

**ORDINANCE NUMBER: 60-02-12**

**AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, FLORIDA, AMENDING CHAPTER 17 OF THE CODE OF ORDINANCES, WHICH GENERALLY AND SPECIFICALLY REGULATES SIGNS AND ADVERTISING STRUCTURES WITHIN THE CITY OF ATLANTIC BEACH. SUCH REGULATIONS SHALL BE ADOPTED BY REFERENCE AS CHAPTER 17 OF THE CODE OF ORDINANCES AS PREVIOUSLY ADOPTED THROUGH ORDINANCE NUMBER 60-97-10 AND SHALL CONTAIN SIX ARTICLES: ARTICLE 1, IN GENERAL; ARTICLE II, DEFINITIONS; ARTICLE III, SIGNS PERMITTED; ARTICLE IV, CAUSE FOR REMOVAL OF SIGNS, ABANDONED SIGNS AND PROHIBITED SIGNS; ARTICLE V, NONCONFORMING SIGNS AND WAIVER TO CERTAIN PROVISIONS AND ARTICLE VI, SIGN PERMITS. THIS ORDINANCE ALSO PROVIDES FOR FINDINGS OF FACT, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES OR PORTIONS THEREOF, AND PROVIDES FOR AN EFFECTIVE DATE.**

**RECITALS**

**WHEREAS**, the City Commission for the City of Atlantic Beach, Florida, (hereinafter the "Commission") hereby finds that there are various persons and entities that have an interest in communicating with the public through the use of Signs and Advertising Structures that serve to identify businesses and services, residences and neighborhoods, and also to provide for expression of opinions, and

**WHEREAS**, the Commission is also responsible for furthering the City's obligation to its residents and visitors to maintain a safe and aesthetically pleasing environment where Signs do not create excessive visual clutter and distractions, obstructions or hazards for pedestrians, bicycles and vehicles; and

**WHEREAS**, the Commission is also responsible for insuring that Signs do not adversely impact the predominantly residential character of the City and that Signs do not conflict with the natural and scenic qualities of the City, and

**WHEREAS**, it is the intent of the Commission that the regulations contained in this Chapter shall provide uniform Sign criteria, which regulate the size, height, number and placement of Signs in a manner that is compatible to the residential scale and character of the City, and which shall place the fewest possible restrictions on personal liberties, property rights, free commerce, and the free exercise of Constitutional rights, while achieving the City's goal of creating a safe, healthy, attractive and aesthetically pleasing environment that does not contain excessive clutter or visual distraction from right-of-ways and adjacent properties; the surrounding natural coastal environment and residential neighborhoods.

**WHEREAS**, these regulations shall: (a) protect the natural environment and its coastal, marine and estuarine resources by regulating the size, type and lighting of Signs in Conservation areas and Environmentally Sensitive Lands; (b) protect and preserve the quality of life and the predominantly residential character of the City of Atlantic Beach by requiring Signs to be of a scale, size and height that is consistent and compatible with the predominantly residential use, quality and scale of the City; (c) implement the Comprehensive Plan for the City of Atlantic Beach, (d) preserve Constitutionally protected rights, and (e) enhance the visual attractiveness of commercial development and uses in order to promote the economic health of the City; and

**WHEREAS**, these regulations set forth herein provide for orderly growth; protect and conserve the value of property; promote, protect and improve the health, safety, comfort, good order, appearance, convenience, and general welfare of the public and serve to accomplish and implement the goals and objectives of the Comprehensive Plan, and

**WHEREAS**, after required notice was published, public hearings were held on the 26th day of August, 2002 at 7:15 p.m. and on the 9th day of September, 2002 at 7:15 p.m. to hear and enact said amendments to Chapter 17 of the Code of Ordinances for the City of Atlantic Beach.

**NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA:**

**SECTION 1.** The above recitals are hereby incorporated herein as Findings of Fact in support of this Ordinance and these Regulations.

**SECTION 2.** The attached Exhibit A, Signs and Advertising Structures (hereinafter "Sign Regulations") is hereby incorporated as Chapter 17 of the City of Atlantic Beach Code of Ordinances, and enacted by reference.

**SECTION 3.** City of Atlantic Beach, Signs and Advertising Structures, as adopted within Chapter 17 of the City of Atlantic Beach Code of Ordinances through Ordinance Number 60-97-12 as may have been amended from time to time, are hereby repealed, provided that certain, Signs and Advertising Structures, if qualified, may have vested rights to continue or be completed under the terms of this repealed ordinance or provisions therein.

**SECTION 4.** Any violation occurring before the effective date of these Sign Regulations shall not be deemed voided by the enactment of this Ordinance.

**SECTION 5.** All provisions of any City of Atlantic Beach ordinance, resolution, regulation or policy in express conflict with these Sign Regulations are hereby repealed to the extent of such conflict.

**SECTION 6.** Other regulations and ordinances which may regulate the use and development of Land, such as but not limited to utility, streets and roadways, vegetation, impact fee ordinances, and ordinances incorporating Florida Building Codes, and other such technical codes, remain in effect and are not replaced by these Sign Regulations.

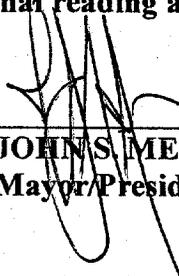
**SECTION 7.** In the case that any section, subsection, paragraph, phrase or sentence of this Ordinance or these Sign Regulations is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity and lawfulness of the remaining portions of this Ordinance or these Sign Regulations.

