

ORDINANCE 2002 - 11

AN ORDINANCE AMENDING ORDINANCE 89-1, WHICH ESTABLISHED A SIGN ORDINANCE FOR THE UNINCORPORATED AREAS OF AMELIA ISLAND, FLORIDA; SPECIFICALLY AMENDING SECTION 6, ADMINISTRATION AND ENFORCEMENT; AND SECTION 8, PENALTIES FOR VIOLATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has found it necessary to amend Ordinance 89-1.

NOW, THEREFORE, BE IT ORDAINED this 25th day of March, 2002, by the Board of County Commissioners of Nassau County, Florida, that Ordinance 89-1 is hereby amended as follows:

1. SECTION 6. ADMINISTRATION AND ENFORCEMENT

A. Conformance Required: No person shall place, erect, or maintain, or cause to be placed erected, or maintained, any sign or advertising structure unless it is in conformance with the provisions of this Ordinance.

B. Permits Required:

1. Application for Permit: Application for a permit shall be filed with the Building and Zoning Department on the form prescribed by the Department. Each application shall contain the following information:

a. Name and address of the owner of the sign.

b. Name of contractor, firm, or individual, including name, address, and telephone number installing or altering sign.

c. Street address and legal description of building (or structure) and/or lot on which the sign is to be placed or maintained.

d. Two (2) legible drawings to scale with description and dimensions, showing position of sign in relation to lot lines, nearby buildings or structures, other signs on the same premises, sidewalks, streets, and intersections.

e. Two (2) legible drawings or prints which contain specifications and structural details of the method of construction and installation. The specifications shall show dimensions, elevation drawing, means of support, method of illumination, and any other significant aspect of the proposed sign.

f. Statement of valuation of sign to be erected.

g. Any other information required by the Building and Zoning department in order to carry out the purpose and intent of this Ordinance.

2. Fee Schedule: The following fees shall be required in order to accommodate the administrative costs

associated with sign permit reviews and the inspections for the installation, erection, or placement of any sign requiring a permit.

	<u>COST OF SIGN</u>	<u>PERMIT FEE</u>
Up to	\$100.00	\$25.00
\$100.00	\$500.00	\$30.00
\$500.00	\$1,000.00	\$35.00

(a) In addition, a fee of \$5.00 shall be charged for EACH ADDITIONAL \$1,000.00 or fraction thereof above \$2,000.00.

(b) No additional building permit is required, except for illuminated signs or signs requiring electrical service, which shall be required to obtain an electrical permit, in addition to the fees stated above.

3. Revocation of Permit: The Building and ~~Zoning~~ Department may revoke a permit or approval, issued under the provisions of this Section, in case there has been any false statement, concealment, or misrepresentations as to a material fact in the application or plans on which the permit or approval was based.

4. Permit and Fee Exemptions: The following types of signs shall not be required to have a permit or be subject to the above fees, but shall meet all other appropriate requirements of this Ordinance:

- a. Real Estate Sign
- b. Residential or Professional Nameplates
- c. Political Sign
- d. Construction Sign

- e. Window Display Signs
- f. Credit Card Sign, Decal, or Emblem
- g. Public Warning Sign
- h. Flag Emblem or Insignia of the United States, the State of Florida, or other public or private entity
- i. Seasonal display or decoration not advertising a product, service, or establishment
- j. Signs erected in the public right-of-way by the Federal, State, or local governments
- k. Temporary subdivision or development signs
- l. On-site directional signs, except those requiring electrical service

5. Fee Exemption: The following types of signs shall not be subject to a permit fee, but shall be required to have a permit and meet all other appropriate requirements of this Ordinance:

- a. Directional or public service sign.
- b. Special event sign.
- c. Memorial sign or tablet.

C. Construction Standards

1. ~~Standard Building Code~~ Florida Building Code: All signs regulated by this Ordinance shall be

constructed and installed in accordance with the ~~Standard~~  
Florida Building Code as adopted by Nassau County.

2. Maintenance: All signs regulated by this Ordinance shall be maintained in accordance with the ~~Standard~~ Florida Building Code as adopted by Nassau County.

