f) Sites that contain more than 500 parking spaces shall have canopy trees with a minimum of four inches in caliper, rather than two and one-half inches in caliper.
- (g) There shall be no less than one tree for each ten parking spaces or fraction thereof and one shrub for each two spaces or fraction thereof.
- (h) The tree species shall only be approved if they provide adequate shade protection.
- (i) Light poles shall not be located within any required landscape island, unless waived by the GMD after demonstration that the light pole(s) would not interfere with the required canopy tree and the lighting of the site.

Sec. 8.21. Landscaping in Other Interior Site Areas.

- (a) Foundation Landscaping: A four-foot wide landscaped strip shall be provided adjacent to all building walls facing public and private streets. Shrubs, a minimum of 24 inches in height at the time of planting, shall be planted within the strip and cover a minimum of 60% of the total length of each building wall.
- (b) Solid waste containers
 - (1) Dumpster Pads: Shrubs, a minimum of 24 inches in height and spaced a minimum of 30 inches on center shall be provided adjacent to three sides of dumpster enclosures.
 - (2) All solid waste containers, except approved recycling containers, shall be enclosed on at least three sides with a six-foot high screen. The screen shall consist of a vinyl or masonry wall. The GMD may require that a hedge or similar landscaping material about the enclosure walls.
 - (3) The container shall be enclosed in such a manner so that said container will be screened from public streets and adjoining properties. A concrete or asphalt pad of appropriate size and construction shall be provided as a base for the container. The container pad shall be at the approximate level of the service vehicle approach area so that the truck's loading mechanism can align with the container's sleeves.
 - (4) The screened enclosure shall not be located within any street right-of-way or required yard area. Containers and enclosures shall be located so as to allow ease of access for collection trucks and direct access to drive areas. Straight-in or circular drives are encouraged to reduce truck maneuvering problems. No parking or other obstructions shall be permitted in the access area for enclosures.
- (c) Lift Stations: Shrubs, a minimum of 24 inches in height and spaced a minimum of 30 inches on center shall be provided adjacent to all sides of any lift station, approved outdoor storage area, above ground utility facility and mechanical equipment. Lift stations shall also be screened by a minimum of six-foot high enclosure, located around the perimeter of the easement and shall be made of masonry and consistent with the design theme of the building. Lift stations shall not be located between any building and right(s)-of-way and/or in any front yard setback. A solid gate shall be installed on the enclosure and shall remain closed at all times.

Sec. 8.22. Landscaping Within Open Space Tracts

Each open space tract provided to satisfy open space requirements within a development shall contain an average of at least 15 trees per acre with a minimum caliper of two and one-half inches at the time of planting.

Sec. 8.23. Landscaping Within the Right-of-Way

- (a) Voluntary Planting within the Public Right-of-Way
 - (1) *Approval Required.* Non-required trees, shrubs, or vines may be planted in a public street right-of-way only with the following approvals:
 - a. City rights-of-way: City designee and Public Works right-of-way utilization permit.
 - b. County rights-of-way: City Manager and Volusia County.
 - c. State rights-of-way: City Manager and State of Florida.

- (2) *ROW Utilization Permit.* It shall be the responsibility of the developer, contractor, homeowners' association, and/or the individual lot owner to obtain a right-of-way utilization permit from the Public Works Department prior to commencement of any work within the right-of-way.
- (3) *Street Trees.*
- a. *Homeowners' Associations:* A Street Tree Plan demonstrating compliance with the requirements of this chapter shall be submitted by the applicant for review by the GMD pursuant to Chapter 3.
 - b. *Individual Lot Owners:* A Street Tree Plan demonstrating compliance with the requirements of this chapter shall be submitted by the individual lot owner for review by the GMD.
 - c. *Street Plan Review:* The GMD may approve, deny, or approve the plan with conditions based on compliance with the requirements of this chapter. See **subsection (e)** for required standards and contents of a Street Tree Plan pursuant to Chapter 3.
- (b) *Required Street and Median Tree Planting:* Proposed residential developments which involve the creation of a street shall submit and receive approval of a Street Tree Plan that ensures street trees and/or shrubs will be planted and established in accordance with the standards of this Chapter. See **subsection (e)** for required contents of a Street Tree Plan. No final approval shall be granted for a preliminary plat until a Street Tree Plan, which shall be included as part of the subdivision landscape plan, has been approved by the designated official, pursuant to Chapter 3.
- (c) *ROW Landscaping Standards:* All right-of-way landscaping shall comply with the following standards:
- (1) Canopy street trees meeting the species and size requirements of **Section 8.24**, shall be planted along all existing and newly created streets within or abutting the development site. There shall be one canopy tree for every 50 linear feet of landscaping strip, or at least one tree in front of each lot. For proposed lots of less than 50 feet of frontage, smaller maturing canopy trees or understory trees may be utilized.
 - (2) Street trees shall be centered in the planting strip between the sidewalk and the street curb. If centering within the planting strip is not possible or desirable due to design considerations, the location of the tree may be moved but will still be required to meet the separation requirements listed in **Section 8.24**. On public streets without sidewalks, trees shall be located so as to accommodate future sidewalk placement and with regard to current and future utility line corridors.
 - (3) No tree shall be planted in any median that is less than ten feet in width.
 - (4) Canopy trees located within a median may be planted in rows or clustered.
 - (5) If street trees cannot be provided as required in this Chapter, a waiver may be obtained from the Development Review Committee (DRC). If the waiver is approved, the trees shall be planted within a minimum eight-foot wide platted easement/tract running along the right-of-way. Adjacent right-of-way and required improvements shall be altered and approved at the time zoning and/or preliminary plat approval to accommodate placement of said trees within the easement/tract.
 - (6) Ornamental shrubs and ground cover shall be planted at gateways, landmarks, entrance features or other focal areas. Mass planting of shrubs and ground cover, using plants from a minimum of one-gallon containers and a minimum of one species with flower color in each planting bed, shall be provided in order for each species to grow together into a solid mass within 18 months.
- (d) *Exemption from Street and Median Tree Requirements.* At the request of the developer and/or owner of the property, the GMD may exempt specific areas from required street and/or median tree planting where the terrain, infrastructure or existing trees make the planting of new trees impractical. Examples include but are not limited to the following:
- (1) Where existing healthy trees that are shown to be preserved on site or within the right-of-way are in such close proximity that would prevent a new tree from establishing a full canopy when mature.
 - (2) Where limerock is encountered within 30 inches of finish grade in the planting area between the back of curb and the property line.

- (3) Where natural or existing grade slopes between the top of the street curb and the property line are in excess of 30%.
- (4) Where required distances from existing features are not adequate as noted in **Section 8.24(a)(7)**.
- (e) Street/Median Tree Plan. The Street Tree Plan shall depict all the proposed trees to be located within the right-of-way, in addition to the following:
 - (1) All proposed street trees and shrubs within open space tracts and medians owned by the homeowners' association.
 - (2) The location and dimensions of all driveways, curbs and gutters, sidewalks, streets, trees and public and private utilities within the proposed or existing development site. Utilities shall include:
 - a. Water
 - b. Electrical
 - c. Natural gas
 - d. Telephone
 - e. Cable TV
 - f. Street lights
 - g. Sanitary sewers
 - h. Storm sewers and inlets
 - (3) Actual or estimated location of driveways with a description of the methods the developer will use to ensure new street trees will not conflict with the future driveways within the tree establishment period.
 - (4) The proposed method(s) the developer, owner and/or homeowners' association will implement to ensure maintenance, liability, establishment, protection, watering, and initial structural pruning of the trees.

