

ORDINANCE 2002 - 29

AN ORDINANCE ESTABLISHING AN OFF SITE COMMERCIAL BILLBOARD ORDINANCE FOR THE FEDERAL AID PRIMARY HIGHWAY A1A/SR 200 CORRIDOR FROM THE INTRACOASTAL WATERWAY TO I-95 THE INTERSTATE HIGHWAY I-95, ALL IN THE UNINCORPORATED AREA OF NASSAU COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has determined that it is necessary to establish uniform standards for the construction, erection, location, and use of further off-site commercial billboards off-of-Amelia Island in the unincorporated areas of Nassau County, along Interstate Highway I-95 in the unincorporated areas of Nassau County or the federal-aid primary highway of A1A/SR 200 from the Intracoastal Waterway to I-95, based upon the amount of commercial land on the corridor now designated on the Nassau County Comprehensive Plan, the proposed Area-Wide Development of Regional Impact (DRI), and the amount of traffic that utilizes the corridor and I-95; and

WHEREAS, the Board of County Commissioners finds that the number of offsite billboards on the heavily trafficked areas of I-95 and the A1A corridor can create safety problems, and based upon the fact that these segments are main entry-ways for the County, aesthetic control is in the best interest of the citizens of the County; and

WHEREAS, The Board of County Commissioners has determined that this Ordinance is in the best interest of the citizens of Nassau County in order to promote the health, safety, welfare, appearance, and general well being of the citizens of Nassau County; and

WHEREAS, the Planning and Zoning Board has considered this Ordinance and recommended its approval.

NOW, THEREFORE, BE IT ORDAINED this 20th day of May, 2002, by the Board of County Commissioners of Nassau County, Florida, as follows:

SECTION 1. TITLE

This Ordinance shall be known as the "Nassau County Off-Island, Unincorporated Area Billboard Ordinance along any portion of the Federal Aid Primary Highway A1A/SR 200 Corridor from the Intracoastal Waterway To I-95 and the Interstate Highway I-95, all in the unincorporated area Of Nassau County".

SECTION 2. FINDINGS, PURPOSE AND INTENT

The Board of County Commissioners finds and determines that:

1. Numerous municipalities and counties around the State and Country have enacted sign control ordinances; and

2. Federal and State Courts have recognized that municipalities and counties lawfully may distinguish

between on-site and off-site signs in these regulations regarding aesthetics and quality of life in a community under the police powers of the government, in as much as they have varying business purposes and different impacts on the aesthetic environment of a community; and

3. Such Courts also have recognized that distance and size limitations in signs may be imposed in the interests of protecting the aesthetic atmosphere and environment in a community as well as protecting against traffic hazards caused by distracting and protruding signs, among other purposes; and

4. These findings of public purpose have been upheld by every level of Court from the United States Supreme Court to State trial courts; and therefore

5. The Board adopts the findings of these numerous local governments.

Further, it is the purpose and intent of this Ordinance to protect and preserve the health, safety, welfare, appearance, and general well-being of the citizens of Nassau County, by establishing uniform standards for off-site commercial billboards on I-95 in the unincorporated areas of Nassau County and the federal-aid primary highway of A1A/SR 200 from the Intracoastal Waterway to I-95, through uniform regulations that:

1. Facilitate easy and effective communication from signs to persons seeking information; and

2. Protect motorists from unduly distracting signs that could cause unsafe conditions; and

3. Protect the aesthetic attractiveness of the natural and man-made attributes of the community from being so degraded that it undermines the economic value of tourism and the permanent economic growth that is necessary for the promotion and preservation of the public welfare.

This Ordinance does not apply to information and directional signs erected by the Federal, State, or local governments within the public right-of-way.

### SECTION 3. DEFINITION OF OFF-SITE COMMERCIAL BILLBOARD

The term "off-site commercial billboard", as used in this Ordinance, shall mean any sign, display, or device permanently attached to a building, mono-pole, or other support structure(s), which advertises or otherwise identifies a commercial use, commercial establishment, commercial product, commercial activity, or commercial service that is sold, provided, or furnished at a place other than on the property on which the sign is located and which is more than one hundred fifty (150) square feet per face in size and not greater than nine hundred fifty (950) square feet of total sign area including embellishments;

except the term "off-site commercial billboard" shall not include any sign, display, or device erected by a governmental body or governmental agency or any residential subdivision sign.

#### SECTION 4. SIGN STRUCTURE HEIGHT

Pursuant to Florida Administrative Code Annotated Rule 14-10.006(5)[2001], the height of a sign structure for an off-site commercial billboard shall be measured from a point on the sign structure which is at the same elevation as the crown of the roadway to the top of the highest sign face, excluding embellishments. Signs may not exceed fifty (50) feet in height if outside an incorporated area (Fla. Stat. Ann. §479.07(9)(a)[2001]).

#### SECTION 5. LOCATION

Off-site commercial billboards which are visible from controlled highways must be located in accordance with the following, or they are prohibited:

1. State Highways - No closer than fifteen (15) feet from the outside edge of the right-of-way.
2. Interstate and Federal-aid Primary Highways - No closer than fifteen (15) feet and no further than six hundred sixty (660) feet from the outside edge of the right-of-way.

