

ORDINANCE NO. 60-97-10

AN ORDINANCE OF THE CITY OF ATLANTIC BEACH
AMENDING CHAPTER 17 SIGNS AND ADVERTISING
STRUCTURES; PROVIDING FOR AMORTIZATION OF
NONCONFORMING SIGNS; AND PROVIDING FOR AN
EFFECTIVE DATE.

SECTION 1. Chapter 17 of the Code of Ordinances of the City of Atlantic Beach are hereby amended as follows:

ARTICLE I. IN GENERAL

Sec. 17-1. Intent.

The commission recognizes that there are various persons and entities who have an interest in communicating with the public-at-large through the use of signs and advertising structures. The commission is also responsible for furthering the city's obligation to its residents and visitors to maintain safe and aesthetic surroundings. It is the intent of the commission that this chapter shall place the fewest possible restrictions on personal liberties, property rights, and the free exercise of constitutional rights while achieving the city's goal of creating a safe, healthy, and aesthetic environment.

Sec. 17-1.1. Certain signs exempted from certain provisions of this chapter.

The following signs are expressly excluded from the permitting, size and setback regulations of this chapter:

- (1) Decals affixed to or signs painted on store windows, store equipment, fuel pumps or other types of vending equipment used for dispensing retail products, where such signs are for directional purposes only.
- (2) Signs wholly within a building and not readable from the exterior of the building.
- (3) Memorial signs, tablets or plaques, containing the dedication of, 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 incombustible material.
- (4) Small professional nameplates for physicians, surgeons, dentists, musicians, lawyers, architects, teachers and other like professional persons placed on the premises occupied by the persons, and not exceeding more than one (1) square foot in area.

(5) Occupational signs denoting only the name and profession of an occupant in a commercial building or public institutional building, placed flat against the exterior surface of the building and not exceeding three (3) square feet in area.

(6) Not more than one (1) real estate sign advertising the sale, rental or lease of only the premises on which it is maintained. Also, not more than four (4) off-premise real estate signs advertising an official open house, such open house shall be of a duration of no more than eight (8) continuous hours and such signs may not be erected more than one (1) hour before the open house and must be removed one (1) hour after the end of the open house. All signs allowed by this section shall not be more than four (4) square feet in area and shall not be placed upon public property.

(7) Signs noting the architect, engineer or contractor when placed upon work under construction; provided, the sign shall be removed within fifteen (15) days of completion of construction. The signs shall not be larger than necessary to display the names of persons or firms performing labor or supplying materials to the premises and shall in no case exceed four (4) square feet.

(8) Traffic signs, legal notices, danger signs and temporary emergency or nonadvertising signs, erected by the city, county, state or federal authorities.

(9) "No trespassing" and "private property" signs not exceeding four (4) square feet in area and not placed on or affixed to any tree or utility pole.

(10) Directional signs, located off premises, of any religious, charitable, fraternal or civic organization operated within the city, having a meeting place, clubhouse or other site within the city for the purpose of indicating the place where such meeting place, clubhouse or site is located in the city. Such signs are not exempt from the provisions of article II of this chapter if they pertain to a meeting place, clubhouse or site outside of the city. Such directional signs shall not exceed twelve (12) inches by eighteen (18) inches and be not more than ten (10) feet in overall height above ground level. These directional signs shall not exceed four (4) in number for each organization, as listed herein, and shall be no less than one thousand (1,000) feet from another directional sign of the same organization. Any directional sign existing on December 1, 1988, shall be allowed to remain until such time as the condition of the sign becomes unsafe, unsightly or in need of major repairs, at which time it shall be removed. Structural repairs to existing signs shall not be made without a permit. Before any directional signs can be installed after December 1, 1988, a permit shall be obtained from the city specifying design, duration, and location.

(11) Bulletin boards not over fifteen (15) square feet in area for public, charitable or religious institutions, when the same are located on the premises of the institutions.

