

INTRODUCED BY:
COUNCILOR WILEY



ORDINANCE NO. 2015-17

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; SECTION 27-576, DEFINITIONS; SECTION 27-584, FREESTANDING MONUMENT SIGNS; SECTION 27-589, PLACEMENT STANDARDS 27-592, 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. Section 27-576. Definitions shall hereby be amended as follows:

Sec. 27-576. Definitions

Rebranding of a sign means any change or alteration in franchise identification or any distinguishing mark, color pattern, logo, symbol, trademark, name, word, phrase, sentence or any combination thereof used to identify, advertise, or distinguish the brand, product, or service available in or on the property.

Repair means to restore to the same condition or state after damage, dilapidation, decay, or partial destruction.

Section 2. Sec. 27-584. Freestanding monument signs shall be amended as follows:

Sec. 27-584. Freestanding ~~monument~~ signs.

Freestanding monument signs are permitted within all commercial districts per the following:

- (1) *Size permitted*: One (1) square foot of sign per linear foot of frontage of the lot of record on which the sign(s) are placed, provided no such sign shall exceed ninety-six (96) square feet, or eight (8) feet in height and twelve (12) feet in width.
- (2) *Number of freestanding signs permitted*:
 - a. Lots of record with street frontage shall be permitted one (1) freestanding sign per one hundred (100) linear feet of street frontage, up to a maximum of three (3) freestanding signs or up to a maximum of four (4) freestanding signs on a corner lot, provided any existing non-conforming signs on the corner lot are brought into conformity with the code no later than April 30, 2016.

- b. Lots of record with a total street frontage of less than one hundred (100) linear feet of street frontage shall be permitted one (1) freestanding not to exceed ninety six (96) square feet.
- c. Lots of record containing only one licensed commercial business are limited to one (1) freestanding sign.
- d. Corner lots of record containing only one licensed commercial business shall be limited to one (1) freestanding sign per street frontage.
- e. No additional freestanding signs shall be permitted if the lot of record has existing non-conforming signage.

(3) Placement standards:

- a. No portion of any freestanding sign shall be located within five (5) feet of the property line. Additional distance(s) from property line(s) may be required to maintain clear vehicular and pedestrian sight lines. Freestanding signs shall not be located so as to interfere with clear vehicular or pedestrian sight lines. Further, signs determined by the City to interfere with safe sight lines for pedestrians or vehicles shall be ordered removed or immediately removed by the City.
- b. No sign or sign structure shall be located in the public right-of-way or encroach into or project over a public right-of-way.
- c. No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or public utility.
- d. The minimum required distance between freestanding signs shall be twenty-five (25) feet.

Section 4. 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 increase in illuminated area.
 - c. Any change which increases the height and/or area of a sign.
 - d. Any rebranding as defined herein.
 - e. Any replacement required as the result of damage, a weather event, and/or an Act of God.
 - f. Any replacement of an abandoned sign.
 - g. Any change necessary for compliance with Florida Building Code requirements.
 - h. The subdivision or partial conveyance of a lot or parcel which reduces the street frontage of the lot for purposes of calculating the size and/or number of sign(s) on said lot or parcel.
 - i. Any repair done without obtaining a required building permit.
- (4) The provisions of this section shall not be construed to apply to signs that are 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 removed only in accordance with Section 27-707 herein.
- (5) 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 5. 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	Yes
Councilor Scott Wiley	Yes

Passed on First Reading on this 19th day of October, 2015.

VOTE RESULTS OF SECOND AND FINAL READING:

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

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

Harriet Pruette, Mayor

ATTEST:

Karla Strait, CMC, City Clerk

Approved as to form and correctness:

Patrick Krechowski, City Attorney