Sec. 8.24. Landscaping Materials

The standards contained in this section shall be utilized in order to ensure that new landscaping planted on public or private land and along street rights-of-way are of the highest quality, require low maintenance, and do not interfere with public safety.

(a) Canopy and Understory Trees

(1) Tree Species:

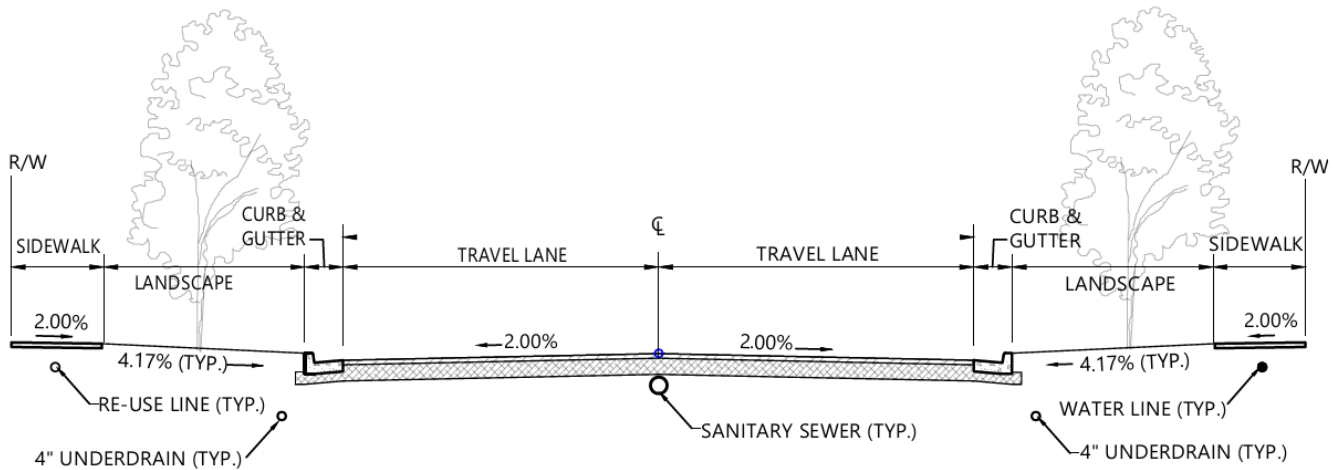
- a. All required trees shall be selected from the latest edition of the Florida-Friendly Plant List in "Florida Yards & Neighborhoods" edited by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS). At least 50% of all trees and plant materials shall be drought tolerant as specified on the Florida-Friendly Plant List.
- b. The GMD may approve a tree not listed in the Florida-Friendly Plant List if a dependable source of non-potable irrigation water is to be used.
- c. A minimum of two different species of trees shall be used on non-residential development sites requiring site plan approval and four species on duplex, triplex and multi-family residential sites.
- d. Palm and pine trees may be provided on a site; however, such trees cannot be utilized to satisfy tree canopy and street tree requirements.

- (2) **Prohibited Trees:** No person shall plant, or cause to be planted within the City, any species of tree and/or shrub within the right-of-way of a street, alley, pedestrian right-of-way or pedestrian easement, which is not listed in the Florida-Friendly Plant List, unless support documentation is submitted and the planting of the proposed species is specifically authorized in writing by the City Arborist. Any tree and/or shrub within a public right-of-way prior to the adoption of this ordinance, shall be considered a legal non-conforming tree and/or shrub.
- (3) **Tree Size at Time of Planting:** Shade trees shall have a minimum 2.5 inches caliper and a minimum height of ten feet at the time of planting, and shall be species capable of reaching a minimum height of 25 feet and crown spread of 15 feet at maturity. Small trees shall have a minimum 1.5 inches caliper and a minimum height of eight feet at the time of planting. Palm trees shall have a minimum clear trunk of six feet at the time of planting.
- (4) **Tree Quality Standards at Time of Planting.**
 - a. Installed trees shall have a straight trunk perpendicular to the ground with a minimum branching height at 6 feet above the ground for trees 2 inches in caliper in at least a 25-gallon container.
 - b. Trees shall be provided reasonably free from insects and disease decay, major structural defects and damage to the trunk branches and root system.
- (5) **Tree Spacing:** The minimum separation between canopy trees shall be 50 feet. Understory trees require a minimum separation of 25 feet.
- (6) **Width of Planting Areas:** No tree shall be planted where the rooting space is less than eight feet in width without prior approval of the GMD.
- (7) **Distance from features:** The following table lists the minimum required distance that must be provided (at planting and through maintenance) between new trees and existing and/or proposed features (see Figure 8-1):

Table 8 - 1: Minimum Separation between Landscaping and Features

Feature	Minimum Required Spacing
Alley edge of pavement	15 feet
Sidewalks, curbs and gutters, bikeways, and driveways	3 feet for understory trees 5 feet for canopy trees
Fire Hydrants	10 feet for trees; 5 feet for shrubs
Intersections	35 feet
Manholes and Catch Basins	10 feet for understory trees 15 feet for canopy trees
Water Meters and utility boxes	5 feet
Underground water, sewer and transmission lines or other utilities	5 feet
Underground sewer laterals	10 feet
Utility Poles	10 feet
Street Lights	10 feet for understory trees 25 feet for canopy trees
Regulatory Signs	Not to block sign
Buildings	15 feet

Figure 8 - 1. Trees and Infrastructure



(8) Vertical Clearance: All trees and shrubs shall be pruned to ensure that:

- a. The minimum clearance of any overhanging portion is at least eight feet above any public sidewalk or public bikeway and 14 feet above any public street; and
- b. No portion of any tree or shrub shall be within one foot of any public sidewalk, bikeway, or street or within one foot of the area above these facilities unless the minimum clearance in subparagraph a. above is satisfied.

(9) Overhead Utility Clearance: No tree, except for an understory tree with a maximum mature height of 20 feet, may be planted under or within ten lateral feet of any overhead utility wire. Where a required tree(s) cannot be planted due to existing constraints, the required amount of tree(s) shall be planted elsewhere on the property upon approval by the GMD.

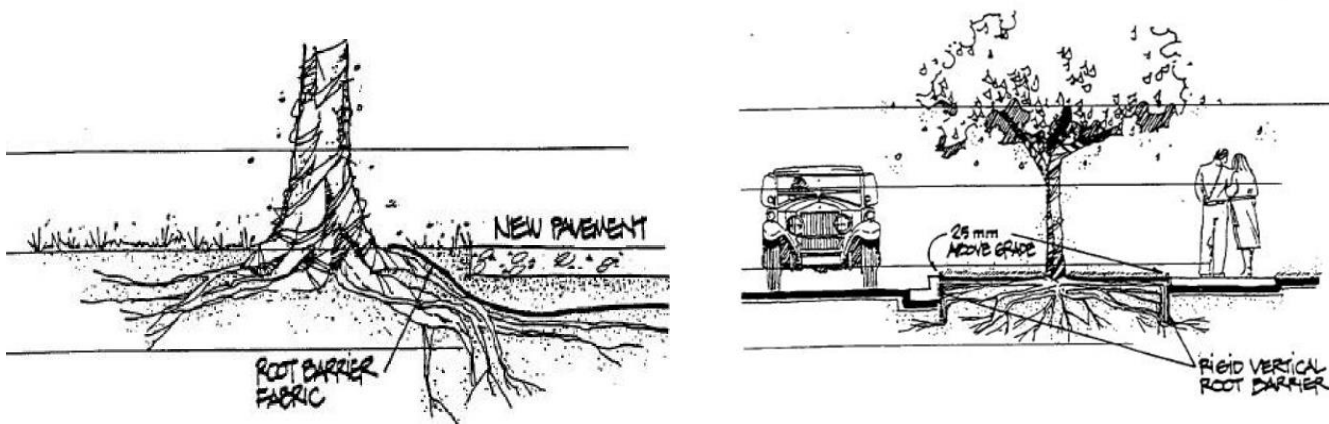
(10) Exemptions: Where special conditions exist, the GMD may waive these tree planting location standards. Such a waiver shall be on a case by case basis.