**SECTION 8.** To the extent that they do not conflict with the unique, specific and detailed provisions of this Ordinance, all provisions of the Code of Ordinances for the City of Atlantic Beach as such may be amended from time to time shall be applicable all Signs and Advertising Structures, except to the degree that such may qualify for vested rights in accordance with applicable ordinances and laws or provisions related to nonconforming Signs and Advertising Structures as set forth herein. Furthermore, notwithstanding any provision of this ordinance, no portion of any ordinance, building code, Comprehensive Plan or any other regulation shall be deemed waived or varied by any provision herein.

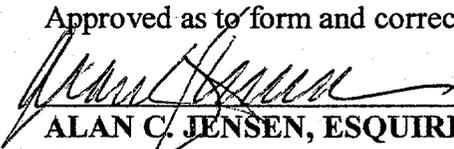
**SECTION 9.** This Ordinance shall be recorded in a book kept and maintained by the Clerk of the City of Atlantic Beach, Duval County, Florida, in accordance with Section 125.68, Florida Statutes.

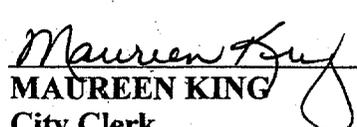
**SECTION 10.** This Ordinance shall become effective on the date passed and enacted by final reading.

**Passed on first reading and public hearing by the City Commission of the City of Atlantic Beach this 26th day of August, 2002. Passed on final reading and public hearing this 9th of September, 2002.**

  
\_\_\_\_\_  
**JOHN S. MESERVE**  
Mayor/Presiding Officer

Approved as to form and correctness:

  
\_\_\_\_\_  
**ALAN C. JENSEN, ESQUIRE**  
City Attorney

Attest:   
\_\_\_\_\_  
**MAUREEN KING**  
City Clerk

# EXHIBIT A

## Chapter 17 SIGNS AND ADVERTISING STRUCTURES\*

\*Cross reference(s)--Buildings and Building Regulations, Ch. 6; Planning/Zoning/Appeals, Ch. 14; Occupational License for Advertising, § 20-59; Zoning, Subdivision and Land Development Regulations, Ch. 24.

\*State law reference(s)--Authority to establish Sign ordinances, F.S. § 166.0425; outdoor advertisers, F.S. Ch. 479; Florida Building Code, Section 3108.

### ARTICLE I. IN GENERAL

#### Sec. 17-1. Intent.

The City Commission recognizes that there are various persons and entities that have an interest in communicating with the public through the use of Signs that serve to identify businesses and services, residences and neighborhoods, and also to provide for expression of opinions. The Commission is also responsible for furthering the City's obligation to its residents and visitors to maintain a safe and aesthetically pleasing environment where Signs do not create excessive visual clutter and distraction or hazards for pedestrians and vehicles; where Signs do not adversely impact the predominantly residential character of the City and where Signs do not conflict with the natural and scenic qualities of the City. It is the intent of the Commission that the regulations contained in this Chapter shall provide uniform Sign criteria, which regulate the size, height, number and placement of Signs in a manner that is compatible to the residential scale and character of the City, and which shall place the fewest possible restrictions on personal liberties, property rights, free commerce, and the free exercise of Constitutional rights, while achieving the City's goal of creating a safe, healthy, attractive and aesthetically pleasing environment that does not contain excessive clutter or visual distraction from right-of-ways and adjacent properties; the surrounding natural coastal environment and residential neighborhoods.

### ARTICLE II. DEFINITIONS

#### Sec. 17-2. Definitions and references to other Chapters within this Code.

For purposes of this Chapter, the following terms shall have the meanings as set forth within this Section. Where appropriate, definitions contained within other Chapters of this Code, including Chapter 6, Building and Building Regulations and Chapter 24, Zoning, Subdivision and Land Development Regulations, shall also apply to this Chapter.

**Advertising Message:** The letters and graphics on a Sign intended to directly or indirectly promote the sale of a product, service, commodity, entertainment or real or personal property. This definition shall also be deemed to include political copy intended to directly or indirectly promote a candidate or issue. Advertising Message shall not include Signs or portions of Signs that are defined as a Public Sign.

**Animated Sign:** Any Sign or part of a Sign, including the Advertising Message, which changes physical position by any means of movement.

**Automatic Changeable Message Device:** Any Sign, which through a mechanical, electrical, solar, or other power source is capable of delivering messages, which rotate or appear to rotate, change or move at any time and in any way, including Tri-Vision or any Multi-Prism Sign faces.

**Awning Sign:** See also Marquee Sign. A Sign painted onto or adhered to a Marquee or awning type structure constructed of an open frame covered by fabric, vinyl, plastic, metal, or similar material. Awning Sign shall include Canopy Sign.

**Banner Sign:** A temporary Sign made of lightweight fabric or similar material intended to promote special seasonal, civic or community events.

**Bracket Sign:** Any single or double-faced Sign mounted on brackets, poles or beams projecting at angles from the front or side of any Building and supported solely by such brackets, poles or beams.

**Building Sign:** Any Sign that provides the name or address of a Building, as opposed to the name of the occupants or services located within that Building.

**Canopy Sign:** See Awning Sign.

**Development Parcel:** For the purposes of this Chapter, a Development Parcel shall be a parcel of land, a Lot or a combination of Lots upon which Uses regulated by these Sign provisions are located. This definition may include a single use or business, or a collection of uses or businesses developed in a unified manner.

