

ORDINANCE 2013-15

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING THE CODE OF ORDINANCES BY AMENDING ARTICLE 35 OF THE LAND DEVELOPMENT CODE TO PROHIBIT CERTAIN TYPES OF SIGNAGE ALLOWABLE ON LANDS LOCATED IN THE SR 200/A1A ACCESS MANAGEMENT OVERLAY DISTRICT; PROVIDING FOR DEFINITIONS; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, In 2003, the Nassau County Board of County Commissioners created the "State Road 200/A1A Access Management Overlay District" codified in Article 35 of the Land Development Code; and

WHEREAS, The Overlay District created special signage regulations for properties within 1,000 feet of each side State Road 200 from the western ramps of Interstate 95 to the west side of the Thomas J. Shave Bridge; and

WHEREAS, the special signage regulations within the A1A Access Management Overlay District were created "...to ensure the aesthetic quality of the A1A corridor is not compromised and ... to provide reasonable assurance that "sign clutter", that has so adversely affected the value of land in many coastal counties, does not occur along the primary tourist arterial of Nassau County."; and

WHEREAS, Article 35 provides for a list of permitted and prohibited signage types with the A1A Access Management Overlay District; and

WHEREAS, The language within Article 35 should be updated and clarified to reflect changes in technology and current trends; and

WHEREAS, It is the intent of the Nassau County Board of County Commissioners to amend the A1A Access Management Overlay District to prohibit certain types of signage allowable on lands located within the State Road 200/A1A Access Management Overlay District; and

WHEREAS, the provisions of this ordinance do not conflict with the Nassau County Land Development Code, specifically Article 5 (Billboards), and Article 30 (Signage); and

WHEREAS, the Planning and Zoning Board conducted a public hearing on this ordinance on June 18, 2013 and voted to recommend approval; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

SECTION 1. FINDINGS

This ordinance is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan, in particular Policy FL10.04

SECTION 2. AMENDMENT

Article 35(F) of the Land Development Code is adopted and shall read as follows:

Section 35.01. - Definitions.

Awning sign. A sign mounted, painted, or attached into a cohesive design and professionally manufactured awning. An awning is a framed construction anchored to the facade of a building, often covered with cloth and located over the main entrance.

Building sign. A sign fastened or painted directly onto to the facade of a building in such a manner that the facade becomes the supporting structure for, or forms the background surface of, the sign. A building sign may advertise a tenant, or the name of the commercial complex when occupied by multiple tenants. A building sign may be a constructed object with a single face or composed of independent objects (such as letters and a logo). In the latter case, the area formed by the entire composition shall not exceed the size requirements of these regulations.

Buried pylon sign. A stand-alone sign anchored to two (2) piles or poles that are driven into the ground, or each pile or pole is encased within an independent foundation, to a depth sufficient to withstand wind shear, so that the entire bottom is in contact with or close to natural grade, in order to advertise a single tenant for a particular property.

Canopy tree. A species of tree that normally grows to a mature height of forty (40) feet or more.

Changeable copy sign: A sign whose informational content can be changed or altered by electric, electro-mechanical, electro-magnetic, or other electronic means. This includes among other things, signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments, tiles, pyramids, or other similar mechanisms.

Directory sign. A sign listing the tenants or occupants of a building or group of buildings that may indicate their respective professions or business activities.

Electronic Digital Sign. Is any sign capable of displaying digital words, symbols, figures, images, video, sound, or any other copy or display that can be electronically changed by remote, by hand, by automatic programming, or any

other similar means. Electronic Digital Signs include any sign using digital display technology including, but not limited to, LED, plasma, and electronic ink.

Entrance sign. A sign mounted on pile(s) or pole(s) and driven into the ground to a depth sufficient to withstand wind shear, or anchored directly to a foundation at natural grade, used to denote points of vehicular ingress and egress on a property.

Monument sign. A stand-alone sign anchored directly to a foundation, in which the entire bottom is in contact with or close to grade, to advertise a single tenant for a particular property.

Neon Sign: A sign using electrified, luminous tube lights that contain rarefied neon or other gases.

Pier sign. A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is seventy-eight (78) inches or more above grade.

Public sign. A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance or other governmental regulation.

Retention boxes. A pond, pool, or basin used for the permanent storage of water runoff or the controlled release of stored water and groundwater recharge and constructed using a wood or concrete retaining wall at or near ninety (90) degree slope in relation to natural grade.