(11) Horizontal & vertical vehicular sight triangles: Trees shall not be allowed within the horizontal and/or vertical sight triangles of a street, alley or driveway intersection so as to obscure required traffic sight distances. Curves in the road, hills, and other site specific factors may require extensions of these dimensions. See [Chapter 7](#) for more, requirements regarding sight distances.

(12) Tree Roots. Tree root deflecting methods to promote downward growth rather than lateral growth, shall be provided for all trees planted within five feet of sidewalks, asphalt pavement, curbs, and other infrastructure. Examples of such methods include but are not limited to the following (See [Figure 8-2](#) below for details of barriers):

- a. Impervious Plastic Barriers: Expandable self-locking panel sections with integral molded components and 90-degree root deflecting ribs. Solid root barriers shall be installed slightly above the grade to deter lateral roots from growing over the barrier.
- b. Fabric Root Barriers: Allows the transfer lateral movement of water and nutrients while suspending roots at the barrier.
- c. Chemical-release barriers or soft root barriers, which are more suitable for new pavement around an existing tree where root systems have already spread horizontally and cannot be severely cut to install a vertical hard barrier. This type of system is designed with a time-released herbicide impregnated into a fiber fabric which is flexible and can be placed horizontally, if necessary, and to any reasonable length. When the roots come in proximity with this material they take a downward direction to avoid the chemical.

Figure 8 - 2. Root Barrier



(b) Shrubs, Hedges and Vines.

- (1) All required shrubs and hedges shall be selected from the latest edition of the Florida-Friendly Plant List in "Florida Yards & Neighborhoods" edited by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS), or be otherwise specifically approved by the GMD if a dependable source of non-potable irrigation water is to be used. No development requiring site plan approval shall use less than two species of shrubs.
- (2) Shrubs shall be a minimum of one foot high at the time of planting. Shrubs used as required screening for vehicular use areas shall be a minimum of two feet high at the time of planting and be species capable of reaching a three-foot height within two years. Shrubs used for the required screening of properties, uses, or vehicular use areas shall be a minimum of three feet in height at the time of planting and be species capable of reaching a six-foot height within four years.
- (3) Shrubs/seasonal annuals located on an individual lot shall be located within five feet of the driveway, mailbox, and/or utility box, and shall not exceed 18 inches in height.
- (4) All shrubs shall comply with the minimum distance and sight requirements outlined in **Chapter 7**.
- (5) Vines shall be a minimum of 12 inches in height above grade at time of planting with fences, screens, or walls. Where used to provide visual screening required by this section, such plants shall be spaced no more than three feet apart and maintained so as to form a continuous, unbroken, solid, visual screen within one year of planting.

(c) Ground Cover: All pervious areas shall be entirely sodded or plugged with one of the following types of ground cover; sprigged, weeded, or seeded ground covers.

Table 8 - 2. Types of Grass Allowed

Type of Grass	Texture	Soil Range	Salt Tolerance	Drought Tolerance	Tolerance
Bahia	Medium to Coarse	Wide Range	Fair	Excellent	Poor
Bermuda	Fine	Wide Range	Fair to Good		Very Poor
Centipede	Medium	Acid Soils	Very Poor	Poor	Fair to Good
St. Augustine	Coarse	Wide Range	Excellent	Poor	Excellent
Zoysia	Fine	Wide Range	Good	Excellent	Excellent

(d) Installation and Maintenance Standards.

- (1) Quality: Plant materials used in conformance with provisions of this section shall equal or exceed the standards for Grade Number one (#1) plant materials as established and revised by the Department of Agriculture and Consumer Services, Division of Plant Industry. Grass sod shall be clean and reasonably free of weeds and noxious pests or disease. Reasonably shall be construed to mean 10% or less of the total area in question.
- (2) Wheel Stops and Curbs: All landscaped and pervious areas shall be protected from motor vehicular encroachment with effective wheel stops or curbs.
- (3) Berms: When berms are used to form a visual screen in lieu of or in conjunction with a hedge or wall, such berms shall be completely covered with shrubs, grass or other living ground cover. Berm slopes shall be a minimum ratio of 3:1.
- (4) Watering: During the establishment period, which is a three-year period from the date of installation, each tree shall be watered regularly in a manner that allows penetration into the soil around the tree.
- (5) Guying, Propping and Staking: Palms shall be supported by props, the trunk shall be padded and 2x4's banded with no nails in the trunk. All other trees shall be staked with no less than 2x2 inch stakes driven 1 1/2 to 2 feet into the ground. Two stakes shall be required for trees less than four inches in diameter, and three stakes for trees greater than four inches in diameter. The trunk shall be protected by placing a 3/4-inch hose around the guy wire where it comes in contact with the tree. All stakes shall be of the same height for uniform appearance and support. In no instance shall nails be used in the trunk of the tree. Stakes and ties shall be removed after the first growing season or one year after installation.
- (6) Mulching: Trees and shrubs shall be protected from lawn equipment by provision of mulch beds at base; the beds shall be within a 12-inch radius of the trunk. All of the planting material shall be placed in such mulch beds. The mulch shall be at least three inches deep.
- (7) Fertilizer: All plant material shall be treated with the appropriate fertilizer after planting.
- (8) Irrigation: Watering shall commence immediately upon installation and provision made for continued irrigation to reduce the probability of shock. Such irrigation shall be in accordance with any SJRWMD or City regulations.
- (9) Soils: Each landscaped area shall have soils suitable for the plant materials in the area. Soils shall have a proper pH level for the plants and shall be free of rubble, debris, trash, junk, or other waste materials.
- (10) Pruning/Trimming: Standards for pruning and/or trimming trees:
 - a. Dead broken or split branches shall be pruned at the time of planting.
 - b. Trees shall be pruned/trimmed to remove branches that are crossing, damaged, diseased, or broken.
 - c. The lower limbs shall be pruned/trimmed to provide a minimum clearance of eight feet above any public sidewalk or bikeway and 14 feet above any public street.
 - d. No portion of any shrub shall be within one foot of any public sidewalk bikeway or street or within one foot of the area above these facilities.
- (11) Tree Topping: It shall be unlawful as a normal practice for any person, firm or City department to hatrack or top any street tree, park tree, or other tree on public or private property. Hatracking or topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove more than approximately one-third of the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or other obstructions where other pruning practices are impractical may be exempted by the GMD.

Sec. 8.25. Irrigation.

- (a) When Required. All landscaped areas, excluding individual single family dwelling, duplex, triplex, and townhouse lots, shall be provided with an underground sprinkler irrigation system. An irrigation plan shall be provided with the landscape component of the site plan.
- (b) Conservation. Irrigation controllers, such as rain sensor devices, shall be capable of shutting off the system during periods of increased rainfall.
- (c) Design Standards.
 - (1) Coverage: The irrigation system must be designed to have a minimum of 100% coverage.
 - (2) Sprinkler Zoning: Sprinkler heads irrigating lawns or other high water demand landscape areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery or other reduced water requirement areas. Points of connections, lines and irrigation head shall also be specified.
 - (3) Control Systems: Automatically controlled irrigation systems shall be operated by an irrigation controller that is capable of watering high water requirement areas on a different schedule from low water requirement areas.
 - (4) Impervious Areas: Landscape irrigation systems shall be designed so that, to the greatest extent practical, water being applied to impervious areas is eliminated.
 - (5) Hours of Operation: Operational hours for portions of systems using potable water shall conform to any City and SJRWMD regulations relating thereto.
 - (6) Cross-Connection Control: Installation of irrigation systems shall conform with applicable City and State cross-connection control requirements. City approved meters and backflow preventers shall also be provided.
 - (7) Subsurface Irrigation: Subsurface irrigation systems which irrigate the root zone directly is highly recommended as the system requires less water and pressure to operate, is low maintenance, vandal proof and eliminates the hazard of overspray.
- (d) Non-Potable Water. Where feasible, use of non-potable reclaimed water for use in the irrigation of lawn and plant material is required when the property being developed.