3. Clearance:

a. Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the ~~National Electrical~~ Florida Building Code specifications. However, in no case shall a sign be installed closer than eight (8) feet horizontally or vertically from any electrical conduit, public utility pole or guy wire.

b. On a corner lot, parcel, or tract in any district, no sign or landscape material shall be allowed in such a manner as to materially impede vision between a height of two and one-half (2-1/2) feet and eight (8) feet above the centerline grade of the intersecting public streets of such corner lots, parcels, or tracts.

4. Illuminated Signs

The light from any illuminated sign or lights utilized for sign illumination shall be shaded, shielded, or directed so that the light intensity or brightness shall neither adversely affect the surrounding premises nor be so

directed as to cause glare or reflection upon a public thoroughfare, street, highway, sidewalk, or adjacent premises that may constitute a traffic hazard or public nuisance.

D. Non-Conforming Signs

1. General

Any sign or advertising structure which by its height, area, location, landscaping, method of illumination, use, or structural support, does not conform to the requirements of this Ordinance shall be termed non-conforming.

2. Alterations to Non-Conforming Signs

No non-conforming sign shall be structurally altered or moved, unless brought into conformity with the requirements of this Ordinance, except that such signs may have normal maintenance, including repainting or changes in copy.

3. Continuation and Removal

a. All non-conforming on-premise signs that were properly permitted and existing before the effective date of this Ordinance, except for portable or trailer signs and side walk or sandwich signs in any district, may continue in use in accordance with the other provisions of this Ordinance.

b. All non-conforming off-premise signs that were properly permitted and existing before the effective date of this Ordinance except for off-premise signs within the Resort Overlay District, may continue in use in accordance with the other provisions of this Ordinance.

c. It is the intent of the Sign Ordinance to allow the owners of non-conforming off-premise signs in the Resort Overlay district and portable or trailer signs and sidewalk or sandwich signs in any district to recover the residual economic value of the sign over a reasonable period of time. Therefore:

(1) Any non-conforming off-premise sign in the Resort Overlay District shall be removed no later than two (2) years from the date of the adoption of this Ordinance.

(2) Shall not exceed an aggregate area of three hundred (300) square feet including all trim, molding, or skirting or the area of the relocated sign whichever is smaller.

(3) Shall not exceed an exterior dimension of thirty (30) feet horizontally or twelve (12) feet vertically including all trim, molding, or skirting.

(4) Shall not exceed a total height above natural grade or ground level of twenty-five (25) feet.

(5) Shall be located a minimum of twenty-five (25) feet from any right-of-way or existing on-premise sign and five (5) feet from any other property line.

(6) Shall not be located within one thousand (1,000) feet of any other off-premise sign located on the same side of a street or highway.

(7) An off-premise sign may be single faced or double faced, providing both sides are the same size and shape, are parallel to each other and are mirror image in shape. A v-shaped sign or double-faced sign shall be considered a two (2) separate signs, and each sign face shall be permitted separately.

(8) No portion of the supporting structure shall be visible above any advertising display area.

(9) Off-premise signs with a back exposed to view in whole or in part shall have the back of such sign covered, screened, or painted to blend in with the surrounding area.



(10) Shall be adequately covered and securely anchored in accordance with Section 6C1 of this Ordinance.

(11) There shall be no stacked off-premise signs. Where such signs exist in the Resort Overlay district, only one (1) sign face from a single faced stacked off-remise sign or only one (1) sign face from each side of a stacked double-faced or v-shaped sign may be relocated.

(12) Where the same individual, partnership, or corporation owns two (2) or more single-faced off-premise signs, the signs may not be relocated unless combined to create one (1) double-faced or v-shaped sign structure for each two (2) single-faced signs. If only one (1) single-faced sign is owned, or if a single-faced sign results from the required combining, then a single off-premise sign may be located.

#### 4. Natural Damage

Destruction of a non-conforming sign: No sign which has been damaged by any means to an extent of more than sixty percent (60%) of the fair market value of the sign immediately prior to damage, shall be restored, except in conformity with the regulations of this Ordinance, and all rights as a non-conforming use are terminated. If a sign

is damaged by less than sixty percent (60%) of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repair or reconstruction be substantially completed within twelve (12) months after the date of such damage.

