

AS AMENDED

ORDINANCE NO. 2015-8065

AN ORDINANCE RELATING TO SIGNS; PROVIDING FOR THE REPEAL OF THE EXISTING JACKSONVILLE BEACH SIGN ORDINANCE CODIFIED AT DIVISION IV, ARTICLE VIII, CHAPTER 34 (LAND DEVELOPMENT CODE) OF THE JACKSONVILLE BEACH CODE OF ORDINANCES; PROVIDING FOR A NEW JACKSONVILLE BEACH SIGN ORDINANCE IN PLACE OF DIVISION IV OF ARTICLE 34 (LAND DEVELOPMENT CODE) OF THE JACKSONVILLE BEACH CODE OF ORDINANCES; PROVIDING FOR A PURPOSE, INTENT AND SCOPE; PROVIDING FOR DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR PROHIBITED SIGNS IN ALL ZONING DISTRICTS; PROVIDING GENERAL PROVISIONS FOR SIGNS (SUCH AS THE MEASUREMENT OF SIGN SIZE, MEASUREMENT OF SIGN HEIGHT, STREET ADDRESS SIGNS, FLAGPOLES/FLAGS, FLAG BRACKETS/STANCHIONS/FLAGS, SIGN ILLUMINATION FOR TEMPORARY AND PERMANENT SIGNS, VIEWPOINT NEUTRALITY, SUBSTITUTION OF NONCOMMERCIAL SPEECH FOR COMMERCIAL SPEECH, NONCOMMERCIAL ONSITE PARKING SPACE SIGNS, CONSENT OF LEGAL OWNER OF PROPERTY, SIGNS ON PUBLIC PROPERTY, SIGNS THAT OBSTRUCT MEANS OF EGRESS, SIGNS THAT INTERFERE WITH VENTILATION OPENINGS, SIGNS MUST MAINTAIN CLEARANCE FROM UTILITIES AND SHALL NOT INTERFERE WITH SURFACE AND UNDERGROUND WATER OR WITH DRAINAGE, SIGNS SHALL NOT BE ATTACHED TO CERTAIN PROPERTY AND SHALL NOT IMPAIR ROOF ACCESS, SIGNS DECLARED A NUISANCE AND REPAIR; SIGNS PRESENTING IMMEDIATE PERIL TO PUBLIC HEALTH OR SAFETY, SIGNS AT SERVICE STATION ISLANDS, WALL SIGNS AT RESTAURANTS, UMBRELLA SIGNS, AWNING AND CANOPY SIGNS, CHANGEABLE COPY SIGNS, MONUMENT SIGNS, WALL SIGNS, PROJECTING SIGNS, SIGNS FOR DRIVE-THRU BUSINESS ESTABLISHMENTS, WINDOW SIGNS, AND DOOR SIGNS); PROVIDING FOR ALLOWED TEMPORARY SIGNS IN ZONING DISTRICTS; PROVIDING FOR ALLOWED PERMANENT SIGNS IN ZONING DISTRICTS; PROVIDING FOR BUILDING PERMITS; PROVIDING FOR SIGN PERMITS; PROVIDING FOR NONCONFORMING SIGNS; PROVIDING FOR MISCELLANEOUS SIGN PROVISIONS; PROVIDING FOR PENALTIES; PROVIDING FOR AN AMENDMENT TO SECTION 34-640; PROVIDING FOR SEVERABILITY IN GENERAL; PROVIDING FOR SEVERABILITY WHERE LESS SPEECH RESULTS; PROVIDING FOR SEVERABILITY OF PROVISIONS PERTAINING TO PROHIBITED SIGNS; PROVIDING FOR SEVERABILITY OF PROHIBITION ON BILLBOARDS; PROVIDING FOR AN AMENDMENT TO SECTIONS 34-336 THROUGH 34-348 TO IDENTIFY THE BUSINESS OF OUTDOOR ADVERTISING AS A PROHIBITED USE IN ALL THIRTEEN OF THE CITY'S ZONING DISTRICTS; PROVIDING FOR THE ADDITION OF SECTION 34-349 TO EXPRESSLY PROVIDE THAT THE BUSINESS OF OUTDOOR ADVERTISING IS A PROHIBITED USE IN ALL ZONING DISTRICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville Beach finds and determines that it is appropriate to update and revise its Land Development Code relative to signs;

WHEREAS, the City of Jacksonville Beach finds and determines that it is appropriate to delete sections, subsections, paragraphs, subparagraphs, divisions, subdivisions, clauses, sentences, phrases, words, and provisions of the existing ordinance which are obsolete or superfluous, and/or which have not been enforced, and/or which are not enforceable, and/or which would be severable by a court of competent jurisdiction;

WHEREAS, the City of Jacksonville Beach finds and determines that it is appropriate to ensure that the Land Development Code as it relates to signs is in compliance with all constitutional and other legal requirements;

WHEREAS, the City of Jacksonville Beach finds and determines that the purpose, intent and scope of its signage standards and regulations should be detailed so as to further describe the beneficial aesthetic and other effects of the City's sign standards and regulations, and to reaffirm that the sign standards and regulations are concerned with the secondary effects of speech and are not designed to censor speech or regulate the viewpoint of the speaker;

WHEREAS, the City of Jacksonville Beach finds and determines that the limitations on the size (area), height, number, spacing, and setback of signs, adopted herein, are based upon sign types;

WHEREAS, the City of Jacksonville Beach finds and determines that limitations on signs are related to the zoning districts for the parcels and properties on which they are located;

WHEREAS, the City of Jacksonville Beach finds and determines that various signs that serve as signage for particular land uses, such as drive-through lanes for businesses, are based upon content-neutral criteria in recognition of the functions served by those land uses, but not based upon any intent to favor any particular viewpoint or control the subject matter of public discourse;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign standards and regulations adopted hereby still allow adequate alternative means of communications;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign standards and regulations adopted hereby allow and leave open adequate alternative means of communications, such as newspaper advertising and communications, internet advertising and communications, advertising and communications in shoppers and pamphlets, advertising and communications in telephone books, advertising and communications on cable and satellite television, advertising and communications on UHF and/or VHF television, advertising and communications on AM and/or FM radio, advertising and communications on satellite and internet radio, advertising and communications via direct mail, and other avenues of communication available in the City of Jacksonville Beach [*see State v. J & J Painting*, 167 N.J. Super. 384, 400 A.2d 1204, 1205 (Super. Ct. App. Div. 1979); *Board of Trustees of State University of New York v. Fox*, 492 U.S. 469, 477 (1989); *Green v. City of Raleigh*, 523 F.3d 293, 305-306 (4th Cir. 2007); *Naser Jewelers v. City of Concord*, 513 F.3d 27 (1st Cir. 2008); *Sullivan v. City of Augusta*, 511 F.3d 16, 43-44 (1st Cir. 2007); *La Tour v. City of Fayetteville*, 442 F.3d 1094, 1097 (8th Cir. 2006);

Reed v. Town of Gilbert, Ariz., 587 F.3d 966, 980-981 (9th Cir. 2009), *aff'd in part & remanded in part on other grounds*, 832 F. Supp. 2d 1070, *aff'd*, 707 F.3d 1057, 1063 (9th Cir. 2013), *cert. granted*, 134 S. Ct. 2900 (2014), *rev'd on other grounds & remanded*, 135 S. Ct. 2218 (2015).];

WHEREAS, the City of Jacksonville Beach finds and determines that the provisions of Division IV, Article 8, Chapter 34 (Land Development Code), City of Jacksonville Beach Code of Ordinances, that replace the current Division IV are consistent with all applicable policies of the City's adopted 2030 Comprehensive Plan;

WHEREAS, the City of Jacksonville Beach finds and determines that these amendments are not in conflict with the public interest;

WHEREAS, the City of Jacksonville Beach finds and determines that these amendments will not result in incompatible land uses;

WHEREAS, the City of Jacksonville Beach recognizes that under established Supreme Court precedent, a law that is content-based is subject to strict scrutiny under the First Amendment of the U.S. Constitution, and such law must therefore satisfy a compelling governmental interest;

WHEREAS, the City of Jacksonville Beach recognizes that under established Supreme Court precedent, a compelling government interest is a higher burden than a substantial or significant governmental interest;

WHEREAS, the City of Jacksonville Beach recognizes that under established Supreme Court precedent, aesthetics is not a compelling governmental interest but is a substantial governmental interest;

WHEREAS, the City of Jacksonville Beach recognizes that until a recent Supreme Court decision released in June 2015, there had not been clarity as to what constitutes a content-based law as distinguished from a content-neutral law;

WHEREAS, the City of Jacksonville Beach recognizes that in *Reed v. Town of Gilbert*, Ariz., — U.S. —, 135 S. Ct. 2218, (2015), the United States Supreme Court, in an opinion authored by Justice Thomas, and joined in by Chief Justices Roberts, Scalia, Alito, Kennedy and Sotomayer, addressed the constitutionality of a local sign ordinance that had different criteria for different types of temporary noncommercial signs;

WHEREAS, the City of Jacksonville Beach recognizes that in *Reed*, the Supreme Court held that content-based regulation is presumptively unconstitutional and requires a compelling governmental interest;

WHEREAS, the City of Jacksonville Beach recognizes that in *Reed*, the Supreme Court held that government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed;

WHEREAS, the City of Jacksonville Beach recognizes that in *Reed*, the Supreme Court held that even a purely directional message, which merely gives the time and location of a

specific event, is one that conveys an idea about a specific event, so that a category for directional signs is therefore content-based, and event-based regulations are not content neutral;

WHEREAS, the City of Jacksonville Beach recognizes that in *Reed*, the Supreme Court held that if a sign regulation on its face is content-based, neither its purpose, nor function, nor justification matter, and the sign regulation is therefore subject to strict scrutiny and must serve a compelling governmental interest;

WHEREAS, the City of Jacksonville Beach recognizes that in *Reed*, Justice Alito in a concurring opinion joined in by Justices Kennedy and Sotomayer pointed out that municipalities still have the power to enact and enforce reasonable sign regulations;

WHEREAS, the City of Jacksonville Beach recognizes that Justice Alito in the concurring opinion joined in by Justices Kennedy and Sotomayer provided a list of rules that would not be content-based;

WHEREAS, the City of Jacksonville Beach recognizes that Justice Alito noted that these rules, listed below, were not a comprehensive list of such rules;

WHEREAS, the City of Jacksonville Beach recognizes that Justice Alito included the following rules among those that would not be content-based: (1) rules regulating the size of signs, which rules may distinguish among signs based upon any content-neutral criteria such as those listed below; (2) rules regulating the locations in which signs may be placed, which rules may distinguish between freestanding signs and those attached to buildings; (3) rules distinguishing between lighted and unlighted signs; (4) rules distinguishing between signs with fixed messages and electronic signs with messages that change; (5) rules that distinguish between the placement of signs on private and public property; (6) rules distinguishing between the placement of signs on commercial and residential property; (7) rules distinguishing between on-premises and off-premises signs [*see discussion in* Memorandum dated September 11, 2015 from Lawrence Tribe to Nancy Fletcher, President, Outdoor Advertising Association of America, re Applying the First Amendment to Regulations Distinguishing Between Off-premises and On-premises Signs After *Reed v. Town of Gilbert*]; (8) rules restricting the total number of signs allowed per mile of roadway; and (9) rules imposing time restrictions on signs advertising a one-time event, where rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed;

WHEREAS, the City of Jacksonville Beach recognizes that Justice Alito further noted that in addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech [*see Pleasant Grove City, Utah v. Summum*, 555 U.S. 460, 467-469 (2009)], and that government entities may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots;

WHEREAS, the City of Jacksonville Beach recognizes that Justice Alito noted that the *Reed* decision, properly understood, will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives, including rules that distinguish between on-premises and off-premises signs;

WHEREAS, the City of Jacksonville Beach recognizes that as a result of the *Reed* decision, it is appropriate and necessary for local governments to review and analyze their sign standards and regulations, beginning with their temporary sign standards and regulations, so as to make the necessary changes to conform with the holding in *Reed*;

WHEREAS, the City of Jacksonville Beach recognizes that under established Supreme Court precedent, commercial speech may be subject to greater restrictions than noncommercial speech and that doctrine is true for both temporary signs as well as for permanent signs;

WHEREAS, the City of Jacksonville Beach finds and determines that under Florida law, whenever a portion of a statute or ordinance is declared unconstitutional, the remainder of the act will be permitted to stand provided: (1) the unconstitutional provisions can be separated from the remaining valid provisions; (2) the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void; (3) the good and the bad features are not so inseparable in substance that it can be said that the legislative body would have passed the one without the other; and (4) an act complete in itself remains after the valid provisions are stricken [see, e.g., *Waldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990)];

WHEREAS, the City of Jacksonville Beach finds and determines that there have been several judicial decisions where courts have not given full effect to severability clauses that applied to sign regulations and where the courts have expressed uncertainty over whether the legislative body intended that severability would apply to certain factual situations despite the presumption that would ordinarily flow from the presence of a severability clause;