**Directional Sign:** Any Sign that solely serves to designate the location of, or provides direction to, any place or area. Signs, which contain logos, or graphics commonly associated with a service or business shall be included in the Signs allowed for that site or business.

**Double-faced Sign:** A Sign with two (2) sides that are usually but not necessarily parallel.

**Exempt Signs:** Signs as set forth within Section 17-3 of this Chapter, which are exempt from certain requirements of this Chapter.

**Fascia Sign:** Any Sign attached to or installed against a wall of a Building. Fascia Sign includes Wall Signs, and cabinet and panel type signs, and Signs located on the fascia of a roof, or affixed to a roof plane, provided such Sign does not extend above the height of the roof.

**Flag:** A piece of cloth or similar material having a distinctive size, color, and design used as a symbol, standard, signal and other similar items of recognition and may include insignias of governmental, religious, charitable, fraternal or other organizations. Any Flag and pole or attachment that frequently holds a Flag shall be deemed a permanent Flag. This definition of Flag shall not include the Flag of the United States of America.

**Flashing Sign:** Any Sign which uses an external or internal intermittent light source, which results in changing light intensity (including on-off-on), brightness or color, or which is constructed and operated so as to create an appearance of illusion of motion or creates movement by any means.

**Freestanding Sign:** Any Sign, which is incorporated into or supported by structures or supports in or upon the ground, independent of support from any Building. Freestanding Sign includes Pole Sign, Pylon Sign, Ground Sign or Monument Sign.

**Ground Sign:** See Freestanding Sign.

**Height of Sign:** The vertical distance measured from the lowest grade adjacent to the Sign extending to the topmost portion of the Sign Structure, including any frame, embellishment or other type of upward extension from the Sign.

**Marquee Sign:** Any Sign adhered or attached to a permanent roof-like Structure, including awnings and canopies projecting beyond a Building wall at an entrance to a Building or extending along and projecting beyond the Building wall and generally designed and constructed to provide protection against the weather. Marquee Signs shall include all Signs placed upon any type of marquee, canopy, awning, or similar structure.

**Monument Sign:** A type of Freestanding Sign placed upon the ground independent of support from the face of a Building that generally has greater width than height and typically constructed of a solid material such as wood, masonry or high-density urethane.

**Non-Conforming Sign:** Any Sign, which was lawfully erected with properly issued Sign Permits, but which does not comply with the land Use, setback, height, size, spacing, and lighting or other provisions of these regulations or other laws, as may be amended.

**Obscene Sign:** Any Sign containing statements, words, pictures or symbols of an obscene nature. The word Obscene shall be as defined in Section 847.001, F.S., as may be amended from time to time.

**Pennants:** Any small, single flag-like piece of cloth, plastic or paper attached to any staff, cord, Building, or other Structure at only one (1) or two (2) edges, the remaining hanging loosely; lacking the insignia of a Flag.

**Personal Expression Sign:** Any Sign containing a message of non-commercial opinion or endorsement and not containing a commercial Advertising Message.

**Pole Sign:** See Freestanding Sign.

**Political Campaign Sign:** Any temporary Sign, as may be authorized under this Chapter, erected or displayed for the purpose of advertising a qualified candidate on any primary, general, or special election ballot within the City of Atlantic Beach

**Portable Sign:** A Sign that may be mobile and has no permanent attachment to a Building or to the ground by means of a footing, including Signs with wheels designed to be pulled or towed on a trailer or similar towing device.

**Projecting Sign:** See Bracket Sign.

**Public Sign:** Any Sign placed and maintained by City of Atlantic Beach, Duval County, the State of Florida, the United States Government, a public utility, School District, or other duly authorized public agency. Public Signs may be placed in locations as determined necessary and appropriate by the public agency and shall include public information Signs, public identification Signs, public Directional Signs, Banner Signs, and Street name Signs installed by a public agency, traffic control Signs, warning Signs and similar Signs.

**Pylon Sign:** See Freestanding Sign.

**Roof Sign:** Any Sign attached to a Building or the roof structure of a Building by any means, which extends above the height of the roof or roof plane.

**Sign:** Any identification, description, illustration, or device illuminated or non-illuminated, which is visible from any outdoor place, open to the public and which directs attention to a product, service, place, activity, person, institution, or business thereof, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, designed to advertise, identify, or convey information, with the exception of customary window displays, official public notices and court markers required by Federal, State or local regulations; also excepting, newspapers, leaflets and books intended for individual distribution to members of the public, attire that is being worn, badges, and similar personal gear. Sign shall also include all outdoor advertising displays as described within Section 3108.1.1, Florida Building Code, and all Signs shall conform to the requirements of Section 3108 of the Florida Building Code.

**Sign Display Area:** The Sign Display Area shall be defined as the area enclosed within any geometric figure, which would enclose all parts of the Advertising Message of the Sign. The structural supports for a Sign, whether they are columns, pylons, or a building or part thereof, shall not be included in the Sign Display Area.

**Sign Face Area:** The part of the Sign, including all frame, trim and background, which contains the Sign Display Area, Advertising Message or informative contents.

**Sign Permit:** A Development Permit authorizing erection, placement or installation of a Sign as permitted by this Chapter in accordance with the requirements of Section 3108 of the Florida Building Code and Article VI of this Chapter.

**Sign Structure:** Any Structure that supports, has supported, or is capable of supporting a Sign, including decorative covers and embellishments.

