

of not being legible and the subsequent message gradually increases intensity to the point of legibility.

*Flashing sign* means any sign which attains an intermittent, flashing or varying intensity light source, or which includes or gives the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Digital billboards permitted and operated in accordance with section 102-94 are excluded from the definition of flashing sign.

*Frame* means a complete, static display screen on an electronic message center sign.

*Frame effect* means a visual effect on an electronic message center sign applied to a single frame.

*Freestanding signs* means a sign principally supported by one or more columns, poles or braces placed in or upon the ground and not attached to any building. Types of freestanding signs include but are not limited to monument signs and pole signs.

*Foot candle* means an English unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance meter.

*Gasoline station signs* means signs for buildings and premises in which the primary source of revenue is the retail dispensing of motor fuels. That the primary source of revenue is the retail dispensing of motor fuels for such buildings and premises must be verified to the city by the applicant prior to the issuance of sign permits.

*Gross floor area* means the sum of the fully enclosed covered floor area and the unenclosed covered floor area of a building at all floor levels.

*Illuminance* means the amount of light falling upon a real or imaginary surface, commonly called "light level" or "illumination". Measured in foot candles (lumens per square foot) in the English System.

*Illuminated sign* means a sign where electrical current, connections, or fixtures are used as part of the sign or where electrical means are not integral to the sign.

*Improved property* means property upon which a structure or building is located.

*Incidental sign* means a sign restricted to incidental information, such as: credit cards accepted, services offered or trade affiliations; offers of trading stamps or coupons accepted.

*Marquee sign* means a sign affixed or inherent with the structure of metal, glass, canvas or other appropriate material projecting over and from points of ingress or egress of a building or other structure.

*Monument sign* means a sign which has the vertical structure supports concealed in an enclosed base. The width of such enclosed base shall be equal to at least two-thirds the horizontal width of the sign surface.

*Multiple-faced sign* means a sign consisting of more than two faces not more than one foot from each other at their closest point, affixed to a single-support device or structure, and where the base sign sheets are equidistant from the ground. These types of signs are considered single signs.

*Multi-tenant parcel* means a parcel of property, or parcels of contiguous property, existing as a unified or coordinated project, with a multi-tenant structure.

*Multi-tenant structure* means a building used, designed or constructed for occupation by more than one tenant.

*Noncommercial sign* means any sign relating primarily to interests other than to economic interest of the speaker and its audience.

*Off-premises sign* means any sign relating to commodities, accommodations, services, or any other activities on premises other than the premises upon which the sign is located.

*Outdoors, out-of-doors* means any area external to the walls, roof or windows of a structure and includes on the surface of the walls, roof or windows.

*Owner* means legal owner, lessee, or anyone in control of the property with authority, explicit or implicit, to emplace signs thereon.

*Parapet* means the extension of a false front or wall above a roof line.

*Permanent signage* means any sign that is displayed longer than 30 days.

*Pole sign* means a sign supported by at least one upright pole or post in which the vertical support(s) are not concealed within an enclosed base and the sign-face exceeds two feet above the finished grade level. Pole signs are required to be wrapped with cladding.

*Portable sign* means a sign affixed to any object that because of integral wheels or tracks has the capability of moving or being moved and a sign that is designed or constructed such that the sign has the capability of moving or being moved for freestanding display.

*Projecting sign* means a sign mounted on a building wall or fascia in such a manner that one or more copy areas are not parallel to the building wall.

*Roof sign* means a sign supported by uprights, braces or itself permanently placed on or into the roof structure wherein the sign is dependent on the roof structure for support.

*Safety sign* means a sign intended to prevent danger or harm.

*Scroll* means a mode of message transition on an electronic message center sign in which the message appears to move vertically across the display surface.

*Shingle sign*. See "wall sign".

*Shopping center* means any complex of three or more commercial establishments located proximately.

*Shopping center sign* means a sign of any type that pertains to the shopping center as a whole. Signs for individual shops within the center are covered in the specific categories of this chapter.

*Sidewalk sign*. See "A-frame sign".

