CITY OF JACKSONVILLE BEACH

FLORIDA

MEMORANDUM TO:

The Honorable Mayor and
Members of the City Council
City of Jacksonville Beach, Florida

Council Members:

The following Agenda of Business has been prepared for consideration and action at the Special Meeting of the City Council on **Monday, November 9, 2015, at 5:15 P.M. in the Council Chambers, 11 North Third Street, Jacksonville Beach, Florida.**

Opening Ceremonies: **Invocation**
Salute to the Flag

Roll Call

1. **APPROVAL OF MINUTES:**

2. **ANNOUNCEMENTS:**

3. **COURTESY OF THE FLOOR TO VISITORS:**

4. **MAYOR AND CITY COUNCIL:**

5. **CITY CLERK:**

6. **CITY MANAGER:**

7. **RESOLUTIONS:**

8. **ORDINANCES:**

   (a) **ORDINANCE NO. 2015-8064** (First Reading) **PUBLIC HEARING**

   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.

(b) **ORDINANCE NO. 2015-8065** (First Reading) **PUBLIC HEARING**

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.

ADJOURNMENT

Respectfully submitted,

/s/George D. Forbes
CITY MANAGER

GDF:ls
11/06/15

If a person decides to appeal any decision made by the City Council with respect to any matter considered at any meeting, such person may need a record of the proceedings and, for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The public is encouraged to speak on issues on this Agenda that concern them. Anyone who wishes to speak should submit the request to the City Clerk prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, ext. 10, no later than 12:00 PM, Friday, November 6, 2015.

JACKSONVILLE BEACH

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Memorandum

To: George D. Forbes, City Manager

From: Susan Erdelyi, City Attorney

Date: November 5, 2015

Re: ORDINANCE NO. 2015-8064 and 2015-8065

Action Requested:

Adopt Ordinance 2015-8064 to replace the existing Article IV *Definitions* with a new Article IV *Definitions* deleting, revising, or adding new definitions relating to signs.

Background:

In 2010, the City Council passed a comprehensive sign code which is now codified at Division IV, Article VIII, Chapter 34 (Land Development Code) of the Jacksonville Beach Code of Ordinances.

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 certain 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 qualifying event signs, political signs, and ideological signs based upon the information conveyed, are now subject to strict scrutiny rather than intermediate scrutiny by the courts.

In response to this recent opinion, the City has retained a land use attorney who specializes in sign codes. The City's outside counsel in this matter has substantial experience in law regarding land use law and the First Amendment. Mr. Brinton and his law partner Emily Pierce will appear before the City Council Commission on November 9 to discuss the *Reed v. Town of Gilbert* decision and the two proposed ordinances on the agenda for your review and consideration.

Mr. Brinton and the City attorney have recommended that the City should take action to revise or replace its sign code and its related provisions to comport with the Supreme Court's guidance in the *Reed* case and to ensure that its signage regulations will be interpreted as content neutral, except where a compelling government interest requires a content-based distinction.

Overall, the proposed modifications retain the existing criteria for signage within the City of Jacksonville Beach but restructure the Sign Standards where they could be improved. The major changes are noted below.

Ordinance 2015-8064 (*Definitions)* contains updates to the Definitions for the Land Development Code. Some definitions have been added. Some definitions have been deleted. Some definitions have been revised.

The main difference between the definitions in the current code and Ordinance 2015-8064 is the deletion of certain categories of signs that are currently based on the category description of the type of signs. For instance, the current code has definitions for "Political campaign or election signs" "free expression signs," and the like. The *Reed* opinion states that this type of categorization can subject a sign code to strict scrutiny. This means that a sign code is vulnerable to being ruled to be unconstitutional.

In Ordinance 2015-8064 (*Definitions)*, signs such as "Non-commercial off-site directional signs," "election signs," and "political campaign signs" are no longer defined and temporary signs and permanent signs are now categorized by their size, duration and permanency with no reference to what type of message could be conveyed on the sign. Signs would be divided into "Permanent signs" and "Temporary signs" and further categorized based on the size and use of the land on which the sign is placed. For example signs not intended for permanent use would fit in the category of "Temporary signs" under the proposed code.

Ordinance 2015-8064 also changes the duration of temporary signs from two (2) months to "twelve (12) months or less <u>or for a period of time related to an event</u>..." Ordinance 2015-8065 requires temporary signs related to an event to be removed seven (7) days after the event. See TABLE 34-447.1b. p. 17.

The Planning Commission met on Wednesday, November 4, 2015, conducted a required public hearing on Ordinance No 2015-8064, and recommended approval of the ordinance, as attached to this memorandum.

<u>Recommendation:</u>

Approve Ordinance 2015-8064.

<u>Action Requested:</u>

Adopt Ordinance 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.

<u>Background:</u>

See above background which also applies to Ordinance 2015-8065. Ordinance No. 2015-8065 contains a new Division IV, Article VIII of the Land Development Code. The changes within Division IV, Sign Standards, are designed to comport with the *Reed* decision. Division IV is restructured to make the code more user-friendly, but, when possible, maintains most of the provisions from the prior code.

The proposed ordinance ties signs to land use principles.[1] Both the current code and proposed Ordinance No. 2015-8065 provide for sign size to be directly related to the size of the property on which the sign will be placed. Overall, the proposed ordinance does not change the allowed sizes of permanent signs. For example, monument signs for single occupant or tenant buildings under both the current code and the proposed code authorize a sign size of up to "one (1) square foot of sign area for each linear foot of road frontage on the street" up to a maximum sign area of "one-hundred (100) square feet." Sec. 34-453(6)(e); See Ordinance 2015-8065, Sec. 34-445 (17), on page 12 of Exhibit A.

Previously, the City required permits for certain commercial temporary signs. Under the proposed Ordinance, permanent signs require permits and temporary signs do not require permits.

Some of the temporary sign regulations were previously governed by a resolution (now rescinded) and some of the temporary sign regulations were governed by the current code. Temporary sign regulations have now been condensed and simplified. The changes ensure that these regulations are content neutral under the new guidance from the Supreme Court (See page 15 of Exhibit A). The permanent sign regulations have also been simplified. We believe that they are more end-user friendly than before. Some changes have been incorporated into the revisions so as to provide greater clarity and to codify actual practice.

The Planning Commission met on Wednesday, November 4, 2015, conducted a required public hearing on Ordinance No 2015-8065, and recommended approval of the ordinance, as attached to this memorandum.

Recommendation:

Approve Ordinance 2015-8065.

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[1] Florida law requires local governments to adopt land development regulations that regulate signage. *See Fla. Stats.* § 163.3202(2)(f).

Introduced by:_____
First Reading:_____
Second reading:_____

ORDINANCE NO. 2015-8064

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.

WHEREAS, the City Council of the City of Jacksonville Beach has determined the need to update and revise the definitions as they relate to signs in its Land Development Code, and to update and revise other definitions in its Land Development Code;

WHEREAS, the City Council wishes to ensure that the definitions in the City's Land Development Code as they relate to signs are in compliance with all constitutional and other legal requirements;

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

SECTION 1. That Article IV, Definitions, of the Land Development Code of the Jacksonville Beach City Code of Ordinances is amended to add the following underlined language, and repeal the following struck through language:

Article IV. Definitions.

Terms in the LDC shall have the following definitions.

<u>*Abandoned sign* means a sign that is not operated or maintained for a period of one hundred eighty (180) calendar days or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (1) the sign displays advertising for a product or service which is no longer available, (2) the sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. An *abandoned sign* includes a sign on which is advertised a business that no longer has a certificate of occupancy or that is no longer doing business on the parcel where the sign is located. An *abandoned sign* includes a sign for a purpose for which the purpose has</u>

lapsed. If the abandoned sign is on a freestanding sign structure conforming with the City's Land Development Code (LDC) and in compliance with the Florida Building Code, then only the sign face shall be considered abandoned and only the sign face shall be removed. Any replacement sign face must comply with the City's LDC. However, if the abandoned sign is on a freestanding sign structure that is nonconforming with the City's LDC, then both the sign face and the sign structure shall be removed.

~~*Abandoned or discontinued sign or sign structure* means a sign or sign structure is considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of sixty (60) days or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (1) a sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed, or (2) a sign which is blank. This definition of abandoned sign includes signs on which is advertised a business that is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at that location, or any other sign for any purpose for which the purpose has lapsed. If the sign is a conforming sign that is in compliance with the Florida Building Code and the Land Development Code building codes and all other applicable City Ordinances, then only the sign face will be considered abandoned and discontinued.~~

Accessory building means a building which is detached from the main building on the lot and the use of which is subordinate or incidental to that of the main building. For residential districts and land uses, any structure containing a dwelling unit or units shall be considered a principal structure.

Accessory use means a use incidental and subordinate to the principal use of a lot or building located upon the same lot.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adequate public facilities means compliance with Article X, Adequate Public Facility Standards.

Adjacent landowner means an owner of land sharing a boundary with another parcel of land. For purposes of the LDC, an intervening road, right-of-way, easement or canal shall not destroy the adjacency of the two (2) parcels.

Administration commission means the governor and the cabinet.

Adult day care services means any building, whether operated for profit or not, which undertakes through its ownership or management to provide, for a part of a twenty-four (24)-hour day, the basic services which may include but are not limited to providing a protective setting, social activities, leisure-time activities, self-care training, rest, and nutritional services, to three (3) or more adults, not related to the owner/operator by blood or marriage, who require such services.

Advertising means any commercial sign copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, sales event, activity, entertainment, of ~~or~~ real or personal property.