**Snipe Sign:** Any Sign of any material, including paper, plastic, cardboard, wood or metal when tacked, nailed or attached in any way to trees, poles, stakes, fences, the ground, or other objects where such Sign may or may not be applicable to the present Use of the property upon which such Sign is located.

**Vehicle Sign:** Any Sign placed within, upon or affixed to a motorized vehicle, other than a registered logo, trademark or service mark that is attached to a motorized vehicle. Vehicle Signs shall not include Political Campaign Signs, Personal Expression Signs, bumper stickers, decorative decals and the like, provided these are otherwise in compliance with the provisions of this Chapter.

**Wall Sign:** See Fascia Sign.

**Width of Sign:** The horizontal distance measured from one edge of the Sign Structure extending to the opposite edge of the Sign Structure, including any frame, embellishment or other type of extension from the Sign.

**Window Sign:** Any Sign placed inside a window of a Building, facing the outside and which is intended to be seen from the exterior. Window Signs shall be included in the Signs allowed for that site, activity or business.

### ARTICLE III. SIGNS PERMITTED

#### Sec. 17-3. Exempt Signs.

(a) Within all non-residential Zoning Districts, the following Signs shall be considered as permitted Signs and shall be exempt from the requirement to obtain a Sign Permit as set forth within Article VI of this Chapter:

- (1) Decals, limited to those as required by law, which are affixed to or painted upon store windows, store equipment, fuel pumps or other types of vending equipment used for dispensing retail products.
- (2) Lettering only, for the purpose of providing ownership, licensing and emergency contact information, when placed upon doors and windows of lawfully licensed businesses, with letters not exceeding three (3) inches in height and limited to a maximum area of two (2) square feet.
- (3) Signs within a Building that are not visible from the exterior of the Building. This shall not include Window Signs affixed to the interior of windows, which are visible from the exterior.

- (4) Building Signs, historical markers, memorial Signs, tablets or plaques, or the name of a Building and the date of erection, when the same are cut into any masonry surface or when constructed of bronze or other similar noncombustible material.
- (5) Professional nameplates for physicians, surgeons, dentists, musicians, lawyers, architects, teachers and other like professional persons placed on the premises occupied by the person(s), not exceeding one (1) square foot in Sign Face Area, provided such professional has a valid Occupational License as may be required for the particular profession to operate on those premises.
- (5) Signs denoting only the name and profession of an occupant of a Building, placed flat against the exterior surface of the Building and not exceeding three (3) square feet in Sign Face Area, provided such occupant has a valid Occupational License as may be required to operate on those premises.
- (7) Signs depicting only time and temperature.

(b) Within all Zoning Districts, the following Signs shall be considered as permitted Signs and shall be exempt from the requirement to obtain a Sign Permit as set forth within Article VI of this Chapter:

- (1) Not more than one (1) real estate Sign advertising the sale, rental or lease of only the premises on which the Sign is located. Such Signs shall not exceed six (6) square feet in area, and five (5) feet in height. Signs advertising the sale, rental or lease of property exceeding this size and height shall not be considered as Exempt Signs and shall be subject to the provisions of Section 17-6 (d).
- (2) Signs noting the architect, engineer or contractor for a Development Project when placed upon work under construction, provided the Sign shall be removed within fifteen (15) days of completion of construction. Such Signs shall not exceed six (6) square feet in size or eight (8) feet in height.
- (3) Signs as required by law to display Building Permits or other similar required public notices.
- (4) Public Signs, Banner Signs, traffic Signs, Street name Signs, legal notices, danger Signs and temporary emergency, informational or non-advertising Signs, when erected by City, County, State or Federal authorities.
- (5) No trespassing and private property Signs not exceeding two (2) square foot in area. Such Signs shall not be displayed from or attached to trees, utility poles or any type of utility structure or equipment, including lift stations, fire hydrants and the like.
- (6) Vacancy or No Vacancy Signs not exceeding two (2) square foot in area.

- (7) Temporary Political Campaign Signs announcing the candidacy of a qualified candidate for public office not exceeding four (4) square feet in area may be placed wholly within the boundaries of any property, at the discretion or consent of the legal owner and/or occupant of the property, provided such Signs conform with all traffic, electrical, maintenance, fire and safety regulations of the City.

The placing of Political Campaign Signs on City property, other public property or on public right-of-ways shall be prohibited. Political Campaign Signs displayed within motor vehicles conducting routine business activities on City or other public property shall not be prohibited, provided that no such vehicle shall be parked on City property, other public property or on public right-of-ways for the sole purpose of displaying Political Campaign Signs.

Illegally placed Political Campaign Signs shall be removed by the Code Enforcement Officer without notice to the candidate or abutting property owner or occupant. Political Campaign Signs shall not be placed on property prior to qualification of the candidate to run for office, and all such Signs shall be removed within seventy-two (72) hours after the last election. If such Signs are not removed within this period of time, the City may remove such Signs and may charge the candidate the actual cost for such removal. Collected funds shall be deposited into the City general revenue. Failure to remove Signs is a violation of this Code and is enforceable pursuant to Chapter 162, F.S., Code Enforcement.