(12) Signs announcing the candidacy of a candidate for public office not exceeding four (4) square feet in area. The placing of such signs on public property is expressly

prohibited. Such signs may, however, be placed wholly within the boundaries of private residential or commercial property, at the discretion 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. Signs may not be placed on private property prior to qualification of the candidate to run for office or more than twenty (20) days before the first election, whichever is less, and all such signs shall be removed within twenty-four (24) hours after the last election, including runoff elections. The candidate shall be charged for any costs incurred by the City for removal of signs remaining at the hourly rate of the employee tasked with such removals.

(13) Signs erected at entrances to subdivisions or new developments which contain not less than ten (10) houses or lots. Any such signs shall not exceed twenty-four (24) square feet in area.

(14) Signs posted on public service benches or other public facilities. Advertising signs on benches or other public facilities shall be permitted only by contract approved by the city commission.

(15) Signs painted onto vehicles, and magnetic signs not exceeding four (4) square feet in area affixed to vehicles, where such signs advertise the business for which the vehicle is used and where the signs are incidental to the use of the vehicle. No other signs are permitted to be attached to vehicles. Vehicles containing signs may not be parked off of the property where the business is located for the purpose of advertising.

(16) Not more than one (1) garage/estate sale sign on the premises on which the sale is to take place. Also, not more than three (3) off-premise signs advertising the sale. Such sale shall be of a duration of no more than eight (8) continuous hours and such signs may not be erected more than one (1) hour before the sale and must be removed no later than one (1) hour after the end of the sale. All such garage/estate sale signs shall not exceed four (4) square feet in area and shall not be placed upon public property.

Sec. 17-2. Signs permitted.

(a) Signs displayed or erected which advertise the particular building or property on which the sign is located, or some merchandise or service dispensed or rendered on the same premises on which the sign is located, are permitted, subject to the restrictions enumerated in subsection (b) of this section and all other provisions of this chapter. Where the area of signs are controlled by the property, building or unit frontage, this frontage shall constitute the maximum sign area for that property, building or unit. For the purposes of this Chapter, Unit shall mean an interior partitioned space within a building having exterior access, but without interior access to other adjacent partitioned spaces within the building. The total sign area of all signs controlled by like frontage shall not exceed the total linear footage of that frontage.

(b) The following signs, are permitted only in commercial and industrial zoning districts and in apartment and condominium complexes, subject to the restrictions set forth below:

(1) Flat signs. A flat sign is any sign erected parallel to the face of or on the outside of any building and supported through its length by such wall, or any sign in any way applied flat against a wall. Such signs shall not in any case project more than twelve (12) inches from the face of the building, nor shall they extend above the adjoining eave line on a building with a pitched roof. No portion of any such sign which extends over city property shall be less than eight (8) feet above the sidewalk grade of any street or avenue, or fifteen (15) feet above the crown grade where the sign is located parallel to and abutting on an alley. No flat sign shall utilize or occupy an area greater than one square foot of surface for each linear foot of building or unit frontage of the building or unit to which the sign is attached.

(2) Painted Wall signs. A Painted Wall sign is any sign painted onto the face of or on the outside surface of any building. No Painted Wall sign shall utilize or occupy an area greater than fifteen (15) percent of the side of the building or unit on which the sign is painted. The vertical projection of the sign shall not exceed twenty-five percent (25%) of the height of the face of the wall on which the sign is painted. Minor deviations from the 15% maximum size limitation may be authorized by the City Commission based upon findings that the sign is not incompatible with the building on which it is located and that it is not objectionable based upon current community standards.

(3) Horizontal projecting signs. A horizontal projecting sign is any sign projecting at an angle from the outside wall of any building and which has its greatest dimension in a horizontal plane. These signs shall not have more than one square foot of horizontally projected area, as calculated from any angle for each linear foot of building or unit frontage. There shall be not over twelve (12) inches of clear space adjacent to the building wall, and the signs shall not extend or project from the face of the building more than ten (10) feet. No part of the sign shall extend above the top of the adjoining parapet wall on a building with a flat roof or above the adjoining eave line on a building with a pitched roof. No part of any such sign shall be closer than eight (8) feet to any sidewalk or pedestrian walkway, nor closer than twelve (12) feet to any street, alley or highway where vehicular traffic may move. All such signs shall be anchored to a wall and shall in no manner be connected to or suspended from the roof of any building.