Sec. 8.26. Landscape Maintenance Responsibility.

The following standards shall apply to all residential properties.

- (a) Responsibility. The owner shall be responsible for the maintenance of all landscaping; which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse, debris and erosion. This maintenance responsibility shall include lawns, trees and shrubs within public street rights-of-way adjacent to the property and shall include other landscaping maintenance responsibilities when set forth between the owner and the governmental entity responsible for the maintenance of the right-of-way in a maintenance agreement or other valid document.
 - (1) New Developments: The developer shall be responsible for the maintenance and health of each street tree located within the development until an individual lot abutting the planting area in which the street tree lies is occupied by a individual property owner or until such time a homeowners' association is established. Once the lot is occupied by an individual property owner or once an association is established, the individual property owner and/or the homeowners' association shall be responsible for the maintenance and health of each street tree located within the right-of-way and common open space areas.
 - (2) Existing Developments:
 - a. Planted by the Homeowners' Association. The homeowners' association shall be responsible for the maintenance and health of each street tree located within the right-of-way and common open space areas.

- b. Planted by Individual Lot Owner. Trees, shrubs and lawn planted by the owner of an individual lot shall be responsible for the maintenance and health of the trees shrubs and lawn within street rights-of-way adjacent to the property.
 - c. Tree Canopy Maintenance. Development shall maintain a minimum level of tree canopy coverage by meeting the standards as described herein.
- (b) Median and Swale Agreements. Parties subject to maintenance agreements with the City relative to medians and swales within the public right-of-way shall be subject to the above requirements plus any other provisions of the agreement.

Sec. 8.27. Letter of Credit/Cash Escrow.

No occupancy permit shall be issued for any non-residential or residential dwelling unless the provisions of this section have been met and approved by the City Manager or designee. If for some reason the landscaping cannot be completed, inspected, and approved prior to Certificate of Occupancy, the City Manager or designee may allow the applicant to post a letter of credit or cash escrow with the City in a form acceptable to the City. A letter of credit or cash escrow shall be in an amount no less than 125% of the estimated cost of completing the approved landscape plan including, but not limited to, plant material, irrigation and labor. Failure to satisfactorily complete the required landscaping within the specified time period shall be grounds for the immediate and summary revocation of the Certificate of Occupancy by the City and/or the forfeiture of the bond fund.

Sec. 8.28. Violations.

If at any time after the issuance of a certificate of occupancy, the landscaping of a development to which this article is applicable is found to be in nonconformance, the Development Services Department shall issue a notice to the property owner that action is required to comply with this subchapter and shall describe what action is necessary to comply. The owner, tenant, or agent shall have 30 days to restore the landscaping (or replaced with a similar species approved by the Department) as required with a longer period authorized only for a species with a special planting season. If the landscaping is not restored within the allotted time, such person shall be in violation of this chapter and subject to Code Enforcement action pursuant to Chapter 30, Section 36 of the Code of Ordinances.

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CHAPTER 11 - SIGN REGULATIONS

Sec. 11.1. Purpose and intent.

The purpose of these sign regulations shall be to ensure adequate means of communications through signage, while maintaining the attractive visual appearance of the City, preserving property values, protecting vehicular and pedestrian safety, and promoting the general health, safety, and general welfare of the citizens of DeBary. The requirements of this article are designed to:

- (a) Promote and protect the public health, safety, and general welfare of the citizens of the City by regulating and limiting the existing and proposed posting, display, erection, use, and maintenance of signs, billboards, posters, bulletins, and other advertising structures within the City;
- (b) Promote low profile signage of high quality in order to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of the City, and provide a more enjoyable and pleasing community;
- (c) Protect and maintain visual integrity of roadway corridors within the City by establishing a maximum amount of signage on any one site, by reducing clutter, and by restricting the location and providing setbacks for all signs;
- (d) Improve vehicular and pedestrian safety, reduce visual distractions, obstructions, and hazards;
- (e) Provide more open space, curb the deterioration of natural beauty, and avoid visual pollution by regulating and limiting the existing proposed posting, display, erection, use, and maintenance of signs, billboards, posters, bulletins, and other advertising structures within the City;
- (f) Enhance the appearance of the physical environment by requiring that signage be designed as an integral architectural feature of the site and structure which the signage is intended to identify, and sited in a manner which is sensitive to the existing natural and built environment;
- (g) Provide for signage which satisfies the need of the business community for visibility, identification, and communication, and which fosters civic pride and community spirit by maximizing the positive impact of development; and
- (h) Establish procedures for removal of nonconforming signs, maintenance of existing signs, and enforcement of these regulations.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012)

Sec. 11.2. Substitution of non-commercial speech for commercial speech.

Notwithstanding anything contained in this chapter or Code to the contrary, any sign erected pursuant to the provisions of this article, chapter or Code with a commercial message may, at the option of the owner, contain a non-commercial message unrelated to the business located on the premises where the sign is erected. The non-commercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to non-commercial messages, or from one non-commercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or sign type and provided that the size, height, setback, and other dimensional criteria contained in this article, chapter and Code have been satisfied.

(Ord. No. 07-13, § 2(Exh. A), 8-7-2013)

Sec. 11.3. Severability.

- (a) *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or chapter concerning sign regulation is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article.

- (b) *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth in subsection (a) above, or elsewhere in this article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or chapter is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or chapter, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- (c) *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth in subsection (a), above, or elsewhere in this article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other law is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under section 11.6 of this article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 11.6 is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 11.6, thereby ensuring that as many prohibited sign-types as may be constitutionally prohibited continue to be prohibited.

(Ord. No. 07-13, § 2(Exh. A), 8-7-2013)

Sec. 11.4. General provisions; applicability.

- (a) No person shall erect or maintain a sign, and no property owner shall allow a sign to be erected or maintained on his property except in conformity with these regulations.
- (b) A permit shall be required for the erection of any sign except as provided in sections 11.5, and 11.7 below. A sign permit may be issued in conjunction with the approval of a development plan showing the necessary information or pursuant to a separate application made to the City Manager. The erection of a sign shall also require building and electrical permits as appropriate, subject to the provisions of the applicable regulations.
- (c) Inspections of the sign and/or sign structure are required as provided for under building permit and electrical permit regulations.
- (d) A permit shall be required for change of copy of an existing sign and/or for any sign when the use of the premises changes; however, no permit will be required for change of copy on a changeable message, electronic message center or reader board sign.
- (e) Signs shall be located a minimum of 10 feet from any side property line and five feet from all other property lines.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012; Ord. No. 07-13, § 2(Exh. A), 8-7-2013)

Sec. 11.5. Exempt signs.

The following signs are permitted in all zoning classifications and districts and are exempt from the permitting process with certain conditions, where applicable, as noted:

- (a) Signs of two square feet or less and having no individual letters, symbols, logos or designs in excess of eight inches in vertical or horizontal dimension.
- (b) Signs erected by or under the authorization of a governmental body, including special events, legal notices, identification signs, and traffic, directional or regulatory signs.
- (c) Flags complying with the terms of the sign regulations.