Affected person means persons owning property, residing, or owning or operating a business within the City of Jacksonville Beach, and local governments adjoining Jacksonville Beach that can demonstrate that an amendment of the comprehensive plan as proposed would produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written objections during Jacksonville Beach's consideration of a comprehensive plan amendment.

Affidavit attesting to subsequent receipt of certificate of public facilities reservation means an affidavit signed by the applicant that defers the application for a certificate of public facilities reservation until receipt of a final development order for the proposed development, acknowledging that future rights to develop the land are subject to the receipt of a certificate of public facilities reservation and acknowledging that no vested rights are granted by the City of Jacksonville Beach, or acquired by the applicant as it relates to the adequate public facilities standards of Article X, Adequate Public Facility Standards.

Aggrieved or adversely affected person means any person or local government which will suffer an adverse effect to an interest protected or furthered by the comprehensive plan, including interests related to health and safety, police and fire protection systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, or environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but shall exceed in degree the general interest in common good shared by all persons.

Alcoholic beverage establishment means any establishment devoted primarily to the sale of alcoholic beverages for consumption on or off-premises, which is licensed by the State of Florida to dispense or sell alcoholic beverages.

Alley means a roadway dedicated to public use or an approved private way, which affords only a secondary means of access to abutting property that is not intended for general traffic circulation.

Alteration means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or moving of a building or structure from one location to another. In the case of a sign, alteration shall include any change of ~~copy, color,~~ size, shape, illumination, position, construction, or supporting structure.

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by movement of the atmosphere, or made up of a series of sections that turn, including

any type of screen using animated or scrolling displays, such as an LED (light emitting diode) screen or any other type of video display.

~~*Apartment sign* means a sign identifying an apartment project or building~~.

Application for development permit means an application submitted to the City of Jacksonville Beach requesting the approval of a development permit.

Approved street means any local street, constructed according to the specifications in Article IX, Subdivision Standards, and accepted by resolution of the City Council of the City of Jacksonville Beach for maintenance purposes.

Aquifer means a groundwater bearing geologic formation, or formations, that contain enough saturated permeable material to yield significant quantities of water.

Architectural detail or embellishment means any projection, relief, change of material, window or door opening, exterior lighting, inlay, or other exterior building features not specifically classified as a sign. The term includes, but is not limited to, relief or inlay features or patterns that distinguish window or door openings, exterior lighting that frames building features, and changes in façade materials to create an architectural effect.

Area of shallow flooding means a designated AO or AH Zone on the Jacksonville Beach Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of sign means the square foot area within a continuous perimeter enclosing the extreme limits of the sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of the actual surface area. In the case of painted wall signs composed of letters, shapes, or figures, or skeleton letters mounted without a border, the sign area shall be the area of the smallest rectangle or other geometric figure that would enclose all of the letters, shapes and figures. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than twenty-four (24) inches apart.

Area of special flood hazard means the land in the floodplain within the city subject to a one (1) percent or greater chance of flooding in any given year.

Artwork means a two- or three-dimensional representation of a creative idea that is expressed in an art form ~~a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically~~ but does not convey the name of the business or a commercial message ~~about the products or services offered on the property upon which the artwork is displayed~~. If displayed as a two-dimensional representation on a flat surface, the same shall not exceed one-quarter (1/4) of the total surface area; however, if displayed on a flat surface oriented to a federal-aid primary highway, the same shall not exceed one-half (1/2) of the total surface area. All outdoor artwork shall conform to the maximum height restrictions in any particular zone in which it is located. All outdoor artwork shall also conform to any applicable building code and safety standards.

Attached sign means any sign attached to, on, or supported by any part of a building (e.g., walls, awning, windows, or canopy), which encloses or covers useable space.

Automobile wrecking yard ("junkyard") means a lot or group of contiguous lots used for the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or lots of two (2) or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or resale shall constitute prima facie evidence of an automobile wrecking yard.

Auxiliary dwelling unit means a one family dwelling unit subordinate in area to, and attached to a structure containing a listed permitted or approved listed conditional use. Minimum floor area of auxiliary dwelling unit is subject to section 34-340: Residential, multiple family: RM-2 standards for multiple family dwellings.

Available school capacity means that portion of total public school capacity that remains available for the development proposal after the following are subtracted: Current student enrollment; those student stations reserved by a finding of available school capacity; and those student stations reserved for exempt development.

Awning means any secondary covering attached to the exterior wall of a building. It is typically composed of canvas woven of acrylic, cotton or polyester yarn, or vinyl laminated to polyester fabric that is stretched tightly over a light structure of aluminum, iron or steel, or wood.

Awning sign or canopy sign means any sign that is a part of or printed, stamped, stitched or otherwise applied onto a protective awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Bandit sign means the same as a *snipe sign*. See *Snipe sign*. ~~an illegal commercial sign posted on a utility pole, street sign, or other street furniture; or any other sign placed within a public right-of-way or public property or on private property such that it is visible from a public right-of-way or public property. A bandit sign generally has less than six (6) square feet or less of advertising area and are made of vinyl, paper, cloth or fabric, polyboard, coroplas, corrugated plastic, poster board, plastic core, cardboard, wood, or plywood, including signs with wood or wire framing, posts, or stakes.~~

Banner shall mean a temporary sign made of wind and weather resistant cloth or other lightweight material, intended to hang either with or without frames or in some other manner as not to be wind activated, and possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. Flags shall not be considered banners for the purpose of this definition.

Banner, vertical streetlight means a temporary government sign made of wind and weather resistant cloth or other lightweight material, displaying government speech and ~~intended to be~~

hung in the public right-of-way from rods and brackets attached to a government-owned streetlight pole.

Bar means any establishment which is devoted primarily to the retailing and on-premises consumption of malt, vinous, distilled or other alcoholic beverages within an enclosed building and which is licensed by the State of Florida to dispense or sell alcoholic beverages. A bar may include a package liquor store on the same premises. The term "bar" is intended to include lounges, nightclub, tavern, or other drinking places within its meaning.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any year.

Basement means any portion of a building having its floor sub-grade (below ground level) on all sides.

Beacon sign means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting or diverting attention, except, however, this term does not include any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration or other similar governmental agency. This definition does not apply to any similar type of lighting device contained entirely within a structure and which does not project light to the exterior of the structure.

Bed and breakfast means a limited occupancy visitor accommodation facility consisting of a residential building or group of residential buildings containing a total of not less than four (4) and not greater than ten (10) guest rooms and a manager's residence, where visitor occupancy is limited to a maximum of seven (7) consecutive days, where such lodging and a daily meal or meals are provided for compensation, and said meals are served only to resident guests of the inn. Bed and breakfast inns are limited to the adaptive conversion and reuse of, or reproductions of, historically or architecturally unique residential structures, which are compatible with the surrounding neighborhood.

~~*Billboard* means a sign structure, including building and/or sign utilized for advertising an establishment, an activity, a product, service or entertainment, which is sold, produced, manufactured or furnished at a place other than on the property on which such structure and/or sign is located.~~

Billboard means an advertising sign or other commercial sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed.

Block means a parcel of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street.

Board of adjustment means the Jacksonville Beach Board of Adjustment.

Boarding (lodging) house means a building other than a hotel, where rooms are rented and meals may be provided for compensation.

Boutique shall mean any retail establishment selling clothing, specialty food goods, gifts, coffees and antiques, located in a freestanding building not more than two (2) stories in height and not containing more than two thousand (2,000) square feet on either floor.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building means a structure having a roof supported by columns or walls, that is designed or built for support, enclosure, shelter or protection of any kind.

Building code means the Florida Building Code ~~Chapter 7 of the Jacksonville Beach Code of Ordinances and the standard codes as published by the Southern Building Code Congress, Inc., adopted by reference therein~~.

Building height means the vertical distance between the elevation of the crown of the road of the nearest adjacent roadway at the center of the front of the building; and either the highest point of the coping of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge for hip, gable, and gambrel roofs.

Building line means a line across a parcel of land that is the distance a structure must be set back from a lot boundary line, street center line or right-of-way, as defined in Art. VII, Zoning Districts, for the zoning district in which the parcel is located.

Building official means the appointed individual in charge of the Building Division of the Jacksonville Beach Planning and Development Department.

Building permit means a permit required by the Florida Building Code for the construction of or addition to a structure, the installation of a mobile home, or a final development order for those improvements to land not requiring building permits or permits for mobile home installation. Building permits shall include those permits which allow the installation for location of a mobile home or a recreational vehicle to a site or lot.

~~*Bulletin board sign* means a sign erected by a charitable, educational, religious institution, or public body, which is erected on the same property as said institution for the purpose of announcing events; which are held on the same premises.~~

Bus stop informational sign means a freestanding or attached noncommercial government sign erected by a public transit agency, which is located at an official bus stop and providing information as to the route, hours or times of service.

Cabinet sign means a sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

Canopy means an overhead roof or structure that is able to provide shade or shelter.

Capital improvement element ("CIE") means the capital improvement element of the comprehensive plan.

Carport means a roofed structure providing space for parking or storage of motor vehicles enclosed on not more than three (3) sides.

CERCLA means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended.

Certificate of public facilities reservation means a written determination, issued by the planning and development director, verifying the current availability of a minimum level of road, potable water, sanitary sewer, solid waste collection, stormwater management, and recreation and open space facilities to serve the proposed project concurrent with the development of that project pursuant to the requirements of Art. X, Adequate Public Facilities Standards.