- (8) Personal Expression Signs limited to one per Lot or parcel, or in the case of multi-family uses, one per Dwelling Unit, expressing personal views or opinions not exceeding four (4) square feet in area, providing such Signs are otherwise in compliance with applicable local, State and Federal laws.
- (9) Religious symbols.
- (10) Garage Sale Signs or Open House Signs within residential Zoning Districts, not exceeding four (4) square feet in size, limited to two (2) per site and located only at the location of such event. Such Signs may be displayed one (1) day before the Garage Sale or Open House and shall be removed immediately after conclusion of the event. No Garage Sale Sign or Open House Sign may be erected upon any public right-of-way.
- (11) Signs placed within interior courtyards, the inside fence line of recreational fields and on golf courses, provided such Signs are visible only to those persons visiting such place and are otherwise in compliance with this Chapter.
- (12) Address and Street number Signs not exceeding two (2) square feet.
- (13) Holiday and seasonal decorations shall not be construed as Signs, providing that these contain no commercial Advertising Message.

**Sec. 17-4. General provisions applying to all permitted Signs.**

All Signs shall be subject to the following general provisions.

- (1) No Sign shall be installed, erected or placed prior to issuance of a Sign Permit as required by Article VI of this Chapter, except for Exempt Signs as set forth in Section 17-3.
- (2) All Signs shall be engineered and constructed as required by these regulations and the Florida Building Code. Signs shall be professionally designed, lettered and constructed.
- (3) No Sign shall create a traffic or fire hazard, or be dangerous to the general welfare or interfere with the free use of public streets or sidewalks.
- (4) No Sign shall be attached to or placed against a Building in any manner which impedes or blocks ingress or egress through any door or window of any Building, nor shall any Sign obstruct or be attached to a fire escape.
- (5) No Sign shall be erected at the intersection of any Street in such a manner so as to obstruct free and clear vision, or at any location where, by reason of position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic Sign, Signal or device, or which makes use of any word or words commonly used on traffic-control Signs or Signals.
- (6) Where the rear of any Sign Structure is visible from any Street or from any adjoining residential Zoning District, all exposed structural and electrical components of any such Sign shall be concealed in a manner as approved by the City Manager.
- (7) Fascia or Wall Signs, shall be mounted directly upon the surface of the Building, and shall not be mounted upon exposed raceways, or other type of protrusions from the surface of the Building.

**Sec. 17-5. Signs permitted within Residential Zoning Districts.**

(a) Except for Exempt Signs as provided for in Section 17-3, Signs within Residential Zoning Districts shall be limited to those as set forth below.

- (1) For Single-family and Two-family residential subdivisions and developments containing ten (10) or more residential Lots, where individual Lots are accessed from a common internal roadway, one Sign identifying the name of the subdivision shall be allowed at each entrance from a Collector or Arterial Street, not to exceed two (2) Signs.
  - i. Size permitted: Thirty-two (32) square feet of Sign Face Area.
  - ii. Maximum Height of Sign: Eight (8) feet.

- iii. Type allowed: Freestanding Ground or Monument style. Where more than one Sign is allowed, each such Sign erected shall be constructed and designed in the same manner.
- iv. Illumination: These Signs shall be externally illuminated with ground mounted lighting only. Any lighting shall project from the ground onto the Sign only, and shall not be directed towards any Street or residential Lot.

(2) For Multi-Family residential Uses, one Sign identifying the name of the multi-family Development shall be allowed at each entrance not to exceed two (2) Signs. Internal Directional Signs and Signs identifying Buildings shall also be allowed limited to three (3) feet in height and eight (8) square feet in Sign Face Area.

- i. Size permitted: Sixty (60) square feet of Sign Face Area.
- ii. Maximum Height of Sign: Eight (8) feet.
- iii. Type allowed: Freestanding Ground or Monument style. Where more than one Sign is allowed, each such Sign erected shall be constructed and designed in the same manner.
- iv. Illumination: These Signs shall be externally illuminated with ground mounted lighting only. Any lighting shall project from the ground onto the Sign only, and shall not be directed towards any Street, vehicular drive or residential unit.

(b) Signs, as set forth with above paragraph (a), that are located within Public or dedicated Right-of-ways shall be approved by the City Commission. Such Signs may be approved at the time of Final Plat approval as set forth by Section 24-202 of this Code, or alternatively, such Signs may be approved upon specific application to the Commission. Approval of the City Commission shall be required prior to the issuance of a Sign Permit. Such Signs shall complement and conform to the "WELCOME TO ATLANTIC BEACH" Signs in features including lettering, color, composition, structural materials, finished surface, and shall be constructed of wood or similar material giving the finished appearance of carved or sandblasted wood, as described within Section 17-9.

#### **Sec. 17-6. Signs permitted within Commercial and Industrial Zoning Districts.**

(a) Subject to the provisions as set forth within this Section, the following Signs shall be permitted within Commercial Professional Office (CPO), Commercial Limited (CL), Commercial General (CG), Central Business District (CDB) and Industrial, Light and Warehousing (ILW) Zoning Districts. Except as specifically exempted in Section 17-3, and further subject to issuance of a Sign Permit, no other Sign or advertising device shall be displayed or erected within the City of Atlantic Beach.

- (1) Fascia Signs for Buildings with a single business or occupant.
  - i. Size permitted: One (1) square foot of Sign Face Area for each linear foot of the Building width that faces the front of the Lot, as defined Section 24-17 of this Code, provided that no single Fascia Sign on any one side of a

Building shall exceed sixty (60) square feet of Sign Face Area. (For example, if the width of the Building facing the front of the Lot is fifty (50) feet wide, the maximum total Sign Face Area for all Fascia Signs is fifty (50) square feet.)

