

INTRODUCED BY:  
COUNCILOR WILEY



ORDINANCE NO. 2015-02

**A BILL TO BE ENTITLED**

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS; ARTICLE XV, ADVERTISING; SECTION 27-592, NONCONFORMING SIGNS; ARTICLE XVIII, NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS; SECTION 27-707 NONCONFORMING SIGNS; AND PROVIDING AN EFFECTIVE DATE.**

**Whereas**, the City Council of the City of Neptune Beach, Florida has determined that it is necessary to amend the following:

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NEPTUNE BEACH, FLORIDA, that:**

Section 1. **Sec. 27-592. Nonconforming signs shall hereby be amended as follows: Sec. 27-592. Nonconforming signs.**

All signs, which were lawfully in existence and constructed or installed with properly issued sign permits as of the effective date of these amended regulations, and which are made nonconforming by the provisions herein shall be allowed to remain in accordance with the following conditions:

- (1) Freestanding signs, permitted pursuant to section 27-584, made nonconforming upon the initial effective date of these amended regulations, which are not in compliance only with respect to the minimum required distance of five (5) feet from any property lines shall be allowed to remain in the existing location provided that no portion of the sign is located within any publicly owned right-of-way or utility easement and that no interference with clear sight distance exists, and further provided that such signs are otherwise in compliance with the terms of this article.
- (2) Freestanding signs, permitted pursuant to section 27-584, made nonconforming upon the initial effective date of these amended regulations, which are not in compliance with respect only to maximum width, height or size shall be allowed to remain, provided that such signs are otherwise in compliance with the terms of this article.
- (3) Nonconforming signs, including those as described in preceding subsections (1) and (2) shall be made conforming with all provisions of this article when any of the following changes are made:
  - a. Any change to the structural supports or structural materials, including temporary relocation associated with routine maintenance of a property.
  - b. Any change which increases the illumination.
  - c. Any change which increases the height of a sign.
  - d. Any change, which alters the display area or face area by more than twenty-five (25) percent or rebranding.

- e. Any replacement required as the result of an accidental act through no fault of the owner and/or a weather related an act of God.
  - f. Any replacement of an abandoned sign.
  - g. Any change necessary for compliance with Florida Building Code requirements.
  - h. Any rebranding of a sign whether resulting from a change in franchise and/or branding business ownership. Brand shall consist of any distinguishing mark, logo, name, word or sentence, or combination of these items or combination of color patterns, used to advertise, identify or distinguish the product or service supplied in or on the property. Rebranding involves any change or alteration in size, color, style and / or design elements used to create the logo, mark or advertisement, or to label the product or services supplied, and shall include a new name, term, symbol, design or combination thereof.
- (4) The provisions of this section shall not be construed to apply to signs that are ~~abandoned~~, deteriorated, dilapidated, or in a general state of disrepair, or which are determined to create a hazard to public safety, which signs shall be removed by the property owner within sixty (60) days of written notice from the City Manager or designee of such condition. Abandoned signs shall be replaced or removed only in accordance with Section 27-707 herein.
- ~~(5) Notwithstanding the preceding provisions of subsections (1) through (4) above, all signs permitted within commercial and residential zoning districts, pursuant to this article, shall be made to conform with the provisions of this article, as may be amended, within ten (10) years of the initial effective date of these regulations as enacted by Ordinance Number 2004-01, which date shall be April 5, 2004. on or before December 31, 2017.~~
- (5) Notwithstanding the preceding provisions of subsections (1) through (4) above, all commercial properties containing at least ten thousand (10,000) leasable square feet and more than one (1) tenant as of the date of enactment of this legislation shall be permitted to retain all sign structures existing as of the date of enactment of this legislation, until six (6) months after the effective date of this legislation.
- (6) For violation of this section, the City Manager or his designee shall assess a civil penalty to be paid in the following amounts:
- First offense ..... \$500.00;
  - Second offense .....\$1,000.00;
  - Third and each subsequent offense ..... \$1,500.00.
- All appeals of civil penalty assessments must be in writing and received by the City Clerk within thirty (30) days of assessment and shall be heard by the Special Magistrate.

