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ORDINANCE NO. 2014-01

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO LAND DEVELOPMENT REGULATIONS IN ARTICLE VIII OF THE LAND DEVELOPMENT CODE ENTITLED "SIGNS"; REVISING SECTION 8.01.00 TO REVISE THE REQUIREMENTS FOR SIDEWALK SIGNS, TO ALLOW A BUSINESS TO USE AN INDOOR INFORMATIONAL SIGN INSTEAD OF A SIDEWALK SIGN, AND TO ALLOW FOR OUTDOOR AUXILIARY DISPLAYS BUT ONLY DURING THE DAYS OF TOWN SANCTIONED EVENTS; REVISING SECTION 8.06.06 TO PROVIDE THAT SIGN PERMITS SHALL BE REVIEWED BY THE TOWN PLANNER AND APPROVED BY THE TOWN MANAGER; REVISING SECTIONS 8.02.01, 8.03.03, AND 8.06.06 TO CLARIFY THE PROCESS FOR SIGN CODE VIOLATIONS ON PUBLIC AND PRIVATE PROPERTY; REVISING SECTION 8.06.06 TO PROVIDE THAT NONCONFORMING SIGNS MUST BE BROUGHT INTO CONFORMANCE BY A DATE CERTAIN; CREATING A NEW SECTION 8.06.07 TO PROVIDE FOR APPEALS AND VARIANCES; PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

Whereas, in 2011, the Town Council of the Town of Windermere adopted a sign code ordinance to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards.

Whereas, the town's sign regulations are especially intended to reach the secondary effects that may adversely impact aesthetics and safety.

Whereas, to preserve and promote the town as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance.

Whereas, the regulation of signs within the town is a highly contributive means by which to achieve this desired end.

Whereas, the Town Council now desires to amend the town's sign regulations to further this purpose and to enhance the visual environment of the town and promote its continued well-being.

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE:

Section 1. Amendments to the Land Development Code.

1. Section 8.01.00 of the Land Development Code is hereby revised as indicated by the addition of the underlined language and the removal of the strike-through language:

Sec. 8.01.00. Exempt signs.

47 The following signs are exempt from the requirement in this article that a permit be
48 obtained for the erection of permanent signs, provided they are not placed or constructed so
49 as to create a hazard of any kind:

- 50 (1) Not visible from street or adjoining property. Signs that are not designed or
51 located so as to be visible from any street or adjoining property.
- 52 (2) Legal notices. Legal notices and official instruments.
- 53 (3) Temporary decorative flags and bunting. Temporary decorative flags and bunting
54 for a celebration, convention or commemoration of significance to the entire
55 community when authorized by the town manager or designee for a prescribed
56 period of time.
- 57 (4) Merchandise displays. Merchandise displays behind storefront windows so long
58 as no part of the display moves or contains flashing lights.
- 59 (5) Memorial or historical signs or tablets, names of buildings and dates of erection.
60 Memorial or historical signs or tablets, names of buildings and dates of erection
61 when cut into any masonry surface or when constructed of bronze or other
62 incombustible materials and attached to the surface of a building.
- 63 (6) Residential nameplate. A sign permitted for the sole purpose of identifying the
64 inhabitant residing therein, the house name, or identifying the address of the
65 house. The sign shall not contain advertising of any kind and shall not exceed one
66 square foot in area.
- 67 (7) Credit card signs. Credit card advertisements or trade associations' emblems,
68 which do not exceed one-half square foot, may be displayed. Such signs shall be
69 displayed flat on window or door surfaces. The purpose of these signs is to offer a
70 service and not to advertise the business.
- 71 (8) Works of art. Works of art that do not constitute advertising.
- 72 (9) Sidewalk sign or informational sign. One sidewalk sign or one informational sign
73 per business is allowed.
- 74 a. Sidewalk sign. The maximum size of the sidewalk sign shall not exceed
75 36 inches in height by 24 inches wide. The maximum outside dimensions
76 of the sign structure shall not exceed 48 inches in height by 26 inches
77 wide. The maximum depth of the sign shall not exceed 2.5 inches. ~~A~~
78 ~~clearance of not less than 60 inches must be maintained for pedestrian~~
79 ~~traffic on all sidewalks~~. Signs shall be placed on sidewalks or private
80 property only, with no portion of such sign extending more than 2½ feet
81 from the wall of the business storefront. Handwritten signs are prohibited.
82 The signs must be decorative and have professionally printed lettering.
83 The sign may be displayed during open business hours only and must be
84 located in front of business being advertised.
- 85 b. Informational sign. The maximum size of the informational sign shall not
86 exceed 36 inches in height by 24 inches wide. The sign shall be framed in