- (d) Signs on properties for sale, rent or lease shall be permitted one sign for each street frontage on each parcel of land located in any district, provided that such signs do not exceed an area of six square feet in a residential area and 16 square feet in nonresidential classifications. Such signs include "For Sale", "Open House," "Open for Inspection," "Open" and other similar signs.
 - (e) Signs on vehicles not specifically prohibited by **section 11.6(h)**.
 - (f) Legal notices.
 - (g) (12) Instructional/Warning signs 4 square feet or less. Yard signs of two square feet in area or less which are located on the property, pursuant to Section 11.7.
- (Ord. No. 02-12, § 2(exh. A), 9-5-2012; Ord. No. 03-17 , § 2(Exh. A), 3-1-2017)

Sec. 11.6. Prohibited signs.

The following signs shall be prohibited:

- (a) Animated signs including swinging signs, lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color; and 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, message center signs, and excepting: electronic/LED message signs expressly permitted by the Overlay District Sign Regulations and electronic signs that display static images of prices only where the price/image only changes once per 24-hour and time, and temperature signs with a complete time and/or temperature sequence span of four to eight seconds.
- (b) Snipe signs.
- (c) Signs which prevent free ingress to or egress from any door, window or fire escape.
- (d) Signs attached to a standpipe or fire escape.
- (e) Signs or other advertising structures which by reason of position, shape or color interfere, obstruct, or may be confused with any authorized traffic control device or emergency vehicle signal.
- (f) Signs, except public signs, that are placed or erected on or over a public right-of-way. Signs on public property or rights-of-way shall be removed immediately and may be removed by the City or its agent without notice.
- (g) A-frame signs, unless specifically allowed in an overlay district.
- (h) Signs not permanently attached to or painted on vehicles or mobile trailers in the public right-of-way, or within 50 feet and in plain view from the public right-of-way.
- (i) Strings of flashing or twinkling light bulbs used on nonresidential structures for commercial purposes, other than event decorations. Event decorations must be removed no later than 14 days following the event.
- (j) Signs, commonly referred to as wind signs, consisting of one or more banners, pennants, ribbons, spinners, streamers or captive balloons, or other devices fastened in such a manner as to move upon being subjected to pressure by wind, and including inflatable signs.
- (k) Billboards, except signs that are expressly permitted by state or federal law; provided that such signs are in strict conformity with all current state and federal standards and in B-6 (Highway Interchange Commercial) and I-1 (Light Industrial) zoning classifications in the vicinity of the Interstate highway only.
- (l) Roof signs.
- (m) Abandoned signs.
- (n) Signs erected on private utility facilities or rights-of-way.

- (o) Handbills, including any signs, circulars, dodgers or other advertising which are distributed or placed on any public or private property in such a manner that the same may be blown, carried by water or otherwise scattered by the elements, or so as to constitute litter. Also, any handbills or other form of advertising matter distributed by throwing or placing the same on or into any vehicle within the City.
- (p) Signs having fluorescent colors.
- (q) Signs which are accessory to an otherwise unpermitted or unlicensed business or land use.
- (r) Any other type or kind of sign which does not comply with the terms, conditions and provisions contained in the sign regulations or which supplement the sign regulations.
- (s) Off-premises signs, except billboards as noted above.
- (t) Signs mounted on rocks or other natural features or affixed to trees.
- (u) Handheld and human signs that impede traffic.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012; Ord. No. 07-13, § 2(Exh. A), 8-7-2013)

Sec. 11.7. Temporary signs.

The following signs may be permitted on a temporary basis, as provided below. Such signs shall not count toward the restrictions on the number or total area of permitted permanent signs. A sign permit may be required for a temporary sign, as indicated below.

- (a) *Construction sites (sign permit required)*. Construction/development sites may display temporary signs as follows. Permits for temporary construction site signs may not be approved until permits are issued for site preparation or construction.
 - (1) Size: Shall not exceed an area of 16 square feet and a height of six feet.
 - (2) Location: Each sign shall be at least 20 feet from side and rear property lines and at least five feet from rights-of-way. For subdivisions, they shall be located at the principal street entrance of the subdivision.
 - (3) Number: Two signs are allowed per builder, one per street frontage. In Planned Unit Developments having multiple sub-phases containing varying residential unit types, one additional development sign may be permitted no farther than 150 feet from the principal entrance of the Planned Unit Development.
 - (4) Duration:
 - a. May remain through site preparation and actual construction and shall be removed within 5 business days following the issuance of a certificate of occupancy, completion, or abandonment of work, whichever occurs first.
 - b. Subdivisions under development may keep the sign for a period of one year, subject to renewal upon reapplication. The City Manager may approve the renewal only after determination that the promotion of the subdivision is active. All signs must be removed from the premises within 30 days of the date on which the project is completed or suspended.
- (b) *Yard signs (no permit required)*. Yard signs shall not be posted on or over any public property, including any street right-of-way.
 - (1) Yard signs in residential classifications shall be limited cumulatively to 6 square feet in area and 3 feet in height. Each such sign shall be located at least five feet from any right-of-way or property line, sidewalk, driveway entrance, or intersecting street right-of-way. No such sign shall be illuminated or attached to any tree or utility post.
 - (2) Yard signs in nonresidential classifications shall be limited cumulatively to 8 square feet and 3 feet in height. Each such sign shall be located at least five feet from any right-of-way or property

line, sidewalk, driveway entrance, or intersecting street right-of-way. No such sign shall be illuminated or attached to any tree or utility post. Duration shall be limited to 30 days.

- (3) During tropical storm or hurricane warnings, all yard signs must be removed by an applicant to protect the public from signs becoming flying projectiles.
- (c) *Temporary window signs (sign permit required)*. Total signage on any one façade may not cover more than 20 percent of the total surface area of the transparent portion of all windows and doors.
- (d) *Special events (sign permit required)*. Temporary signs used in conjunction with any public, charitable, education, religious or other special event or function may be installed subject to compliance with the following conditions. The City Council may waive these limitations and may impose other conditions as necessary to meet the purpose and intent of this Code.
 - (1) Duration: Such signs shall be placed not more than 44 days prior to the event and must be removed no later than 24 hours after termination of the event. A maximum of three separate occasions or special events may be permitted within any calendar year. Notwithstanding, any new business or relocation of any existing business within the city shall be allowed special event signs not to exceed 30 days.
 - (2) Size: Properties with less than 100 feet of frontage shall be permitted a total of 32 square feet of sign area. Properties of more than 100 feet of frontage shall be permitted a total of 64 square feet of sign area. Professionally made banners and pennants may be used. Banner signs, however, may not be hung on utility poles or vehicles. Inflatable signs are prohibited.

(Ord. No. 02-12, § 2(Exh. A), 9-5-2012; Ord. No. 03-17 , § 2(Exh. A), 3-1-2017)

Sec. 11.8. General sign standards.

- (a) Rules for interpreting sign calculations.
 - (1) *Determining the number of signs*. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit.
 - (2) *Computation of sign area*. The surface area of a sign shall be computed by including the entire rectangular area enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting posts under two feet in diameter.
 - (3) *Multisided signs*. With respect to three-dimensional or multisided signs, the surface area shall be computed by including the total of all faces designed either to attract attention or communicate information. However, a double-faced sign shall not be deemed a multisided sign provided said faces of each sign are not separated by more than two feet and they have the same size and shape. Where the two faces of a sign are not parallel (as with a vee-shaped sign), the area may be calculated as the area of only one face.
 - (4) *Total sign surface area*. Unless otherwise provided, the total surface area devoted to all signs on any lot shall not exceed the limitations established in these regulations and all signs except temporary signs shall be included in this calculation.
- (b) *Construction and maintenance*. All signs shall comply with all applicable standards of the City's building code, fire code, health code, electrical code, and all other applicable codes. All signs within the City limits including all supports, braces, guys and anchors shall be kept in good repair. The owner of any sign shall keep it in good repair, which includes restoring, repainting or replacement of a worn or damaged legally existing sign to its original condition. The Building Official may order the removal by and at the expense of the owner or lessee of any sign that is not properly maintained. The

repainting, changing of parts and preventive maintenance of signs not normally requiring a building permit shall be permitted provided, however, that the maintenance is consistent with the originally approved sign plan and otherwise in conformance with this chapter.