Structural. Anything constructed, erected or placed, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground.

Special Event Sign A sign which calls attention to a business promotion, grand opening, civic event or meeting or other similar activity of a temporary nature.

Human Directional Signs (sign walkers/sign spinners/human billboards/sign waver) is any sign that is worn (including costumes), held, carried, or braced by a human for commercial advertising . This definition does not inhibit an individual's right to act within the protections of the Constitution of the United States of America.

Understory trees. A species of tree that normally grows to a mature height of fifteen (15) to thirty-five (35) feet.

Vesting. Having an existing right pertaining to the immediate or future development of property.

Section 35.03 Vesting: Existing development or an approved development order or development agreement or site plan application deemed complete pursuant to the Nassau County Ordinance 97-19, as amended, (Development Review Regulations Ordinance 99-18, as amended), as of the date of the adoption of this ordinance by the board of county commissioners is exempt from these regulations. Said site plan must be approved by the appropriate entity within one (1) year of submittal. Legally established lots of two and one-half (2½) acres or less in size, existing prior to the adoption of these regulations are vested and exempt from the provisions of this ordinance, but are not exempt from the signage standards of Section 35.09(F) LDC or the setback provisions of the county's approved comprehensive plan and access management standards.

Section 35.09F: Signage. These regulations are intended to ensure that the aesthetic quality of the A1A corridor is not compromised and that the traveling public, to include local traffic, may enjoy a corridor that is clearly marked for access, direction and public safety. Finally, it is the intent of these regulations to provide reasonable assurance that "sign clutter", that has so adversely affected the value of land in many coastal counties, does not occur along the primary tourist arterial of Nassau County.

(1) Applicability. The following regulations apply to lots which front SR 200/A1A between the Thomas J. Shave Bridge and a point three hundred (300) feet west of the western ramps of the I-95 overpass. If a sign is not identified as permitted or prohibited. in these regulations, it may be permitted or prohibited pursuant to county signage or billboard regulations that are applicable to areas outside of the A1A Corridor.

(2) Vesting. Existing signs that were constructed in accordance with an approved permit from the Nassau County Building Department shall be vested from these regulations. Any vesting shall be considered abandoned should a business name or, a single tenant sign change, or should a non-residential building be unoccupied for a period of twelve (12) consecutive months. In the event that a sign is destroyed, then replacement signage must comply with these regulations. In the event that a sign is damaged such that its repair cost exceeds fifty (50) percent of the cost of a replacement sign of equal dimension and specification, then the damaged sign will be considered destroyed and shall comply with these regulations.

(3) Approved signage. The following types of signs are allowed on the A1A Corridor:

a. Monument signs. Maximum dimensions for monument signs shall be eight (8) feet horizontal and six (6) feet vertical. To increase height, monument signs may be constructed on earthen mounds, or, be placed upon a brick, block, or stone monument base provide the monument base is concealed by shrubbery 18" tall at the time of planting and spaced no less than 30" on center, but in no instance shall a monument sign exceed nine (9) feet in total height above natural grade. Monument signs may be double-sided. External framing material must be stone, brick, wood, or stucco. Monument signs may be internally or externally illuminated. Monument signs are limited to two (2) colors per side unless the base color is beige, gray or some other color, which is considered neutral by the county, in which case, one (1) additional color may be permitted. Monument signs on SR 200/A1A may not be located within one hundred (100) feet of any other property signage and may not be located within thirty (30) feet of a private property line unless the county approves access on said property line. However, in the event that there is a shared access between two (2) property owners, each property owner shall be allowed one (1) monument sign subject to the language herein, or, in the event there is no direct access, a property owner may erect one (1) monument sign. Otherwise, monument signs shall be limited to one (1) per entrance. See Exhibit "1".

