

# Sign Code Update

April 2020

## **Status Recap:**

- 01/21/20 Community Development Board (CDB) hearing – deferred
- 02/18/20 CDB recommended approved to City Commission
- 02/24/20 Commission workshop meeting

# Background

## Why we need to change the code.....



### June, 2015: Reed v. Town of Gilbert

- The Town's Sign Code imposed stricter regulations for signs advertising religious services than signs that displayed "political" or "personal expression" signs
- A church used a temporary directional sign to direct people to their weekly service and was cited by the Town for violating the Code.
- The church filed a lawsuit arguing the Town's Sign Code violated freedom of speech.
- Supreme Court held that the Town's Sign Code did violate freedom of speech by imposing content-based restrictions that were not tailored to further a compelling government interest.
- **\*(Sign regulations can not be content based)**

August, 2016: City of Atlantic Beach ceased enforcement on sign regulations that were in conflict with the Reed v. Gilbert ruling

# COAB Examples of Content Based (non compliant) Regulations

- 1 Real Estate sign not to exceed 6 square feet and 5 feet in height
- Builder/Architect signs up to 6 square feet and 8 feet in height
- No trespassing signs up to 2 square feet
- Vacancy signs up to 2 square feet
- Political Campaign signs up to 4 square feet
- 1 Personal Expression sign up to 4 square feet
- 2 Garage Sale signs up to 4 square feet
- 2 Flags, except you may have 3 if one is the American Flag

**\*All of these regulations are based on the content of the signage**



# Sign Regulations Must Be Content Neutral

## Content Neutral Regulations:

- Size, number and location
- Duration (time limits)
- Lighting
- Commercial vs. residential property
- On-premises vs. off-premises

Cannot regulate political signs differently than real estate or personal expression signs, etc.

# Proposed Changes:

## **Section 17-1. Intent:**

- Add language to strengthen the intent of the sign code.

## **Section 17-2. Definitions:**

- Remove content based definitions such as “directional sign”, “personal expression sign”, and “political campaign sign”
- Add definitions such as “public art”, “discontinued sign”, “off-site sign”, “parcel”, “illumination”, “permanent sign”, “temporary sign”, and “variance”
- Edit definitions such as “animated sign”, “banner sign”, “flag”, “height of sign”, “pennants”, “sign face area”, and “vehicle sign”

# Proposed Changes:

## ARTICLE II

### Section 17-26. Exempt Signs

- **Remove** all content based sign regulations such as:
  - *Real estate signs*
  - *Engineer/architect development signs*
  - *No trespassing signs*
  - *Vacancy signs*
  - *Political campaign signs*
  - *Personal expression signs*
  - *Garage sale signs*
- **Add** temporary signs under 1 square foot w/ a 15' front setback



# Proposed Changes:

## **Section 17-27. General Provisions**

- **Remove** content based language regarding advertising messages
- Allow fascia/wall signs to be placed on raceways and not directly upon the surface of a building.

## **Section 17-28. Signs Permitted in Residential Districts**

- **Remove** content based language
- Add that a multi-family development must have at least 11 units in order to have a 60 square foot freestanding sign. (Currently it is 3 units)
- Add a section allowing non-residential uses (i.e. churches and schools) to have freestanding signs. (Currently this is not addressed in the code meaning they are not allowed)



# Proposed Changes:

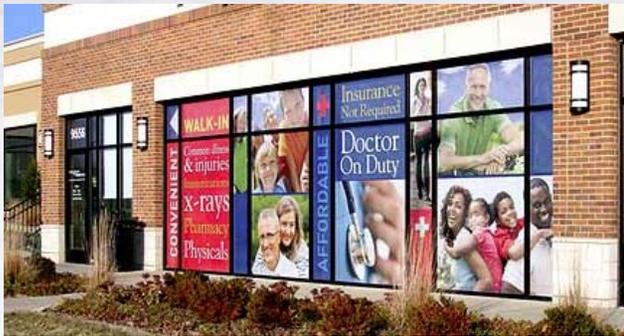
## **Section 17-29. Signs Permitted Within Commercial & Industrial Zoning Districts:**

- Add a maximum projection of 12 inches for fascia signs
- Reduce maximum number of freestanding signs from 3 to 2. Currently, parcels with two or more street frontages can add linear feet and have 3 freestanding signs. Staff believes this can create sign “clutter” along the corridors. Also, this allows for one or more signs along side and back streets (i.e. Sturdivant Ave)
- Add language addressing drive-through signs: allowed up to 40 sq ft and 8 ft in height.
- Remove allowance for 10 foot tall freestanding sign for parcels with 300+ feet of frontage. This creates inconsistency in sign heights along the corridors. Also, parcels can be divided resulting in non-conforming signs.