Changeable copy sign means a sign with the capability of content change by means of manual or remote input, including the following types:

(1) Manually activated. Changeable sign whose message copy can be changed manually on a display surface.

(2) Electronically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or may be from an external light source designed to reflect off of the changeable component display. See also *Electronic message sign.*

Change of occupancy means a discontinuance of an existing use and the substitution therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Character means any symbol, mark, logo, or inscription.

Child day care services means an establishment, licensed by the HRS, which provides non-resident day or night care for more than six (6) children on a fee basis. The term includes day nurseries, day care centers, day care agencies, nursery schools, or play schools, but not foster homes or community-based residential facilities.

City means the City of Jacksonville Beach.

City council means the City Council of the City of Jacksonville Beach, Florida.

Clinic, medical or dental means an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one (1) person or a group of persons practicing any form of medical care, whether such persons are medical doctors, chiropractors, osteopaths,

chiropodists, naturopath, optometrists, dentists or any such profession, the practice of which is lawful in the State of Florida.

Cluster housing means a residential development pattern with structures arranged in closely related groups such as around culs-de-sac, instead of spreading housing uniformly over a tract, where the remainder of the land is commonly maintained open space. Control takes place through zoning by density.

Coastal high hazard area means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone VE or V.

Coastal construction setback line means a line landward of the mean high water line at any riparian coastal location fronting the Atlantic coast shoreline, exclusive of bays, inlets, rivers, bayous, creeks, passes and the like. No construction in this area shall be allowed unless a permit is obtained from the DEP.

Code enforcement board means the board appointed and vested with the authority to enforce local codes and ordinances pursuant to F.S. Ch. 162.

Color means any distinct tint, hue or shade including white, black or gray.

~~*Commercial mascot sign* means humans or animal used as advertising devices for commercial establishments, typically by holding or wearing of insignia, masks, or costumes associated with the commercial establishment. Commercial mascot includes sign twirlers, sign wavers, and sign clowns, etc.~~

Commercial message means any sign wording, copy, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, commodity, service, sale, ~~or~~ sales event, activity, entertainment or other commercial activity.

Commercial vehicle means ~~[means]~~ any motor vehicle licensed by the state as a commercial vehicle, any vehicle designed for a commercial or industrial function, or any vehicle marked with commercial advertising.

Common ownership means a shared interest in real property by the same person or any persons related by marriage or blood within an immediate family including parents, spouses, siblings and children.

Community center means a building or land open to the public and used for recreational, social; educational, and cultural activities, usually owned and operated by a public or nonprofit group or agency.

Compatibility setback ("buffer") means a strip of land used to visibly separate one (1) use from another or to shield or block noise, light, or other nuisances.

Comprehensive plan means the Jacksonville Beach Comprehensive Plan, adopted pursuant to F.S. § 163.3161, et seq., as amended.

Concurrency service area or CSA means the area within the corporate limits of the City of Jacksonville Beach, Florida.

Conditional use means a use which is generally not compatible with the other land uses permitted in a zoning district, but with individual review and control of its location, design, configuration and intensity and density of use, buildings and structures, and the imposition of conditions pertinent thereto in order to ensure the appropriateness of the use at a particular location, may be permitted in the zoning district as a conditional use pursuant to the procedures and standards of section 34-221, et seq.

Condominium means a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.

Conservation-protected land means all undeveloped estuarine wetland areas, any undeveloped area within a fifty (50) foot strip upland of the designated estuarine wetland area, the sandy portion of the beach, and any areas landward of the sandy beach designated by the Federal Emergency Management Agency as lying within a V or velocity coastal hazard zone.

Conservation-restricted land means all designated palustrine or upland wetland areas and any areas designated by the Federal Emergency Management Agency as lying within an A or special flood hazard area.

Construction, actual or start includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

~~*Construction sign* means a temporary on-premise sign identifying the ongoing construction activity during the time that a building permit is active and prior to completion of the work for which the permit was issued, and containing sign copy that is limited to the ongoing construction activity and identifying the contractor and/or any subcontractor engaged to perform construction activity on the site.~~

Contiguous means a sharing of a common border at more than a single point of intersection.

Cost per student station estimate means, for each type of public school facility, an estimate of the cost of providing public school facilities for a public school student, as established in the school district's work program. "Cost per student station estimates" shall include all costs of providing instructional and core capacity including land, design, buildings, equipment and furniture, and site improvements. The cost of ancillary facilities that generally support the school district and

the capital costs associated with the transportation of students shall not be included in the cost per student station estimate used for proportionate share mitigation.

Copy means the linguistic or graphic content of a sign.

Curb level means the permanently established elevation or grade of the curb top in front of a lot.

Current student enrollment means the number of students enrolled in all existing public school facilities operated by the school district in a given school year.

D.C.A. or *Department of Community Affairs* means the Florida Department of Community Affairs and its successor the Florida Department of Economic Opportunity.

D.E.P. means the Florida Department of Environmental Protection.

Decoration means any decoration visible from a public area that does not include lettering or text and is not displayed for commercial advertising.

Density means the number of dwelling units divided by the gross area of the land on which such dwelling units are located. Where used in the LDC, density shall mean gross density. Gross density includes all of the land within a particular area excluding nothing.

Developed area shall mean any platted or occupied section of the city abutting a public right-of-day in which twenty-five (25) percent of the lots in a block or tract have been developed by the building of a residential or commercial structure.

Developer means the legal or beneficial owner of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land, including a governmental agency undertaking any development.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land or the dividing of land into three (3) or more parcels.

(1) The following activities or uses shall be taken for the purposes of these regulations to involve "development:"

a. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water.

b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

c. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including "coastal construction" as defined in F.S. § 161.021.

d. Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.

e. Demolition of a structure.

f. Clearing of land as an adjunct of construction.

g. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(2) For the purpose of these regulations the following operations or uses shall not be taken to involve "development:"

a. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

b. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewer mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracts, or the like.

c. Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

d. The use of any structure or land devoted to dwelling units for any purpose customarily incidental to enjoyment of the dwelling.

e. A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the class.

f. A change in the ownership or form of ownership of any parcel or structure.

g. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law.

Development agreement means an agreement entered into between the City of Jacksonville Beach and a person associated with the development of land pursuant to F.S. § 163.3220 or 380.06.

Development order means any order granting or granting with conditions an application for development permit.

Development permit means an amendment to the official zoning atlas, a planned unit development (PUD) zoning district classification, a redevelopment district (RD) zoning district classification, a conditional use, a development plan, subdivision approval, a variance, a building

permit or any other official action of the city having the effect of permitting the development of land.

Development proposal means an application for any approval of the following types of residential development, or a phase thereof or amendments thereto: (1) final subdivision plat approval; or (2) development plan approval.

Development of regional impact ("DRI") means any development, exceeding the thresholds established by the State of Florida pursuant to F.S. Ch. 380.06, which because of its character, magnitude or location would have a substantial effect on the health, safety, or welfare of the citizens of more than one county.

Diameter breast height (DBH) means the trunk diameter of an existing tree measured four and one-half (4½) feet above the average ground level at the tree base. If the tree forks between four and one-half (4½) and two (2) feet above ground level, it shall be measured below the swell resulting from the fork. Trunks that fork below two (2) feet above ground level, shall be considered multi-trunk trees. DBH for multi-trunk trees shall be determined by adding together the DBH of the two (2) largest trunks four and one-half (4½) feet above the ground.

~~*Directional sign, on-site* means any on-premises sign that provides directions necessary or convenient for visitors or clients coming onto the premises, including signs marking entrances and exits, parking areas, loading zones, or circulation directions.~~

~~*Directional sign, non-commercial off-site* means a directional sign erected on private property adjacent to a designated principal or minor arterial roadway by a religious, charitable, fraternal, nonprofit, or civic organization having a meeting place, clubhouse, or other site within the city for the purpose of indicating the place where such clubhouse, meeting place or site is located.~~

Director means the planning and development director or the director's designee.

~~*Directory sign* means a non-commercial sign which lists the names and locations of occupants or the use of a building, limited to multi-tenant office buildings and complexes.~~

Discontinued sign means a sign that is not operated or maintained for a period of one hundred eighty (180) calendar days or longer, and the intent of the owner of the sign shall not be a consideration in whether or not the sign is a *discontinued sign.* The following conditions shall be conclusively considered as the failure to operate or maintain a sign: (1) a sign displays advertising for a product or service which is no longer available, or (2) a sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. A *discontinued sign* includes a sign advertising a business that no longer has a certificate of occupancy or that no longer does business at the location at which the sign is located. A *discontinued sign* includes a sign for a purpose for which the purpose has lapsed. If the discontinued sign is on a freestanding sign structure that is conforming with the city's Land Development Code (LDC) and in compliance with the Florida Building Code, then only the sign face will be considered discontinued; however, if the discontinued sign is on a freestanding sign structure that is either nonconforming with the city's LDC or out of compliance with the Florida Building Code, then freestanding sign structure shall be removed.

Double-faced sign means a sign which has two display surfaces backed against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction, every point on which face being either in contact with the other face or in contact with the same background.

Drip line means a vertical line extending from the outermost branches of a tree to the ground.

Drive-through lane sign shall mean a sign oriented to vehicles utilizing a drive-through lane at an establishment.

Dwelling means a building or portion thereof designed exclusively for residential occupancy, including single family, two-family or duplex, townhouses, and multiple family dwellings, but not including hotels, boarding or lodging houses, or mobile homes, whether such mobile homes are movable or anchored in a stationery fashion.

Dwelling, attached means a one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.

Dwelling, multiple family means a structure containing two (2) or more dwelling units.