- ii. Number of Fascia Signs permitted: Not more than three (3) Fascia Signs shall be allowed on any one side of a Building. Where Fascia Signs are placed upon more than one side of the Building, the combined Sign Face Area, shall not exceed the amount permitted by subparagraph (1)i. above.

(2) Fascia Signs for Buildings with multiple businesses or occupants.

- i. Size permitted: One (1) square foot of Sign Face Area for each linear foot of the unit(s) occupied by one business or occupant, provided that no such Fascia Sign shall exceed forty-eight (48) square feet of Sign Face Area for any one business. (For example, if the width of a unit or several units, occupied by one business is twenty-four feet, then one Sign, a maximum of twenty-four square feet of Sign Face Area is permitted.)
- ii. Required spacing between Signs on Buildings with multiple occupants. Fascia Signs for different occupants shall be separated by a minimum distance or thirty-six (36) inches.

(3) In lieu of the above-described Fascia Signs, a business or authorized Use may install a single Bracket Sign or a single Marquee Sign in accordance with the following provisions.

- i. Size permitted: The maximum size of a Bracket Sign or a Marquee Sign shall be determined in the same manner as a Fascia Sign, provided that no such Sign shall have more than sixty (60) square feet of projected Sign Face Area.
- ii. There shall be not more than twelve (12) inches of clear space adjacent to the Building wall, and such Signs shall not extend or project from the face of the Building more than ten (10) feet.
- iii. No portion of such Sign shall extend above the height of the roof.
- iv. No portion of such Sign shall be closer than eight (8) feet to any sidewalk or pedestrian walkway, and no closer than five (5) feet from any Street side property line. All such Signs shall be securely anchored to a wall and shall in no manner be connected to or suspended from the roof of any Building.

(4) Freestanding Signs. In addition to the above Signs, Freestanding Signs may be erected as set forth below:

- i. Size Permitted: Freestanding Signs, including Pole, Pylon and Monument and Ground type Signs shall be limited to one (1) square foot of Sign Face Area for each linear foot of frontage of the Development Parcel on which the Sign(s) are placed, provided no such Sign shall exceed eighty (80) square feet of Sign Face Area.
- ii. Permitted Height of Freestanding Signs. For the following Zoning Districts the maximum Height of Freestanding Signs shall be:
  - a. Commercial Professional Office (CPO): Eight (8) feet.
  - b. Commercial Limited (CL): Eight (8) feet.
  - c. Central Business District (CDB): Eight (8) feet.
  - d. Commercial General (CG): Eight (8) feet.
  - e. Industrial, Light and Warehousing (ILW): Eight (8) feet.
- iii. Permitted Width of Freestanding Signs. The maximum width of Freestanding Signs in any Zoning Districts shall be ten (10 Feet).
- iv. Number of Freestanding Signs Permitted:
  - a. On a Development Parcel with frontage upon a single Street, one Freestanding Sign shall be permitted.
  - b. On a Development Parcel that has frontage upon more than one Street, one Freestanding Sign shall be permitted on each street side of the Development Parcel, provided that such secondary Freestanding Signs shall be limited to fifty percent (50%) of the maximum size and height as allowed by paragraphs i. and ii. above.
- v. Required distance from property lines: No portion of any Freestanding Sign shall be located closer to the property line than five (5) feet. Freestanding Signs shall not be located so as to interfere with clear vehicular or pedestrian sight distance. Signs determined by the Director of Public Works to interfere with safe sight distance for pedestrians or vehicles shall be immediately removed.

(b) Requirement for a Unified Sign Plan. After the initial effective date of these regulations, all new non-residential Development, which shall contain space or units for more than one business or occupant, shall provide a Unified Sign Plan with the application Building Permits. All subsequent applications for Sign Permits shall comply with the approved Unified Sign Plan. The Unified Sign Plan shall comply with the provisions of this Chapter and shall also demonstrate a consistent theme and design with respect to each of the following:

- (1) Manner and type of construction, including materials to be used, installation method and mounting details;
- (2) Means of illumination, if any, and hours of illumination.
- (3) Size, color, lettering and graphic style.

(c) **Pre-Development Signs.** Signs for the purposes of announcing a coming Development project may be placed within Commercial and Industrial Zoning Districts subject to the following provisions.

- (1) Issuance of a Sign Permit shall be required, and no such Sign shall remain on any Development Parcel for a period of time exceeding one year from the issuance date of the Sign Permit.
- (2) Complete and proper applications for Building Permits for the related Development project must be submitted within sixty (60) days of the placement of any such Sign, or the Sign shall be removed. In the case that the Sign is not removed, the Sign shall be considered an Abandoned Sign, subject to the provisions of Sec. 17-10 (c).
- (3) Such Sign shall be removed within thirty (30) days of the issuance of any Certificate of Occupancy, or at any time when construction ceases for a period of time longer than thirty (30) consecutive days. In the case that the Sign is not removed within these periods of time, the Sign shall be considered an Abandoned Sign, subject to the provisions of Sec. 17-10 (c).
- (4) Only one such Sign shall be placed upon the Development Parcel and shall not exceed the height or size as permitted by preceding paragraph (a).

(d) Within non-residential Zoning Districts, one (1) Sign per Lot or Development Parcel advertising the sale or lease of the property limited to eight (8) feet in height and a maximum of twenty-four (24) square feet of Sign Face Area. A Sign Permit shall be required for such Signs, and these Signs shall be removed within ten (10) days of sale or lease of the property.