(4) Vertical projecting signs. A vertical projecting sign is any sign projecting at an angle from the outside wall of any building and which has a vertical dimension equal to or exceeding the horizontal dimension. Such signs shall not have more than one square foot of horizontally projected area, as calculated from any angle for each linear foot of building or unit frontage and shall not project more than four (4) feet from the building to which they are attached, nor shall the maximum vertical height of the sign exceed 25 feet. No part of any such sign shall extend more than six (6) feet above the top of the

adjoining parapet wall on a building with a flat roof, nor more than six (6) feet above the adjoining eave line on a building with a pitched roof. All such signs shall be anchored to the wall and shall not be connected to or suspended from the roof of any building.

(5) Roof signs. A roof sign is any sign erected completely over the roof of any building. These signs shall have not more than one square foot of area for each one linear foot of property frontage, but in no case more than one hundred fifty (150) square feet of horizontally projected area, as calculated from any angle. The overall height above the roof shall not exceed fifteen (15) feet and in no case shall the top of such sign exceed 25 feet in height above the adjacent grade. Any such sign shall have a clear space immediately above the roof of not less than one foot. Roof signs shall be placed so that the least distance from any building line measured perpendicular to the face of the sign shall not be less than the total height above the roof. No roof sign shall extend horizontally past the building lines of the roof.

(6) Pole signs. A pole sign is any sign erected on one (1) or more poles and which is wholly or partially independent of any building for support. These signs shall have not more than one hundred fifty (150) square feet of horizontally projected area, as calculated from any angle, and shall be limited to one (1) square foot of area for each lineal foot of frontage of the lot on which the signs are placed. The height of any self-supporting sign shall not exceed twenty-five (25) feet. One (1) such pole sign shall be allowed on the street side of each lot; provided, where a lot faces on more than one (1) street, then one (1) such sign shall be permitted on each street side of the lot. Where a pole sign is located on property used as a shopping center, the pole sign shall be limited in area to one (1) square foot of area for each lineal foot of frontage of the lots or parcel of land upon which the shopping center is located and on which the pole signs are placed; provided, no pole sign for the shopping center shall exceed three hundred (300) square feet of horizontally projected area, as calculated from any angle. For the purposes of this chapter, a shopping center is defined as a group of stores or businesses, two (2) or more in number, which are housed in one (1) or more buildings which are set back from the street or highway on which the building or buildings shall have their maximum frontage a distance of not less than one hundred (100) feet, and on which setback area motor vehicle parking is permitted for customers of the business carried on the premises.

(7) Marquee or awning signs. A marquee or awning sign is any sign placed flat along and on the edge of a marquee or an awning. These signs shall have a minimum clearance of eight (8) feet above any area where pedestrians may walk, and shall not extend below the bottom edge of the marquee or awning. Maximum sign area shall be calculated as for Flat Signs.

(c) No other billboard, sign, banner, marquee, canopy or awning sign of any kind, including balloons and inflatable signs, except those signs specifically permitted by this section or exempted in section 17-1, shall be displayed or erected in the city.

Sec. 17-3. Bond or public liability insurance required for certain signs.

(a) Bond. The owner or person in control of any existing nonconforming sign whatsoever, suspended over or extending into any public right-of-way more than one (1) foot beyond the property line, and the owner of any sign described in section 17-32, shall execute a bond in the sum of ten thousand dollars (\$10,000.00), with sureties approved by the city manager, indemnifying the city against all loss, cost, damage or expenses incurred or sustained by, or judgments recovered against, the city, or by any of its officers, employees, appointees or servants, by reason of the construction or methods of any signs whatsoever, and also conditioned to indemnify any person for any injury sustained by reason of the construction or maintenance.

(b) Insurance. In lieu of the bond required in subsection (a) of this section, there may be substituted therefor public liability and property damage insurance by any insurance company authorized to do business in this state in the same amounts and with the same conditions as required by subsection (a) of this section.