WHEREAS, the City of Jacksonville Beach finds and determines that the City has consistently adopted and enacted severability provisions in connection with its ordinance code provisions; and the City wishes to ensure that severability provisions apply to its land development regulations, including its sign standards;

WHEREAS, the City of Jacksonville Beach finds and determines that there be an ample record of its intention that the presence of a severability clause in connection with the City's sign regulations be applied to the maximum extent possible, even if less speech would result from a determination that any provision is invalid or unconstitutional for any reason whatsoever;

WHEREAS, the City of Jacksonville Beach finds and determines that objects and devices such as graveyard and cemetery markers visible from a public area, vending machines or express mail drop-off boxes visible from a public area, decorations that do not constitute advertising visible from a public area, artwork that does not constitute advertising; a building's architectural features visible from a public area, or a manufacturer's or seller's markings on machinery or equipment visible from a public area are not within the scope of what is intended to be regulated through "land development" regulations that pertain to signage under Chapter 163 of the Florida Statutes;

WHEREAS, the City of Jacksonville Beach finds and determines that the aforesaid objects and devices are commonly excluded or exempted from being regulated as signs in land development regulations and sign regulations, and that extending a regulatory regime to such objects or devices would be inconsistent with the free speech clause of the First Amendment;

WHEREAS, the City of Jacksonville Beach finds and determines that it should continue to prohibit discontinued signs regardless of whether or not there was any intent to abandon the sign;

WHEREAS, the City of Jacksonville Beach finds and determines that a traffic control device sign, exempt from regulation under the City's land development regulations for signage, is any government sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard, and according to the MUTCD traffic control device signs include those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information);

WHEREAS, the City of Jacksonville Beach finds and determines that it is appropriate to prohibit certain vehicle signs similar to the prohibition suggested in Article VIII (Signs) of the Model Land Development Code for Cities and Counties, prepared in 1989 for the Florida Department of Community Affairs by the UF College of Law's Center for Governmental Responsibility and by a professional planner with Henigar and Ray Engineering Associates, Inc., and that is nearly identical to Section 7.05.00(x) of the Land Development Regulations of the Town of Orange Park, which were upheld against a constitutional challenge in *Perkins v. Town of Orange Park*, 2006 WL 5988235 (Fla. 4th Cir. Ct.);

WHEREAS, the City of Jacksonville Beach finds and determines that the city is a resort community on the east coast of the state with several miles of beaches on the Atlantic Ocean and the City has an economic base which relies heavily on tourism;

WHEREAS, the City of Jacksonville Beach finds and determines that in order to preserve the city as a desirable community in which to live, vacation and do business, a pleasing, visually-attractive urban environment is of foremost importance;

WHEREAS, the City of Jacksonville Beach finds and determines that the regulation of signs within the city is a highly contributive means by which to achieve this desired end, and that the sign standards and regulations in Exhibit A attached to proposed Ordinance 2015-8065 are prepared with the intent of enhancing the urban environment and promoting the continued well-being of the city;

WHEREAS, the City of Jacksonville Beach finds and determines that Article II, Section 7, of the Florida Constitution, as adopted in 1968, provides that it shall be the policy of the state to conserve and protect its scenic beauty;

WHEREAS, the City of Jacksonville Beach finds and determines that the regulation of signage for purposes of aesthetics is a substantial governmental interest and directly serves the policy articulated in Article II, Section 7, of the Florida Constitution, by conserving and protecting its scenic beauty;

WHEREAS, the City of Jacksonville Beach finds and determines that the regulation of signage for purposes of aesthetics has long been recognized as advancing the public welfare;

WHEREAS, the City of Jacksonville Beach finds and determines that as far back as 1954 the United States Supreme Court recognized that “the concept of the public welfare is broad and inclusive,” that the values it represents are “spiritual as well as physical, aesthetic as well as monetary,” and that it is within the power of the legislature “to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled” [Justice Douglas in *Berman v. Parker*, 348 U.S. 26, 33 (1954)];

WHEREAS, the City of Jacksonville Beach finds and determines that aesthetics is a valid basis for zoning, and the regulation of the size of signs and the prohibition of certain types of signs can be based upon aesthetic grounds alone as promoting the general welfare [see *Merritt v. Peters*, 65 So. 2d 861 (Fla. 1953); *Dade Town v. Gould*, 99 So. 2d 236 (Fla. 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade Town*, 425 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 805 (1970)];

WHEREAS, the City of Jacksonville Beach finds and determines that the enhancement of the visual environment is critical to a community’s image and its continued presence as a tourist destination;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign control principles set forth herein create a sense of character and ambiance that distinguishes the city as one with a commitment to maintaining and improving an attractive environment;.

WHEREAS, the City of Jacksonville Beach finds and determines that the beauty of the City of Jacksonville Beach, both with regard to its natural and built and developed environment has provided the foundation for the economic base of the City’s development, and that the City’s sign regulations not only help create an attractive community for its residents, but also bolster Jacksonville Beach’s image as a tourist destination;

WHEREAS, the City of Jacksonville Beach finds and determines that the goals, objectives and policies from planning documents developed over the years, demonstrate a strong, long-term commitment to maintaining and improving the City’s attractive and visual environment;

WHEREAS, the City of Jacksonville Beach finds and determines that, from a planning perspective, one of the most important community goals is to define and protect aesthetic resources and community character;

WHEREAS, the City of Jacksonville Beach finds and determines that, from a planning perspective, sign regulations are especially important to cities with a tourist-based economy, and sign control can create a sense of character and ambiance that distinguishes one community from another;

WHEREAS, the City of Jacksonville Beach finds and determines that two decades ago a growing number of cities had begun prohibiting pole signs, allowing only ground signs (also referred to as monument signs), and monument signs are typically used and preferred by

vacation resorts, planned communities, and other cities that seek a distinctive image; the City of Jacksonville Beach seeks to maintain that distinctive image for as part of its community character;

WHEREAS, the City of Jacksonville Beach finds and determines that preserving and reinforcing the uniqueness of a tourist community like Jacksonville Beach attracts tourists and, more importantly, establishes a permanent residential and commercial base to ensure the future viability of the community;

WHEREAS, the City of Jacksonville Beach finds and determines that the purpose of the regulation of signs as set forth in Exhibit A to proposed Ordinance 2015-8065 is to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2015-8065 are intended to enable the identification of places of residence and business;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2015-8065 are intended to allow for the communication of information necessary for the conduct of commerce;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2015-8065 are intended to lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2015-8065 are intended to enhance the attractiveness and economic well-being of the city as a place to live, vacation and conduct business;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2015-8065 are intended to protect the public from the dangers of unsafe signs;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2015-8065 are intended to permit signs that are compatible with their surroundings and aid orientation, and to preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2015-8065 are intended to encourage signs that are appropriate to the zoning district in which they are located and which are consistent with the category of use to which they pertain;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2015-8065 are intended to curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2015-8065 are intended to establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2015-8065 are intended to preclude signs from conflicting with the principal permitted use of the site or adjoining sites;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2015-8065 are intended to regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2015-8065 are intended to require signs to be constructed, installed and maintained in a safe and satisfactory manner;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign regulations in Exhibit A to proposed Ordinance 2015-8065 are intended to preserve and enhance the natural and scenic characteristics of this coastal resort community;

WHEREAS, the City of Jacksonville Beach finds and determines that the regulation of signage was originally mandated by Florida's Local Government Comprehensive Planning and Land Development Regulation Act in 1985 (*see* Chapter 85-55, §14, Laws of Florida), and this requirement continues to apply to the City of Jacksonville Beach through Section 163.3202(2)(f), Florida Statutes;

WHEREAS, the City of Jacksonville Beach finds and determines that it has adopted a land development code, known as the Land Development Code, in order to implement its Comprehensive Plan, and to comply with the minimum requirements in the State of Florida's Growth Management Act, at Section 163.3202, Florida Statutes, including the regulation of signage and future land use;

WHEREAS, the City of Jacksonville Beach finds and determines that the Land Development Code is the manner by which the City has chosen to regulate signage;

WHEREAS, the City of Jacksonville Beach finds and determines that the Land Development Code and its signage regulations were and are intended to maintain and improve the quality of life for all citizens of the City;

WHEREAS, the City of Jacksonville Beach finds and determines that in meeting the purposes and goals established in these preambles, it is appropriate to prohibit and/or to continue to prohibit certain sign types;

WHEREAS, the City of Jacksonville Beach finds and determines that consistent with the foregoing preambles, it is appropriate to prohibit and/or to continue to generally prohibit the sign types listed in Sec. 34-444 Prohibited Signs within Exhibit A to proposed Ordinance 2015-8065;

WHEREAS, the City of Jacksonville Beach finds and determines that billboards detract from the natural and manmade beauty of the City;

WHEREAS, the City of Jacksonville Beach agrees with the American Society of Landscape Architects' determination that billboards tend to deface nearby scenery, whether natural or built and the Sierra Club's opposition to billboard development and proliferation and the American Society of Civil Engineers Policy Statement 117 on Aesthetics that aesthetic quality should be an element of the planning, design, construction, operations, maintenance, renovation, rehabilitation, reconstruction, and security enhancement of the built environment;

WHEREAS, the City of Jacksonville Beach recognizes that states such as Vermont, Alaska, Maine, and Hawaii have prohibited the construction of billboards in their states and are now billboard-free in an effort to promote aesthetics and scenic beauty;

WHEREAS, the City of Jacksonville Beach finds and determines that the prohibition of the construction of billboards and certain other sign types, as well as the establishment and continuation of height, size and other standards for on-premise signs, is consistent with the policy set forth in the Florida Constitution that it shall be the policy of the state to conserve and protect its scenic beauty;

WHEREAS, the City of Jacksonville Beach agrees with the courts that have recognized that outdoor advertising signs tend to interrupt what would otherwise be the natural landscape as seen from the highway, whether the view is untouched or ravished by man, and that it would be unreasonable and illogical to conclude that an area is too unattractive to justify aesthetic improvement [*see E. B. Elliott Adv. Co. v. Metropolitan Dade Town*, 425 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 805 (1970); *John Donnelly & Sons, Inc. v. Outdoor Advertising Bd.*, 339 N.E.2d 709, 720 (Mass. 1975)];

WHEREAS, the City of Jacksonville Beach recognizes that local governments may separately classify off-site and on-site advertising signs in taking steps to minimize visual pollution [*see City of Lake Wales v. Lamar Advertising Association of Lakeland Florida*, 414 So.2d 1030, 1032 (Fla. 1982)];

WHEREAS, the City of Jacksonville Beach finds and determines that billboards attract the attention of drivers passing by the billboards, thereby adversely affecting traffic safety and constituting a public nuisance and a noxious use of the land on which the billboards are erected;

WHEREAS, the City of Jacksonville Beach finds, determines and recognizes that billboards are a form of advertisement designed to be seen without the exercise of choice or volition on the part of the observer, unlike other forms of advertising that are ordinarily seen as a

matter of choice on the part of the observer [*see Packer v. Utah*, 285 U.S. 105 (1932); and *General Outdoor Advertising Co. v. Department of Public Works*, 289 Mass. 149, 193 N.E. 799 (1935)];

WHEREAS, the City of Jacksonville Beach acknowledges that the United States Supreme Court and many federal courts have accepted legislative judgments and determinations that the prohibition of billboards promotes traffic safety and the aesthetics of the surrounding area. [*see Markham Adver. Co. v. State*, 73 Wash.2d 405, 439 P.2d 248 (1969), *appeal dismissed for want of a substantial federal question*, 439 U.S. 808 (1978); *Markham Adver. Co., Inc. v. State*, Case No. 648, October Term, 1968, Appellants' Jurisdictional Statement, 1968 WL 129277 (October 14, 1968); *Suffolk Outdoor Adver. Co., Inc. v. Hulse*, 43 N.Y.2d 483, 372 N.E.2d 263 (1977), *appeal dismissed for want of a substantial federal question*, 439 U.S. 808 (1978); *Suffolk Outdoor Adver. Co., Inc. v. Hulse*, Case No. 77-1670, October Term, 1977, Appellant's Jurisdictional Statement (March 23, 1978); *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 509-510 (1981); *Members of the City Council of the City of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 806-807 (1984), *City of Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410, 425 and 442 (1993); *National Advertising Co. v. City and County of Denver*, 912 F.2d 4055, 409 (10th Cir. 1990), and *Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1239 (D. Kan. 1999)];

WHEREAS, the City of Jacksonville Beach finds, determines and recognizes that on-site business signs are considered to be part of the business itself, as distinguished from off-site outdoor advertising signs, and find that it is well-recognized that the unique nature of outdoor advertising and the nuisances fostered by billboard signs justify the separate classification of such structures for the purposes of governmental regulation and restrictions [*see E. B. Elliott Adv. Co. v. Metropolitan Dade Town*, 425 F.2d 1141, 1153 (5th Cir. 1970), *cert. denied*, 400 U.S. 805 (1970), quoting *United Advertising Corp. v. Borough of Raritan*, 11 N.J. 144, 93 A.2d 362, 365 (1952)];