Dwelling, single-family means the use of land for only one (1) dwelling unit, other than a mobile home, that is developed with open yards on all sides of the dwelling unit. This use includes manufactured single-family units certified by the Florida Department of Community Affairs to be in compliance with the Florida Manufactured Building Act of 1979, Part 4, F.S. Ch. 553.

Dwelling, townhouse means a structure of three (3) or more single family units separated by party walls in which each unit has its own front and rear access to the outside and no unit is located over another unit. The party walls separating the dwelling units shall be fire resistant and shall extend to the roof line of the structure and shall have no openings therein.

Dwelling, two-family ("duplex") means a structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both units.

Dwelling unit means a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people; no portion of which building interior, including any kitchen, shall be designed, arranged or closed off in a manner that eliminates interior access to or exit therefrom. This use includes manufactured single-family units certified by the Florida Department of Community Affairs to be in compliance with the Florida Manufactured Building Act of 1979, ~~Part 4,~~ Part 1,Ch. 553, F.S. Buildings with more than one (1) kitchen or set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are located outside of any building and are clearly accessory, such as an outdoor grill.

Dwelling, zero lot line detached means the use of land for only one dwelling unit, which is not attached to any other dwelling unit that has one (1) wall located on one (1) interior side lot line.

Easement means a grant of the use of land by the land owner to any person, or to the general public for a specified purpose.

Educational services means different establishments providing a variety of academic or technical instruction on the elementary, secondary, junior college, college, university, professional, or vocational level.

Egress means an exit.

Electronic message sign means an electronically activated changeable copy sign whose variable message capability can be electronically programmed.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Engineer means a professional engineer registered to practice by the State of Florida.

E.P.A. means the United States Environmental Protection Agency.

Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish: but it does not include any of the foregoing activities when performed as an incident to the change of ~~advertising~~ message or customary maintenance or repair of a sign.

Essential public services means the erection, construction, alteration, or maintenance of underground, surface or overhead utility installations of water, sewer, gas, telephone and electrical systems and the equipment and appurtenances such as substations and lift stations necessary for such systems to furnish an adequate level of service.

Exceptional specimen tree means any tree which is determined by the city council to be of unique and intrinsic value to the general public because of its size, age, historic association, or ecological value, or any tree designated a Florida State Champion by the American Forestry Association. The planning and development director shall keep a record of all specimen trees and their location.

Exempt development means a development that creates additional impact on public school facilities, but which is not required to receive a finding of available school capacity because it received site plan or final subdivision approval prior to the effective date of this ordinance, and the approval has not expired and remains valid. Approved developments of regional impact are exempt development. Developments of regional impact that submitted applications prior to May 1, 2005 or received approvals are also exempt development.

Existing grade means the elevation of the ground in its natural state, before man-made alterations, including the deposition of fill, adjacent to and within two (2) feet of the proposed exterior walls of a structure.

Façade means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Family means any number of individuals related by blood, marriage or legal adoption, and no more than four (4) persons not so related living together as a single housekeeping unit.

Feather sign or flutter sign ~~flag~~ means a sign ~~flag~~ extending in a sleeve-like fashion down a telescoping or fixed pole that is mounted in the ground or on a building or stand. A feather sign or flutter sign ~~flag~~ is usually shaped like a sail or feather, and attached to the pole support on one vertical side.

Fence means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Finding of available school capacity means a determination by the school district designee that public school concurrency has been achieved based on the projected impacts of the development proposal. A finding of available school capacity may be based upon an executed proportionate share mitigation agreement.

Finding of no available school capacity means a determination by the school district designee that public school concurrency has not been achieved based on the projected impacts of the development proposal and the failure of the applicant to proffer an acceptable proportionate share mitigation agreement.

Fixed aerial advertising sign means any aerial advertising medium that is tethered to, or controlled from the ground.

Finished grade or finished elevation means the elevation of the ground surface upon the completion of any construction, immediately adjacent to and within two (2) feet of the exterior walls of a structure.

Flag means a temporary sign consisting of a piece of cloth, fabric or other non-rigid material. ~~usually rectangular, of distinctive color and design, used as a symbol, standard, signal, or emblem.~~

Flag pole means a pole on which to raise a flag.

Flashing sign means any illuminated sign, on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign.

~~*Flat or wall sign* means any sign erected parallel to the face or the outside wall of any building that is supported throughout its length by the wall of the building.~~

Flat ~~or wall~~ sign. *See wall sign.* ~~means any sign erected parallel to the face or the outside wall of any building that is supported throughout its length by the wall of the building.~~

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry lands from the overflow of inland or tidal water or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study means the official hydrology and hydraulics report provided by the Federal Emergency Management Agency. This report contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable), and other related data and information.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Foster home means any facility, licensed by the HRS, which houses foster residents and provides a family living environment for the residents, including such supervision and care as may be necessary to meet residents' physical, emotional, and social life needs of the residents. Delinquent children, alcohol and drug abusers, and dangerous mentally ill persons are excluded from this definition.

Fraternal club or lodge means those associations and organizations of a civic, fraternal or social character not operated or maintained for profit, for which there is restricted public access or use.

~~Free expression sign means a sign communicating information or views of concern to the owner of the sign, or containing any other non-commercial message, that is otherwise lawful.~~

Free-standing (ground) sign means a detached sign which shall include any signs supported by uprights or braces placed upon or in or supported by the ground and not attached to any building. A free-standing (ground) sign may be a pole sign or a monument sign.

Frontage, building means the maximum width of a building measured in a straight line parallel with the abutting street, public parking lot, or pedestrian walkway.

Frontage, lot means the horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abut a street shall be considered lot frontage.

Functionally dependent facility means a facility that cannot be used for its intended purpose unless it is located or carried out close to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufactured sales, or service facilities.

Future land use map means the figure entitled "Future Land Use Map 2010, City of Jacksonville Beach, Florida" included as part of the future land use element of the Jacksonville Beach Comprehensive Plan, adopted pursuant to F.S. § 163.3161, et seq., as amended.

Garage means an accessory building or part of the main building used for the parking or storage of four (4) automobiles or less, used by the occupants of the main building.

~~*Garage or yard sale or garage-yard sale sign* means any on-site temporary sign pertaining to the sale of personal property in, at or upon any residentially-zoned property located in the city. Garage or yard sales shall include but not be limited to all such sales, and shall include the advertising of the holding of any such sale, or other offering to make any sale, whether made under any name such as garage sale, lawn sale, yard sale, front yard sale, back yard sale, attic sale, rummage sale, patio sale, moving sale, or any similar designation.~~

~~*Gasoline price display sign* means a changeable message signs, typically mounted on the freestanding ground or monument sign, which display the prices of gasoline for sale.~~

Governing body means the City Council of the City of Jacksonville Beach, Florida.

Government sign shall mean any temporary or permanent sign erected by or on the order of a public official or quasi-public entity at the federal, state or local government level in the performance of any duty including, but not limited to, noncommercial signs identifying a government building or service, traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of events, public notice of government actions, proposed changes of land use, any proposed rezoning, or any other government speech.

Government use means any use which aids in the function of local, state and federal government. Such uses shall include but not be limited to branch government, government owned buildings, post offices, and community centers.

Gross area means an entire area without exception.

Ground cover means a low-growing herbaceous or woody plant other than turf, not over two (2) feet high, planted in such a way as to cover the ground.

Groundwater means water that fills all the unblocked voids of underlying material below the natural ground surface, which is the upper limit of saturation, or water which is held in the unsaturated zone by capillarity.

Group home, elderly-oriented means a dwelling unit licensed to serve clients of the HRS, providing a living environment for elderly residents who operate as the functional equivalent of a family, including supervision and care by support staff as may be necessary to meet the physical, emotional, and social life needs of residents. An elderly resident is any person age sixty (60) and over who is currently a resident of the state and who, because of a functional impairment, requires personal assistance with the activities of daily living but does not require nursing home or institutional care.

Group home, developmentally or physically disabled means a dwelling unit licensed to serve clients of HRS, providing a living environment for residents who operate as the functional equivalent of a family, including supervision and care by support staff as may be necessary to meet the physical, emotional, and social life needs of residents. A developmentally-disabled resident is a person with a disorder or syndrome which is attributable to retardation, cerebral palsy, autism or spina bifida and which constitutes a substantial handicap that can reasonably be expected to continue indefinitely. A physically-disabled resident is a person who has a physical impairment which substantially limits one (1) or more major life activities, or who has a record of having, or is regarded to have such physical impairment.

Halfway house means a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

Hedge means a landscape barrier consisting of a continuous, dense planting of shrubs.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to any construction, immediately adjacent to and within two (2) feet of the proposed walls of a structure.

Historical structure means any of the nine (9) structures identified by the Jacksonville Historical Landmark Commission in the City of Jacksonville Beach, Florida's Comprehensive plan document.

~~*Holiday and seasonal decorations* means decorations that pertain to legal or other recognized holidays or to a season of the year.~~

Holographic display sign means an advertising display that creates a three-dimensional image through projection, OLED (organic light emitting diode), or any similar technology.

Home occupation, type I means a home occupation use in which no persons other than members of the family residing on the premises are engaged in the occupation, which has no visible exterior evidence of the conduct of the occupation, which does not create need for off-street parking beyond normal dwelling needs, which does not generate additional traffic, and in which no equipment is used other than that normally used in household, domestic or general office use.

Home occupation, type II means a home occupation use in which not more than one (1) person other than members of the family residing on the premises is employed on the premises, which has not more than one (1) unilluminated sign not exceeding one (1) square foot in area as visible exterior evidence of conduct of the occupation, and which accommodates both dwelling and home occupation parking needs off the street.