*Sign* means every media or device used around, about or affixed to a structure or isolated from a structure that in any manner or means, whether by intent or by inadvertence, presents information to others through the media of human perception.

*Single-tenant parcel* means a parcel of land with a structure located thereon that is occupied by only a single establishment or entity.

*Single-tenant structure* means a structure that is occupied by only a single establishment or entity.

*Snipe sign* means a sign made of any material when such sign is tacked, nailed, stapled, pasted, glued or otherwise attached to a tree, pole, stake, fence or to other object and/or is capable of being manually inserted into the ground by a single individual and which is capable of being viewed from the public right-of-way.

*Sound sign* means a sign designed to transmit information to the public or to attract the attention of the public or any portion thereof primarily and essentially through auditory means and for commercial purposes.

*Suspended or suspension sign*. See "swinging sign". Also, supported by vertical means of a flexible nature.

*Swinging sign* means a sign suspended in such a way that it is free to swing on a relatively fixed axis.

*T-frame sign* means a portable sign utilizing an inverted "T" style of framing to support the sign.

*Temporary sign* means a sign with an intended duration of 30 days or less and which does not in fact exceed a duration of 30 days.

*Transition* means a visual effect used on an electronic message center sign to change from one message to another.

*Travel* means a mode of message transition on an electronic message center sign in which the message appears to move horizontally across the display surface.

*Wall sign* means a sign affixed to or painted upon the wall of a structure.

*Window sign* means a sign which may or may not be affixed directly to the surface of a window with its message intended to be visible to the exterior environment.

(Code 1988, § 3-1; Ord. No. 13-19, § 1, 5-23-13; Ord. No. 15-49, § 1, 5-28-15)

**Cross reference**—Definitions generally, § 1-2.

**Sec. 102-2. Purpose, intent and scope.**

(a) The requirements of this chapter are the minimum requirements to promote the public health, safety, aesthetics and welfare and to maintain, enhance, improve and protect the appearance and character of agricultural, residential, professional office, commercial, and industrial areas of the city. Additionally, this chapter will improve traffic safety and control the number, location, size and type of signs while still permitting reasonable identification and advertising by professional, commercial and industrial establishments.



(b) This chapter includes provisions for on-site signs placed on land or on a building. The regulation of on-site signs is intended to prevent excessive competition and clutter among signs and to improve and preserve traffic safety and aesthetics. The control and regulation of off-site signs or billboards, outdoor advertising not related to the site on which the sign is located, is deemed to be necessary to protect the character and development of the city as well as preserving traffic safety and aesthetics. Such off-site signage shall constitute a separate use confined to commercial and industrial properties.

(c) This chapter shall not relate to building design. This chapter shall not regulate official traffic or government signs, the content and message of signs, gravestones and religious symbols or commemorative plaques.

(d) It is the intent of the City Commission of the City of Winter Garden that protection of First Amendment rights shall be afforded by these sign regulations.

(Code 1988, § 3-2; Ord. No. 13-19, § 1, 5-23-13)

#### **Sec. 102-4. Compliance.**

It shall be unlawful for any person to erect, place or maintain a sign unless it complies with this chapter.

(Code 1988, § 3-4; Ord. No. 13-19, § 1, 5-23-13)

#### **Sec. 102-5. Substitution of noncommercial speech for commercial speech.**

Notwithstanding anything contained in this chapter or Code to the contrary, any sign erected pursuant to the provisions of this chapter or Code with a commercial message may, at the option of the owner, contain a noncommercial message unrelated to the business located on the premises where the sign is erected. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial 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 chapter and Code have been satisfied.

(Ord. No. 05-40, § 2, 11-22-05; Ord. No. 13-19, § 1, 5-23-13)

#### **Sec. 102-3. Nonconforming signs.**

(a) Without limiting application of any other provisions of the City Code, the provisions of sections 118-202 and 118-203 that apply to lawful nonconforming accessory structures, excluding the first sentence of subsection 118-202(5) and the first sentence of subsection 118-203(5), apply to permanent signs, excluding window signs.