# Proposed Changes:

## Section 17-29. Signs Permitted Within Commercial & Industrial Zoning Districts:

- Add requirement that freestanding sign materials and colors must be complementary to the related building and noon-reflective.
- Add requirement that freestanding signs must be externally illuminated. (This is currently encouraged in our zoning code and incentivized in the signs code with fee reductions)
- Add requirement for window signage: May not cover more than 20% of window



# Proposed Changes:

## Section 17-33.

- **Remove** all language under “Banner Signs” and replace with a “Temporary Signs” section.
- Banner sign regulations were included with the temporary signs

# Proposed changes:

## Section 17-33. Temporary Signs

Temporary signs include real estate signs, garage sale signs, political signs, personal expression signs, etc.

Replacing with content neutral regulations:

- Limit number
- Limit size
- Limit duration
- Residential vs commercial



# Proposed changes:

## Current Regulations:

- 1 Real Estate Sign up to 6 square feet and 5 feet in height
- Architect/Engineer/Contractor Signs up to 6 square feet or 8 feet in height
- Political Campaign Signs up to 4 square feet
- 1 Personal Expression Sign up to 4 square feet
- 2 Garage Sale Signs up to 4 square feet

**EQUALS = up to 5 signs plus unlimited political signs**



# Comparisons to Nearby Communities

## Temporary signs:

- Residential vs Commercial
- Number, Size, & Duration?



## Temporary Sign Regulations (codes updated after 2015)

	<u>Residential</u>				<u>Commercial</u>			
	Number	Size	Height	Duration	Number	Size	Height	Duration
Jax Beach	8	4 sq ft	6 ft	7 days after event	4	16 sq ft	6 ft	7 days after event
St. Augustine Beach	8	4 sq ft	6 ft	7 days after event	4	16 sq ft	6 ft	7 days after event
St. Johns County	2	6 sq ft	6 ft	7 days after event	4	32 sq ft	6 ft	7 days after event
Fernandina Beach	8	6 sq ft	15 ft	30 days or 3 days after event	4	32 sq ft	15 ft	30 days or 3 days after event
Flagler Beach	1	16 sq ft	6 ft	90 calendar days	1	32 sq ft	6 ft	90 calendar days
<b>Atlantic Beach Proposed</b>	<b>8</b>	<b>4 sq ft</b>	<b>4 ft</b>	<b>60 days or 7 days after event, except one year around</b>	<b>2</b>	<b>16 sq ft</b>	<b>6 ft</b>	<b>60 days or 7 days after event, except one year around</b>