E. Removal of Signs

1. Signs in violation of this ordinance may be removed in accordance with the following provisions:

a. Vacant Premise: A sign shall be removed by the owner or lessee of the premises when the establishment which it advertises is no longer active. If the owner or lessee fails to remove said sign, the Zoning Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with said notice, the Zoning Administrator shall seek removal of the sign in accordance with the provisions of Section ~~Six-(6)-(E)-2~~ 6E2.

b. Prohibited, Unlawful, and Non-Conforming Signs: At the termination of the time periods for which prohibited, unlawful, or non-conforming signs are permitted to remain under this Section, all such signs placed and maintained on public or private property in violation of this Section shall be given thirty (30) days written notice to remove the violation by the Zoning

Administrator. Upon failure to comply with said notice, the Zoning Administrator shall seek removal of the sign in accordance with the provisions of Section 6(E) (2).

c. Maintenance: All signs and advertising structures regulated by this Section shall be maintained in accordance with the provisions of ~~Chapter 23~~ of the ~~Standard Building Code~~ Florida Building Code. The owner of lessee of any sign that is unsightly because of a deterioration or lack of maintenance shall be notified in writing and allowed thirty (30) days to correct said violations. Upon failure to comply with said notice, the Zoning Administrator shall seek removal of the sign in accordance with the provisions of Section 6(E) (2).

d. Nuisances, Abatement: Any sign which is erected, used or maintained in violation of this Section is hereby declared to be a public and private nuisance and shall be forthwith removed.

2. Court Costs: If the owner or lessee fails to comply with the notice provided by the Zoning Administrator, as set forth herein, within thirty (30) days of the date it is mailed, the Zoning Administrator shall advise the Board of County Commissioners. The Board of County Commissioners may, in addition to the penalties provided herein, seek the removal of a sign which is in

violation of this Ordinance and shall be entitled to recover Court costs and attorney's fees.

3. Interpretations: In any application of this Section where a question of interpretation arises, the interpretation which most effectively accomplished the objectives stated in Section 2 shall prevail.

4. Conflict with Building Code: If any conflict appears to exist in the application of this Section and ~~Chapter 23~~ of the Standard Florida Building Code to the regulation of signs and advertising structures in Nassau County, the ~~provisions of this Section~~ more stringent shall prevail.

5. Appeals: Any person aggrieved by any decisions of the zoning Administrator in the administration or enforcement of this Ordinance, except as to removal to a sign, may appeal such decisions to the ~~Planning Commission~~ Planning and Zoning Board, providing such appeal is filed with the Secretary of the Commission within thirty (30) days of the date of the action which is the subject of such appeal. The appeal shall be heard at the next regular meeting of the ~~Planning Commission~~ Planning and Zoning Board.

F. Variances: Notwithstanding anything contained herein to the contrary, the Nassau County Planning

~~Commission~~ Planning and Zoning Board may grant a variance from the requirements hereof subject to the following criteria:

1. An application for a variance to the provisions contained herein shall be limited to variations in height, area, setback, number, amortization schedule, landscaping, and similar requirements. Nothing in this Section shall permit the erection or maintenance of signs which are prohibited in Section 5 - Prohibited Signs or Sign Characteristics.

2. An application for a variance shall be completed in accordance with Article 5, Section 5.05, Nassau County Zoning Code.

3. An application for a variance shall be subject to the criteria established in Article 3, Section 3.04(B) (3), a through ~~g~~ g, Nassau County Zoning Code.

4. In granting any variance, the ~~Planning Commission~~ Planning and Zoning Board may attach appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

5. The ~~Planning Commission~~ Planning and Zoning Board may establish a reasonable time limit within which

the action for which the variance is required shall be started and completed.

G. Conditional Uses: Notwithstanding anything contained herein to the contrary, the Nassau County ~~Planning Commission~~ Planning and Zoning Board may allow the erection and maintenance of an off-premise directional sign as a conditional use subject to the following conditions.

1. Shall be limited to lodging, eating, service, and similar establishments and attractions, including real estate developments, located on Amelia Island.