(b) Any sign which is in violation of this chapter and which does not qualify as a nonconforming sign may be removed by the city, its agents and authorized representatives. In carrying out the task of removing such signs, the city, its agents and authorized representatives may enter upon private property without subjecting the city to any liability for entry and removal. Any fees and costs incurred by the city under this section shall be borne by the sign owner.

(Code 1988, § 3-3; Ord. No. 13-19, § 1, 5-23-13)

#### **Sec. 102-6. Severability.**

(a) *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this 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 chapter.

(b) *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection (a) above, or elsewhere in this chapter, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this 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 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 above in subsection (a), above, or elsewhere in this chapter, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter 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 chapter that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under section 102-92 of this chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 102-92 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 102-92, thereby ensuring that as many prohibited sign-types as may be constitutionally prohibited continue to be prohibited.

(d) *Severability of prohibition on billboards.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter and/or any other Code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect the prohibition on billboards as contained in this chapter or Code.

(Ord. No. 05-40, § 2, 11-22-05; Ord. No. 13-19, § 1, 5-23-13)

#### **Secs. 102-7—102-30. Reserved.**

## **ARTICLE II. ADMINISTRATION\***

### **DIVISION 1. GENERALLY**

#### **Secs. 102-31—102-55. Reserved.**

### **DIVISION 2. PERMITS, LICENSES, INSPECTIONS**

#### **Sec. 102-56. License required.**

A license is required of every person engaged in the business of erecting, emplacing or maintaining signs within the city as provided in section 66-104.

(Code 1988, § 3-61)

#### **Sec. 102-57. Permit required; exceptions.**

(a) All new signs shall be required to have a permit. Application for a sign permit shall be accompanied by a fee pursuant to a fee schedule to be established by motion or resolution of the city commission, and such application shall be on file in the city clerk's office. No sign shall be constructed, structurally altered, extended or re-located until such a permit has been issued. No permit shall be issued until the building official determines that the sign is in compliance with this chapter.

(b) The following signs shall be exempt from this permit requirement, provided that such signs have no electrical parts or usage:

- (1) Window signs.
- (2) Political and campaign signs not exceeding 32 square feet in copy area.
- (3) Real estate signs not exceeding eight square feet in copy area.
- (4) Signs which are a permanent architectural feature of the building or structure, such as a cornerstone or identifying letters carved into or embossed on the building, providing such letters are not illuminated apart from the building, are not made of a reflective material, and do not contrast in color with the building.

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\*Cross reference—Administration, ch. 2.

- (5) Within the scope of portable signs, vehicles to which signs are attached or painted thereon while in a transitional status through the city are authorized and are exempt from the requirements for permits and payment of fees.
- (6) A maximum of two temporary signs located on residential property set back at least 15 feet from all public rights-of-way, restricted to signs no more than eight square feet in copy area, total height limited to four feet.

(Code 1988, § 3-62)

**Sec. 102-58. Building permit; exempted signs.**

(a) No person shall erect, alter, repair or relocate any sign without first obtaining a building permit for such work from the city. Every application for a building permit shall be accompanied by a drawing of the proposed sign indicating the location, size, height, distance from property lines and street centerlines, and all other information necessary or required to determine compliance with this chapter.

(b) The following signs may be erected without a building permit subject, however, to all other requirements of this chapter:

- (1) Identification signs at the entrance drive of residences, estates or ranches bearing only street numbers, mailbox numbers or names of the occupants of the premises.
- (2) Signs erected or required by governmental agencies.
- (3) Official traffic signs.
- (4) Product dispensers and point of sale purchase displays.
- (5) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights intended for advertising purposes.
- (6) Nonilluminated bulletin for public, charitable or religious organizations, to be located on the same premises as the institution and not to exceed 32 square feet.