Hotel means a building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient guests or tenants, in which four (4) or more rooms are furnished for the accommodation of such guests; whether or not having one (1) or more dining rooms, restaurants or cafes where meals are served. Such sleeping accommodations and dining rooms, restaurants or cafes, and accessory uses such as gift shops, barber shops or other services primarily intended for the use of the hotel guests, being conducted in the same building or accessory buildings in connection therewith.

H.R.S. means the Florida Department of Health and Rehabilitative Services.

Illuminated sign means any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light (including but not limited to plasma or laser), whether or not the source of light is directly affixed as part of the sign, and shall also include signs with reflectors that depend upon sunlight or automobile headlights for an image.

In compliance means consistent with the requirements of F.S. §§ 163.3177, 163.3178 and 163.3191, the Northeast Florida Regional Policy Plan, the State Comprehensive Plan and Rule 9J-5, F.A.C., where such rule is not inconsistent with F.S. Ch. 163, Part II.

Indirectly illuminated sign means any sign, the facing of which reflects light from a source intentionally directed upon it.

Inflatable or balloon sign means a sign consisting of a flexible envelope of nonporous materials that gains its shape from inserted air or other gas.

Ingress means an access or entry.

Ingress and egress sign shall mean a sign at the entrance to or exit from a parcel necessary to provide directions for vehicular traffic and provide a warning for pedestrian and/or vehicular traffic safety.

Internally illuminated sign means any sign which has the source of light not visible to the eye and entirely enclosed within the sign.

Intermittent means more frequently than once per day.

Irrigation means the mechanical application of water to plant material in order to sustain plant life.

Junk yard means a place, structure, or lot where junk, waste, discarded, salvaged, or similar materials are bought, sold, exchanged, baled, packed, disassembled, stored, or handled.

Kennel means any structure or premises where four (4) or more animals over six (6) months of age, not owned by the occupants of the premises, are kept for sale or for the purpose of breeding or temporary boarding, except in an animal hospital, animal grooming parlor or pet shop.

Kitchen means any room or space used or intended and designed to be used for cooking or the preparation of food. The installation of a cooking appliance constitutes a kitchen within the meaning of this definition, and where such a kitchen is installed or maintained in a room or suite of rooms said room or suite of rooms shall constitute a dwelling unit.

Land means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land. The word "land" includes the words "marsh" or "swamp."

Land development regulation commission means the agency designated to prepare and review the land development regulations in the City of Jacksonville Beach. In Jacksonville Beach, the land development regulation commission is the city council.

LED display sign means any sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro luminescence (OEL), or any similar technology.

Level of service (LOS), public school facilities means the comparison of public school enrollment to school capacity in a given concurrency service area.

Level of service (LOS) standard means an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and relative to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for road, potable water supply, sanitary sewer, solid waste collection, stormwater management, or recreation and open space facilities. For public school facilities, level of service (LOS) standard means the level of service applied to a concurrency service area that is adopted in the public schools interlocal agreement and the public schools facilities element for each level or type of public school facility.

Local planning agency means the planning commission.

Lot means a parcel, tract, or area of land of varying size established by plat, subdivision, or as otherwise permitted by law, which is designated as a single unit which is intended to be occupied by one building, or group of buildings, and its accessory uses.

Lot, corner means a lot abutting upon two (2) or more streets at their intersection.

Lot coverage ~~shall mean~~ means the number determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered

porches, and accessory structures, driveways, and paved, bricked, or wooden walkways, pool decks and patios, by the lot area.

Lot depth means the distance measured in a mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite rear line of the lot.

Lot, interior means a lot other than a corner lot with frontage on only one (1) street.

Lot line means the lines of record bounding a lot which divides one (1) lot from another lot or from a public or private street or any other public space.

Lot, through means a lot other than a corner lot having frontage on two (2) streets.

Lot width means the horizontal distance between side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design standards of this ordinance.

Machinery and equipment sign means any sign that is integral to the machinery or equipment and that identifies the manufacturer of the machinery or equipment that is placed on the machinery or equipment at the factory at the time of manufacture.

Maintenance in the context of Article VIII, Division 4, Sign Standards means the repairing or repainting of a portion of a sign or sign structure, periodically changing changeable copy, or renewing copy, which has been made unusable by ordinary wear.

Major development means:

(1) Any residential development containing more than one hundred (100) dwelling units,

(2) A commercial or office development containing thirty thousand (30,000) or more square feet of floor area,

(3) Any combination of land uses which will generate one thousand (1,000) or more vehicle trips per day, and

(4) Any combination of land uses that will generate an increase of one hundred (100) or more new peak hour trips. Trip generation shall be based on the ITE Trip Generation Manual, current edition.

Mansard or mansard roof means a style of hip roof characterized by two slopes on each of its four sides with the lower slope being much steeper, almost a vertical wall, while the upper slope,

usually not visible from the ground, is usually pitched at the minimum needed to shed water. A mansard roof may combine a steep lower slope with a flat roof.

Manufactured building means a closed structure, building assembly, or system of assemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection, with or without specified components, as a finished building or part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, or industrial structures. Manufactured building may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building site.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Marina means an establishment with a waterfront for the purpose of storing watercraft and pleasure boats on land, in buildings, in slips or on boat lifts, including accessory facilities for purposes such as refueling, minor repair and launching.

Marquee means any permanent wall or roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. A marquee is not an awning or canopy.

Marquee sign means any sign painted or printed onto or otherwise attached to a marquee.

Mean sea level (MSL) means the average height of the sea for all stages of the tide. For the purposes of the LDC, the term is synonymous with National Geodetic Vertical Datum (NGVD).

~~*Menu display sign* means a fully enclosed or otherwise protected from the elements sign structure, including but not limited to a box, shadow box or cabinet, attached to a wall or freestanding, which is used solely for the purpose of displaying restaurant menus list. A menu display sign may be used for a restaurant without drive-through service and for transient lodging facilities which have restaurant facilities open to the general public in addition to the registered guests.~~

~~*Menu display sign, drive-through* means a sign placed so as to be viewed from a drive-through lane and which contains only a listing of the products, with prices, offered for sale by the restaurant or carwash where the sign is located and which may provide a mechanism for ordering the products while viewing the sign.~~

Microbrewery means an establishment which produces, packages, and stores beer or other cereal beverages within an enclosed building, and which produces no more than 8,000 barrels or 248,000 gallons of beverages per year.

~~*Mobile billboard advertising sign* means any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard used for the primary purpose of off-premises advertising.~~

Mobile food vending vehicle means a vehicle-mounted public food service establishment that is either self-propelled or otherwise movable from place to place. A mobile food vending vehicle is further defined as having, as part of the vehicle, a three-compartment sink for washing, rinsing and sanitizing equipment and utensils; a separate hand wash sink; adequate refrigeration and storage capacity; full provision of power utilities including electrical, LP-gas, or a portable power generation unit; a potable water holding tank; and a liquid waste disposal tank.

Mobile food vendor means any person or business selling food from a mobile food vending vehicle from which food items are sold to the general public.

Mobile home means the use of land for a structure, including the plumbing, heating, air conditioning, and electrical components contained therein, transportable in one or more sections which structure is eight (8) feet or more in width and over (40) feet in length, or which, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a metal frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. If fabricated after June 15, 1976, each section should bear a HUD label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards, 42 USC 5401 and 24 CFR 3282 and 3283. This use does not include manufactured buildings meeting the criteria contained in the definition of a single-family dwelling.

Mobile home park, existing means premises existing as of March 6, 1995 (ref. Ord. No. 95-7617), with required improvements and utilities where mobile home spaces are rented or leased for use by mobile homes for residential occupancy which may include services and facilities for the residents.

Mobile home park, expansion to existing means an increase in the number of mobile home sites to an existing mobile home park.

Mobile home park, new means premises approved for development after March 6, 1995 (ref. Ord. No. 95-7617), with required improvements and utilities where mobile home spaces are rented or leased for use by mobile homes for residential occupancy which may include services and facilities for the residents.

Mobile home park means premises with required improvements and utilities where mobile home spaces are rented or leased for use by mobile homes for residential occupancy which may include services and facilities for the residents.

Mobile home site means land within a mobile home park or subdivision designated for the accommodation of not more than one (1) mobile home.

Monopole means a vertical self-supporting structure, not guyed, made of spin-cast concrete, concrete, steel or similar material, presenting a solid appearance.

Monument sign means a type of freestanding sign that is not supported by a pole structure and is placed upon the ground independent of support from the face of a building and that ~~generally has greater width than height and typically~~ is constructed of a solid material such as wood, masonry or high-density urethane.

Motel means a group of attached or detached buildings containing individual sleeping units, with automobile storage or parking space provided in connection therewith, designed for use primarily by transients.

Multi-prism or tri-vision sign means a sign made with a series of triangular sections that rotate and stop, or index, to show multiple images or messages in the same area at different times.

~~*Nameplate or occupant identification sign* means an attached wall sign indicating the name and/or profession or address of a person or persons residing on the premises where the sign is located or legally occupying the premises where the sign is located.~~

National Geodetic Vertical Datum (NGVD) means the vertical control, as corrected in 1929, used as a reference for establishing varying elevations within the flood plain.

New construction means structures for which the start of construction commenced on or after the effective date of the LDC. For floodplain management purposes, new construction means any structure for which the "start of construction" commenced ~~commence~~ on or after August 19, 1991.

