

**Minutes of Special City Council Meeting  
held Monday, November 9, 2015, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida.**



**CALL TO ORDER:**

Mayor Latham called the meeting to order at 5:15 P.M.

**OPENING CEREMONIES:**

The invocation was given by Council Member Wilson; followed by the Salute to the Flag.

**ROLL CALL:**

Mayor: William C. Latham

Council Members: Lee Buck Keith Doherty Christine Hoffman  
Bruce Thomason Phil Vogelsang (*absent*) Jeanell Wilson

Also present was City Manager George Forbes, and City Clerk Laurie Scott.

**APPROVAL OF MINUTES**

**ANNOUNCEMENTS**

**COURTESY OF THE FLOOR TO VISITORS:**

**MAYOR AND CITY COUNCIL**

**CITY CLERK:**

**CITY MANAGER:**

**ORDINANCES:**

**(a) ORDINANCE NO. 2015-8064 (First Reading) - Public Hearing**

Mayor Latham requested that the City Clerk read Ordinance No. 2015-8064, by title only; whereupon Ms. Scott read the following:

**AN ORDINANCE RELATING TO THE DEFINITIONS  
USED IN ARTICLE IV, LAND DEVELOPMENT CODE  
OF THE CITY OF JACKSONVILLE BEACH, FLORIDA;  
ADDING CERTAIN DEFINITIONS, AMENDING  
CERTAIN DEFINITIONS, AND REPEALING OTHER  
DEFINITIONS; PROVIDING THAT LANGUAGE**

**STRUCK THROUGH INDICATES DELETIONS, AND  
LANGUAGE UNDERLINED INDICATES ADDITIONS;  
PROVIDING FOR SEVERABILITY; AND PROVIDING  
AN EFFECTIVE DATE**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2015-8064 to replace the existing Article IV *Definitions* with a new Article IV *Definitions* deleting, revising, or adding new definitions relating to signs.

Mr. Forbes reported a recent U.S. Supreme Court Opinion in the case of *Reed v. Town of Gilbert, Ariz.*, (U.S. June 18, 2015), impacts the traditional regulation of temporary noncommercial signs in municipal codes across the country. The *Reed* case reached a decision that sign code provisions which separately categorize or classify temporary noncommercial signs, such as special event signs based upon the information conveyed, are now subject to strict scrutiny rather than intermediate scrutiny by the courts. [strict scrutiny means you need a compelling public interest versus rational interest] In response to this recent opinion, the City is taking action to revise its sign code and related provisions to comport with the Supreme Court's guidance in the *Reed* case. This ordinance relates to the definitions of the entire Land Development Code, not just signs. He further explained that definitions of both abandoned and discontinued signs were written to read *a sign not operated or maintained for 180 days* (as opposed to the current 60 days) *or longer is considered abandoned or discontinued*. Mr. Forbes reported that this would be a major change in the Land Development Code.

He pointed out the changed definition of a temporary sign, which by definition is a sign intended for use, not permanent in nature. Unless otherwise provided, a sign with an intended use of twelve (12) months or less or for a period of time related to an event, shall be deemed a temporary sign unless otherwise indicated elsewhere in this Code. In addition, if it is related to an event – the temporary sign would be required to come down seven (7) days after the end of the event.

Mr. Forbes introduced Attorney William Brinton, who provided a presentation on the overview of the Supreme Court Opinion in the *Reed v. Town of Gilbert, Arizona* (U.S. June 18, 2015). The presentation applied to both Ordinances 2015-8064 and 2015-8065.

Mr. Brinton stated for the record – the case decided in June 2015 was probably the most significant case in the history of the Supreme Court in connection with the first amendment and sign regulations. It has impacted every local government

in the United States. Also, it has impacted state and the federal governments with First Amendment issues.

Mayor Latham opened the floor for the public hearing. There being no one to speak, he closed the floor for the public hearing.

### **Discussion**

A discussion ensued on the following topics between Council Members, Mr. Forbes and Mr. Brinton:

- Purpose of changing the number from 60 days to 180 days in which a sign that is not operated or maintained would be considered abandoned or discontinued
- Other localities that may have similar codes
- Clarification of the criteria for abandoned or discontinued signs and who determines the intended use of a temporary sign
- Signs and the transfer of property ownership
- Definition of a temporary sign versus a permanent sign
- Minor changes to the Ordinances (well-defined language, correct scrivener errors and more)
- Developing language for conforming or non-conforming signs that would be logical and enforceable
- A sign with an intended use of twelve (12) months or less or for a period of time related to an event, shall be deemed a temporary sign
- Compliance with June 2015 Supreme Court decision

Mr. Forbes stated the Planning Commission recommended approval of the code as it is currently written, but felt that further discussion was required on the twelve month time period for temporary signs.

**Roll Call:** Ayes - Buck, Doherty, Hoffman, Thomason, Wilson, and Mayor Latham. The motion carried unanimously.

### **(b) ORDINANCE NO. 2015-8065 (First Reading) - Public Hearing**

Mayor Latham requested that the City Clerk read Ordinance No. 2015-8065, by title only; whereupon Ms. Scott read the following:

**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, FLAGBRACKETS/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.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2015-8065 to replace the existing Division 4 sign standards of Article VIII site development standards deleting, revising, or adding new provisions relating to site development standards applicable to signs.

Mr. Forbes explained that the Planning and Development Director, Bill Mann, has prepared the code in a more easily readable format for the general public. Going forward, plans would be to prepare a condensed pamphlet for our customers to better understand the code. He stated that the most substantive change to the code would be the temporary signs.

Mr. Forbes explained the criteria and limitations of temporary signs by zoning districts (*residential, commercial and community development*) as it relates to the number of signs permitted by parcel, and footage [Slides on file].

Mayor Latham opened the floor for a public hearing. There being no one to speak, he closed the floor for the public hearing.

**Discussion**

A discussion ensued on the following topics between Council Members, Mr. Forbes and Mr. Brinton:

- Number and type of temporary political signs allowed on a residential parcel
- Number, type and length of time realtor signs can be maintained on property for an event
- Temporary signs do not require a sign permit. This is a major change from the current code
- In the current code, Commercial Temporary Signs require a sign permit

- Greatest difference in the current code is the number of temporary signs you are permitted to have
- Regulations written on standards for the illumination of the American flag
- Political signs illegally placed on city's right-of-way, or public property
- Realtor signs and temporary signs as they are related to an event and time limits
- Residential property allowed eight temporary signs as decided by the Supreme Court decision [thought eight signs may be excessive]
- 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 [content neutral language]

Mr. Forbes explained the "Whereas" clauses are critical in expressing the Council's legislative intent. The "Whereas" clauses will need a few minor corrections or additions. We will have the strikeout version to show the Council at the next meeting.

Mayor Latham stated it was apparent we will need to establish compliance with the Supreme Court and that we should be able to address the concerns discussed tonight by our Council Members in the prepared "Whereas" clauses.

**Roll Call:** Ayes - Doherty, Hoffman, Thomason, Wilson, Buck and Mayor Latham. The motion carried unanimously

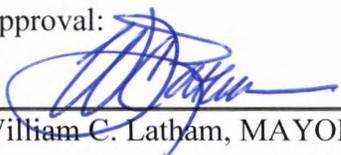
Mayor Latham announced the Second Reading of Ordinance No. 2015-8064 and No. 2015-8065 will be held on Monday, November 23, 2015 at 5:15 P.M.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 6:34 P.M.

Submitted by: Laurie Scott  
City Clerk

Approval:



William C. Latham, MAYOR

Date: November 23, 2015