87 black, gray, or blue, and shall be placed inside of a business at least 6
88 inches away from the interior storefront window.

89 (10) Open signs. One sign per business may be displayed inside a window. The
90 maximum size of the sign shall not exceed two square feet. The maximum letter
91 height shall not exceed five inches. The sign may be LED stationary/steady lit
92 with a maximum of two colors. Neon lighting is prohibited. Acceptable
93 background colors are white or black. The maximum brightness shall not exceed
94 3,000 millicandelas (mcd). The sign may be lit during open business hours only.

95 (11) Outdoor auxiliary displays. Outdoor auxiliary displays such as mannequins and
96 display racks related to the business are permitted but only during the days of
97 town sanctioned events. No portion of such display may extend more than 2½
98 feet from the wall of the business storefront. For purposes of this section, outdoor
99 auxiliary displays do not include plants, trees, and benches that are not for sale.

- 100
101 2. Section 8.02.01 of the Land Development Code is hereby revised as indicated by the removal
102 of the following strike-through language:

103
104 **Sec. 8.02.01. Generally.**

105 (a) It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any
106 sign not expressly authorized by, or exempted from, this article.

107 ~~(b) Unauthorized or abandoned signs shall be removed by the town manager or designee.~~

- 108
109 3. Section 8.03.03 of the Land Development Code is hereby removed in its entirety as indicated
110 by the removal of the following strike-through language:

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112 **~~Sec. 8.03.03. Removal of illegal temporary signs.~~**

113 ~~Any temporary sign not complying with the requirements of this division is illegal and~~
114 ~~subject to immediate removal by the town manager or designee.~~

- 115
116 4. Subsection 8.06.06(a) of the Land Development Code is hereby revised as indicated by the
117 addition of the underlined language and the removal of the strike-through language:

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119 **Sec. 8.06.06. Permit procedures and penalties.**

120 (a) *Application requirements for permanent signs.* Any permanent sign must be reviewed by
121 the town planner and approved by the town manager~~development review board and town~~
122 ~~council for approval.~~ It shall be unlawful to erect a sign as defined in this article without
123 first obtaining an approved sign permit. A sign permit shall not be required to repaint a
124 sign exactly as it was previously. An application shall be submitted to the town manager
125 or designee, with the applicable fee as established by resolution of the town council and
126 is on file in the town clerk's office, and the following information:

- 127 (1) One drawing showing details of construction and foundation.
128 (2) Scaled drawing with size, shape, design, colors, materials and lighting.
129 (3) Plot plan of site and sign location, if a ground sign.
130 (4) Elevation of sign on building, if wall or window sign.
131 (5) A summary of both allowable and used total square footage.

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133 5. Subsection 8.06.06(e) of the Land Development Code is hereby revised as indicated by the
134 addition of the underlined language and the removal of the strike-through language:
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136

Sec. 8.06.06. Permit procedures and penalties.

137

(e) Violations.

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(1) Any sign installed or placed on public property, except in conformance with the requirements of this article, shall be deemed illegal and shall be removed by the town manager or his designee. The town shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign.

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Section 11.06.00 of the town's code of ordinances.