WHEREAS, the City of Jacksonville Beach finds and determines that a prohibition on the erection of off-site outdoor advertising signs will reduce the number of driver distractions and the number of aesthetic eyesores along the roadways and highways of the City [*see, e.g., E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1154 (5th Cir. 1970), *cert. denied*, 400 U.S. 805 (1970)];

WHEREAS, the City of Jacksonville Beach finds and determines that billboard signs are public nuisances given their adverse impact on both traffic safety and aesthetics;

WHEREAS, the City of Jacksonville Beach finds and determines that billboards are a traffic hazard and impair the beauty of the surrounding area, and the prohibition of the construction of billboards will reduce these harms [*see Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1239 (D. Kan. 1999)];

WHEREAS, the City of Jacksonville Beach finds and determines that the presence of billboards along the federal interstate and the federal-aid primary highway systems has prevented public property in other jurisdictions from being used for beautification purposes due to view zones established by state administrative rule;

WHEREAS, the City of Jacksonville Beach recognizes that Scenic America, Inc. recommends improvements in the scenic character of a community's landscape and appearance by prohibiting the construction of billboards, and by setting height, size and other standards for on-premise signs [*see* Scenic America's Seven Principles for Scenic Conservation, Principle #5];

WHEREAS, the City of Jacksonville Beach recognizes that more than three hundred Florida communities have adopted ordinances prohibiting the construction of billboards in their communities in order to achieve aesthetic, beautification, traffic safety, and/or other related goals;

WHEREAS, the City of Jacksonville Beach finds and determines that in order to preserve, protect and promote the safety and general welfare of the residents of the City, it is necessary to regulate off-site advertising signs, commonly known as billboard signs or billboards, so as to prohibit the construction of billboards in all zoning districts, and to provide that the foregoing provisions shall be severable;

WHEREAS, the City of Jacksonville Beach finds and determines that the continued prohibition of billboards as set forth herein will improve the beauty of the City, foster overall improvement to the aesthetic and visual appearance of the City, preserve and open up areas for beautification on public property adjoining the public roadways, increase the visibility, readability and/or effectiveness of on-site signs by reducing and/or diminishing the visual clutter of off-site signs, enhance the City as an attractive place to live and/or work, reduce blighting influences, and improve traffic safety by reducing driver distractions;

WHEREAS, the City of Jacksonville Beach wishes to assure that new billboards are effectively prohibited as a sign-type within the City;

WHEREAS, the City of Jacksonville Beach finds and determines that anything beside the road which tends to distract the driver of a motor vehicle directly affects traffic safety, and signs, which divert the attention of the driver and occupants of motor vehicles from the highway to objects away from it, may reasonably be found to increase the danger of accidents, and agrees with the courts that have reached the same determination [*see In re Opinion of the Justices*, 103 N.H. 268, 169 A.2d 762 (1961); *Newman Signs, Inc. v. Hjelle*, 268 N.W.2d 741 (N.D.1978)];

WHEREAS, the City of Jacksonville Beach acknowledges that the Seven Justices' views in *Metromedia*, as expressly recognized in the later Supreme Court decisions in *Taxpayers for Vincent* and *Discovery Network*; and in more than a dozen published Circuit Court of Appeal decisions following *Metromedia*, on the permissible distinction between onsite signs and offsite signs-when it comes to government's substantial interest in prohibiting the latter sign type (the offsite sign), including: *Major Media of the Southeast, Inc. v. City of Raleigh*, 792 F.2d 1269, 1272 (4th Cir. 1986); *Georgia Outdoor Advertising, Inc. v. City of Waynesville*, 833 F.2d 43, 45-46 (4th Cir. 1987); *Naegele Outdoor Adver., Inc. v. City of Durham*, 844 F.2d 172, 173-174 (4th Cir. 1988); *Nat'l Adver. Co. v. City and County of Denver*, 912 F.2d 405, 408-411 (10th Cir. 1990); *Nat'l Adver. Co. v. Town of Niagara*, 942 F.2d 145, 157-158 (2nd Cir. 1991); *Outdoor Systems, Inc. v. City of Mesa*, 997 F.2d 604, 610-612 (9th Cir. 1993); *Outdoor Graphics, Inc. v. City of Burlington, Iowa*, 103 F.3d 690, 695 (8th Cir. 1996); *Ackerley Communications of Northwest v. Krochalis*, 108 F.3d 1095, 1099 (9th Cir. 1997); *Southlake Property Associates*,

Ltd. v. City of Morrow, Ga., 112 F.3d 1114, 1117-1119 (11th Cir. 1997), *cert. denied*, 525 U.S. 820 (1998); *Bad Frog Brewery, Inc. v. New York State Liquor Authority*, 134 F.3d 87, 99 (2nd Cir. 1998); *Lavey v. City of Two Rivers*, 171 F.3d 1110, 1114-1115 (7th Cir. 1999); *Long Island Bd. of Realtors, Inc. v. Incorp. Village of Massapequa Park*, 277 F.3d 622, 627 (2nd Cir. 2002); *Clear Channel Outdoor, Inc. v. City of Los Angeles*, 340 F.3d 810, 814-816 (9th Cir. 2003); *Riel v. City of Bradford*, 485 F.3d 736, 753 (3rd Cir. 2007); *Naser Jewelers, Inc. v. City of Concord, N.H.*, 513 F.3d 27, 36 (1st Cir. 2008); and *RTM Media, L.L.C. v. City of Houston*, 584 F.3d 220, 225 (5th Cir. 2009);

WHEREAS, the City of Jacksonville Beach recognizes that the distinction between the location of off-premises signs and on-premises signs is a time, place and manner regulation, and recognizes that in 1978 in *Suffolk Outdoor*, over the objection of Justices Blackmun and Powell, the U.S. Supreme Court denied review of the underlying decision for the want of a substantial federal question and that the denial on this basis was a decision on the merits, wherein the decisions was framed by the petitioner's jurisdictional statement which presented its first question as to whether a total ban on billboards within an entire municipality was constitutional, claiming that this disparate treatment of off-premises billboards from on-premises accessory signs was a violation of the First Amendment;

WHEREAS, the City of Jacksonville Beach acknowledges that the significance of *Suffolk Outdoor* is that it was a merits decision that recognized that it is constitutionally permissible to distinguish between on-site signs and off-site signs (Billboards) for regulatory purposes, and to ban the latter, and that this merits decision has never been overturned;

WHEREAS, the City of Jacksonville Beach finds and determines, consistent with the foregoing preambles, that the business of outdoor advertising should be a prohibited use in each of the City's zoning districts and in all of the City's zoning districts;

WHEREAS, the City of Jacksonville Beach finds and determines that it is appropriate to prohibit discontinued signs and/or sign structures because the same visually degrade the community character and are inconsistent with the general principles and purposes of Division IV as set forth in Exhibit A to proposed Ordinance No. 2015-8065;

WHEREAS, the City of Jacksonville Beach finds and determines that under state law, which may be more permissive than local law, a nonconforming sign is deemed "discontinued" when it is not operated and maintained for a set period of time, and the following conditions under Chapter 14-10, Florida Administrative Code, shall be considered failure to operate and maintain the sign so as to render it a discontinued sign: (1) signs displaying only an "available for lease" or similar message; (2) signs displaying advertising for a product or service which is no longer available; or (3) signs which are blank or do not identify a particular product, service, or facility;

WHEREAS, the City of Jacksonville Beach finds and determines that in the current definitions applicable to the current sign standards, signs or sign structures are considered abandoned or discontinued signs or sign structures with or without intent when the owner fails to operate or maintain a sign for a period of sixty (60) days or longer and the definition for the same lists the criteria that shall be considered as the failure to operate or maintain a sign, and whereas

the City wishes to extend that sixty (60) day period to a longer period of time, and to expressly set forth that the intent of the owner shall not be a consideration in whether or not a sign meets the definition of a discontinued sign;

WHEREAS, the City of Jacksonville Beach finds and determines that it is appropriate to specify that in addition to land development regulations identified in Exhibit A to proposed Ordinance 2015-8065, signs shall comply with all applicable building and electrical code requirements;

WHEREAS, the City of Jacksonville Beach finds and determines that the City has allowed noncommercial speech to appear wherever commercial speech appears; and the City desires to continue that practice by including a specific substitution clause that expressly allows non-commercial messages to be substituted for commercial messages;

WHEREAS, the City of Jacksonville Beach finds and determines that by confirming in its ordinance that noncommercial messages are allowed wherever commercial messages are permitted, the City will continue to overcome any constitutional objection that its ordinance impermissibly favors commercial speech over noncommercial speech [*see Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1236-1237 (D. Kan. 1999)];

WHEREAS, the City of Jacksonville Beach finds and determines that the district court in *Granite State Outdoor Advertising, Inc. v. City of Jacksonville Beach, Fla. (Granite-Clearwater)*, 213 F.Supp.2d 1312 (M.D.Fla. 2002), *aff'd in part and rev'd in part on other grounds*, 351 F.3d 1112 (11th Cir. 2003), *cert. denied*, 543 U.S. 813 (2004), cited the severability provisions of both Section 1-107 of the Code and the Development Code, Ord. No. 6348-99, § 4 (January 21, 1999), as a basis for severing isolated portions of Article 3 of the Land Development Code [*see Granite-Clearwater* at 1326, n.22];

WHEREAS, the City of Jacksonville Beach finds and determines that the Land Development Code's severability clause was adopted with the intent of upholding and sustaining as much of the City's regulations, including its sign regulations, as possible in the event that any portion thereof (including any section, sentence, clause or phrase) be held invalid or unconstitutional by any court of competent jurisdiction;

WHEREAS, the City of Jacksonville Beach finds and determines that the failure of some courts to uphold severability clauses has led to an increase in litigation seeking to strike down sign ordinances in their *entirety* so as to argue that the developers' applications to erect prohibited sign types, such as billboards, must be granted;

WHEREAS, the City of Jacksonville Beach finds and determines that there be an ample record of its intention that the presence of a severability clause in connection with the City's sign regulations be applied to the maximum extent possible, even if less speech would result from a determination that any exceptions, limitations, variances or other provisions are invalid or unconstitutional for any reason whatsoever;

WHEREAS, the City of Jacksonville Beach finds and determines that the prohibition on billboards, as contained herein, continue in effect regardless of the invalidity or

unconstitutionality of any, or even all, other provisions of the City's sign regulations, other ordinance code provisions, or other laws, for any reason(s) whatsoever;

WHEREAS, the City of Jacksonville Beach finds and determines that there be an ample record that it intends that the height and size limitations on free-standing and other signs continue in effect regardless of the invalidity or unconstitutionality of any, or even all other, provisions of the City's sign regulations, other ordinance code provisions, or other laws, for any reason(s) whatsoever;

WHEREAS, the City of Jacksonville Beach finds and determines that there be an ample record that it intends that each prohibited sign-type continue in effect regardless of the invalidity or unconstitutionality of any, or even all, other provisions of the City's sign regulations, other ordinance code provisions, or other laws, for any reason(s) whatsoever;

WHEREAS, the City of Jacksonville Beach finds and determines that it is aware that there have been billboard developers who have mounted legal challenges to a sign ordinance, either in its entirety or as to some lesser portion, and argued that there existed a vested right to erect a billboard through the mere submission of one or more prior permit applications, so that in the event that the billboard developer is successful in obtaining a judicial decision that the entirety or some lesser portion of a sign ordinance or its permitting provisions are invalid or unconstitutional, the billboard developer might then seek to compel the local governmental unit to issue a permit to allow the billboard developer to erect a permanent billboard structure within the local government's jurisdiction; and

WHEREAS, the City of Jacksonville Beach finds and determines that it desires to make clear that billboards are not a compatible land use within the City and that there can be no good faith reliance by any prospective billboard developer under Florida vested rights law in connection with the prospective erection or construction of new or additional billboards within the jurisdictional limits of the City;

WHEREAS, the City of Jacksonville Beach finds and determines that it is appropriate to allow for the display of allowable temporary signage without any prior restraint or permit requirement;

WHEREAS, the City of Jacksonville Beach finds and determines that it is appropriate to prohibit direct illumination of the surface of any temporary sign but such prohibition shall not be construed to constrain the general illumination of flags and flagpoles unless otherwise expressly prohibited;

WHEREAS, the City of Jacksonville Beach finds and determines that when an application for a permanent sign is deemed denied that the applicant shall have an avenue to immediately request in writing via certified mail to the City a written explanation as to why the application was not approved and the City shall promptly respond in writing and provide the reason(s) the application was not approved [*see Covenant Media of South Carolina, LLC v. City of North Charleston*, 493 F.3d 421, 435-437 (4th Cir. 2007);

WHEREAS, the City of Jacksonville Beach finds and determines that an applicant for a permanent sign who is aggrieved by the decision of the director of planning and development

upon a sign permit application, or aggrieved by any failure by the director of planning and development or by any other city official to act upon a sign permit application in accordance with the Land Development Code, shall have the right to seek judicial review by the Circuit Court of the Fourth Judicial Circuit in and for Duval County, Florida, or by any other court of competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available;