**Section 2.** Sec. 27-707. Nonconforming signs shall hereby be amended as follows:

**Sec. 27-707. Nonconforming signs-**

~~All signs, which were lawfully in existence and constructed or installed with properly issued sign permits as of the effective date of these amended regulations, and which are made~~

~~nonconforming by the provisions herein shall be allowed to remain in accordance with the following conditions:~~

- ~~(1) Freestanding signs, permitted pursuant to section 27-584, made nonconforming upon the initial effective date of these amended regulations, which are not in compliance only with respect to the minimum required distance of five (5) feet from any property lines shall be allowed to remain in the existing location provided that no portion of the sign is located within any publicly owned right-of-way or utility easement and that no interference with clear sight distance exists, and further provided, that such signs are otherwise in compliance with the terms of this article.~~
- ~~(2) Freestanding signs, permitted pursuant to section 27-584, made nonconforming upon the initial effective date of these amended regulations, which are not in compliance with respect only to maximum width, height or size shall be allowed to remain, provided that such signs are otherwise in compliance with the terms of this article.~~
- ~~(3) Nonconforming signs, including those as described in preceding subsections (1) and (2) shall be made conforming with all provisions of this article when any of the following changes are made:
  - ~~a. Any change to the structural supports or structural materials, including temporary relocation associated with routine maintenance of a property.~~
  - ~~b. Any change which increases the illumination.~~
  - ~~c. Any change which increases the height of a sign.~~
  - ~~d. Any change, which alters the material used for the display area or face area by more than twenty-five (25) percent.~~
  - ~~e. Any replacement required as the result of an accidental act or a weather related act.~~
  - ~~f. Any replacement of an abandoned sign.~~
  - ~~g. Any change necessary for compliance with Florida Building Code requirements.~~
  - ~~h. Any rebranding of a sign resulting from a change in franchise and/or business ownership~~~~
- ~~(4) The provisions of this section shall not be construed to apply to signs that are abandoned, deteriorated, dilapidated, or in a general state of disrepair, or which are determined to create a hazard to public safety.~~
- ~~(5) Notwithstanding the preceding provisions of subsections (1) through (4), all signs permitted within commercial and residential zoning districts, pursuant to article XV, shall be made to conform with the provisions of this article, as may be amended, within ten (10) years of the initial effective date of these regulations as enacted by Ordinance Number 2004-01, which date shall be April 5, 2004.~~

#### Section 27-707. Abandoned signs and removal.

- (a) Abandoned signs shall be removed by the owner or property lessee within thirty (30) days of the cessation of business or activity conducted on the property where the sign is located.
- (b) A business shall be considered to have ceased or be inactive where the property (1) is vacated, (2) no longer has a valid certificate of occupation or business tax receipt, (3) no longer provides the service or product advertised on the sign, (4) has no active utility service account(s), or (5) displays a blank sign.

- (c) Any sign which pertains to a business or occupation which is no longer using the property on which the sign is situated, or which relates to a time or event that no longer applies, constitutes abandonment, as well as false advertising or false identification.
- (d) A sign or sign structure shall also be considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of sixty (60) days or longer after receipt of notice from the City Manager or designee of apparent abandoned status.
- (e) Failure to remove an abandoned sign shall result in a civil fine of one hundred (\$100) dollars per day of non-removal after notice from the City Manager or designee, and shall constitute a lien upon the property upon which the sign is affixed, subject to enforcement and collection as provided in these Code and Florida statutes.

**Section 3.** The Ordinance shall become effective immediately upon its passage by the City Council.

**VOTE RESULTS OF FIRST READING:**

Mayor Harriet Pruette	Yes
Vice Mayor Richard Arthur	Yes
Councilor John Jolly	Yes
Councilor Kara Tucker	No
Councilor Scott Wiley	Yes

Passed on First Reading on this 2nd day of February, 2015.

**VOTE RESULTS OF SECOND AND FINAL READING:**

Mayor Harriet Pruette	Yes
Vice Mayor Richard Arthur	Yes
Councilor John Jolly	No
Councilor Kara Tucker	Yes
Councilor Scott Wiley	Yes

Passed on Second and Final Reading on this 2nd day of March, 2015.

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Harriet Pruette, Mayor

ATTEST:

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Karla Strait, CMC, City Clerk

Approved as to form and correctness:

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Patrick Krechowski, City Attorney