2. Shall be limited to the name of the establishment, project, or service, hours of operation, location, and directions to the location. No general advertising for specific products by name shall be permitted.

3. Shall not exceed thirteen (13) feet in overall sign height, including trim or molding.

4. Shall not exceed sixty (60) square feet in sign area, including trim or molding.

5. May be externally illuminated.

6. An application for a conditional use shall be completed in accordance with Article 5, Section 5.03, Nassau County Zoning Code.

7. When considering conditional use for an off-premise directional sign, the ~~Planning Commission~~ Planning and Zoning Board shall make a written finding that the conditional use satisfied the following criteria:

a. The directional signage is required for a business, service, or establishment located on Amelia Island in order for a visitor or tourist to reasonably locate the business, service, or establishment.

b. The establishment, maintenance, or operation of the off-premise directional sign will not be detrimental to or endanger the public health, safety, or general welfare and is not contrary to established standards, regulations, or ordinances of other governmental agencies.

c. The off-premise directional sign will not adversely impact or unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish or impair property values within the area.

d. The off-premise directional sign will not hinder the orderly and harmonious development of Amelia Island or surrounding property.

8. The ~~Planning Commission~~ Planning and Zoning Board, in granting the conditional use, may impose any

conditions, limitations, or restrictions necessary to carry out the intent of this Ordinance.

9. The off-premise sign is granted for a specific business or establishment and shall not be transferred to any other business or establishment.

10. Existing off-premise directional signs shall be considered a conforming sign with a valid conditional use granted on the effective date of this Ordinance, if the subject sign was validly permitted as of the date of the adoption of this Ordinance.

Further, such existing off-premise direction signs granted a valid conditional use on the effective date of this Ordinance, may elect to enlarge, reduce, or otherwise modify said sign within the limits of the above requirements without additional review by the Nassau County ~~Planning Commission~~ Planning and Zoning Board provided the plans for such modifications are submitted for permit approval within twelve (12) months of the effective date of this Ordinance.

6. SECTION 8 - PENALTIES FOR VIOLATIONS

It shall be unlawful to violate any of the provisions of this Ordinance, and any violation thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term not exceeding sixty

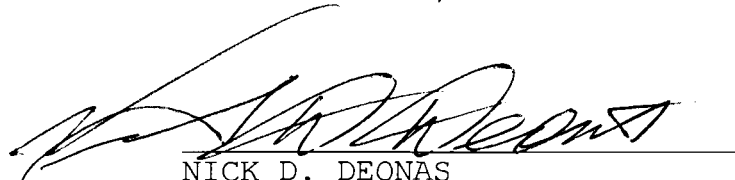


(60) days or by both such fine and imprisonment. Each day that a violation shall continue to exist shall be considered a separate violation may be prosecuted as such. The zoning Administrator, after consultation with the County Attorney, shall be authorized by the County to execute Affidavits of Violations and provide same to the Office of the State Attorney.

In addition, the violation of any provision of this Ordinance, as now existing or hereafter amended, may be restricted by injunction, including a mandatory injunction, or otherwise abated in any manner provided by Law. Such a suit or action may be instituted and maintained by the Nassau County Board of County Commissioners.

In addition, the violation of any provision of this Ordinance, as now existing or hereafter amended, may be enforced by the Nassau County Code Enforcement Officers in accordance with Chapters 125 and 162, Parts I and II, Florida Statutes.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA



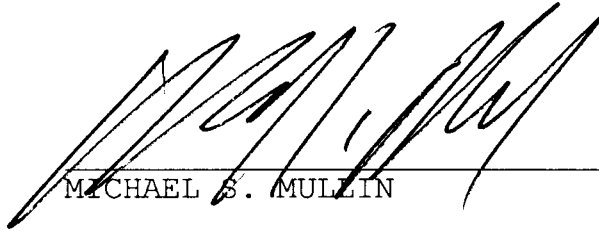
NICK D. DEONAS  
Its: Chairman

ATTEST:



J.M. "CHIP" OXLEY, JR.  
Its: Ex-Officio Clerk

Approved as to form by the  
Nassau County Attorney



MICHAEL S. MULLIN

h/anne/ords/sign-amd