WHEREAS, the City of Jacksonville Beach finds and determines that there have been reported instances of persons claiming under oath to have submitted applications to local governments but with no record of those applications ever having been delivered or left with the local government for processing, followed by claims that the local government had then failed to act on the purported applications for an inordinate length of time and had thereby infringed upon the constitutional rights of the applicant;

WHEREAS, the City of Jacksonville Beach finds and determines that local governments are vulnerable to schemes whereby false assertions are made as to the delivery or submission of sign permit applications when in fact such applications were never submitted or left with city officials and claims of unconstitutional failures to timely act upon the applications are then made so as to obtain permits that could otherwise not be granted;

WHEREAS, the City of Jacksonville Beach finds and determines that the "deemed denial" of applications after the passage of a set amount of time after their purported submission dates protects local governments from schemes to obtain ineligible permits, and is a fair resolution when balanced by a right of the applicant to submit a request to the local government, via certified mail, for an explanation for lack of action on a purported application and for the reason(s) for the lack of approval so as to ensure that the local government has the opportunity to act on an application, if no application had initially been submitted or had been misplaced or lost;

WHEREAS, the City of Jacksonville Beach finds and determines that this opportunity for an applicant to make such request, via certified mail, provides an additional chance to secure an explanation of the reason(s) for no approval within a defined and short period of time and also aids in the protection of the applicant's rights, especially when combined with access by the applicant to a judicial remedy for no response to such a request; **WHEREAS**, the City of Jacksonville Beach finds and determines that an applicant shall have access to prompt judicial relief under the circumstances where an applicant's sign permit application is either denied, deemed denied or not approved in a timely manner, as set forth in the City's sign permitting regulations, and acknowledges that the display of temporary signs in compliance with the City's sign standards and regulations is not subject to any permitting whatsoever; and

WHEREAS, the City of Jacksonville Beach finds and determines that it is appropriate that there shall be no criminal penalties for a violation of Division IV, Article 8, Chapter 34 (Land Development Code), City of Jacksonville Beach Code of Ordinances, and that any penalty for a violation of Division IV shall be limited to civil penalties only;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. Division IV, Article VIII, Chapter 34 (Land Development Code), of the Jacksonville Beach Code of Ordinances, shall be deleted in its entirety.

SECTION 2. Division IV, Article VIII, Chapter 34 (Land Development Code), of the Jacksonville Beach Code of Ordinances, consisting of Sections 34-441 through 34-453, shall be adopted to replace the current Division IV and shall provide as set forth in EXHIBIT A hereto.

SECTION 3. Section 34-640. Shall be revised to read:

Sec. 34-640. Criminal penalties.

Any person violating any provisions of the LDC or who shall fail to abide by and obey all orders and resolutions promulgated as herein provided, shall be guilty of a misdemeanor, and shall be subject to all criminal penalties authorized by State of Florida for such violation. Each day that the violation continues shall constitute a separate violation. This section shall not apply to Division IV of Article 34 (Land Development Code) of the Jacksonville Beach Code of Ordinances.

SECTION 4. Section 34-336. - Residential, single-family: RS-1, shall be revised to add a subsection (k) as follows: (k) *Prohibited use:* The business of outdoor advertising.

SECTION 5. Section 34-337. - Residential, single-family: RS-2, shall be revised to add a subsection (k) as follows: (k) *Prohibited use:* The business of outdoor advertising.

SECTION 6. Section 34-338. - Residential, single-family: RS-3, shall be revised to add a subsection (k) as follows: (k) *Prohibited use:* The business of outdoor advertising.

SECTION 7. Section 34-339. - Residential, multi-family: RM-1, shall be revised to add a subsection (k) as follows: (k) *Prohibited use:* The business of outdoor advertising.

SECTION 8. Section 34-340. - Residential, multi-family: RM-2, shall be revised to add a subsection (k) as follows: (k) *Prohibited use:* The business of outdoor advertising.

SECTION 9. Section 34-341. - Commercial professional office: CPO, shall be revised to add a subsection (k) as follows: (k) *Prohibited use:* The business of outdoor advertising.

SECTION 10. Section 34-342. - Commercial limited: C-1, shall be revised to add a subsection (k) as follows: (k) *Prohibited use:* The business of outdoor advertising.

SECTION 11. Section 34-343. - Commercial limited: C-2, shall be revised to add a subsection (k) as follows: (k) *Prohibited use:* The business of outdoor advertising.

SECTION 12. Section 34-344. - Commercial service: CS, shall be revised to add a subsection (k) as follows: (k) *Prohibited use:* The business of outdoor advertising.

SECTION 13. Section 34-345. – Central business district: CBD, shall be revised to add a subsection (k) as follows: (k) *Prohibited use:* The business of outdoor advertising.

SECTION 14. Section 34-346. - Industrial district I-1, shall be revised to add a subsection (k) as follows: (k) *Prohibited use:* The business of outdoor advertising.

SECTION 15. Section 34-347. - Redevelopment district - RD, shall be revised to add a subsection (c)(3).i.2.ii.o) as follows: (c)(3).i.2.ii.o). Outdoor advertising.

SECTION 16. Section 34-348. - Planned unit development district - PUD, shall be revised to add a subsection (o) as follows: (o) *Prohibited use:* The business of outdoor advertising.

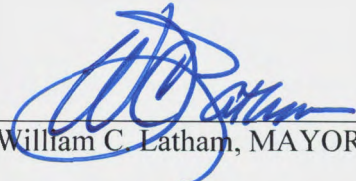
SECTION 17. Section 34-349. - Outdoor advertising a prohibited use in all zoning districts shall be added to provide as follows:

Section 34-349. - Outdoor advertising a prohibited use in all zoning districts. The business of outdoor advertising is a prohibited use in all City zoning districts.

SECTION 18. Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

SECTION 19. Codification of this ordinance in the Code of Ordinances of the City of Jacksonville Beach is authorized and directed.

AUTHENTICATED THIS 7th DAY OF December, A.D., 2015.



William C. Latham, MAYOR



Laurie Scott, CITY CLERK

EXHIBIT A
TO
ORDINANCE NO. 2015-8065

DIVISION 4. – SIGN STANDARDS

- 34-441. Purpose, Intent and Scope.
- 34-442. Definitions.
- 34-443. Applicability.
- 34-444. Prohibited Signs.
- 34-445. General Provisions for Signs.
 - (1) Measurement of Sign Size (Sign Area).
 - (2) Measurement of Sign Height of a Freestanding Sign.
 - (3) Sign Illumination for Temporary and Permanent Signs.
 - (4) Viewpoint Neutrality.
 - (5) Substitution of Noncommercial Speech for Commercial Speech.
 - (6) Consent of Legal Owner of Property.
 - (7) Signs on Public Property.
 - (8) Signs That Obstruct Means of Egress.
 - (9) Signs That Interfere with Ventilation Openings.
 - (10) Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage.
 - (11) Signs Shall Not Be Attached to Certain Property and Shall Not Impair Roof Access.
 - (12) Signs Declared a Nuisance and Repair; Signs Presenting Immediate Peril to Public Health or Safety.
 - (13) Street Address Signs.
 - (14) Flagpoles and Flags; Flag Brackets, Flag Stanchions and Flags.
 - (15) Noncommercial Onsite Parking Space Signs.
 - (16) Signs at Service Station Islands.
 - (17) Monument Signs.
 - (18) Wall Signs.
 - (19) Wall Signs at Restaurants.
 - (20) Drive-Through Lane Signs.
 - (21) Umbrella Signs.
 - (22) Awning Signs
 - (23) Canopy Signs.
 - (24) Changeable Copy Signs.
 - (25) Projecting Signs.
 - (26) Window Signs.
 - (27) Door Signs.
- 34-446. Allowed Temporary Signs in Zoning Districts.
- 34-447. Allowed Permanent Signs in Zoning Districts.
 - (1) Single-Family Residential Zoning Districts (RS-1, RS-2, RS-3).
 - (2) Multi-Family Residential Zoning Districts (RM-1, RM-2).
 - (3) Commercial Zoning Districts (CPO, C-1, C-2, CS).
 - (4) Central Business Zoning District (CBD).
 - (5) Industrial Zoning District (I-1).
 - (6) Redevelopment Zoning District (RD).
 - (7) Planned Unit Development Zoning District (PUD).

- 34-448. Building Permits.
- 34-449. Sign Permits.
- 34-450. Nonconforming Signs.
- 34-451. Miscellaneous Provisions.
- 34-452. Penalties.
- 34-453. Severability.

Sec. 34-441. Purpose, Intent and Scope.

It is the purpose of this division to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this division are also designed and intended to meet the statutory requirement that this municipality adopt land development regulations that regulate signage, a requirement set forth in Section 163.3202(f), Florida Statutes. The sign regulations in this division are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics and safety. The sign regulations are designed to serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety and warning signs of threats to bodily injury or death.

This division regulates signs, as defined in this Land Development Code, which are placed on private property or on property owned by public agencies including the city and over which the city has zoning authority. This division is not intended to extend its regulatory regime to objects that are not traditionally considered signs for purpose of government regulation.

The city of Jacksonville Beach is primarily a single family residential and small resort community on the east coast of Florida. The eastern boundary of the city is the Atlantic Ocean and the western boundary is the Atlantic Intracoastal Waterway (Pablo Creek). The economic base of the city is heavily dependent on visitors from the Northeast Florida and Southeast Georgia area, as well as other areas of the United States. In order to preserve and promote the city as a desirable community in which to live, vacation and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the city is a highly contributive means by which to achieve this desired end.

These sign regulations have been prepared with the intent of enhancing the visual environment of the city and promoting its continued well-being, and are intended to:

- (1) Encourage the effective use of signs as a means of communication in the city;
- (2) Maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
- (3) Improve pedestrian and traffic safety;
- (4) Minimize the possible adverse effect of signs on nearby public and private property;

- (5) Foster the integration of signage with architectural and landscape designs;
- (6) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- (7) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (8) Encourage and allow signs that are appropriate to the zoning district in which they are located;
- (9) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- (10) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- (11) Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
- (12) Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- (13) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the city;
- (14) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- (15) Protect property values by precluding, to the maximum extent possible, sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (16) Protect property values by ensuring that sign types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;
- (17) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the city and that complements the natural surroundings in recognition of this city's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its resort community, as well as for its major subdivisions, shopping centers and industrial parks;

- (18) Enable the fair and consistent enforcement of these sign regulations;
- (19) Promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and advance the city's goals of quality development;
- (20) Provide standards regarding the non-communicative aspects of signs, which are consistent with city, county, state and federal law;
- (21) Provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design; and
- (22) Assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.

Sec. 34-442. Definitions.

The Definitions in Article IV shall apply to this division. Any term or phrase not defined therein shall have its commonly understood meaning.

Sec. 34-443. Applicability.

This division does not pertain and is not applicable to:

- (1) A sign, other than a window sign, located entirely inside the premises of a building or enclosed space.
- (2) A sign on a car, other than a prohibited vehicle sign or signs.
- (3) A statutory sign.
- (4) A traffic control device sign.
- (5) Any sign not visible from a public street, sidewalk or right-of-way or from a navigable waterway or body of water; except that the foregoing does not exempt a sign for a commercial use that is visible from an abutting residential use.

Sec. 34-444. Prohibited Signs.

The signs and sign types listed below are prohibited within the city limits and shall not be erected, operated or placed on any property. Any lawfully existing permanent sign structure or sign type that is among the prohibited signs and sign types listed below shall be deemed a nonconforming sign subject to the provisions of Section 34-450, Nonconforming Signs.

- (1) Abandoned signs; Discontinued signs.

- (2) Animated signs.
- (3) Attached signs that are taller than the wall of the building to which the sign is attached.
- (4) Attached signs that exceed two hundred fifty (250) square feet in sign area.
- (5) Billboards; Off-Site Commercial Signs.
- (6) Bandit signs; Snipe signs.
- (7) Bus bench advertising signs and bus shelter advertising signs.
- (8) Flashing signs.
- (9) Floodlights and beacon lights, except when required by the Federal Aviation Administration.
- (10) Freestanding or ground signs, including any ground mounted monument signs, which are higher than sixteen (16) feet.
- (11) Freestanding or ground signs that exceed two hundred (200) square feet in sign area.
- (12) Holographic display signs.
- (13) Moving, twirling, or swinging signs, including multi-prism and tri-vision signs.
- (14) Pavement markings, except for official traffic control markings and building address markings required by law.
- (15) Flutter signs, feather signs, streamers, balloons, wind signs, wind activated banners, cold air inflatables, pennants and other fixed aerial signage used for commercial advertising.
- (16) Permanent pole signs, unless allowed within certain zoning districts pursuant to this division.
- (17) Portable signs, except for A-Frame and T-Frame signs as allowed herein.
- (18) Revolving signs; rotating signs.
- (19) Roof signs.
- (20) Signs within a sight visibility triangle, as described in subsection 34-425(b)(1) herein, that obstruct a clear view of pedestrian or vehicular traffic.
- (21) Signs attached to a seawall, dock, buoy, tie pole or pier; other than warning signs and safety signs.