- (7) Signs not exceeding two square feet in area and mounted flat against the main wall of a building.
- (8) Warning, nonadvertising signs or symbols, e.g., no trespassing or no dumping signs, located on and pertaining to a parcel of property, and such signs shall not exceed four square feet in area and shall be nonilluminated.
- (9) Changing the copy of a sign, or maintaining or repainting the sign where no structural or electrical changes are made; also, the changing of interchangeable letters on signs.
- (10) Temporary, nonilluminated signs erected by the owner on residential property up to eight square feet in size. This includes any changes made to the temporary sign by the residential owner.
- (11) Signs which are integrated into or on coin-operated and other vending machines, gasoline pumps or telephone booths such that the sign does not extend beyond the outside dimensions of the machine, pump or booth.
- (12) Address signs restricted to not more than one for each principal building or use on a parcel of property.
- (13) Window displays of merchandise which are changed on a regular basis, except as specifically prohibited in this chapter.
- (14) Special instruction signs, including signs which identify restrooms, no smoking, shoes and shirts required, no food or beverage, open or closed, and hours of operation, with a total copy area not to exceed ten square feet on any parcel of property.
- (15) Temporary signs advising of special activities by a nonprofit organization may be placed without fee or permit at a location designated by the city manager for a period not to exceed five days.
- (16) Temporary political campaign signs, subject to this chapter.

- (17) Temporary directional signs for subdivisions subject to the requirements of division 2 of article III of this chapter.
- (18) Parking area identification or directional signs are not authorized in excess of eight square feet and do not require permits or the payment of fees. However, the requirements stated in other sections of this chapter apply.
- (19) Signs identifying on-premises business or noncommercial organizations which do not exceed six square feet.
- (20) Safety signs are exempt from the requirements for permits, payment of fees or limitations imposed in this chapter relative to location, number of signs and total sign area. Typical safety signs are danger or no smoking. Classification of a sign as a safety sign shall be determined by the city manager.
- (21) Real estate signs not exceeding eight square feet in copy area.

(Code 1988, § 3-63)

#### **Sec. 102-59. Registered engineer's seal and certification required.**

The seal of a state-registered engineer is required on all drawings describing the type of sign with its support structure for all electrical signs and for any nonelectrical sign exceeding 32 square feet and in any other case requested by the city manager. The registered engineer shall certify to the city that the submitted design for construction of the sign is, as a minimum, in conformance with the requirements of the Southern Standard Building Code (chapters XII and XXIII) as it pertains to dead loads and wind loads for southern coastal areas and with the National Electrical Code and the Florida Electrical Code as they pertain to electrical matters.

(Code 1988, § 3-64)

#### **Sec. 102-60. Issuance of permit.**

This issuance of a permit under this division does not in itself connote that the location and size of the sign and the structural details are necessarily in full compliance with this chapter,

and, therefore, the issuance of the permit does not preclude subsequent corrective action by the city manager or other authorized city employee for latent deficiencies which constitute violations of this chapter.

(Code 1988, § 3-65)

#### **Sec. 102-61. Unsafe signs.**

(a) If any sign becomes insecure, dilapidated, or in danger of falling or otherwise unsafe as determined by the city engineer or if any sign shall not be kept in good repair and in a neat and clean condition, the building official shall inform the sign owner and person or business maintaining or having control over the sign or the person or business upon whose property sign is located, in writing, to secure, remove or repair the sign within ten days from receipt of notice. The notice shall require the sign to conform with this Code and shall specify the section of this Code with which the sign does not comply.

(b) If the person or business receiving notice as set forth in subsection (a) of this section does not bring the sign into compliance within the ten-day period, the sign shall be deemed illegal and subject to removal under section 102-3, and such person or business shall be subject to any and all other sections of this Code imposing fines, penalties and proceedings for violation of this Code. Any fees and costs incurred by the city in taking action under this section will be borne by the sign owner and person or business maintaining or having control over the sign and the person or business upon whose property the sign is located.

(Code 1988, § 3-66)

#### **Sec. 102-62. Revocation of permit; appeal.**

(a) All signs, together with their parts and support elements, are to be painted and otherwise refurbished as needed or as required by the building official. Failure to maintain signs in a presentable and safe condition will be sufficient cause to revoke the permit and require removal of the sign.

(b) The building official is authorized and empowered to revoke any permit issued by him upon failure of the holder thereof to comply with any section of this chapter.