For properties within the Commercial Highway Tourist (CHT) zoning district lying 300 feet west of the western ramps of I-95 and 3,000 feet east of the centerline of I-95, a single tenant pole or monument sign may have a maximum height of 25 feet and 150 square feet of surface area.

b. Buried pylon signs. The poles normally associated with pylon signs shall be buried in an earthen mound such that the appearance of the finished sign is identical to a monument sign. The regulations for a monument sign shall apply, see section 34.08(F)(3)(a). See Exhibit "2".

c. Building signs. Signage may be placed on buildings. Such signage may be painted or installed. Installed signs may be plastic or metal. Building signage may not exceed three hundred fifty (350) square feet per sign. The total signage for building signs, per building, may not exceed seven and one-half (7½) percent of the building face. Building signage may not extend beyond the roofline, or the top of a parapet. Building signage may be internally or externally illuminated. See Exhibit "3". Signs for buildings on end corners (end caps) shall be allowed building signs equal to 7.5% of the corresponding elevation but not to exceed 350sf regardless of the dimensions of the corresponding elevation. d. Awning signs. Awning signs are permitted within the A1A Corridor and shall comply with standard county regulations for such signage. Awnings containing any text or emblems shall count towards minimum wall sign calculation. See Exhibit "4".

e. Directory signs. Directory signs may be constructed for every one thousand (1,000) feet of frontage or at every entrance. Directory signs shall not exceed sixteen (16) feet in height and ten (10) feet in width. Directory signs may be double-sided. Directory signs for community shopping centers shall not exceed

twenty-four (24) feet in height and sixteen (16) feet in width. Directory signs may be internally or externally illuminated. Directory signs may be stone or metal for external framing. Directory signs may be metal, stone, wood or plastic. See Exhibit "5". For properties within the Commercial Highway Tourist (CHT) zoning district lying 300 feet west of the western ramps of I-95 and 3,000 feet east of the centerline of I-95, directory signs providing space for at least three tenants may have a maximum height of 35 feet.

f. Entrance signs. Signs that state "Entrance" or "Exit" may be allowed at each project entrance. These signs shall not exceed eight (8) square feet. Entrance signs shall be metal framed and internally illuminated. See Exhibit "6".

g. Public safety signs. Public safety signs are permitted anywhere within the A1A Corridor as approved by the county or, as appropriate, the Florida Department of Transportation (FDOT). See Exhibit "7".

h. Construction/Temporary Development/"coming soon" sign:

- a. Shall not exceed one (1) project identification sign per active construction project/development and said sign shall not to exceed 32sf.
- b. Shall not exceed one (1) sign for each contractor, subcontractor, or supplier.
- c. Shall not exceed thirty-two (32) square feet in area for general contractor and six (6) square feet in area for any subcontractor or supplier.
- d. No construction/temporary development sign may be illuminated.
- e. All signage must be removed prior to the issuance of the first certificate of occupancy.

j. Special event sign:

A special event sign permit may be acquired through the Growth Management Department subject to the following:

- a. No special event sign permit shall be issued for more than 30 consecutive days.
- b. No individual operation, site, development, parcel, business, or group of business may obtain more than two(2) special event sign permits per year.
- c. Application for special event sign permit shall include a site plan/sketch, description of event, type and location of the proposed signage, duration of the event, set-up and break-down dates, and a letter of authorization from the property owner.
- d. Signs erected and maintained pursuant to and in discharge of any governmental function, including emergency and road services, shall not require a special event permit.

j. Billboards. Billboards are permitted on the A1A Corridor as provided for in Ordinance 2002-29, which is known as the "Nassau County Billboard Ordinance".

k. For properties within the Commercial Highway Tourist (CHT) zoning district lying 300 feet west of the western ramps of I-95 and 3,000 feet east of the centerline of I-95, digital signs are permitted but may change not more than once every 24 hours. Motion, movement, and flashing of digital signs is prohibited.

l. The following signs shall be prohibited, except as expressly permitted in the above regulations, within the A1A Access Management Overlay District;

- I. Any sign displaying lewd or lascivious content.
- II. Mobile signs, trailer signs, portable signs, or any other similar type sign not permitted through the Nassau County Building Department as a ground sign
- III. Electronic Digital Sign (regardless of frequency of display change), moving message signs, changeable copy sign which can be altered by electro-mechanical, electro-magnetic means, or any other sign type utilizing moving parts, light manipulation, graphical manipulation, or any other methodology to alter the display and give the illusion of motion. This provision is not intended to prohibit manual changeable copy signs such as those customarily associated with gas price display.
- IV. Banners, spinners, sidewalk signs, blade signs, streamers, snipe signs, sandwich signs, pennants (or other similar apparatus strung together by a rope, wire, cord, or other means), wood cut out signs, card board signs, flags used primarily as advertisement, or any other type of attention attractors or advertising devices except for national flags, flags of bona fide civic, charitable, fraternal and welfare organizations. The flags permitted by this subsection shall not be used in mass in order to circumvent this subsection by using said flags primarily as an advertising device. This section of sign may be utilized in conjunction with an appropriately issued special event sign permit on a temporary basis.
- V. Flashing, moving, animated, rotating, or noise making signs and signs that emit, odor, or visible matter such as smoke or steam. Flashing lights or signs with lights or illumination that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color. This includes the use of

manikins or other similar attention grabbing devices whether motorized to simulate waving/pointing or displaying static poses.