Off-site commercial billboards may not be located where they obscure or otherwise interfere with the effectiveness of an official traffic signal or device, or obstruct or physically interfere with a motorist's view of approaching, merging or intersecting traffic. (See Fla. Stat. Ann. §479.11(1)(2)(3) [2001]).

#### SECTION 6. SPACING

1. Off-site commercial billboards on federal-aid primary highways and on the interstate must be spaced not less than one-half (1/2) mile apart on either side of the right-of-way; and

2. Off-site commercial billboards cannot be located within one hundred (100) feet of a church or school or within one hundred (100) feet of the property line of a playground or State or National forest; and

3. Off-site commercial billboards cannot be located within five hundred (500) feet of an interchange or rest area on the Interstate system. (See Fl. Stat. Ann. §§479.07(9)(a) and 479.11(4) [2001]).

#### SECTION 7. NUMBER OF SIGN FACES

An off-site commercial billboard may be single-faced or double-faced, providing both sides are of the same size and shape, are parallel to each other and are a mirror

image of shape. No double stacking of billboards is allowed.

No more than two (2) sign faces are allowed for each side of a sign showing at a time. The total area of all sign faces facing the same direction may not exceed nine hundred fifty (950) feet. The maximum allowable height for a sign facing is fifty (50) feet, and the maximum length is sixty (60) feet.

The area of a sign facing is measurable by the smallest square rectangle, circle, triangle, or combination of these which will encompass the entire sign facing. Back-to-back, side-by-side or v-type sign faces will be considered as one sign for spacing purposes if they are within fifteen (15) feet of each other at their closest point. See Fl. Admin. Code Rule 14-10.006(1) (a) (b) (c) (d) [2001].

#### SECTION 8. EMBELLISHMENTS

Embellishments may not extend more than five (5) feet beyond the permanent sign face and are included in any measurement of the height, width, or area of the sign facing. See Fl. Admin. Code Rule 14-10.006(1) (e) [2001].

#### SECTION 9. LIGHTING

1. Flashing, intermittent, rotating, sequential, or moving lights are prohibited; and

2. Lighting which causes glare or impairs the vision of any motor vehicle or which otherwise interferes with any driver's operation of a motor vehicle is prohibited; and

3. A billboard may not be illuminated so it interferes with the effectiveness of or obscures an official traffic sign, signal, or device; and

4. Lighting may not be added to or increased on a non-conforming sign. See Fla. Stat Ann. §479.11(5) [2001].

5. All lighting fixtures for Off-Site Commercial Bill Boards must be positioned such that no ambient light will interfere with vehicular traffic operation(s) within the affected rights-of-way or be directly visual to residentially zoned areas.

#### SECTION 10. LANDOWNER PERMISSION

The permit holder must at all times have the written permission of the person in lawful control of the land on which the billboard is located.

#### SECTION 11. PROHIBITION

Any off-site non-commercial billboard or on-site sign constructed or erected prior to and after the adoption of this Ordinance shall not hereafter be converted into or used as an off-site commercial billboard.



SECTION 12. CONTINUATION AND REMOVAL

Any single off-site commercial billboard constructed or erected prior to the adoption of this Ordinance may remain in use, provided it is properly maintained in good condition in accordance with the other provisions of this Ordinance. The owner of the billboard and the owner of the land on which the billboard is located shall be jointly and severally responsible for compliance with this Ordinance.

SECTION 13. PERMIT REQUIRED

It shall be unlawful to erect, enlarge, rebuild, or structurally alter a sign without first obtaining a permit in accordance with the provisions of Ordinance 89-1, as amended, Section 6(B), Permits Required, and the Florida Building Code.

SECTION 14. CONSTRUCTION STANDARDS

All billboards regulated by this Ordinance shall be constructed, installed, and maintained in accordance with the provisions of Ordinance 89-1, as amended, Section 6 (C), Construction Standards, and the Florida Building Code.

SECTION 15 - 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 and may be prosecuted as such. 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.

#### SECTION 16. SEVERABILITY

Should any portion or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held to be invalid.

#### SECTION 17. EFFECTIVE DATE.

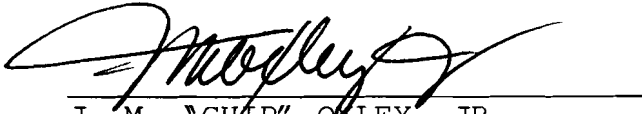
This Ordinance shall become effective upon its being  
filed in the Office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA



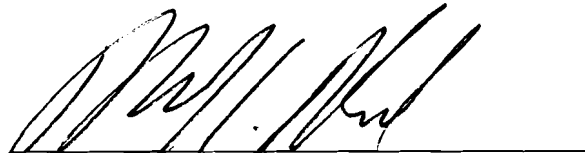
NICK D. DEONAS  
Its: Chairman

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-ord-off-island