# Visual Preference Survey

4 SIGNS



10 SIGNS



16 SIGNS



6 SIGNS



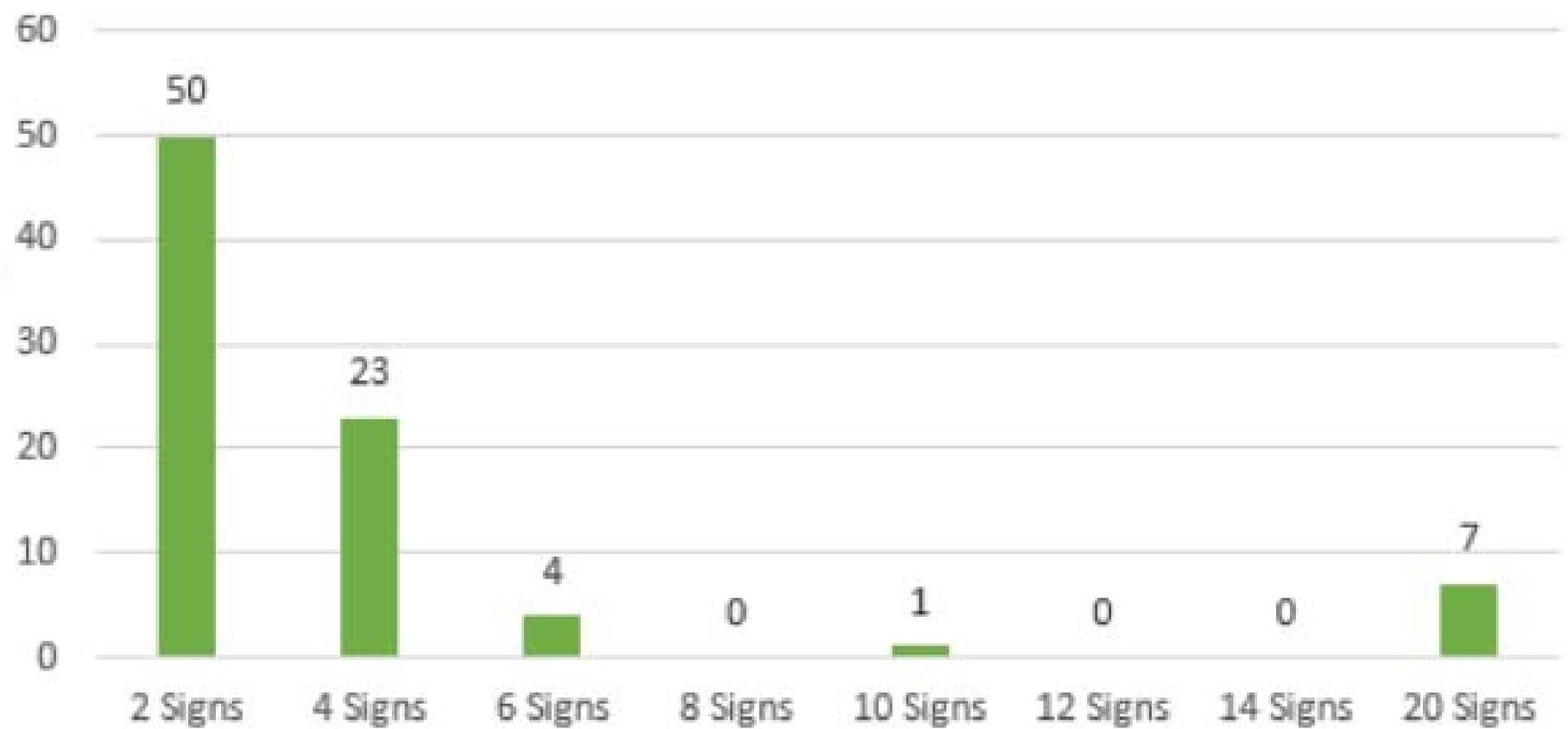
12 SIGNS



20 SIGNS



## Visual Preference Results (total Number of preferred temporary signs)



# Proposed changes:

## **Section 17-34. Flags**

**Current Regulation:** *Not more than two (2) flags per development parcel, but if there are two (2) flags, then one (1) must be the flag of the United States of America. A development parcel with more than one (1) principal structure may have two (2) flags for each principal structure with more than five thousand (5,000) square feet of fully enclosed floor area. Each flag shall not exceed twenty-four (24) square feet in area; however, this size limitation shall not apply to United States of America flags at public buildings and parks.*

## **Proposed:**

- Three flags allowed per parcel
- Maximum size: 24 square feet

# Proposed Changes:

## **Section 17–42. Prohibited Signs**

- Added off-site signs and discontinued signs
  - These are already prohibited, they are being added for clarification

## **Section 17–51. Nonconforming Signs**

- Add a “circumstance” where a nonconforming sign must be brought into compliance
  - If construction exceeds 25% of assessed value of parcel improvements or when the total square footage of a structure is expanded by 25% or more within a two year time frame. (*language was taken from the landscape section of the zoning code*)

# Proposed Changes:

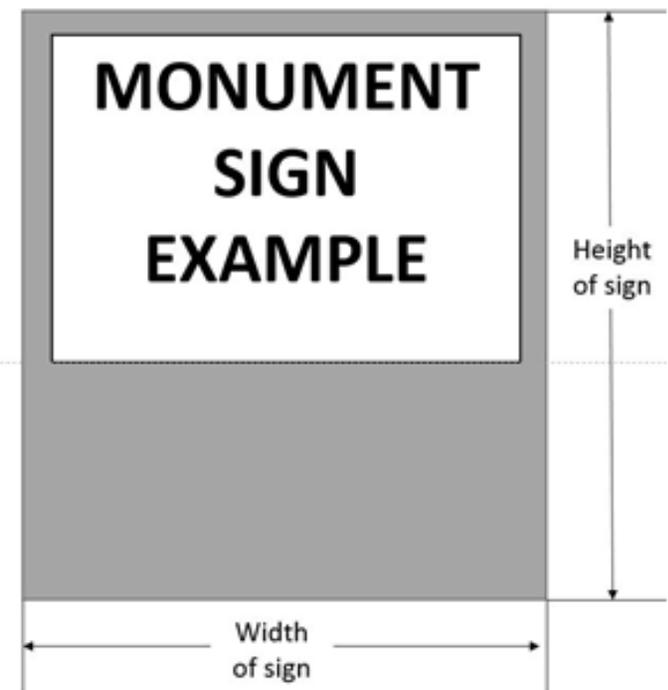
## **Section 17–52. – Waivers**

- Replace with Variances
  - Signs are closely related to land development and are often included within a municipality's land development regulations.
  - Staff believes the Community Development Board is the most appropriate body to hear sign code issues.

# Proposed Changes:

## Section 17-63. – Calculation of permitted sign size

- Remove sign display area because it caused confusion when calculating sign sizes.
- Use sign height, width, and square footage to calculate freestanding signs. This is how the code currently is, the proposed language is only to clarify this.



# Proposed Changes:

## Section 17-64. Fees

- Simplify fees with a flat rate of \$30 for fascia signs and \$50 for freestanding signs

## Current Fee Structure:

- 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: An additional ten dollars (\$10.00) for each square foot exceeding thirty-two (32) square feet of sign display area or sign face area, as appropriate.
- (3) Freestanding signs constructed in accordance with the provisions of section 24-171(d), commercial corridor development standards: Freestanding signs constructed of a solid material such as wood, masonry or high-density urethane, and externally-illuminated in a manner that washes the sign in indirect light from a fluorescent ground source shall be entitled to a fifty (50) percent reduction in sign permit fees.

A coastal landscape featuring a sandy beach, the ocean, and a large dune covered in tall, golden-brown grasses. The sky is overcast and grey. The word "Questions?" is overlaid in the center in a blue, sans-serif font.

Questions?