Newspaper of general circulation means a newspaper of local origin published at least on a weekly basis, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

Non-commercial message means any message which is not a commercial message.

Nonconforming building or structure means any building or other structure which was lawfully constructed but which does not comply with all applicable provisions of the LDC, including size and dimensional standards, off-street parking standards, landscape standards, performance standards, or height standards either on the effective date of the LDC or as a result of any subsequent amendment. Such noncomplying building or structure shall be referred to as a nonconformity.

Nonconforming lot of record means a lot which conformed to the relevant land use standards at the time of the creation of the lot, but which does not comply with applicable regulations of the LDC for width and area.

Nonconforming sign means any sign that was validly installed under laws or ordinances in effect prior to the effective date of the LDC or subsequent amendments, but which is in conflict with the provisions of the LDC.

Nonconforming use means any use of a building or structure which, at the time of the commencement of the use, was a permitted use in the zoning district until the effective date of the LDC, but which does not, on the effective date of the LDC or amendment thereto, conform to any one of the current permitted uses of the zoning district in which it is located. Such nonconforming use may be referred to as a nonconformity.

Nonresidential activity means any activity which occurs in any building, structure, or open area which is not used primarily as a private residence or dwelling.

Nursing or personal care facility means any institution, building or buildings, residence, private home, boarding home, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding twenty-four (24) hours, one (1) or more personal services for adults who by reason of illness, physical infirmity, or advanced age are unable to care for themselves and are not related to the owner or administrator by blood or marriage, and who require such services.

Oceanfront lots means lots fronting or parallel to the ocean.

Offsite commercial advertising means a nonaccessory billboard or sign which directs attention to a business, commodity, service, entertainment, or attraction that is sold, offered or existing elsewhere than upon the same lot where such sign is displayed.

Offsite commercial sign means a nonaccessory billboard or sign that displays offsite commercial advertising.

~~*Off-site sign* means a commercial sign not located on the site of the establishment or entity indicated or advertised by the sign, or a commercial sign advertising a commodity, good, product, service or other commercial or industrial activity which originates on a site other than where the sign is maintained. The on-site/off-site distinction applies only to commercial message signs.~~

On-site sign means any commercial sign which directs attention to a commercial or industrial occupancy, establishment, commodity, good, product, service or other commercial or industrial activity conducted, sold or offered upon the site where the sign is maintained. The on-site/off-site distinction applies only to commercial message signs. For purposes of Article VIII, Division 4, Sign Standards of this chapter, all signs with noncommercial speech messages shall be deemed to be "on-site," regardless of location.

Outdoor restaurant or bar means any restaurant or bar, or portion thereof, which exists outside of the permanent exterior walls of the principal building(s) on a lot. This definition includes any deck or other area constructed and/or utilized on the roof of a structure.

Owner means any part or joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal or beneficial title to whole or part of a building or land.

Package liquor store means any establishment devoted primarily to the sale of alcoholic beverages for consumption off-premises, which is licensed by the State of Florida to dispense or sell alcoholic beverages for consumption off-premises.

Painted wall sign means any sign painted on any surface or roof of any building.

Parcel of land means any quantity of land and water capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner

or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Parking bay means a parking module consisting of one (1) or more rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.

Parking lot means an off-street, ground level area or plot of land used for the storage or parking of vehicles.

Parking space means a space for the parking of a motor vehicle within a public or private parking area.

Permanent sign means any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall or building. Unless otherwise provided for herein, a sign other than a temporary sign shall be deemed a permanent sign unless otherwise indicated elsewhere in this Land Development Code.

Pennant means any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, ~~design to~~ which will flutter or swing in the wind. ~~Unless otherwise provided for herein, a sign with an intended use of two (2) twelve (12) months or less shall be deemed a temporary sign.~~

Person means any person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever or any combination of such, jointly or severally.

Pets, household means any domestic animal such as cats, dogs, hamsters, and birds other than poultry that are customarily kept for personal use or enjoyment within the home. Poultry, hoofed animals of any type, predatory animals, or any animal which is normally raised to provide food for people shall not be considered as household pets.

Planned unit development means a development of land that is under unified control and is planned for and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features or improvements.

Planning and development director means the person appointed to direct the Planning and Development Department of the City of Jacksonville Beach.

Planning commission means the Jacksonville Beach Planning Commission.

Plant nurseries means an agricultural endeavor devoted exclusively to the raising of ornamental plants for sale or transplanting.

Plat means a map or drawing upon which an exact representation of a subdivision and other information is presented in compliance with the requirements of Article IX, Subdivision Standards.

Pole sign means a ground sign that is supported by one or more poles and otherwise separated from the ground by air. ~~Pole signs~~ A *pole sign* is not a *monument sign*, another type of *ground sign.* ~~almost always separated from buildings and other structures.~~

~~*Political campaign sign or election sign* means any sign indicating the name and/or picture of an individual seeking election to a public office, or relating to a forthcoming public election or referendum, or pertaining to the advocating by persons, groups or parties of political views or policies.~~

Portable sign means any sign, banner, or poster that is not permanently attached to the ground or to a structure that is attached to the ground or a sign capable of being transported, including, but not limited to, signs designed to be transported by means of wheels or carried by a person, and signs converted to an A-Frame sign or a T-frame sign ~~A- or T-frames~~. For purposes of this division, a cold air inflatable sign shall be considered to be a portable sign.

Porte-cochere means a porch or portico-like structure at a main or secondary entrance to a building, through which it is possible for a vehicle to pass, in order for the occupants to enter or exit under cover, protected from the weather.

Potable water facilities means the planning of, engineering for, acquisition of land for, or construction of potable water facilities necessary to meet the LOS for potable water facilities.

Preserve area means vegetative areas required to be preserved under the jurisdiction of DER, SJRWMD or other governmental regulatory agencies.

Proportionate share mitigation means an applicant's voluntary provision of public school facilities proportionate to a development proposal's impact on school capacity. Proportionate share mitigation options may include contribution of or payment for land acquisition; construction or expansion of, or payment for construction of public school facilities; or the creation of mitigation banking based on the construction of public school facilities, in exchange for the right to sell capacity credits to other residential development affecting those facilities. Proportionate share mitigation must be identified in a work program, unless the school district has committed itself in a proportionate share mitigation agreement to include the mitigation in the work program during the next annual update to the work program.

Proportionate share mitigation agreement means a voluntary, legally-binding commitment to provide proportionate share mitigation to ensure public school concurrency can be achieved, where school capacity would not otherwise be adequate to support the demand resulting from approval of a development proposal at the time the development proposal is being considered. The applicant, school district and the city shall be parties to a proportionate share mitigation agreement.

Projecting sign means any sign affixed perpendicular, or at any angle to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall.

Protected tree means any tree, except those which are hereinafter exempted in section 34-424(b), with a DBH of six (6) inches or more.

Public potable water supply well means a well withdrawing potable water from the surficial aquifer that serves and is operated by public utilities. For the purposes of section 34-468 public utility shall mean any municipal system that provides service to the public and utilities required to obtain a SJRWMD individual water use permit.

Public protected tree means any tree, except those which are hereinafter exempted in section 34-424(b), with a DBH of six (6) inches or more located on lands owned by the city, its agencies or authorities, or any land upon which easements are imposed for the benefit of the city, its agencies or authorities, or upon which other ownership control may be exerted by the city, its agencies or authorities, including rights-of-way, parks, public areas and easements for drainage, sewer, water and other public utilities.

Public school concurrency means, as provided in F.S. § 163.3180(13)(e), the necessary public school facilities to maintain level of service standards are in place or are scheduled in the work program to be under actual construction within three (3) years of approval of a development proposal.

Public school facilities means permanent public school buildings provided by the school district, as defined by the most current edition of the Florida Inventory of School Houses (FISH), published by the Florida Department of Education, Office of Educational Facilities, or land for a public school facility.

Public school facilities, existing means public school facilities that are already constructed and operational at the time that the school district designee makes a finding regarding school capacity.

Public school facilities, planned means public school facilities in the school district's work program that will be in place or under actual construction within three (3) years after the approval of the development proposal.

Public school facilities, total means existing public school facilities and planned public school facilities.

Public schools interlocal agreement means the interlocal agreement between the county, non-exempt municipalities, and the school district, pursuant to F.S. § 163.31777, which establishes standards and procedures for a coordinated, uniform public school concurrency program throughout Duval County and which ensures the level of service standards for public school facilities are achieved and maintained.

~~*Real estate sign* means a sign indicating that real property is available for sale, exchange, rent or lease. Such signs typically state that real property, or any interest therein, is for sale or exchange, or for lease or rent for a period longer than one week, and the names and contact information for persons involved in such economic transaction.~~

Recreation and open space facilities means the planning of, engineering for, acquisition of land for or construction of park and recreation facilities necessary to meet the LOS for recreation and open space facilities.

Recreational vehicle means a vehicle that is:

a. Built on a single chassis;

b. Four hundred (400) square feet or less when measured at the largest horizontal projection;

c. Designed to be self-propelled or permanently towable by a light duty truck; and

d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment district means an area designated by the city council as blighted and in need of redevelopment pursuant to F.S. Ch. 163, Part III. When indicated as a redevelopment district or RD zone district, reference is made to an area classified in accordance with section 34-347 of the LDC.

Regulated area means that area within the zone of protection surrounding each public potable water supply well.