- (c) *Signs not to constitute a traffic hazard.* No sign shall be placed at any location in the City where it may interfere with or obstruct a motorist’s view, or be confused with any authorized traffic sign, signal or device. The City Manager shall have the authority to refuse the erection or to order the removal of any sign, if any signs constituting an obstruction to motorists or pedestrians or otherwise are viewed to be impediments to traffic safety or traffic flow.
- (d) *Signs not to encroach electric utility clear zone.* No sign shall be placed closer than eight feet horizontally from the nearest part of any utility pole which supports electrical transmission lines. No sign shall be placed closer than eight feet horizontally or vertically from the nearest part of any electric transmission line. If the City’s electrical code is now or hereafter more restrictive than the provisions of this section, the most restrictive provisions shall prevail.
- (e) *Illuminated signs.*
 - (1) *Shielded light source.* The light from any illuminated signs, or from any light source, shall be shaded, shielded or directed so that the light intensity or brightness shall neither adversely affect the surrounding premises nor impede safe vision of operators of vehicles moving on streets or parking areas.
 - (2) *Exposed lighting restrictions.* No signs shall have exposed fluorescent lighting, exposed neon, fluorescent paint, or be phosphorescent. All unexposed neon shall be approved by a testing laboratory and shall meet the criteria established below. Similarly, illuminated tubing or strings of lights that outline property lines, sales areas, or similar areas are prohibited, excepting holiday observance signs. Limitations on brightness and intensity shall be as follows:

Table 11 - 1 Sign illumination standards

Light Source	Commercial Classifications or Public/Institutional Classification	Industrial Classifications	All Other Classifications (Including Residential Classifications)
Exposed bulbs	15 watts	15 watts	10 watts
Luminous	150 lamberts	90 lamberts	90 lamberts
Illuminated	50 footcandles	50 footcandles	50 footcandles

- (3) *Neon signs.* Neon signs and decorative neon may be permitted in the same manner as for a wall sign. The area calculation for such sign shall be based on the entire area within which the sign is displayed. Neon signs and decorative neon suspended behind windows and visible from the right-of-way shall be included in the total permitted wall sign area. Exposed neon tubing shall be prohibited.
- (f) *Sign height.* No part of any sign affixed to a building shall exceed the height of the building to which the sign is affixed. The height of the building shall be measured exclusive of elevator shafts and/or air conditioning condensing units and/or cooling towers. No sign shall project over motor vehicle use or storage areas. The height of ground signs is controlled by the use classification as described herein.
- (g) *Sign separation.* Distance requirements in the regulations shall be measured from the nearest part of any sign (or its structure) to the nearest point of the closest applicable restricting line or point of separation (including distance between signs) or height limitation.
- (h) *Appearance of signs.* Shape, color, lettering, location, lighting, and arrangement of signs shall be harmonious with the building design and surrounding landscape. Every sign shall have good scale

and good proportion in its design and in its visual relationship to buildings, surroundings, and other signs.

- (i) *Flags.* No more than three flags or insignias may be displayed on any site. Flag poles shall not exceed 35 feet in height. The maximum height from top to bottom of any flag shall be 20 percent of the total height of the flagpole, or in absence of a flagpole, 20 percent of the distance from the top of the flag or insignia to the ground.
- (j) *Monument sign design.*
 - (1) Vertical structure supports for monument signs shall be concealed in an enclosed base. The width of the enclosed base shall be equal to at least two-thirds of the horizontal width of the sign surface. No copy area shall extend or be placed on the base of the sign.
 - (2) The base shall be of a low maintenance finish which is compatible with the architectural style of the principal building limited to split face block, stone, finished metal, synthetic EFIS stucco or brick.
 - (3) Monument signs shall be set back at least ten feet from any side property line and five feet from all other property lines.
 - (4) New monument signs shall be encased in a landscape planter at least two feet in height or a landscaped area of no less than four feet wide on each side of the sign. The planter or landscape area may contain any combination of low-lying shrubs, ground cover and flowers.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012)

Sec. 11.9. Residential district signs.

- (a) *Multiple-family structures of ten units or less.* A single sign per street frontage shall be permitted, provided the sign has a maximum area not exceeding ten square feet, and shall not be higher than five feet. These signs require permits. Freestanding warning signs, which do not require a permit, shall be a maximum of five feet in height.
- (b) *Multiple-family structures of more than ten units and mobile home parks or approved nonresidential uses in residential classifications.* A single sign per street frontage shall be permitted. The sign shall have a maximum area not exceeding 24 square feet and shall not be higher than five feet. These signs require permits. Freestanding warning signs, which do not require a permit, shall be a maximum of five feet in height.
- (c) *Subdivision entrance.*
 - (1) Two permanent monument signs may be erected at each principal entranceway to a residential subdivision provided each sign shall not exceed a copy area of 32 square feet. Two additional entranceway sign shall be permitted for each secondary entrance serving a residential subdivision. Such sign must be located wholly within the property line of the subdivision and shall not be located within any right-of-way.
 - (2) Walls, fences, gates or ornamental devices constructed as an integral part of a subdivision sign may be permitted in conjunction with the development of a subdivision provided such construction meets the following:
 - a. The plans for the subdivision sign and ornamental devices in connection therewith shall be submitted with the application/plans for the subdivision infrastructure improvements. If a wall and/or fence is not detailed with final engineering plans, a site plan will be required with applicable fees.

- b. The combined subdivision entrance sign copy, as permitted by this subsection, and all associated entry appurtenances shall not exceed an aggregate area of 32 square feet and shall not exceed an overall vertical height limitation of ten feet above grade level.
- c. When placed on the face of a wall or other entry embellishment, the subdivision sign copy shall be limited to a vertical dimension of four feet. No subdivision entrance sign, wall or other ornamental device shall be constructed which interferes with the line of sight of motorists approaching or exiting a subdivision.
- d. Prior to construction of any subdivision sign, a sign permit/building permit shall be obtained all with the appropriate permit fees.

Public uses and non-residential uses authorized by special exception shall be permitted one monument sign not to exceed six feet in height and 48 square feet in sign area. Such signs shall not have a changeable copy area.(Ord. No. 02-12, § 2(exh. A), 9-5-2012)

Sec. 11.10. Public/institutional district signs.

- (a) *Ground signs.* One sign shall be permitted per street frontage or per each 300 feet of street frontage, whichever is greater. Furthermore, where two or more ground signs are placed along a single street frontage, such signs shall be separated by a minimum distance of 48 feet. The maximum copy area of any single sign shall not exceed 32 square feet and shall not be higher than eight feet. These signs require permits.
- (b) *Wall signs.* The cumulative wall sign area shall not exceed ten percent of the square footage of any one facade. Wall signs may be affixed to only those facades of a building that are exposed to a street. No such sign shall exceed the height of the building. Permanent window signs shall count as permanent signage whether placed on the interior or the exterior of a window or door.
- (c) *Freestanding warning signs* shall be located a minimum of five feet within all property lines and shall not exceed five feet in height.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012)

Sec. 11.11. Commercial, office, industrial, and mixed-use district signs.