(22) Signs in, on, or over the public right-of-way; other than fixed projecting signs in the Central Business District (CBD) and the Redevelopment Zoning District (RD), traffic control device signs, bus stop informational signs, warning signs; safety signs, vertical streetlight banners, A-Frame signs, T-Frame signs, and awning or attached canopy signs over a public right-of-way as allowed in this division.

(23) Signs in or upon any river, bay, lake, or other body of water within the limits of the city; except government regulatory signs, warning signs, and safety signs.

(24) Signs located on real property without the permission of the property owner.

(25) Signs nailed, fastened, affixed to, or painted on any tree or part thereof (living or dead), or other vegetation.

(26) Signs, other than traffic control device signs, that use the word “stop” or “danger,” or present or imply the need or requirement of stopping or the existence of danger, or which are a copy or imitation of traffic control device signs and which are adjacent to the right-of-way of any road, street, or highway.

(27) Signs that are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled public rights-of-way thereby creating a potential traffic or pedestrian hazard or a nuisance to inhabitants of an adjacent neighborhood. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

(28) Signs that contain any food or other substance that attracts large numbers of birds or other animals and causes them to congregate on or near the sign.

(29) Signs that emit sound, vapor, smoke, odor, or gaseous matter.

(30) Signs that obstruct, conceal, hide or otherwise obscure from view any traffic control device sign or official traffic signal.

(31) Wall wrap signs.

(32) Vehicle sign or signs with a total sign area in excess of twenty (20) square feet on any vehicle, and

a. The vehicle is not "regularly used in the conduct of the business," and

b. The vehicle is visible from a street right-of-way within fifty (50) feet of the vehicle, and

c. The vehicle is parked for more than two (2) consecutive hours in any twenty-four (24) hour period within fifty (50) feet of any street right-of-way, and

d. A vehicle shall not be considered “regularly used in the conduct of the business” if the vehicle is used primarily for advertising, and

e. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal hours of business; and which is currently licensed, insured and operable; provided, however, that no such vehicle shall be parked on public or private property with signs attached or placed on such vehicle primarily for the purpose of advertising a business establishment or firm or calling attention to the location of a business establishment or firm.

Sec. 34-445. General Provisions for Signs.

The following general sign provisions shall apply to this division and to all lawful conforming and nonconforming signs, unless otherwise indicated.

(1) Measurement of Sign Size (Sign Area).

The area of a sign is measured or calculated as follows:

a. Background panel signs. Sign copy that is mounted, affixed, or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangles, squares, triangles, parallelograms, circles or ellipses that will enclose both the sign copy and the background.

b. Background surface signs. The area of a sign consisting of copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building surface or another surface, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest rectangles, squares, triangles, parallelograms, circles or ellipses that will enclose each word, graphic or discrete visual element in the total sign.

c. Illuminated background signs. The area of a sign with copy mounted, affixed, or painted on an illuminated surface or illuminated element or a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy.

d. Double-faced signs. If a sign has two display faces, and the interior angle between the two faces is thirty (30) degrees or less, then the sign area is one sign face only; however, if the two faces are of different sizes or shapes, then the larger is used. If the sign has two display faces, and the interior angle between the two faces is greater than thirty (30) degrees, then the sign area is the sum of the areas of the two faces.

e. Multi-faced signs. If a sign has three or more faces, then the sign area is equal to fifty (50) percent of the aggregate area of all sign faces. The area of each face shall be determined according to subsection (a) or (b) of this section, as applicable.

f. Sculptural and nonplanar signs. The area of a spherical, free form, sculptural or other nonplanar sign is fifty (50) percent of the sum of the areas, using only the four vertical sides of the smallest four-sided polyhedron which will completely enclose the entire sign structure.

(2) Measurement of Sign Height.

The height of a freestanding sign shall be measured as the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The maximum height allowed for a freestanding sign, however, shall not include any architectural embellishment provided the embellishment does not exceed thirty-six (36) inches at the base of the sign and eighteen (18) inches at the top of the sign.

For the purposes of this section, average finished grade shall be considered the lower of (a) the lowest elevation where the base of the sign meets ground level; or (b) the top of the curb of the nearest public street adjoining the property upon which the sign is erected, or (c) the grade of the land at the principal entrance to the lot on which the sign is located.

(3) Sign Illumination for Temporary Signs and Permanent Signs.

- a. Sign illumination is prohibited for temporary signs.
- b. Permanent sign on a parcel in residential use. A permanent sign located on a parcel in residential use in any zone may not be separately or specially illuminated, unless otherwise specified in this division.
- c. Permanent sign on a parcel in nonresidential use. A permanent sign on a parcel in nonresidential use may be illuminated by internal illumination, internal indirect (halo) illumination, or lit by external indirect illumination, unless otherwise specified in this division. However, a permanent sign may not be illuminated in a manner that leaves the illumination device exposed to public view except with the use of neon tubing as provided in subsection (h) of this section.
- d. Internal illumination. Outdoor internally illuminated signs, including but not limited to awning/canopy signs, cabinet signs (whether freestanding or building mounted), changeable copy panels or service island signs, shall be constructed with an opaque background and translucent letters or other graphical elements, or with a colored background and lighter letters or graphics.
- e. External indirect illumination. Externally lit signs are permitted to be illuminated only with steady, stationary, down directed and shielded light sources directed solely onto the sign. Light bulbs or tubes (excluding neon), used for illuminating a sign, shall not be visible from the adjacent public rights-of-way or residential properties.
- f. Illumination of signs adjacent to single-family residential uses. No sign located within 50 feet of a property with a single-family use or zoned for a single-family use shall be internally illuminated.

g. Any portion of the sign face or sign structure that is illuminated shall count against the total square footage of allowable sign area.

h. Neon.

(i). Exposed neon. Exposed neon tube illumination is not permitted in residential zones, or for residential uses in any zone. It is allowed in all other places, unless otherwise specified.

(ii). Neon borders. Neon illumination used as a sign copy projection, border, frame or other embellishment of sign copy shall not be included in the total size or area of the sign, provided the measured area of any such projection or detailed embellishment does not exceed 12 square feet in area, or 25 percent of the sign display face area, whichever is greater. If neon embellishments exceed these limits, then the embellishments shall be included and counted as part of the permitted sign area for the use.

(4) Viewpoint Neutrality.

Notwithstanding anything in this division to the contrary, no sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.

(5) Substitution of Noncommercial Speech for Commercial Speech.

Notwithstanding anything contained in this division to the contrary, any sign erected pursuant to the provisions of this division may, at the option of the owner, contain a non-commercial message in lieu of a commercial message and the noncommercial copy may be substituted at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another non-commercial message; provided, however, that there is no change in the size, height, setback or spacing criteria contained in this division.

(6) Consent of Legal Owner of Property.

No sign may be displayed without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and any party and person holding a present legal right to possession, control, or use of the property.

(7) Signs on Public Property.

Any sign installed or placed on public property, except in conformance with the requirements of this division, shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such

sign. The foregoing shall not apply to temporary A-Frame signs and T-Frame signs as allowed pursuant to the conditions and limitations set forth herein.

(8) Signs That Obstruct Means of Egress.

No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.

(9) Signs That Interfere with Ventilation Openings.

No sign shall be erected that interferes with any opening required for ventilation.

(10) Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage.

Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage.

(11) Signs Shall Not Be Attached to Certain Property and Shall Not Impair Roof Access.

Signs shall not be attached to standpipes, gutters, drains or fire escapes. Signs shall not be installed so as to impair access to a roof.

(12) Signs Declared a Nuisance and Repair; Signs Presenting Immediate Peril to Public Health or Safety.

The building official may order the repair of signs declared a nuisance, and with or without notice may cause any structurally unsafe or structurally insecure sign to be immediately removed if in his or her professional judgment and professional opinion the sign presents an immediate peril to the public health or safety.

(13) Street Address Signs.

For each parcel and for each tenant space, one sign for the official street address shall be displayed for public safety and to serve as visible street address for delivery of mail and official governmental notification.

a. For a parcel in residential use, the street address sign shall not exceed two (2) square feet in sign area.

b. For a parcel in non-residential use, the street address sign shall not exceed four (4) square feet in sign area.

c. The street address sign in a residential use may be externally illuminated and in a non-residential use may be externally or internally illuminated.

(14) Flagpoles and Flags; Flag Brackets, Flag Stanchions and Flags.

a. Flagpoles and Flags. For each parcel and development site in residential use with one principal structure, one flagpole may be installed and two (2) flags may be displayed per flagpole. For each parcel and development site that is over one-half (1/2) acre in size and is in nonresidential use, up to three flagpoles may be installed and up to two (2) flags may be displayed per flagpole. A flag shall not exceed twenty-four (24) square feet in size.

b. Flag Brackets, Flag Stanchions, and Flags. For each principal structure on a parcel, up to two flag brackets or stanchions may be attached or placed for the display of flags. A flag displayed from a flag bracket or a flag stanchion shall not exceed twenty-four (24) square feet in size.

c. For the purpose of determining the size of a flag, only one side of the flag shall be counted as the display surface.

d. Flags on parcels in non-residential use may be externally illuminated.

(15) Noncommercial Onsite Parking Space Signs.

Parking space signs identifying parking spaces necessary for traffic safety, regulation, control and circulation. A parking space sign shall carry no commercial message and shall not exceed two (2) square feet of sign face per sign. Parking space signs shall be allowed on each parcel having multiple parking spaces onsite. One such sign shall be allowed for each parking space. The maximum height for a freestanding or an attached parking space sign shall be six (6) feet.

(16) Signs at Service Station Islands.

For service stations, one (1) double-sided sign or two (2) single-sided signs are allowed per island. Such signs shall not exceed four (4) square feet per side and shall not be mounted higher than eight (8) feet. Such signs shall not be mounted on any bollard or barrier designed to protect equipment from damage. Such signs may not be illuminated.

For service stations, one (1) canopy sign may be installed for each canopy side facing a public street or driveway. A canopy sign shall not exceed ten (10) square feet and shall not be mounted higher than the top of the canopy itself. A canopy sign may be internally illuminated. The square footage of all canopy signs on a canopy shall be counted against the maximum square footage of allowed wall signage for any building wall sign on the same parcel.

(17) Monument Signs.

A. Monument signs for single occupant or tenant buildings.

One monument sign is allowed for each single occupant or tenant building. The maximum size of a monument sign shall be the lesser of: (1) one hundred (100) square feet, or (2) one (1) square foot of sign area for each one (1) linear foot of road frontage along the street toward which the monument sign is oriented. The maximum height of the monument sign shall be ten (10) feet, and the maximum width of the monument sign shall be twelve (12) feet. Up to fifty (50) percent of the sign surface of the monument sign may consist of a changeable copy sign; provided, however, that the sign copy cannot be changed more frequently than once in a twenty-four (24) hour time period. The monument sign may be illuminated.

B. Monument signs for multiple occupant or tenant developments.

One monument sign is allowed for each multiple occupant or tenant development inclusive of a shopping center. The maximum size of the monument sign shall be the lesser of: (1) two hundred (200) square feet, or (2) one (1) square foot of sign area for each one (1) linear foot of road frontage along the street toward which the monument sign is oriented for the first one hundred (100) feet of frontage plus one-fourth (1/4) square foot of sign area for each additional linear foot of the aforesaid road frontage. The maximum height of the monument sign shall be sixteen (16) feet, and the maximum width of the monument sign shall be twelve and one-half (12.5) feet. Up to fifty (50) percent of the sign surface of the monument sign may consist of a changeable copy sign; provided, however, that the sign copy cannot be changed more frequently than once in a twenty-four (24) hour time period. The monument sign may be illuminated.

C. Monument signs at entrances to single-family and multi-family developments.

One monument sign is allowed at each point of ingress or egress from or to a single-family development and from or to a multi-family development. The maximum size of a monument sign shall not exceed twenty-four (24) square feet in size and shall not exceed six (6) feet in height. The twenty-four (24) square feet of sign area may be split equally between two monument signs located on each side of the entry or exit street. The monument sign shall be located on a landscaped island or lawn area protected from vehicular contact, and shall not encroach into any corner sight visibility triangle required pursuant to section 34-395. The sign may be internally or indirectly illuminated.

D. Monument sign for a parcel in educational, religious or public use.

In addition to any monument sign allowed above, one (1) permanent monument sign may be allowed for a parcel in educational, religious or public use. The sign shall not exceed thirty two (32) square feet in sign area and shall not exceed eight (8) feet in height. The sign may be illuminated. However, this additional monument sign shall not be allowed if there is an additional permanent wall sign on the same parcel.

(18) Wall Signs.

One (1) wall sign is allowed for each face of a building or part of a building that is occupied by a permitted or conditional non-residential use. The size (area) of the wall sign for an occupant or a tenant shall be the lesser of: (i) two hundred fifty (250) square feet, or alternatively (ii) one (1) square foot per one (1) linear foot of building frontage for a single occupant building or one (1) square foot per one (1) linear foot of building frontage for the occupant or tenant space in a multi-tenant development, each as measured on the street toward which the wall sign is oriented. A wall sign shall not extend higher than the building wall to which it is attached. Up to fifty percent (50%) of the wall sign surface may consist of a changeable copy sign; provided, however, that the sign copy of the changeable copy sign shall not change more than once in any twenty-four (24) hour time period. The wall sign shall not project more than twelve (12) inches from the wall. If the wall sign projects more than two and one-half (2 ½) inches from the wall, the wall sign shall be mounted so that the bottom of the wall sign is at least nine (9) feet above ground at finished grade below the wall sign. The wall sign may be illuminated.