Regulated substances mean:

(1) Substances which have one (1) or more of the following characteristics:

a. They are listed as a priority toxic pollutant and hazardous substance by the EPA in 40 CFR 122.21;

b. They are an EPA Designation Reportable Quantities and Notification Requirements for Hazardous substances under CERCLA (40 CFR 302);

c. They are a degradation product which is toxic, which includes petroleum based products;

d. They are on a restricted use pesticide list promulgated pursuant to F.S. Ch. 487, set forth in Chapters 5E-2 and 5E-9, F.A.C.

(2) As well as the following physical characteristics:

a. They are prone to be persistent in the environment;

b. They are water soluble or prone to pass downward through surface soils, to enter into and mix with groundwater, and be transported by the movement of groundwater.

Religious organization means a structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held.

Restaurant means an establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

Restaurant, drive-in means an establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food to customers who are not in motor vehicles, for consumption either on or off the premises.

Right-of-way means the area of a highway, road, street, way, parkway, electric transmission line, gas pipeline, water main, storm or sanitary sewer main, or other such strip of land reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain or any other legal means.

Road facilities mean the planning of, engineering for, acquisition of land for or construction of roads necessary to meet the LOS for road facilities.

Roof sign means any sign which is mounted on the roof of a building or which extends above the top edge of the wall of a flat roofed building, the eave line of a building with a hip, gambrel, or gable roof.

Rotating sign (or revolving sign) ~~*sign*~~ means an animated sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.

Sand dunes mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

~~*Sandwich board sign* means a portable, freestanding, movable sign not secured or attached to the ground or surface upon which it is located; and is constructed in a manner as to form an "A" or tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.~~

Sanitary sewer facilities means the planning of, engineering for, acquisition of land for, or construction of sanitary sewer facilities necessary to meet the LOS for sanitary sewer facilities.

School capacity means the demand that can be accommodated by a public school facility at the level of service standard, as determined by the school district.

School concurrency allocation means a reservation of school capacity made by the school district after a finding of available school capacity, upon the city's approval of a development proposal. The reservation shall be indicated on the school concurrency schedule.

School concurrency application means an application for the school district to make a finding of available school capacity and issue a school concurrency allocation.

School concurrency schedule means a schedule maintained by the school district that tracks the availability of school capacity over time.

School district means Duval County Public Schools.

School district designee means a person or committee designated to act on behalf of the school district, and to make determinations regarding whether public school concurrency has been achieved for school concurrency applications submitted to the school district by the director.

Screen enclosure means a structural network of metal or wood members with open mesh panels for both walls and roof.

Service island sign means a sign mounted permanently on, under, or otherwise mounted on a service island canopy.

Service station means any building, structure or land used for the dispensing, sale or offering for sale at retail, and any automobile fuel, oils, or accessories in connection with which is performed general automotive servicing, such as tire servicing and repair, and including engine and transmission repair, but excluding body work, straightening of frames, painting, or welding. All work must be done inside of an enclosed building.

Shade tree means a tree with a mature crown spread of at least fifteen (15) feet.

Shopping center means a group of retail stores, service establishments or any other business not necessarily owned by one (1) person nor by a single land ownership which is adjacent to and utilizing a common off-street parking area.

Shrub means a self-supporting woody perennial plant characterized by multiple stems and branches continuous from the base, naturally growing to a mature height between two (2) and twelve (12) feet.

Sign means any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area (collectively referred to as a "public area"). For the purposes of these regulations, the term "sign" shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign. The term "*sign*" for regulatory purposes shall not include the following objects: Grave yard and cemetery markers visible from a public area, vending machines or express mail drop-off boxes visible from a public area, decorations visible from a public area, artwork or 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. The foregoing objects are not *signs* for purpose of regulation herein. ~~In the case of a permanent sign made of any fabric or other non-rigid material, the sign shall conform to each specification for such signs found elsewhere in the Code. However, the following are not within the definition of a "sign" for regulatory purposes of this chapter:~~

~~(1) Architectural features: Decorative or architectural features of buildings (not including lettering, trademarks or moving parts);~~

~~(2) Symbols embedded in architecture: Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal;~~

~~(3) Personal appearance: Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, costumes (but not including commercial mascots);~~

~~(4) Manufacturers' marks: Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale;~~

~~(5) Fireworks, etc.: The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter;~~

~~(6) Certain insignia on vehicles and vessels: On-street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, noncommercial messages;~~

~~(7) Grave stones or grave markers;~~

~~(8) News racks and newsstands.~~

~~(9) Artwork.~~

Sign height means the vertical distance ~~form~~ 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 base or structure erected to support or adorn a monument, pole or other freestanding sign is measured as part of the sign height.

Sign size means *area of sign.*

Sign visibility triangle shall mean the triangle described in Section 34-425(b)(1).

~~*Sign walker or sign spinner* means a person who wears, holds, or balances a sign in order to convey a commercial message.~~

Snipe sign means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to or placed on public property such as but not limited to a public utility pole, a public street sign, a public utility box, a public fire hydrant, a public right-of way, public street furniture, or other public property; except for A-frame and T-frame signs that are temporarily placed on public property under such limitations and constraints as may be set forth in the Land Development Code ~~poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located~~.

Solid waste facilities mean the planning of, engineering for, acquisition of land for or construction of solid waste facilities necessary to meet the LOS for solid waste facilities.

Special flood hazard area. See "*Area of special flood hazard.*"

Start of construction means, for other than new construction and substantial improvements under the Coastal Barrier Resources Act P. L. 97-348, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Statutory sign means a sign the city is required to erect by any statute of the State of Florida or the United States for safety, directional, or traffic control purposes.

Stormwater management facilities mean the planning of, engineering for, acquisition of land for or the construction of stormwater management facilities necessary to meet the LOS for stormwater management facilities.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor or roof next above.

Street means a right-of-way for vehicular traffic, designated as an alley, avenue, boulevard, court, drive, expressway, highway, lane, road, street, or thoroughfare (also referred to as roadway). A street may be dedicated to the public or maintained in private ownership, but open to the public. For the purposes of the LDC, "streets" are divided into the following categories:

(1) Arterial street means a road which is used to move large volumes of traffic rapidly between population centers, around population centers, or from one section of the urban area to another.

(2) Collector street means a road designed primarily to connect local streets with arterials or to provide access from residential areas to major destination points such as shopping or employment centers and which may be expected to carry a significant volume of traffic.

(3) Cul-de-sac means a minor road of short length having one end open to traffic and one end terminating in a vehicular turn-around.

(4) Local street means a road used primarily for access to abutting properties within a subdivision.

(5) Approved private street means a street or road that meets the design standards set forth herein corresponding to its intended functional use, that is not dedicated to the City of Jacksonville Beach.

(6) Approved street means any local street, constructed according to the specifications in Article IX, Subdivision Standards, and accepted by resolution of the city council of the City of Jacksonville Beach for maintenance purposes.

Street address sign means any sign denoting the street address of the premises on which it is attached or located.

Street line means the line separating the street and abutting property.

Structure means anything constructed, installed or portable, the use of which requires location on land. It includes a movable building which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. It also includes roads, walkways, paths, fences, swimming pools, tennis courts, poles, tracks, pipelines, transmission lines, signs, cisterns, sheds, docks, sewage treatment plants and other accessory construction.

Structural alterations mean any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists; or in the dimensions or configurations of the roof or exterior walls.

Subdivider means a person developing a subdivision, or that person's agent.

Subdivision means the division of land into three (3) or more parcels for the purpose of sale or lease, including the addition to or resubdivision of land, if not exempted by the terms of the LDC.

~~*Subdivision sign* means a sign identifying a named, platted subdivision and erected on private property at the local street entrance to the property.~~

Submerged land means land below the mean high tide or mean high water line.

Substantial damage means damage to a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement means any repair, reconstruction, alteration, or improvement to a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. This term does not, however, include any repair or improvement of a structure to correct existing violations of State of Florida or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official prior to the application for permit for improvement, and which are the minimum necessary to assure safe living conditions. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term does not include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Temporary structure means any non-habitable structure for ancillary use which does not require a permanent foundation or connection to the ground for its support, and has no permanent connection to or provisions for municipal utilities, and can be disassembled without the use of destructive force for relocation or removal.

Temporary sign means a sign intended for a use not permanent in nature. Unless otherwise provided for herein, a sign with an intended use of ~~two (2)~~ 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. A flag shall be deemed a temporary sign.

Traffic control device sign means any government sign located within the right-of-way that is used 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. A traffic control device sign includes those government 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).

Travel trailer (recreational vehicle) means a portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation purposes. It is not more than nine (9) feet in width and up to forty (40) feet in length.

Travel trailer park means a duly licensed camp, park or other area established to carry on the business of parking or otherwise servicing travel trailers (recreational vehicles or motor homes). The development plan and all sanitary facilities of a travel park must conform to the requirements of the state and county health authorities.

Tree means a self-supporting woody plant having a single trunk or a multiple trunk of lower branches, growing to a mature height of at least twelve (12) feet in northeast Florida.

Umbrella sign means a sign printed on umbrellas used for legal outdoor seating area at a business establishment, which is made of a lightweight fabric or similar material.

Understory means assemblages of natural low-level woody, herbaceous, and ground cover species which exist in the area below the canopy of the trees.

Unsafe sign means a sign posing an immediate peril or reasonably foreseeable threat of injury or damage to persons or property.

Vehicle sign means a sign which covers more than twenty (20) square feet of the vehicle, which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized or drawn vehicle, and is parked and visible from the public right-of-way; unless said vehicle is used for transporting people or materials in the normal day to day operation of the business.