(e) **Requirement to display Street number.** All business and activities regulated by the requirements of Section 17-6 shall display the Street number in a manner that is prominent and clearly readable to vehicular and pedestrian traffic, as appropriate. Street numbers shall be displayed on all Freestanding Signs and over front doors or primary entryways.

**Sec. 17-7. Signs within Special Purpose (SP) and Planned Unit Development (PUD) Zoning Districts.**

The size, height, width and number of Signs permitted within Special Purpose Districts and Planned Unit Development Districts shall be established within the ordinance creating such District as determined by the City Commission to be appropriate for the nature and character of the use within these Districts.

**Sec. 17-8. Signs within Conservation (CON) Zoning Districts.**

As set forth by Section 24-103 (b) of this Code, all Uses in the Conservation Districts shall

require approval as a Use-by-Exception. The size, height, width and number of Signs permitted within Conservation Districts shall be established during the Use-by-Exception process in accordance with the provisions of Section 24-63. Signs within Conservation Districts shall not adversely impact the environmentally sensitive qualities of these areas, shall be non-illuminated, shall contain no electrical components and shall be constructed of wood, brick, masonry, high-density urethane or similar material, which is consistent with the natural surroundings of these Districts.

**Sec. 17-9. Signs placed on Public Buildings and Structures and within Public Parks.**

All Signs displayed within City of Atlantic Beach parks and upon the exterior of any public Building or Structure shall conform with design of the "WELCOME TO ATLANTIC BEACH SIGNS" displayed on such properties as of the effective date of this ordinance, or as such design may be later modified by City Commission. Such Signs shall display the City of Atlantic Beach logo, as depicted in Figure 1, and shall be similar in appearance with respect to color, lettering, composition, and materials used for construction. Materials used shall be wood, high-density urethane, or similar material, which may be given a sandblasted-type finished surface. Public notice, parking and traffic Signs shall be exempt from this provision.



**Figure 1 - City of Atlantic Beach logo**

**Sec. 17-10. Banner Signs.**

(a) The purpose of Banner Signs shall be to promote special seasonal, civic or community events that occur on a temporary basis. A Sign Permit shall not be required for Banner Signs; however, all Banner Signs shall be registered with City of Atlantic Beach. No Banner Sign shall be hung, placed or erected prior to registration on a form as provided by the Planning and Zoning Department, and payment of fees as may be established by the City Commission.

(b) Banner Signs may be displayed subject to registration verifying compliance with the following provisions.

- (1) Display of Banner Signs for any event shall be limited to thirty (30) consecutive

- or cumulative days within one calendar year.
- (2) Banner Signs shall be limited in size to a maximum of sixty (60) square feet in size.
  - (3) Banner Signs shall not contain an Advertising Message.
  - (4) Banner Signs shall not hang over or extend into Right-of-Ways.
  - (5) Banner Signs shall be securely anchored to buildings, poles or suitable structural supports and shall not be attached to trees, public buildings or structures, utility poles or any type of utility structure or equipment, including lift stations, fire hydrants and the like.
  - (6) Property Owner's authorization to install and display such Banner Sign.

**ARTICLE IV.  
CAUSE FOR REMOVAL OF SIGNS,  
ABANDONED SIGNS AND PROHIBITED SIGNS**

**Sec. 17-11. Removal of unsafe, damaged or poorly maintained, and abandoned Signs.**

(a) **Unsafe Signs.** In the event that any Sign, including an Exempt Sign, is determined by the Building Official to be unsafe, such Sign shall be immediately removed upon written notice from the Building Official ordering removal. Such notice shall be sent by Certified Mail to the property owner of record. If not removed within ten (10) days, the Sign shall be considered a hazard to public safety and shall be removed at the property owner's expense.

(b) **Damaged Signs and poorly maintained Signs.** All Signs, including Exempt Signs, shall be kept in a structurally sound condition, with a neat appearance and in a generally good state of repair. Further, Signs shall be maintained in accordance with Section 3108.1.7, Florida Building Code, which requires that all Signs for which a permit is required, together with supports, braces, guys, and anchors shall be kept in repair and, unless of galvanized or non-corroding metal, shall be painted at least once every two (2) years. Any Sign destroyed or damaged beyond reasonable repair in the determination of the Building Official, shall be immediately repaired or removed at the property owner or occupant's expense. A new Sign Permit shall be required for any replacement Sign. If not repaired or replaced within thirty (30) days after written notice from the Building Official, the Sign shall constitute a public nuisance and shall be removed at the property owner's expense.

(c) **Abandoned Signs.** Signs shall be removed by the owner or occupant within (30) thirty days of cessation of the business or activity conducted on the property where the Sign is located. A business or activity shall be considered to have ceased when the premises are vacated, or in the absence of a valid Occupational License or active utility service account. Signs not removed in accordance with these provisions shall be considered as abandoned and shall be removed at the property owner's expense.

**Sec. 17-12. Prohibited Signs and Devices.**

The following Signs and devices shall be prohibited within the City of Atlantic Beach. In the case of any conflict with other provisions of this Code, the prohibitions set forth below shall supersede such other conflicting provisions.