In addition to any wall sign allowed above, one (1) permanent wall sign may be allowed for a parcel in educational, religious or public use. The wall sign shall not exceed thirty two (32) square feet in sign area and shall not exceed eight (8) feet in height. The wall sign may be illuminated. However, this additional permanent wall sign shall not be allowed if there is an additional monument sign on the same parcel.

(19) Wall Signs at Restaurants.

In addition to any other wall sign allowance, a restaurant shall be allowed one (1) wall sign installed within twenty (20) feet of its main entrance. The wall sign shall not exceed six (6) square feet in area and shall not exceed six (6) feet in height. The wall sign may be illuminated.

(20) Drive-Through Lane Signs.

For a drive-through establishment, an additional display sign is allowed for each drive-through lane provided that such sign does not exceed forty (40) square feet in size and does not exceed eight (8) feet in height. The additional display sign may be internally illuminated and may emit sound only as part of a business transaction. Any sounds emitted must comply with Chapter 18 of the Code of Ordinances of the City of Jacksonville Beach.

(21) Umbrella Signs.

For each table in an outside seating area for a licensed business establishment, one (1) umbrella sign per umbrella is allowed. An umbrella sign shall not exceed three (3) square feet in area and shall not exceed eight (8) feet in height. An umbrella having an umbrella sign shall be mounted on or in the table or in an umbrella holder adjacent to the table. A sign permit is not required for an umbrella sign.

(22) Awning Signs.

For each awning, one sign is allowed. The awning sign shall not exceed an area greater than twenty (20) percent of the surface area of the awning or canopy. The total square footage of the awning sign shall count toward the maximum square footage of the wall sign area allowed for a parcel or a tenant. An awning sign may be internally illuminated.

(23) Canopy Signs.

For each canopy, one sign is allowed. Except for the sign area limitation for canopy signs at service station islands, a canopy sign shall not exceed an area greater than twenty (20) percent of the surface area of the canopy. The total square footage of the canopy sign shall count toward the maximum square footage of the wall sign area allowed for a parcel or a tenant. A canopy sign may be internally illuminated.

(24) Changeable Copy Signs.

As part of a permitted monument sign or wall sign, a changeable copy sign, manual or electronic (LED), may be installed. The changeable copy sign shall not exceed fifty (50) percent of allowable area of the monument sign or wall sign. The changeable copy sign shall not exceed ten (10) feet in height when installed as a part of a monument sign for a single occupant or tenant building. The changeable copy sign shall not exceed sixteen (16) feet in height if part of the monument sign is for a multiple occupant or tenant building. A changeable copy sign that is a part of wall sign shall not be installed higher than the wall of the building. The sign copy on a changeable copy sign shall not be changed more than once in any twenty-four (24) hour time period. Changeable copy signs may be internally illuminated.

(25) Projecting Signs.

For buildings in the Central Business District (CBD) or a Redevelopment District (RD), one (1) projecting sign is allowed for each ground floor occupant or tenant space. The projecting sign shall be attached to the building frontage on the street or driveway on which the sign is located. The maximum size of the projecting sign shall be the lesser of (1) sixteen (16) square feet or (2) one (1) square foot per linear foot of occupant or tenant building frontage on the street or private driveway on which it is located; however, the square footage of a projecting sign shall count toward the maximum square footage of wall signage allowed for the building. The maximum thickness of the sign face of a projecting sign shall not exceed twenty-four (24) inches when such sign is of solid construction. A projecting sign shall have a minimum vertical clearance of nine (9) feet, and shall not be mounted higher than the wall of the building. A projecting sign that extends over a sidewalk in the public right-of-way shall be limited to a projection distance not to exceed two-thirds (2/3) of the width of the sidewalk. A projecting sign may be illuminated.

(26) Window Signs.

Window signs are permitted provided that the window sign may not cover more than twenty-five percent (25%) of the area of any window. Window signs may be internally illuminated. A sign permit is not required for a window sign.

(27) Door Signs.

Door signs are permitted provided that the door sign may not cover more than twenty-five percent (25%) of the area of any door. Door signs shall not be illuminated. A sign permit is not required for a door sign.

34-446. Temporary and Permanent Signs Allowed in Zoning Districts.

The signage rights and responsibilities for temporary signs and permanent signs shall be determined by the provisions of Section 34-445, General Provisions for Signs, and by the sign provisions for the zoning districts as set forth below in Sections 34-447.1. Temporary Signs Allowed in Zoning Districts, and 34-447.2, Permanent Signs Allowed in Zoning Districts.

However, in connection with residential uses in nonresidential zoning districts and nonresidential uses in residential zoning districts, the signage rights and responsibilities applicable to any particular use shall be determined as follows: (1) In a residential zoning district where a nonresidential use is allowed, whether as a matter of right or by way of a conditional use permit or other process with stated criteria governing the allowance of the nonresidential use, the nonresidential use shall be treated as if it was located in a zoning district where the nonresidential use would be allowed, either as a matter of right or subject to a conditional use permit or other process with stated criteria governing the allowance of the nonresidential use; and (2) In a nonresidential zoning district where a residential use is allowed, the residential use shall be treated as if it was located in the residential zoning district where that type of use would be allowed as a matter of right.

Sec. 34-447.1. Temporary Signs Allowed in Zoning Districts.

Within its zoning districts and subject to any applicable provisions with Section 34-445, General Provisions for Signs, the City shall allow temporary signs that meet the criteria and limitations set forth in Table 34-447.1a and Table 34-447.1b, shown below.

A government sign shall not require a sign permit and shall be allowed in all zoning districts on public property and public rights-of-way unless otherwise provided herein. However, the foregoing shall have no impact on any separate requirements established by state statute for building permits, electrical permits or other statutory permits.

A temporary sign displayed on a window surface must be displayed on the inside of the window surface, shall cover no more than twenty-five (25%) of the window surface, and shall not be illuminated.

**TABLE 34-447.1a. CRITERIA AND LIMITATIONS FOR
TEMPORARY A-FRAME AND T-FRAME SIGNS – CBD ZONING DISTRICT**

TEMPORARY A-FRAME AND T-FRAME SIGNS	
Maximum Number of Signs	1 per business
Maximum Width	3 feet
Maximum Height	3-1/2 feet
Minimum Setback/Distance from Curb	1 foot
Maximum Width of Public Sidewalk that the Sign May Obstruct	No more than one third of width of public sidewalk
Maximum Distance of Sign from Main Entrance to Business	10 feet
Duration Allowed	Only during hours while business is open
Allowed on Public Property and Right-of-Way	Yes
Allowed in a sight visibility triangle described in Section 34-395	No
Illumination Allowed	No

**TABLE 34-447.1b. CRITERIA AND LIMITATIONS FOR
ALL OTHER TEMPORARY SIGNS IN ALL ZONING DISTRICTS**

CRITERIA AND LIMITATIONS			
ZONING DISTRICTS	RS-1, RS-2, RS-3, RM-1, RM-2	CPO, C-1, C-2, CS, I-1	CBD, RD, PUD
Maximum Number of Temporary Signs Per Parcel ¹	8	4	4
Maximum Sign Size (Area) for a Temporary Sign ²	4 sf.	16 sf.	16 sf.
Maximum Sign Height for a Temporary Freestanding Sign ³	6 ft.	6 ft.	6 ft.
Maximum Sign Height for a Temporary Wall Sign (inclusive of a Window Sign)	15 ft.	15 ft.	15 ft.
Minimum Sign Setback required to be maintained by a Temporary Ground Sign from any property line ⁴	3 ft.	3 ft.	3 ft.
Minimum Sign Setback required to be maintained by a Temporary Ground Sign from the edge of any paved street or road	3 ft.	3 ft.	3 ft.
Minimum Spacing that is required to be maintained by a Temporary Ground Sign from any other Temporary Ground Sign ⁵	15 ft.	15 ft.	15 ft.
Maximum Aggregate Surface Area Allocated for All Temporary Signs on a Parcel ⁶	64 sf.	128 sf.	128 sf.
Whether Temporary Sign is Allowed on Public Property or Public Right-of-Way	No	No	No
Allowed in a sight visibility triangle described in Section 34-395	No	No	No
Direct Illumination of Surface of Temporary Sign Allowed	No	No	No
Duration allowed after event ends	7 calendar days	7 calendar days	7 calendar days

¹ The number of temporary commercial signs per parcel shall be no more than two (2) signs; however, no more than one temporary commercial sign per parcel may be a banner sign and a temporary commercial banner sign is limited to a maximum duration of display of no more than thirty (30) days per calendar year per parcel.

² The square footage limitation is per side for a back-to-back sign. For example, a four (4) square foot limitation means that there is a limit of Four (4) square feet of surface area per side of a back-to-back sign, and an aggregate limit of eight (8) square feet is allowed if the sign is a back-to-back temporary sign.

³ Not applicable to signs displayed on flagpoles.

⁴ Minimum sign setbacks do not apply to wall signs. Except as set forth in Sec. 34-447.1a for A-Frame Signs and T-Frame Signs, all Temporary Signs are prohibited on public property and from public rights-of-way.

⁵ Not applicable to signs displayed on flagpoles.

⁶ There is no limit to the number of separate messages that may appear on the allowable surface(s) of any Temporary Sign. The maximum aggregate surface area allowed is subject to circumstances that may reduce the maximum aggregate surface area allowable on some parcels.

34-447.2. Permanent Signs Allowed in Zoning Districts.

Within its zoning districts and subject to any applicable provisions within Sec. 34-445, General Provisions for Signs, the City shall allow permanent signs that meet the criteria and limitations set forth in the subsections below. Unless otherwise provided herein, a permanent sign shall require a sign permit; however, a government sign on public property or public rights-of-way shall not require a sign permit and shall be allowed in all zoning districts on public property or public rights-of-way unless otherwise provided herein. The foregoing shall have no impact on separate requirements established by state statute for building code permits or other code permits.

(1) Single-Family Residential Zoning Districts (RS-1, RS-2, RS-3).

Within Single-Family Residential Zoning Districts (RS-1, RS-2, RS-3) and subject to the provisions with Sec. 34-445, General Provisions for Signs, the City shall allow permanent signs that meet the criteria and limitations set forth in Table 34-447.1 below.

TABLE 34-447.1

Single-Family Residential Zoning Districts (RS-1, RS-2, RS-3)		
Ingress and Egress Signs	Allowed as per Sec. 34-451	Sign Permit Not Required
Street Address Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Flagpoles	Allowed as per Sec. 34-445	Sign Permit Not Required
Flag Brackets and Stanchions	Allowed as per Sec. 34-445	Sign Permit Not Required
On-Site Parking Space Signs	Not Allowed	N/A
Signs at Service Station Islands	Not Allowed	N/A
Monument Signs	Allowed as per Sec. 34-445	N/A
Wall Signs	Not Allowed	N/A
Restaurant Wall Signs	Not Allowed	N/A
Drive-Through Lane Signs	Not Allowed	N/A
Umbrella Signs	Not Allowed	N/A
Awning Signs	Not Allowed	N/A
Canopy Signs	Not Allowed	N/A
Changeable Copy Signs	Not Allowed	N/A
Projecting Signs	Not Allowed	N/A
Window Signs	Not Allowed	N/A
Door Signs	Not Allowed	N/A

(2) Multi-Family Residential Zoning Districts (RM-1, RM-2).

Within Multi-Family Residential Zoning Districts (RM-1, RM-2) and subject to any applicable provisions within Section 34-445, General Provisions for Signs, the City shall allow permanent signs that meet the criteria and limitations set forth in Table 34-447.2 below.

TABLE 34-447.2

Multi-Family Residential Zoning Districts (RM-1, RM-2)		
Ingress and Egress Signs	Allowed as per Sec. 34-451	Sign Permit Not Required
Street Address Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Flagpoles	Allowed as per Sec. 34-445	Sign Permit Not Required
Flag Brackets and Stanchions	Allowed as per Sec. 34-445	Sign Permit Not Required
On-Site Parking Space Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Signs at Service Station Islands	Not Allowed	N/A
Monument Signs	Allowed as per Sec. 34-445	N/A
Wall Signs	Not Allowed	N/A
Restaurant Wall Signs	Not Allowed	N/A
Drive-Through Lane Signs	Not Allowed	N/A
Umbrella Signs	Not Allowed	N/A
Awning Signs	Not Allowed	N/A
Canopy Signs	Not Allowed	N/A
Changeable Copy Signs	Not Allowed	N/A
Projecting Signs	Not Allowed	N/A
Window Signs	Not Allowed	N/A
Door Signs	Not Allowed	N/A

(3) Commercial Zoning Districts (CPO, C-1, C-2, CS).