Sec. 17-4. Fire and traffic hazards; interference with use of streets and sidewalks.

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.

Sec. 17-5. Obstructing vision or view; confusion with, use of words on traffic-control signs.

No sign or other advertising structure permitted by this chapter shall be erected at the intersection of any street in such a manner 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.

Sec. 17-6. Obstructing doors, windows and fire escapes.

No sign shall be attached to or placed against a building in such a manner as to prevent ingress or egress through any door or window of any building, nor shall any sign obstruct or be attached to a fire escape.

Sec. 17-7. Maintenance generally; removal of damaged signs.

All signs shall be kept in good condition, neat appearance and good state of repair. Any sign at least twenty-five (25) percent damaged or destroyed shall be immediately

removed at the owner's expense and a new permit shall be secured before the sign is replaced. Replacement signs shall conform to the requirements of this chapter. If not repaired or replaced within thirty (30) days after written notice from the City, the sign shall constitute a public nuisance and shall be removed.

Sec. 17-8. Signs, posters, etc., prohibited on sidewalks, utility poles, walls, trees, etc.; exception.

No person shall paint, paste, print, nail or fasten, in any manner whatsoever, any banner, sign, paper or any advertisement or notice of any kind whatsoever, or cause the same to be done, on any curbstone, flagstone, pavement or any other portion or part of any sidewalk or street or upon any tree, lamppost, private wall, window, door, gate, fence, telephone or telegraph pole, hydrant, workshop or toolshed or upon any structure within the limits of any streets within the city, unless otherwise permitted under this chapter. Legal notices required by law to be so posted are hereby excepted.

Sec. 17-9. Minimum height above sidewalks; maximum projection.

No sign of any kind shall be permitted to extend into or above or be anchored or placed in any portion of the right-of-way of a city street or public sidewalk, except official city, state and county signs unless the signs be permanently attached to an existing building and be located more than eight (8) feet above the sidewalks or finished grade, and extend not more than eight (8) feet in a horizontal direction from the building to which attached, and in no case closer an one (1) foot to the curb line.

Sec. 17-10. Blinker, beacons, flags and spotlights.

The use of flashing, revolving or blinker-type outdoor lights of any type, within one hundred fifty (150) feet of any right-of-way conducting vehicular traffic within the city, is prohibited. No streamers or pennants, except appropriate holiday decorations and state and national flags, shall be permitted on the exterior of any premises within the city. No spotlight, beacon or floodlight shall be permitted except where such beacon, spotlight or floodlight is non-revolving and in a fixed position, and shines only on the owner's premises and away from any street or roadway. All police vehicles, ambulances and other official safety vehicles are exempt from the provisions of this section.

Sec. 17-11. Securing signs.

All signs permitted to be erected under this chapter shall be firmly secured to the ground or structure upon which the same are placed. Foundations and structural members shall be constructed in compliance with all state and local codes.

Sec. 17-12. Setback requirements.

Setback requirements for signs attached to structures shall be as for the structure to which they are attached,(see chapter 24). Pole signs shall be located so that no portion of the sign or pole shall be nearer than five (5) feet to any property line.

Sec. 17-13. Installation of electrical wiring, etc., by licensed electricians; compliance with electric code, electrical permits.

All neon and electric signs shall meet the provisions of the electrical code of the city and have an electric permit for construction. All electrical wiring, electrical connections and electrical appurtenances pertaining to the installation and maintenance of neon lighting and electric signs of all types shall be installed by an electrician licensed by the city.

Sec. 17-14. Static electricity.

No sign shall be constructed or maintained of which all or any part causes static electricity or otherwise interferes with radio or television reception.

Sec. 17-15. Proximity to electrical conductors.

No sign shall be erected closer than five (5) feet to any overhead electrical conductor.

Sec. 17-16. Concealing rear of sign structure.

Where the rear of any sign structure is visible from any street or from any adjoining residential district in the city, all exposed structural members of any such sign shall be concealed by painting, latticework or as otherwise agreed to by the city manager or his designee.