- (1) Animated Signs.
- (2) Automatic Changeable Message Device Signs, except for Signs depicting time and temperature.
- (3) Flashing Signs.
- (4) Signs containing beacon or tracker lights or similar lighting components.
- (5) Signs containing fluorescent colors or materials designed to be mirror-like or reflective.
- (6) Obscene Signs.
- (7) Roof Signs.
- (8) Snipe Signs.
- (9) Portable and mobile Signs.
- (10) Temporary Signs, except as otherwise authorized herein.
- (11) Pennants, ribbons, balloons, streamers, wind-operated devices and similar elements that are intended to draw attention to a business or activity, either when used alone or incorporated into a Sign.
- (12) Vehicle Signs. (Bumper stickers, decorative decals and the like, customary and registered logos, trademarks or service marks that are attached to a motorized vehicle shall not be considered as Vehicle Signs; however, such vehicles shall not be parked off of the property from where a business is located or in the Required Front Yard of any property for the sole purpose of advertising.)
- (13) Private Signs on any public property, other than as specifically approved by the City Commission.
- (14) All Signs prohibited by Chapter 479.11, Florida Statutes.
- (15) Signs not in compliance with all applicable provisions of this Chapter and this Code.

**Sec. 17-13. Reserved.**

**ARTICLE V. NONCONFORMING SIGNS  
AND WAIVER TO CERTAIN PROVISIONS**

**Sec. 17-14 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 17-6, 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 Chapter.
- (2) Freestanding Signs, permitted pursuant to Section 17-6, 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 Chapter.
- (3) Nonconforming Signs, including those as described in preceding paragraphs (1) and (2) shall be made conforming with all provisions of this Chapter when any of the following changes are made:
  - i. Any change to the structural supports or structural materials, including temporary relocation associated with routine maintenance of a property.
  - ii. Any change which increases the illumination.
  - iii. Any change which increases the height of a Sign.
  - iv. Any change, which alters the material used for the Display Area or Face Area by more than twenty-five (25) percent.
  - v. Any replacement required as the result of an accidental act or a weather related act.
  - vi. Any replacement of an Abandoned Sign.
  - vii. Any change necessary for compliance with Florida Building Code requirements.
- (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. Such Signs shall be subject to the provisions of Section 17-10.

**Sec. 17-15. Requests to waive certain terms of this Chapter.**

Requests to waive terms of this Chapter may be made upon specific application to the City Commission, with proper public notice required, provided that no waiver shall be requested that would allow a Prohibited Sign, or any otherwise unlawful Sign. The applicant requesting such waiver shall have the burden of demonstrating the need for the requested waiver, and that the waiver is not in conflict with the Intent of this Chapter. The terms of any waiver to the provisions of this Chapter shall be established by order of the City Commission.

**Secs. 17-16 through 17-30. Reserved.**

## ARTICLE VI. SIGN PERMITS

### Sec. 17-31. Permit Required.

It shall be unlawful for any person to install, erect, place, alter or relocate any Sign without first obtaining a Sign Permit with payment of the required fee to the City. Sign Permits shall be required for any Sign requiring a permit under the provisions of Section 3108.1.3, Florida Building Code. A Sign Permit shall not be issued prior to issuance of the appropriate Occupational License as required for the activity on the property for which the Sign Permit is sought, except as set forth in Section 17-6 (c) of this Chapter.

### Sec. 17-32. Application.

Before a Sign Permit shall be issued, a design and stress diagram containing necessary information to enable the Building Official to determine compliance with the provisions of Section 3108 of the Florida Building Code shall be submitted. Such information shall be included as part of the Sign Permit application and shall be submitted to the City of Atlantic Beach Building Department using a Sign Permit Application as provided by the City. The application for Sign Permit shall contain or have attached thereto the following information:

- (1) The name, mailing address and telephone number of the applicant.
- (2) If applicable, a copy of a valid and current Occupational License for the property where the Sign shall be placed.
- (3) In the case that the applicant is not the property owner, an owner's authorization to apply for a Sign Permit.
- (4) A survey depicting the location of the requested Sign(s) and the location of all Structures and access points on the property. An elevation drawing, with dimensions, depicting the size, height, location and relation to other existing Signs. Plans shall be drawn at a legible scale, depicting materials to be used, method of construction, attachment or installation as appropriate and type of illumination, if any.
- (5) The name and contractor information of the person erecting or installing the Sign.
- (6) An Electrical Permit, if required.
- (7) Registered engineer's drawings as may be required by Section 3108, Florida Building Code.
- (8) Such additional information as may be required by the Building Official to determine

compliance with this Chapter, any other applicable laws and ordinances of the City of Atlantic Beach and the requirements of Section 3108, Florida Building Code.

**Sec. 17-33. Calculation of Permitted Sign Size.**

Sign Face Area, Sign Display Area, Width of Sign and Height of Sign shall be calculated as defined within Article II of this Chapter. In the case of Freestanding, Fascia and Projecting Signs, the Sign Face Area shall be used in calculating the permitted size of Sign. In the case of Marquee, Canopy or Awning Signs, the Sign Display Area shall be used in calculating the permitted size of Sign.

When computing Sign Face Area and Sign Display Area, only one (1) side of a Sign containing two (2) sides shall be included in the calculation of the permitted Sign size.

**Sec. 17-34. Fees.**

Fees for the issuance of a Sign Permit shall be determined as follows. (Electrical permits and required fees shall also be required for Signs with electrical components.)

- (1) Thirty-two (32) square feet or less of Sign Display Area or Sign Face Area, as appropriate: Thirty dollars (\$30.00).
- (2) Larger than thirty-two (32) square feet: Ten dollars (\$10.00) per square foot of Sign Display Area or Sign Face Area, as appropriate.