Within Commercial Zoning Districts (CPO, C-1, C-2, CS) and subject to any applicable provisions within Section 34-445, General Provisions for Signs, the City shall allow permanent signs that meet the criteria and limitations set forth in Table 34-447.3 below.

TABLE 34-447.3

Commercial Zoning Districts (CPO, C-1, C-2, CS)		
Ingress and Egress Signs	Allowed as per Sec. 34-451	Sign Permit Not Required
Street Address Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Flagpoles	Allowed as per Sec. 34-445	Sign Permit Not Required
Flag Brackets and Stanchions	Allowed as per Sec. 34-445	Sign Permit Not Required
On-Site Parking Space Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Signs at Service Station Islands	Allowed as per Sec. 34-445	Sign Permit Required
Monument Signs	Allowed as per Sec. 34-445	Sign Permit Required
Wall Signs	Allowed as per Sec. 34-445	Sign Permit Required
Restaurant Wall Signs	Allowed as per Sec. 34-445	Sign Permit Required
Drive-Through Lane Signs	Allowed as per Sec. 34-445	Sign Permit Required
Umbrella Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Awning Signs	Allowed as per Sec. 34-445	Sign Permit Required
Canopy Signs	Allowed as per Sec. 34-445	Sign Permit Required
Changeable Copy Signs	Allowed as per Sec. 34-445	Sign Permit Required
Projecting Signs	Not Allowed	N/A
Window Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Door Signs	Allowed as per Sec. 34-445	Sign Permit Not Required

(4) Central Business Zoning District (CBD).

Within the Central Business Zoning District (CBD) and subject to any applicable provisions within Section 34-445, General Provisions for Signs, the City shall allow permanent signs that meet the criteria and limitations set forth in Table 34-447.4 below.

TABLE 34-447.4

Central Business Zoning District (CBD)		
Ingress and Egress Signs	Allowed as per Sec. 34-451	Sign Permit Not Required
Street Address Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Flagpoles	Allowed as per Sec. 34-445	Sign Permit Not Required
Flag Brackets and Stanchions	Allowed as per Sec. 34-445	Sign Permit Not Required
On-Site Parking Space Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Signs at Service Station Islands	Allowed as per Sec. 34-445	Sign Permit Required
Monument Signs	Allowed as per Sec. 34-445	Sign Permit Required
Wall Signs	Allowed as per Sec. 34-445	Sign Permit Required
Restaurant Wall Signs	Allowed as per Sec. 34-445	Sign Permit Required
Drive-Through Lane Signs	Allowed as per Sec. 34-445	Sign Permit Required
Umbrella Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Awning Signs	Allowed as per Sec. 34-445	Sign Permit Required
Canopy Signs	Allowed as per Sec. 34-445	Sign Permit Required
Changeable Copy Signs	Allowed as per Sec. 34-445	Sign Permit Required
Projecting Signs	Allowed as per Sec. 34-445	Sign Permit Required
Window Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Door Signs	Allowed as per Sec. 34-445	Sign Permit Not Required

(5) Industrial Zoning District (I-1).

Within the Industrial Zoning District (I-1) and subject to any applicable provisions within Section 34-445, General Provisions for Signs, the City shall allow permanent signs that meet the criteria and limitations set forth in Table 34-447.5 below.

TABLE 34-447.5

Industrial Zoning District (I-1)		
Ingress and Egress Signs	Allowed as per Sec. 34-451	Sign Permit Not Required
Street Address Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Flagpoles	Allowed as per Sec. 34-445	Sign Permit Not Required
Flag Brackets and Stanchions	Allowed as per Sec. 34-445	Sign Permit Not Required
On-Site Parking Space Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Signs at Service Station Islands	Allowed as per Sec. 34-445	Sign Permit Required
Monument Signs	Allowed as per Sec. 34-445	Sign Permit Required
Wall Signs	Allowed as per Sec. 34-445	Sign Permit Required
Restaurant Wall Signs	Allowed as per Sec. 34-445	Sign Permit Required
Drive-Through Lane Signs	Allowed as per Sec. 34-445	Sign Permit Required
Umbrella Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Awning Signs	Allowed as per Sec. 34-445	Sign Permit Required
Canopy Signs	Allowed as per Sec. 34-445	Sign Permit Required
Changeable Copy Signs	Allowed as per Sec. 34-445	Sign Permit Required
Projecting Signs	Not Allowed	N/A
Window Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Door Signs	Allowed as per Sec. 34-445	Sign Permit Not Required

(6) Redevelopment Zoning District (RD).

Within the Redevelopment Zoning District (RD) and subject to any applicable provisions within Section 34-445, General Provisions for Signs, the City shall allow permanent signs that meet the criteria and limitations set forth in Table 34-447.6 below.

TABLE 34-447.6

Redevelopment Zoning District (RD)		
Ingress and Egress Signs	Allowed as per Sec. 34-451	Sign Permit Not Required
Street Address Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Flagpoles	Allowed as per Sec. 34-445	Sign Permit Not Required
Flag Brackets and Stanchions	Allowed as per Sec. 34-445	Sign Permit Not Required
On-Site Parking Space Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Signs at Service Station Islands	Allowed as per Sec. 34-445	Sign Permit Required
Monument Signs	Allowed as per Sec. 34-445	Sign Permit Required
Wall Signs	Allowed as per Sec. 34-445	Sign Permit Required
Restaurant Wall Signs	Allowed as per Sec. 34-445	Sign Permit Required
Drive-Through Lane Signs	Allowed as per Sec. 34-445	Sign Permit Required
Umbrella Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Awning Signs	Allowed as per Sec. 34-445	Sign Permit Required
Canopy Signs	Allowed as per Sec. 34-445	Sign Permit Required
Changeable Copy Signs	Allowed as per Sec. 34-445	Sign Permit Required
Projecting Signs	Allowed as per Sec. 34-445	Sign Permit Required
Window Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Door Signs	Allowed as per Sec. 34-445	Sign Permit Not Required

(7) Planned Unit Development Zoning District (PUD).

Within its Planned Unit Development Zoning District (PUD) and subject to any applicable provisions within Section 34-445, General Provisions for Signs, the City shall allow permanent signs that meet the criteria and limitations set forth in Table 34-447.7 below.

TABLE 34-447.7

Planned Unit Development Zoning District (PUD)		
Ingress and Egress Signs	Allowed as per Sec. 34-451	Sign Permit Not Required
Street Address Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Flagpoles	Allowed as per Sec. 34-445	Sign Permit Not Required
Flag Brackets and Stanchions	Allowed as per Sec. 34-445	Sign Permit Not Required
On-Site Parking Space Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Signs at Service Station Islands	Allowed as per Sec. 34-445	Sign Permit Required
Monument Signs	Allowed as per Sec. 34-445	Sign Permit Required
Wall Signs	Allowed as per Sec. 34-445	Sign Permit Required
Restaurant Wall Signs	Allowed as per Sec. 34-445	Sign Permit Required
Drive-Through Lane Signs	Allowed as per Sec. 34-445	Sign Permit Required
Umbrella Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Awning Signs	Allowed as per Sec. 34-445	Sign Permit Required
Canopy Signs	Allowed as per Sec. 34-445	Sign Permit Required
Changeable Copy Signs	Allowed as per Sec. 34-445	Sign Permit Required
Projecting Signs	Not Allowed	N/A
Window Signs	Allowed as per Sec. 34-445	Sign Permit Not Required
Door Signs	Allowed as per Sec. 34-445	Sign Permit Not Required

Sec. 34-448. Building Permits.

It shall be unlawful for any person or business or the person in charge of the business to erect, construct, alter or maintain a sign structure, as defined in the Florida Building Code, without first obtaining a building permit from the city in accordance with the provisions of the Florida Building Code and applicable law. Permit fees for a building permit shall be paid in accordance with the applicable city fee schedules. The requirement of a building permit under the Florida Building Code is separate and independent of the requirement for a sign permit under this division.

Sec. 34-449. Sign Permits.

Temporary signs do not require a sign permit.

Unless exempt from permitting, no permanent sign shall be erected, altered, relocated, maintained or displayed until a sign permit is obtained from and the appropriate fee paid to the city. The sign permit is in addition to any building permit required to be obtained pursuant to the provisions of the Florida Building Code.

(1) No sign permit shall be issued for the erection of a prohibited sign.

(2) A sign lawfully erected may be repainted or have ordinary and customary repairs performed, including replacement of plastic or glass panels, without a sign permit; however, if such sign is to be structurally altered in any manner, a new sign permit shall be required and the altered sign must meet all requirements of this division and this Code.

(3) Exceptions from permitting. Temporary signs shall not require a sign permit. Unless identified in the tables in Section 34-447 as not requiring a sign permit and unless otherwise excepted from requiring a sign permit such as a government sign, all permanent signs shall require a sign permit. However these exemptions in no way waive any requirement set forth in the Florida Building Code; or any limitation or restriction on the number, size, height, setback, placement or duration of such signs under this division, or any limitation or restriction under any other applicable law or regulation.

(4) Permits not required for change of sign copy. No permit or permit fee shall be required for changing the copy of a sign, as long as no changes are made to the sign's height, size, location, or structure. This exemption shall also apply to any change of copy on a changeable copy sign.

(6) Sign permit applications. A sign permit application for a permanent sign as may be required by this division shall be prepared and submitted on forms available at the department of planning and development. The sign permit application is in addition to any building permit application required by the Florida Building Code. The applicant shall furnish the following information on or with the sign permit application form:

a. Name, address, telephone number, and e-mail address (if available) of the person making application for the permit. If the applicant is anyone other than the property owner, the

applicant shall provide written authorization from the property owner permitting the installation of the sign.

b. Name, address, telephone number, and e-mail address (if available) of the property owner. If the owner is an entity other than an individual, list the contact person's name.

c. Name, address, telephone number, and e-mail address (if available) of the business tenant, if applicable. If the tenant is an entity other than an individual, list the contact person's name.

d. Name, address, telephone, e-mail address (if available), and license number of the contractor, if applicable. If the contractor is an entity other than an individual, list the contact person's name.

e. Address and legal description of the property upon which the sign is to be located. The legal address may be located on a certified boundary survey.

f. Lot frontage on all streets and public rights-of-way.

g. Indicate in feet and inches the location of the sign in relation to property lines, public rights-of-way, easements, overhead utility lines, other utility facilities and equipment, buildings and other signs on the property.

h. Freestanding signs, including monument signs, shall require an accurate boundary survey signed and sealed by a land surveyor or engineer licensed in Florida showing the proposed location of the sign.

i. For all wall mounted signs, the facade elevation with dimensions, drawn to scale. Windows and doors and other openings shall be delineated and their dimensions given.

j. Sign dimensions and elevation, drawn to scale.

k. Maximum and minimum height of the sign measured from finished grade.

l. Dimensions of the supporting members of the sign.

m. Sign illumination, specifying illumination type, placement, and intensity.

n. Two (2) copies of the plans, specifications, calculations and details, signed and sealed as required by the Florida Building Code; and specifications documenting the applicable windload and electrical specifications, if applicable, meeting the minimum requirements of the applicable Electric Code.

o. Number, type, location and surface area of all existing signs on the same property.

p. Landscape plan, as applicable.

q. Notarized signature of applicant. If the value of construction is \$2,500.00 or greater, a certified copy of notice of commencement shall be required prior to permit issuance.

(6) Sign construction specifications.

a. Florida Building Code. Construction and erection of signs shall be in accordance with the structural requirements set forth in the Florida Building Code.

b. National Electrical Code. Signs having electrical connections of any kind shall be wired in accordance with the National Electrical Code.

c. Inspections. Any sign having an electrical connection shall be permitted, inspected and approved by the electrical inspector prior to its completion. All sign structures shall be inspected and approved by the building official. The inspection point shall be selected by the building official. All excavations for concrete sign support bases shall be inspected and approved by the building official prior to the pouring of concrete.

d. Support requirements. The supporting members of all signs shall be free of any external bracing such as guy wires or cables. All supporting columns shall be designed as integral or architectural features of the sign.

e. Materials. Paper or cardboard signs and cloth or plastic fabric banners may only be used in conjunction with a special event as provided herein. However, paper or cardboard signs may be used for indoor window or election signs, when such are allowed.

f. Construction standards. All signs shall be installed and constructed in a professional and workmanlike manner; and shall be maintained in good and safe structural condition and good physical appearance. All exposed structural components shall be painted, coated, or made of rust inhibitive material.

(7) Design requirements. All signs and sign structures, except temporary signs and except for prohibited signs such as billboards and off-premises signs, shall be subject to the design requirements below.

a. Monument signs. Monument sign structures may extend above the allowable height and/or permitted horizontal dimension for the purposes of architecturally embellishing and enhancing the appearance of the sign structure. Such extensions shall not exceed thirty-six (36) inches for the base, eighteen (18) inches at the top of the sign, or twelve (12) inches for each vertical side of the sign.

b. Tenant panels in monument signs. All tenant panels in a monument sign, including those added to an existing sign structure, shall be constructed of similar materials and illuminated by a similar method.

c. Wall signs. Wall signs shall not be installed to cover windows, doors, or other types of fenestration.

d. Sign work on all permanent signs shall ensure that all the letter strokes are vertically plumb or evenly slanted, and with alignment true and horizontally level.

e. Manufactured Signs. All manufactured signs requiring a sign permit shall have a permanent and visible weatherproof identification plate affixed to the sign exterior. The plate shall identify (1) the name of the manufacturer, (2) the date of installation, (3) the sign permit number, and (4) the electric permit number (if any) with the input VA (Volt Amperes) at full load for electric.