Sec. 17-17. Nonconforming signs.

All signs in existence at the time of the adoption of this ordinance which are made nonconforming by the provisions herein shall be removed or altered to bring them into compliance with these provisions within one year of the date of adoption of this ordinance. Existing nonconforming signs may be registered by the owner with the city to receive an amortization period based upon the valuation of the sign at the time of its installation. Sign owners may register nonconforming signs by providing the city with proof of the cost of the sign at the time of its installation on forms to be provided by the

Building and Zoning Departments. The following schedule shall apply to registered nonconforming signs:

Valuation	Permitted years
\$1 to 10,000	2 years
\$10,001 to \$25,000	3 years
Over \$25,000	4 years

* Permitted years shall be computed starting on the effective date of this ordinance

Secs. 17-18--17-30. Reserved.

ARTICLE II. PERMITS

Sec. 17-31. Required.

It shall be unlawful for any person to install, alter or relocate any sign, marquee, canopy, awning or other advertising structure permitted under section 17-2 without first obtaining a permit from the city. All illuminated signs shall, in addition, be subject to the provisions of the city electrical code and any permit required thereunder.

Sec. 17-32. Application.

Application for sign permits shall be made upon forms provided by the city, and shall contain or have attached thereto the following information:

- (1) The name, address and telephone number of the applicant;
- (2) Whether the applicant is the owner or lessee, and if the latter, show authority from the owner;
- (3) The location of the building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected;
- (4) A plot plan showing the position of the sign or other advertising structure in relation to nearby buildings or structures;
- (5) A blueprint or ink drawing of the plans and specifications, including the proposed sign content, and method of construction and attachment to the building or in the ground;

(6) The name of the person or firm erecting the structure;

(7) Any electrical permit required and issued for the sign;

(8) Registered engineer's drawings must be submitted with applications for roof signs over fifty (50) square feet in area, and for any sign the top of which is more than seventeen (17) feet above the ground or weighing more than one thousand (1,000) pounds, or any solid sign of area more than thirty (30) square feet, showing that the sign will be erected to withstand a wind pressure of at least thirty-five (35) pounds per square foot and that the weight of the sign will be amply supported by the roof of the building or the ground support on which it is to be erected;

(9) Such other information as the city manager shall require to show full compliance with this chapter and all other laws and ordinances of the city.

Sec. 17-33. Computation of sign area.

Sign area shall be computed as the smallest square rectangle, triangle, circle or combination thereof which will encompass the entire advertising area excluding architectural trim and structural supports. When computing sign area, only one (1) side of a sign containing two (2) faces shall be computed. For signs containing more than two faces, one half of the combined area of all of the sign faces shall be used to determine area.

Sec. 17-34. Fees.

Fees to be paid for sign permits shall be as follows:

- (1) Basic Issuance Fee: \$15.00
- 15 square feet or fraction thereof \$ 10.00
- Over 15 square feet to 30 square feet . . . \$ 15.00
- Over 30 square feet to 45 square feet . . . \$ 20.00
- Over 45 square feet to 60 square feet . . . \$ 25.00
- Over 60 square feet \$ 30.00

Sec. 17-35. Permitting of signs on state highway rights-of-way.

When a permit is issued for the erection or maintenance of any sign which is to be located on the right-of-way of any state highway in the city, it shall be understood that the permit does not waive any requirements of state law or rules and regulations of the state department of transportation with reference to maintaining signs within any state highway right-of-way. Applicable state permits are required prior to the issuance of City of Atlantic Beach permits for any signs located on state road rights-of-way.

PASSED by the City Commission of the City of Atlantic Beach, Florida on First reading this 24th day of March, 1997.

PASSED by the City Commission of the City of Atlantic Beach, Florida on Second and Final reading this 14th day of July, 1997.

ATTEST:

Maureen King
Maureen King
City Clerk

Suzanne Shaughnessy
Suzanne Shaughnessy
Acting Mayor/Presiding Officer

Approved as to form and content:

Alan Jensen
Alan Jensen, Esquire
City Attorney