Vested right means that a right is vested when it has become absolute and fixed and cannot be defeated or denied by subsequent conditions or change in regulations, unless it is taken and paid

for. There is no vested right to an existing zoning classification or to have zoning remain the same forever. However, once development has been started or has been completed, there is a right to maintain that particular use regardless of the classification given the property. There can be no vested right in a sign permit if a sign permit is applied for under a sign ordinance that is later partially or wholly adjudicated to be unconstitutional by a court of competent jurisdiction.

Veterinary services means any building or portion thereof designed or used for veterinary care, surgical procedures or treatment of animals, but not the boarding of well animals.

Violation, for the purpose of floodplain regulation, means the failure of a structure or other development to be fully compliant with the floodplain regulations of the Jacksonville Beach Land Development Code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the Jacksonville Beach Land Development Code is presumed to be in violation until such time as that documentation is provided.

Wall wrap sign means a sign composed of fabric, plastic, vinyl, mylar or a similar material that drapes or hangs over the side of a building, wall or window.

Wall sign means any sign attached parallel to, but within twelve (12) inches of a wall; painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Warning sign or safety sign means a sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

Water-dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Wayfinding sign means a non-commercial government sign that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information for the aid of the traveling public, for facilitating a safe and ~~in order to encourage~~ orderly traffic flow and preventing sudden stops. ~~from drivers who cannot easily find their destination.~~

Well means a pit or hole sunk into the earth to reach a resource supply such as water.

Wetland means hydrologically sensitive areas which are identified by being inundated or saturated by surface or groundwater with a frequency or duration sufficient to support, and under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include ~~includes~~ swamps, marshes, bogs, and similar areas.

Wetland, estuarine means the area of mixing of saline, marine waters with freshwater drainage from upland areas, and is subject to tidal inundation with a range of frequencies. The estuarine wetlands include the salt marsh and the estuarine forested wetland areas of the community.

Wetland, palustrine means areas adjacent to the estuarine wetlands, which may be informally defined as freshwater drainage features which may or may not have continuous connection to tidal waters.

Wind sign means a sign which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include, pennants, ribbons, spinners, streamers or captive balloons, however, the term wind sign shall not include flags.

~~*Window or door sign, temporary* means a sign painted on, placed inside of and visible through, or affixed to glass surfaces of windows, doors, store equipment, fuel pumps, or other types of vending equipment used for dispensing retail products for the specific purpose of attracting attention of the passerby to the sale, to promotion items, or other products or services, other than the identity of the proprietor, nature of the business, or name of the business; including any banner, poster, cut-out letters, decals, painted text or graphic, or other text or visual presentation placed within six (6) feet behind a window or door, and which is placed to be read from the exterior of a building. This does not include any item of merchandise normally displayed within a store window.~~

Window or door sign, permanent means any sign visible from the exterior of a building or structure which is painted, attached, glued, or otherwise affixed to a window or door ~~for the specific purpose of identifying the proprietor, nature of the business, or name of the business to the passerby~~.

Work program means a five-year capital improvement plan that is financially feasible, as defined by state statute, and which is adopted by the school district and the city and incorporated into the capital improvement element of the city's comprehensive plan. The work program itemizes planned public school facilities and includes the following: (a) all planned public school facilities, including new construction, expansions, and renovations that will create additional capacity, whether provided by the school district or through proportionate share mitigation; (b) existing and projected enrollment of public school facilities; (c) the year in which each planned public school facility will be undertaken; (d) the source of funding for each planned public school facility and the year in which the funding becomes available; (e) the capacity created by each planned public school facility; and (f) necessary data and analysis supporting the proposed work program.

Yard means a required open space on the same lot with a principal or accessory building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

Yard, front means a yard across the full width of the lot, extending from the front line of the building to the front line of the lot.

Yard, side means an open unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot, extending from the rear line of the front yard to the front line of the rear yard.

Yard, rear means a yard extending across the full width of the lots measured between the rear line of the lot and the rear line of the main building.

Zone of protection means that area within five hundred (500) feet of a public potable water supply well.

SECTION 2. Except as amended by this ordinance, the terms and provisions of Article IV, Definitions, of the City of Jacksonville Beach's Land Development Code, are hereby re-adopted and ratified, and the forgoing amendments are incorporated therein.

SECTION 3. As used in this ordinance, language appearing in struck-through type is language in the City Code of Ordinances to be deleted, and underlined language is language to be added to the City Code of Ordinances, in the section, subsection, or other location where indicated. Language in the City Code of Ordinances not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise.

SECTION 4. Severability. The provisions of this ordinance shall be deemed to be severable. If any provision, definition, word or section within a definition of this ordinance is deemed unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provision, definition, section or word of this ordinance.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

SECTION 6. Codification of this ordinance in the Code of Ordinances of the City of Jacksonville Beach is authorized and directed.

AUTHENTICATED THIS _____ DAY OF _____, 2015.

_____
William C. Latham, MAYOR

_____
Laurie Scott, CITY CLERK

Introduced by:_____
First Reading:_____
Second Reading:_____

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 and intent provisions of its signage regulations should be detailed so as to further describe the beneficial aesthetic and other effects of the City's sign regulations, and to reaffirm that the sign 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 limitations on the size (area), height, number, spacing, and setback of signs, adopted herein, is based upon the sign types and sign functions;

WHEREAS, limitations on various types of signs are related to the zoning districts for the parcels and properties on which they are located;

WHEREAS, 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 regulations adopted hereby still allow adequate alternative means of communications;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign regulations adopted hereby allow and leave open adequate alternative means of communications, such as newspaper advertising, internet advertising and communications, advertising in shoppers and pamphlets, advertising in telephone books, advertising on cable television, advertising on UHF and/or VHF television, advertising on AM and/or FM radio, advertising on satellite radio, advertising on internet radio, advertising 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 (8 th Cir. 2006); *Reed v. Town of Gilbert*, 587 F.3d 866, 980-981 (9th Cir. 2009)];

WHEREAS, the City of Jacksonville Beach finds and determines that the provisions of Division IV 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, 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, under established Supreme Court precedent, a compelling government interest is a higher burden than a substantial or significant governmental interest;

WHEREAS, under established Supreme Court precedent, aesthetics is not a compelling governmental interest;

WHEREAS, 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, in *Reed v. Town of Gilbert, Ariz.*, — U.S. —, 135 S. Ct. 2218, 2221, 192 L. Ed. 2d 236 (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, in *Reed*, the Supreme Court held that content-based regulation is presumptively unconstitutional and requires a compelling governmental interest;

WHEREAS, 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, 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, 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, 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, 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, Justice Alito noted that these rules, listed below, were not anything like a comprehensive list of such rules;

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

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

WHEREAS, the City 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 artwork, holiday or seasonal decorations, cemetery markers, machinery or equipment signs (inclusive of vending machine signs), and memorial signs or tablets 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 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 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 that 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. 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 that this 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 regulations in the attached Division IV 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 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 that 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. 878 (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's natural and built 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 residential community for its residents, but also bolster Jacksonville Beach's image as an international 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 counties with a tourist-based economy, and that 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 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 the attached Division IV 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 Division IV 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 Division IV 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 Division IV 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 Division IV 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 Division IV 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 Division IV 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 Division IV are intended to encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign regulations in Division IV 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 Division IV 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 Division IV 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 Division IV are intended to regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians;

WHEREAS, the City of Jacksonville Beach finds and determines that the sign regulations in Division IV 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 Division IV are intended to preserve and enhance the natural and scenic characteristics of this waterfront 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 the City of Jacksonville Beach 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 required 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 preamble, it is appropriate to prohibit and/or to continue to generally prohibit the sign types described in Division IV;

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, rural or urban;

WHEREAS, 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. 878 (1970); *John Donnelly & Sons, Inc. v. Outdoor Advertising Bd.*, 339 N.E.2d 709, 720 (Mass. 1975)];

WHEREAS, the City of Jacksonville Beach finds 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 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 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 Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 509-510 (1981); *National Advertising Co. v. City & Town of Denver*, 912 F.2d 505, 409 (10th Cir. 1990), and *Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 1231, 1239 (D. Kan. 1999)];

WHEREAS, the City of Jacksonville Beach recognizes that on-site business signs are considered to be part of the business itself, as distinguished from off-site outdoor advertising signs, and finds and determines 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. 878, 91 S.C. 12, 27 L. Ed. 2d 35 (1970), quoting *United Advertising Corp. v. Borough of Raritan*, 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 Town [*see, e.g.*, *E. B. Elliott Adv. Co. v. Metropolitan Dade Town*, 425 F.2d 1141, 1154 (5th Cir. 1970), *cert. denied*, 400 U.S. 878 (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, 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, 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 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 hereby finds and determines that anything beside the road which tends to distract the driver of a motor vehicle directly affects traffic safety, and that 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 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 18;

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 period of twelve months, 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 it is appropriate to specify that in addition to land development regulations identified in Division IV, 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 through the specific inclusion of a 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 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 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 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 the City has consistently adopted and enacted severability provisions in connection with its ordinance code

provisions, and that the City of Jacksonville Beach wishes to ensure that severability provisions apply to its land development regulations, including its sign regulations;

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;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF 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 _____ DAY OF _____, 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) ~~zone~~, 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 34-446.1b, 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
Illumination 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.
[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 34-447.2(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 for the denial.

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.

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.

(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 shall be deemed to be discontinued.

b. A nonconforming sign deemed discontinued shall immediately terminate the right to maintain such sign.

c. Within sixty (60) days after a sign structure has been discontinued, it shall be the responsibility of the property owner or the property owner's authorized agent to remove the discontinued sign and to parch 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.