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~~(1) When violations occur under this article the town manager, or his designee, shall cause notice to be given to the owner, occupant, agent or person receiving the benefits from the offending sign. Said notice may be given by certified mail, return receipt requested, or by issuance and personal service of a warning citation. If, 24 hours after notice is given, the violation has not been abated, or a similar violation recurs, the penalties provided in this subsection (e) will be enforced. Any sign being displayed in violation of this article 24 hours after the owner has been given notice of violation may be removed by the town manager or designee, and the cost of removal may be assessed to the owner.~~

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~~(2) The town manager or his designee shall administer and enforce the provisions of this article.~~

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(3) The town may obtain an injunction or other legal or equitable relief in the circuit court against any person violating this article.

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~~(4) Any person violating any provisions of this article may be fined \$300.00 a day while such violation continues.~~

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~~(5) Violations of this article will result in one written warning issued by a code enforcement officer. If the violation is not corrected within 24 hours the town~~

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166 ~~manager or designee will remove the sign. Signs will be returned upon request~~
167 ~~and payment of the fine. The fine is:~~

- 168 a. ~~— \$100.00 for the first violation;~~
169 b. ~~— \$200.00 for the second violation; and~~
170 c. ~~— \$300.00 for any additional violations.~~

- 171
172 6. Subsection 8.06.06(f) of the Land Development Code is hereby revised as indicated by the
173 addition of the underlined language and the removal of the strike-through language:
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175 **Sec. 8.06.06. Permit procedures and penalties.**

176 (f) ~~Grandfather clause. Permanent signs existing and exhibited as of the effective date of the~~
177 ~~ordinance from which this article is derived (November 8, 2011) shall be exempt. Non-~~
178 ~~Conforming Signs. Signs which have been legally erected prior to the effective date of~~
179 ~~this section shall be allowed to remain in existence as set forth in subsections (1) - (3)~~
180 ~~below. Thereafter, unless such signs conform to the provisions of Article VIII, the~~
181 ~~property owners shall be subject to the penalties set forth in subsection 8.06.06(e).~~

182
183 (1) Sidewalk signs must be brought into conformance with the requirements of
184 Article VIII on or before the effective date of this section.

185 (2) All other signs may continue to be maintained, but only until June 1, 2015.

186 (3) A non-conforming sign shall not be changed, expanded or altered in any manner
187 to increase the degree of its nonconformity, or be structurally altered to prolong
188 its useful life. Nonconforming signs are required to be maintained in good
189 condition. Normal repair and maintenance of a sign shall not be considered a
190 structural alteration.

- 191
192 7. A new section 8.06.07 is hereby added to the Land Development Code as follows:
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194 **8.06.07 Appeals and Variances**

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196 (a) Appeals. A decision rendered by the town planner and/or the town manager under
197 subsection 8.06.06(a) may be appealed to the Town Council. Such appeal shall be filed in
198 writing within 60 days of the decision. The appeal shall be filed with the town clerk by
199 submitting the necessary and pertinent documentation specifying the grounds on which the
200 appeal is based and the payment of applicable fees. The Town Council shall hear the appeal
201 at the next regular council meeting.

202 (b) Variances. Variances to restrictions set forth in this Article VIII shall be governed by the
203 process set forth in Article X of the land development code.
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205 **Section 2. Severability.** If any provision or portion of this ordinance is declared by a court of
206 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining
207 provisions and portions of this ordinance shall remain in full effect.
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209 **Section 3. Codification.** The provisions of this Ordinance shall become and be made a part of
210 the town's Land Development Code in the Code of Ordinances.
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212 **Section 4. Effective Date.** This Ordinance takes effect immediately upon its enactment.
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214 **ENACTED** this 10th day of June, 2014, at a regular meeting of the Town Council of
215 the Town of Windermere, Florida.
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218 Town of Windermere, Florida

219 by: Town Council

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223 by: 
224 Gary Bruhn, Mayor

224 Attest:

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226
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228 Dorothy Burkhalter, CMC
229 Town Clerk

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231 First reading: May 13, 2014

232 Second reading: June 10, 2014
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