- (a) *Ground/Monument signs.* One monument sign shall be permitted per street frontage or per each 300 feet of street frontage, whichever is greater. Furthermore, where two or more ground signs are placed along a single street frontage, such signs shall be separated by a minimum distance of 48 feet. The maximum background/copy area of any single sign shall not exceed 48 square feet and maximum height shall be eight feet. Monument signs may be internally or externally illuminated.
- (b) *Pylon/pole signs.* Pole signs may be allowed through Special Exception in the B-6 Interstate Commercial Zoning District on Dirksen Drive. Additionally, a pole or pylon sign may be substituted for a monument sign in other non-residential districts where the City Council determines that there is no practical way to locate a monument sign on the property due to the requirements for vehicular movement, pedestrian or vehicular safety, or aesthetics of the development. In such a case, the City Council may grant a waiver on a case-by-case basis to allow an existing pole sign to remain in lieu of a required monument sign. A new pole sign approved under this section shall not exceed 15 feet in height and shall have a ground clearance of ten feet minimum. The square footage of copy area of such a pole sign may not exceed the maximum permitted square footage of a monument sign.
- (c) *Wall signs.* The maximum allowable wall sign area shall be 1½ square feet per one linear foot of building frontage only with a maximum sign copy area of 80 square feet for any one sign. In the case of double frontage or corner lots, the maximum allowable sign area may be transferred to the non-entry facade only where the same or similar facade treatment is used on both front and side, and the copy area does not exceed one-third of the total copy area permitted. Maximum sign vertical dimension shall not exceed 25 percent of the building height.

Wall signs may be placed in whole or in part upon a parapet, but shall not extend above or be mounted upon the top of a parapet. One identification sign may be attached to the sides or front of a marquee or hung under a marquee at a business entrance, in which case the sign shall not exceed three square feet in area, shall maintain a seven-foot six-inch minimum clearance above the sidewalk or ground level and shall not extend beyond the marquee's perimeter. A wall sign shall not project from the wall on which it is mounted more than 12 inches.

Gas stations may also attach signs on the canopy structure over the gasoline pumps islands. Such signs shall not exceed 16 square feet in total area.

Wall signs shall be made of the following materials: acrylic, alupalite, aluminum and MDO (Multiply Density Overlay-exterior plywood panels that have a resin impregnated fiber overlay and that has been fused on the surface of the panel). The edges of MDO signs must also be treated with an end cap product. Vinyl sheet and non-MDO wood signs are prohibited. Channel lettering, vinyl letters that appear to be painted on with a minimum thickness of four mil, and plastic coated and painted Styrofoam may be used for lettering and design on wall signs.

- (d) *Projecting/blade sign substituted for ground signs and wall signs.* A projecting or blade sign may be substituted for an allowed ground sign or for an allowed wall sign, respectively. The maximum allowable size for a projecting sign substituting for a ground sign shall not exceed 24 square feet or the allowable amount of wall sign area, whichever is less. The maximum allowable area for a projecting sign substituting for a wall sign is five square feet per sign face. When a projecting sign is utilized, no other wall signs shall be permitted. Projecting signs shall not project above the roofline, parapet wall, or eave, whichever is applicable. Projecting signs shall not project more than 36 inches from the wall of a building and shall not overhang or encroach into any parking area, driveway, or public right-of-way. Projecting signs shall provide a minimum clearance of seven feet six inches over any pedestrian way. No sign or part of a sign or its supporting structure shall cover any window or part of a window. No projecting sign or supporting structure shall be located in such a manner as to obstruct window light and vision.
- (e) *Awning signs.* Awnings signs shall be allowed provided that:
 - (1) On single occupant property, one awning sign may be allowed in lieu of wall signage permitted on the wall which the awning is attached.
 - (2) On a multi-occupant property, one awning sign may be allowed over each separate occupant entrance, in lieu of other wall signs.
 - (3) The maximum area of an awning sign shall not exceed ten percent of the total awning face front and side area.
- (f) *Window and door signs.* A maximum of 20 percent of the glass area of a window or door may contain window signage. Window signage must be professionally made and present an attractive visual appearance. Window and door signage may not obstruct view of the cashier/payment area from view from the outside and may not be placed in the upper one-third of storefront windows.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012; Ord. No. 07-13, § 2(Exh. A), 8-7-2013)

Sec. 11.12. Agricultural district signs.

- (a) Single-family residences may have one sign, not exceeding two square feet each, for each single-family residence. These signs do not require permits.
- (b) Approved nonresidential uses shall be allowed one ground sign per street frontage. The ground sign shall have a maximum sign area of 24 square feet and shall not be higher than five feet above the level of the street frontage. These signs shall require permits.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012)

Sec. 11.13. Overlay District signs.

Signs within the Overlay Districts defined in Chapter 5 shall comply with the citywide standards in addition to the following:

- (a) Monument signs made of wood or vinyl sheets shall be prohibited.
- (b) Electronic message center signs are permitted in place of a manual changeable copy board sign. Except as specified in an approved comprehensive sign plan or planned development agreement, electronic message center signs shall meet the following design, construction, location, and operational standards:
 - (1) Only one sign is permitted within the same development or contiguous parcel of property under single ownership, control, or use. For purposes of this section, property is contiguous where it is separated only by a public road.
 - (2) Off-site advertisement is prohibited.
 - (3) Signs must be set back at least five feet from the front property line and ten feet from side property lines.
 - (4) The display screen shall not be oriented toward or face a residential zoning district.
 - (5) Signs must be constructed as monument signs and have landscaping provided around the base of the sign.
 - (6) The display screen must be integral to the design of the sign structure and shall not be the dominant element. The display screen area shall not exceed 50 percent of the sign face. The display area shall apply towards the maximum amount of signage permitted per each site regardless of whether it is illuminated or utilized.
 - (7) The sign may display one or more static messages. Message changes are permitted only through dissolve, fade, or other subtle transitions and frame effects that do not have the appearance of moving text or images. The individual messages shall not have movement or the appearance or optical illusion of movement.
 - (8) Sign copy may change only at intervals of no less than 30 seconds. Continuous scrolling, animation, or flashing of lights is prohibited. A notarized affidavit shall be provided with the sign permit application stating the sign will be constructed and operated in compliance with City code, and that it will not flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.
 - (9) The display screen area shall provide a high-resolution picture quality with pixel spacing of 16 millimeters or less.
 - (10) A photometric plan outlining the proposed illumination levels in foot-candles or a certification of compliance from the sign manufacturer shall be provided with the sign permit, which shall demonstrate/certify that illumination levels will not exceed 0.3 foot-candles (Lux meter) above ambient light levels, as measured from a preset distance depending on sign area. Measuring distance shall be determined with the following formula: The square root of the product of the sign area and 100.

Example using a 48 square foot sign: Measurement Distance = $\sqrt{(48 \text{ Sq. Ft.} \times 100)} = 69.3'$
 - (11) Automatic dimming controls such as photocell technology shall be installed to automatically dim the electronic display area as ambient light conditions change.
 - (12) A malfunctioning sign must be turned off or display a blank screen.