- VI. Pylon signs, pole signs, and pier signs. Except as allowable for properties within the Commercial Highway Tourist (CHT) zoning district lying 300 feet west of the western ramps of I-95 and 3,000 feet east of the centerline of I-95, a single tenant pole or monument sign may have a maximum height of 25 feet and 150 square feet of surface area.
- VII. Wind/air activated, fluttering, or inflatable signs/devices including balloons, blimps, characters, waving characters, animals, castles, jump houses(used as an advertisement device for the jump house rental business), inflatable cars, or any other inflatable or semi-inflatable type sign or attention grabbing device unless otherwise permitted via special event sign permit. This includes, wind socks, promotional inflatable's, inflatable wavers, and other similar devices.
- VIII. Any sign that uses the word "stop", "yield", or "danger" or present or imply the need or requirement of stopping, or which are copies or imitations of official signs. Red, green or amber (or any color combination thereof) revolving or flashing light giving the impression of a police or caution light is a prohibited sign, whether on a sign or on an independent structure.
- IX. Off Premises signs except as permitted Ordinance 2002-29 know as the Billboard ordinance.
- X. Roof signs or any sign extending above the top of the parapet.
- XI. Signs that advertise an activity, business, product, or service no longer conducted or available on the parcel of land on which the sign is located or abandoned signs.
- XII. Signs tacked, nailed, posted, pasted, tied, glued, or otherwise attached to trees (whether or not within a public right-of-way), utility poles, light poles, dumpster enclosures, or fences.
- XIII. Neon tube lighting or fiber optics in signage. This includes neon signage placed in storefront windows that may be seen from the roadway. Neon window signs not exceeding an aggregate of 12" by 24" are allowed as the sole exception to this rule.

- XIV. Human directional signs, sign walkers, sign spinners, human billboards, sign wavers. This sign type may be permissible subject to a special event permit. Human signs are limited to the time constraints of the special event sign permit and shall not be allowed in the public right-of-way. No human directional sign is permitted within view of the motoring public without first obtaining a special event sign permit.
- XV. Delivery vehicles bearing the name of an establishment may not be parked in front so as to serve as "additional signage" for the establishment. No vehicles bearing business signage shall be parked in landscaped or buffer areas.

SECTION 3. CODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall be included and incorporated into the Land Development Code (LDC) of Nassau County, Florida. The codifier may re-letter or renumber sections to conform to the uniform numbering and style of the LDC.

SECTION 4. SEVERABILITY

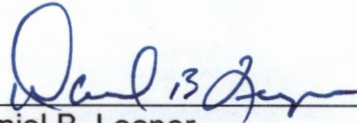
It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect upon adoption of applicable amendments to the Nassau County Comprehensive Plan and upon filing with the Secretary of State as provided in Section 125.66, Florida Statutes.

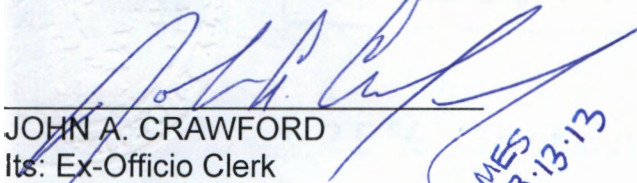
ADOPTED THIS 12th DAY OF August, 2013 BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



Daniel B. Leeper
Its: Chair

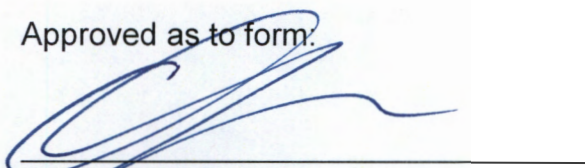
ATTEST as to Chairman's Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

MES
08-13-13

Approved as to form:



David A. Hallman,
County Attorney