(8) Sign permit application review.

a. An applicant shall submit a sign permit application for a permanent sign to the planning and development department, building inspection division, or such other office as may be designated by the city. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this division and any applicable zoning law of the City of Jacksonville Beach as set forth in the City of Jacksonville Beach's Code of Ordinances. Whenever required by state statute, the explanation for a denial of a sign permit shall include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit; in the event that the applicant fails to receive a statutorily required explanation, the applicant shall submit a written request for the explanation to the city's planning and development director via certified mail.

1. The review of the sign permit application shall be completed within thirty (30) calendar days following receipt of a completed application, not counting the day of receipt and not counting any Saturday, Sunday, or legal holiday that falls upon the first or the thirtieth (30th) day after the date of receipt.

2. A sign permit shall either be approved, approved with any condition that is specifically described and set forth in the LDC or the Jacksonville Beach Code of Ordinances, or disapproved, and the decision shall be reduced to writing. A disapproval shall include or be accompanied by a statement of the reason(s) for the disapproval.

3. In the event that no decision is rendered within thirty (30) calendar days following submission, the application shall be deemed denied and the denial shall be a final decision of the City if the applicant chooses not to seek reconsideration at that time. At any time within sixty (60) calendar days, not counting any intervening Saturday, Sunday, or legal city holiday, following passage of the thirty (30) calendar day period, the applicant may submit a written request via certified mail to the city and request a decision setting forth the reason that the application was not approved and the city shall promptly respond within ten (10) calendar days after receipt of the written request, not counting the day of receipt and not counting any Saturday, Sunday, or legal holiday, by providing a written explanation of the reason(s) for the nonapproval of the application for the permanent sign.

b. An approval, an approval with conditions, or disapproval by the director of planning and development shall be deemed the final decision of the city upon the application.

c. In the case of an approval with conditions or a disapproval, including a disapproval by lapse of time as described herein, an applicant may ask for reconsideration of the decision on the grounds that the director of planning and development may have overlooked or failed to consider any fact(s) that would support a different decision.

1. A written request for reconsideration accompanied by such additional fact(s) that address the deficiencies that the applicant may wish the director of planning and development to consider, shall be filed with the director of planning and development within fourteen (14) calendar days after the date of the written decision. No fee shall be required for a request for reconsideration.

2. Upon the timely filing of a request for reconsideration, the decision of the director of planning and development or designee shall be deemed stayed and not a final decision, until the request for reconsideration is decided. The request for reconsideration shall be decided within fourteen (14) calendar days of receipt by the city, not counting any intervening Saturday, Sunday, or legal city holiday. Such decision shall be in writing and shall include a statement of the reason(s) for the decision. In the event that no decision is rendered within fourteen (14) calendar days following the request for reconsideration, the application shall be deemed denied and the denial shall then be a final decision of the City. At any time within sixty (60) calendar days, not counting any intervening Saturday, Sunday, or legal city holiday, following passage of the fourteen (14) calendar day period, the applicant may submit a written request via certified mail to the city and request a decision setting forth the reason for the denial of the request for reconsideration and the City shall promptly respond within ten (10) calendar days after receipt of the written request, not counting the day of receipt and not counting any Saturday, Sunday, or legal holiday, by providing a written explanation of the reason(s) for not approving the application upon reconsideration.

d. All decisions shall be mailed, transmitted electronically, or hand delivered to the applicant. A record shall be kept of the date of mailing, electronic transmittal, or hand delivery. For the purposes of calculating compliance with the thirty (30) day deadline for a decision upon an application or the fourteen (14) day deadline for a decision upon request for reconsideration, the decision shall be deemed made when deposited in the mail, transmitted electronically, or hand delivered to the applicant.

e. As exceptions to the foregoing, the thirty (30) day deadline for approval and the fourteen (14) day deadline for a decision upon receipt of a request for a reconsideration shall not apply (that is, the time shall be suspended):

1. In any case in which the application requires a rezoning of the property, or an amendment to the comprehensive plan of the city, then upon written request of the applicant delivered to the director of planning and development by certified mail before the applicable deadline, the time shall be suspended until a final

decision is made upon the application for the variance, rezoning, or comprehensive plan amendment.

2. If the applicant is required to make any change to the application in order to obtain an unconditional approval so as to satisfy an express provision of state law, the LDC, or the City of Jacksonville Beach Code of Ordinances, then upon the written request of the applicant delivered by certified mail to the director of planning and development before the applicable deadline, the time shall be suspended while the applicant makes such change.

3. If an applicant is required by state statute or by any express provision of either the LDC or the City of Jacksonville Beach Code of Ordinances, to obtain an approval of the sign from any other governmental agency within the limitations set forth in Section 166.033(4), Florida Statutes, then upon the request of the applicant in writing delivered by certified mail before the applicable deadline, the time shall be suspended. The time shall remain suspended until such approval is obtained or until the applicant requests in writing delivered by certified mail to the director of planning and development that the city take final action. The city shall comply with the provisions of Section 166.033(4), Florida Statutes.

4. In any of the foregoing cases, the applicant may elect to not make any changes to the application or to not obtain an approval that may be required by another governmental agency, and may instead demand in writing a final decision upon the sign permit application as filed. Such a written demand shall be delivered by certified mail to the director of planning and development. In such event, the director of planning and development shall make a decision on the application as appropriate within thirty (30) business days after receiving such demand. If a decision is not made in such a time, the application shall be deemed denied.

f. Any person aggrieved by the decision of the director of planning and development upon a sign permit application, or aggrieved by any failure by the director of planning and development or by any other city official to act upon a sign permit application in accordance with the LDC, shall have the right to seek judicial review by the Circuit Court of the Fourth Judicial Circuit in and for Duval County, Florida, or by any other court of competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.

g. If an applicant believes that his or her speech rights are being denied due to enforcement of subsection (8)c. or (8)e., above, he or she may immediately contact the planning and development department director, in writing via certified letter, and request immediate review of any pending sign permit application. If such a letter is received by the planning and development department director, the city shall have twenty (20) days to review the permit application as under subsection (8)a., above, notwithstanding the provisions of subsection (8)c or (8)e., above. If the planning and development department director does not respond to the applicant following receipt of the certified letter, the substance of the applicant's complaint shall be deemed rejected.

h. If an application is deemed incomplete, the applicant may either take steps to submit a complete application or challenge the City's decision by seeking judicial review by the Circuit Court of the Fourth Judicial Circuit in and for Duval County, or by any other court of competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.

(9) Sign permit fees. Before issuance of a permit, the director of planning and development shall collect the necessary sign permit fees. The sign permit fees shall be as designated by resolution of the city council.

(10) Inspection. The director of planning and development may make or require any inspections to ascertain compliance with the provisions of this division and the Land Development Code.

(11) Revocation of sign permit. If the work under any sign permit is proceeding in violation of this division, the Land Development Code, or the Florida Building Code, or should it be found that there has been any false statement or misrepresentation of a material fact in the application or plans on which the sign permit was based, the permit holder shall be notified of the violation. If the permit holder fails or refuses to make corrections within ten (10) days, it shall be the duty of the director of planning and development to revoke such sign permit and serve notice upon such permit holder. Such notice shall be in writing and signed by the director of planning and development. It shall be unlawful for any person to proceed with any part of work after such notice is issued.

Sec. 34-450. Nonconforming signs.

All signs that are lawfully in existence or are lawfully erected and that do not conform to the provisions of this division are declared nonconforming signs. It is the intent of this division to recognize that the eventual elimination of nonconforming signs as expeditiously and fairly as possible is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this division. It is also the intent of this division that any elimination of nonconforming signs shall be effected so as to avoid any unreasonable invasion of established property rights.

(1) Legal nonconforming signs:

a. A legal nonconforming sign is a sign that lawfully existed at the time of the enactment of this division that does not conform to the regulations as specified in this division.

b. A legal nonconforming sign may continue to be utilized only in the manner and to the extent that it existed at the time of the adoption of this division or any amendment thereof.

c. A legal nonconforming sign may not be altered in any manner not in conformance with this division. This does not apply to reasonable repair and maintenance of the sign or to a change of copy provided that by changing the copy structural alterations are not required.

d. Any building permit for an addition, alteration, or improvement valued at more than fifty (50) percent of the fair market value of the structure or building for work at locations where any nonconforming sign exists shall specify and require that such nonconforming signs located within the boundaries of the development site, and within the limits of the applicant's control, shall be brought into conformance with the provisions of this division, provided that if the nonconforming sign is a type of sign that is prohibited under section 34-444, Prohibited Signs in All Zoning Districts, it shall be removed.

e. Legal nonconforming signs that are located on a parcel of property that is severed from a larger parcel of property and acquired by a public entity for public use by condemnation, purchase or dedication may be relocated on the remaining parcel without extinguishing the legal nonconforming status of that sign provided that the nonconforming sign:

1. Is not increased in area or height to exceed the limits of the zoning district in which it is located;
2. Remains structurally unchanged except for reasonable repairs or alterations;
3. Is placed in the most similar position on the remaining property that it occupied prior to the relocation; and
4. Is relocated in a manner so as to comply with all applicable safety requirements.

After relocation pursuant to this subsection, the legal nonconforming sign shall be subject to all provisions of this section in its new location.

(2) Signs rendered nonconforming:

a. Except as provided in this section, a nonconforming sign may continue in the manner and to the extent that it existed at the time of the adoption, amendment or annexation of the division that rendered the sign nonconforming. This section shall not prohibit reasonable repairs and alterations to nonconforming signs.

b. A nonconforming sign shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this division. An existing monument sign that conforms to the size and height limitations set forth herein, but is otherwise nonconforming, may be relocated a single time to another location on the same parcel.

c. Any nonconforming sign shall be removed or rebuilt in full conformity to the terms of this division if it is damaged or allowed to deteriorate to such an extent that the cost of repair or restoration is fifty (50) percent or more of the cost of replacement of such sign.

(3) Signs for a legal nonconforming use:

- a. New or additional signs for a nonconforming use shall not be permitted.
- b. A nonconforming sign for a nonconforming use that ceases to be used for a period of sixty (60) consecutive days or is replaced by a conforming use, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.

(4) Signs discontinued:

- a. Sign structures that remain vacant, unoccupied or devoid of any message, or display a message pertaining to a time, event or purpose that no longer applies, for a period of one hundred and eighty (180) days, shall be deemed to be discontinued.
- b. A nonconforming sign deemed discontinued shall immediately terminate the right to maintain such sign.
- c. After a sign structure has been deemed discontinued, it shall be the responsibility of the property owner or the property owner's authorized agent to remove the discontinued sign and to patch and conceal any and all damage to any other structure resulting from removal of the sign.
- d. Removal of a discontinued nonconforming sign shall include all sign support components, angle irons, poles, and other remnants of the discontinued sign, that are not currently in use, or proposed for immediate reuse as evidenced by a sign permit application for a permitted sign.

(5) Unsafe signs:

- a. If the building official determines any sign or sign structure to be in an unsafe condition, he/she shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty-eight (48) hours.
- b. If the correction has not been made within forty-eight (48) hours, the building official may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.

Sec. 34-451. Miscellaneous Provisions.

(1) Maintenance of Sign Location. For a sign requiring a sign permit, weeds and grass shall be kept cut in front of, behind, underneath, and from around the base of the sign for a minimum distance of ten (10) feet from the sign base, and there shall be no rubbish or debris within ten (10) feet of the sign base or underneath the sign.

(2) Ingress and Egress Signs. For safety purposes and for traffic circulation purposes, permanent ingress and egress signs to a parcel are permitted provided the same do not exceed

four (4) square feet in size and no more than three (3) feet in height. Such signs shall not require a permit.

Sec. 34-452. Penalties.

Penalties for violation of this Division IV shall be as provided in Section 34-640; however, notwithstanding anything in the LDC or in the Jacksonville Ordinance Code to the contrary, a penalty for a violation of this Division IV shall be limited to civil penalties only and shall not extend to any criminal penalty including but not limited to incarceration.

Sec. 34-453. Severability.

(1) Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Division IV is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division.

(2) Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth above in subsection (1), above, or elsewhere in this Division IV, the Jacksonville Beach Code of Ordinances, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division, 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.

(3) Severability of provisions pertaining to prohibited signs. Without diminishing or limiting in any way the declaration of severability set forth above in subsection (1), above, or elsewhere in this Division IV, the Jacksonville Beach Code of Ordinance, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Division IV that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under section 34-444, Prohibited Signs, of this Division IV. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 34-444 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 34-444 thereby ensuring that as many prohibited sign types as may be constitutionally prohibited continue to be prohibited.

(4) Severability of prohibition on billboards. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division 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 shall not affect the prohibition on billboards as contained in this Division IV or in the Jacksonville Beach Code of Ordinances.