- (13) Electronic message center signs shall not be added to, or used to change or expand any nonconforming sign.
- (14) An information sheet shall be submitted as part of the sign permit application which includes the manufacturing specifications of the display screen being installed, along with contact information of the property owner, sign contractor and the display screen maintenance provider.
- (c) In addition to the enforcement and penalties provided in Chapter 3, failure to adhere to the operating standards contained in subsection (b) above shall result in suspension or revocation of the sign permit, as follows:
 - (1) For a first violation within any continuous 12-month period, the sign permit shall be suspended for a period of 24 continuous hours.
 - (2) For a second violation within any continuous 12-month period, the sign permit shall be suspended for a one-week period.
 - (3) For a third violation within any continuous 12-month period, the sign permit shall be revoked, the sign must be removed from the property, and no permit for an electronic message center at the site shall be issued for a period of one year.
 - (4) Finding of violation:
 - a. The City Manager or designee shall provide written notice of the violation and a hearing date and time. Notice of the violation and hearing shall be personally delivered to the permit holder or responsible person at the premises where the sign is located. If the recipient at the premises is not the permit holder, a copy shall also be sent to the permit holder by certified mail.
 - b. The hearing shall be held before the code enforcement Special Magistrate. The Special Magistrate shall consider all relevant evidence presented by the parties. All parties shall have an opportunity to respond, to present evidence and argument, to conduct cross-examination and submit rebuttal evidence, and to be represented by counsel or other qualified representative. The lack of actual knowledge of, acquiescence to, participation in, or responsibility for, a violation on the part of the permit holder shall not be a defense.
 - c. If the Special Magistrate finds that a violation has occurred, the Special Magistrate shall suspend or revoke the sign permit and provide written notice of the decision and suspension period or revocation date within ten days of the date of the hearing.
 - d. The Special Magistrate's final order is subject to review in a court of competent jurisdiction in Volusia County, Florida, as provided by state law.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012; Ord. No. 07-13, § 2(Exh. A), 8-7-2013)

Sec. 11.14. Sign program for multi-tenant developments.

All tenant wall signage and tenant panels in ground and monument signs within a multi-tenant development, including shopping centers, industrial complexes and office complexes, shall comply with the additional requirements of this section.

- (a) *Sign program required.*
 - (1) Any development intended or designed for multi-tenant use shall establish a sign program identifying the overall sign specifications (not exceeding the provisions of this Code) and allocating signage for individual tenant use.

- (2) Signage for tenants in multi-tenant developments without approved signage programs, but with an established pattern of sign style, location and size, shall be required to conform with such pattern. An established pattern shall be identified as the predominant style, location and size utilized by a minimum of 50 percent of the tenants.
- (3) In multi-tenant developments where no established pattern exists, the owner of the development shall be required to submit a sign program to the City for approval prior to issuance of any new sign permits. Such program shall address size, location, style, and materials.

(b) *Multi-tenant sign standards.*

- (1) Wall signs. The maximum allowable wall sign area shall be one square foot per one linear foot of tenant frontage with a maximum sign copy area of 80 square feet for any one sign. In the case of double frontage tenants, sign area may be transferable to the nonentry facade only where the same or similar facade treatment is used on both front and side, and the copy area does not exceed one-third of the total copy area permitted for the tenant. Maximum sign height shall not exceed 25 percent of the building height. Wall signs shall not be located on the rear of a multi-tenant building, or the sides of a multi-tenant building when such display would orient the sign to a residential zoned area.
- (2) Monument signs. Multi-tenant developments are allowed a monument sign subject to the design standards of Section 11.8.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012)

Sec. 11.15. Nonconforming signs.

Any lawfully existing permanent sign which was made non-conforming by the adoption of these regulations (Ordinance No. 02-12) or any subsequent amendments of these sign regulations may continue in existence unless it becomes abandoned (as defined in Chapter 2) or destroyed. There may be a change of tenancy or ownership of a nonconforming sign without the loss of nonconforming status. .

- (a) Abandoned signs shall be removed by the owner, agent or person in charge of the premises within 30 days after receipt of written notification by the City Manager. If the sign is not removed in a timely manner, the violation may be referred to the Code Enforcement Board.
- (b) Any nonconforming sign which is destroyed or damaged to the extent of 50 percent or more of the background/copy area, or is altered or replaced, shall not be altered, replaced or reinstalled unless and until it shall have been made to conform to the provisions of this Code.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012; Ord. No. 12-17 , § 2, 10-4-2017)

Signage.

- a. Except as specifically listed below, all other signage and sign standards must comply with Chapter 11, Sign Regulations of the LDC, as amended. If there are discrepancies, the greater restriction shall apply.
- b. Signs within the TOD Core and Outside the TOD Core shall comply with the following standards:
 - 1. *Wall (building) signs.*
 - i. Commercial uses (retail, office and restaurant): One sign per tenant space; area to be calculated at 0.5 square feet per linear foot of public street frontage with a maximum of 30 square feet.

- ii. Second floor commercial uses may also be permitted one second floor wall sign per tenant space per public street frontage; area to be calculated at 0.25 square feet per linear foot of second floor frontage along that public street.
- iii. Live-work and home occupations: One sign limited to an area of eight square feet maximum.
- iv. May encroach a maximum of 12 inches on to a sidewalk while maintaining a vertical clearance of eight feet from the finished sidewalk.
- v. Wall signs should not obscure windows, grille work, piers, pilasters, and ornamental features. Typically, wall signs should be centered on horizontal surfaces (i.e., over a storefront opening).
- vi. Wall signs may be internally or externally lit. Cutoff fixtures shall be angled toward the face of the wall sign and shall complement the design of the building through style, material and color.

Figure 5 -77. Wall Signs



- 2. *Window signs.*
 - i. Limited to 30 percent of the window area.
 - ii. The following shall be exempt from this limitation:
 - Addresses, closed/open signs, hours of operation, credit card logos, real estate signs, and now hiring signs.
 - Mannequins and storefront displays of merchandise sold.

Figure 5 -78. Window signs



- 3. *Blade signs.*
 - i. Shall be permitted for all commercial uses only (retail, restaurant, and office).
 - ii. Maximum four square feet per sign face.
 - iii. May encroach a maximum of three feet over a public sidewalk/R-O-W.

- iv. Blade signs may be attached to the building or hung under the soffit of an arcade or under a canopy/awning while maintaining a vertical clearance of eight feet from the finished sidewalk.

Figure 5 -79. Blade Signs



- 4. *Awning signs.*
 - i. The character height shall not exceed two-thirds of the height of the face (vertical or near vertical part) of the awning.
 - ii. When possible, signs shall be horizontally and vertically centered on the face of the awning.

Figure 5 -80. Awning Signs



- 5. *Canopy signs.*
 - i. The placement of this type of sign shall be limited to the canopy face length.
 - ii. No sign shall project beyond the perimeter of the canopy.
 - iii. The sign shall not exceed one square foot per lineal foot of canopy face length.

Figure 5 -81. Canopy Signs



- 6. *Menu board signs.*
 - i. One menu board shall be allowed per street address.

- ii. Menu boards shall not exceed eight square feet in size and shall be positioned so as to be adjacent to the restaurant or business listed on the board and information on the board shall advertise exclusively the goods and services of the business and be placed in a manner which is clearly visible to pedestrian traffic.
- iii. Said menu boards shall not be placed in the city's right-of-way.
- iv. All standing menu signs shall be removed at the end of each business day.
- v. All wall menu signs shall be securely anchored to wall.

Figure 5 -82. Menu Board Signs



- 7. Wayfinding signs.
 - i. All public way-finding signs along state, county and city roads shall comply with the Federal Highway Administration, Manual on Uniform Traffic Control Devices (MUTCD) and all other local permitting agencies (FDOT and Volusia County).
 - ii. Internal development wayfinding signs may provide location maps, directions, general information and special notices to add liveliness of the development. The signs shall be designed to match the site architecture and be integrated into the layout of pedestrian circulation areas. The maximum size shall be eight square feet mounted on pedestrian light poles or individual decorative poles.

Figure 5 -83. Wayfinding Signs



