

Judicial

CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: Ordinance 2015-29
Land Development Code Text Amendment – Chapter 5, Signs/Temporary Signs

DEPARTMENT: City Attorney

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other



RECOMMENDED ACTION: Approve Ordinance 2015-29 at 2nd Reading.

SUMMARY: The requested LDC amendments are in response to legal changes resulting from the US Supreme Court decision in Reed v. Town of Gilbert. The primary changes are to eliminate any content based provisions and to add a section specific to temporary signs as consistent with the June 2015 ruling. The City Commission and Planning Advisory Board held a joint special meeting on Wednesday, September 16, 2015 to hear a presentation from Rogers and Towers representative, Bill Britton, regarding the need to make such changes to the City's existing sign ordinance.

The Planning Advisory Board considered the proposed revisions at their Regular Meeting on Wednesday, October 14, 2015, and issued a recommendation of approval with some minor changes. The revisions requested by the PAB have been included in the Ordinance.

This Ordinance was approved at 1st reading by the City Commission on November 4, 2015.

FISCAL IMPACT: None.

CITY ATTORNEY COMMENTS: No Additional Comments

DEPARTMENT HEAD	Submitted by: Tammi E. Bach City Attorney	Date: 11/13/15
	Requested Agenda	Date: 12/1/15
FINANCE DEPARTMENT	Approved as to Budget Requirements	Date:
CITY ATTORNEY	Approved as to Form and Legality <i>TEB</i>	Date: 11/13/15
CITY MANAGER	Approved Agenda Item for 12/1/15 <i>AMM</i>	Date: 11/13/15

COMMISSION ACTION: ☒ Approved As Recommended ☐ Disapproved
☐ Approved With Modification ☐ Postponed to Time Certain
☐ Other ☐ Tabled

Approved at the City Commission
Held on 11/13/15 Meeting
Voted: 50 Initial: JB

ORDINANCE 2015-29

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE LAND DEVELOPMENT CODE, DELETING CHAPTER 5 SECTION 5.03.07 IN ITS ENTIRETY, REVISING CHAPTER 5 SECTION 5.03.05 TO CORRECT CROSS-REFERENCES, AND ADDING A NEW SUBCHAPTER 5.04.00, TEMPORARY SIGNS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fernandina Beach ("City") finds and determines that it is appropriate to ensure that its Land Development Code as it relates to temporary signs is in compliance with all constitutional and other legal requirements; and

WHEREAS, the City adopted a unified Land Development Code on September 5, 2006 which became effective on October 1, 2006; and

WHEREAS, the City's adopted 2030 Comprehensive Plan requires changes to the Land Development Code be consistent with State Laws and current planning methods for growth and economic development; and

WHEREAS, the City's planning staff have reviewed the proposed changes for consistency with the City's Comprehensive Plan and Land Development Code, and finds that the proposed changes are consistent with the foregoing Code; and

WHEREAS, the City has endeavored to adopt regulations governing signage that will comply with the First Amendment of the U.S. Constitution as interpreted by the U.S. Supreme Court; and

WHEREAS, the City finds and determines that it is appropriate to update and revise its Land Development Code relative to temporary signs; and

WHEREAS, the City recognizes that there have been decisions delivered by the U.S. Supreme Court over the past forty years that provide guidance to local governments in their regulation of signage, including *Linmark Associates, Inc. v. Township of Willingboro*, 431 U.S. 85 (1977); *Metromedia, Inc. v. San Diego*, 453 U.S. 490 (1981); *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984); *City of Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410 (1993), and, *City of Ladue v. Gilleo*, 512 U.S. 43 (1994); and

WHEREAS, the City wishes to preserve the aesthetic beauty of the City of Fernandina Beach, Florida; and

WHEREAS, the City finds and determines that Article II, Section 7, of the Florida Constitution, as adopted in 1968, provides that it shall be the policy of the state to conserve and protect its scenic beauty; and

WHEREAS, the City finds and determines that the regulation of temporary signage for purposes of aesthetics directly serves the policy articulated in Article II, Section 7, of the Florida Constitution, by conserving and protecting its scenic beauty; and

WHEREAS, under established Supreme Court precedent, a law that is content-based is subject to strict scrutiny under the First Amendment of the U.S. Constitution, and such law must therefore satisfy a compelling governmental interest; and

WHEREAS, under established Supreme Court precedent, a compelling government interest is a higher burden than a substantial or significant governmental interest; and

WHEREAS, under established Supreme Court precedent, aesthetics is not a compelling governmental interest; and

WHEREAS, until a recent Supreme Court decision released in June 2015, there had not been clarity as to what constitutes a content-based law as distinguished from a content-neutral law; and

WHEREAS, in *Reed v. Town of Gilbert*, 575 U.S. TBD (2015), the United States Supreme Court, in an opinion authored by Justice Thomas, and joined in by Chief Justices Roberts, Scalia, Alito, Kennedy and Sotomayer, addressed the constitutionality of a local sign ordinance that had different criteria for different types of temporary noncommercial signs; and

WHEREAS, in *Reed*, the Supreme Court held that content-based regulation is presumptively unconstitutional and requires a compelling governmental interest; and

WHEREAS, in *Reed*, the Supreme Court held that government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed; and

WHEREAS, in *Reed*, the Supreme Court held that even a purely directional message, which merely gives the time and location of a specific event, is one that conveys an idea about a specific event, so that a category for directional signs is therefore content-based, and event-based regulations are not content neutral; and

WHEREAS, in *Reed*, the Supreme Court held that if a sign regulation on its face is content-based, neither its purpose, nor function, nor justification matter, and the sign regulation is therefore subject to strict scrutiny and must serve a compelling governmental interest; and

WHEREAS, in *Reed*, Justice Alito in a concurring opinion joined in by Justices Kennedy and Sotomayer pointed out that municipalities still have the power to enact and enforce reasonable sign regulations; and

WHEREAS, Justice Alito in the concurring opinion joined in by Justices Kennedy and Sotomayer provided a list of rules that would not be content-based; and

WHEREAS, Justice Alito noted that these rules, listed below, were not anything like a comprehensive list of such rules; and

WHEREAS, Justice Alito included the following rules among those that would not be content-based (1) rules regulating the size of signs, which rules may distinguish among signs based upon any content-neutral criteria such as those listed below; (2) rules regulating the locations in which signs may be placed, which rules may distinguish between freestanding signs and those attached to buildings; (3) rules distinguishing between lighted and unlighted signs; (4) rules distinguishing between signs with fixed messages and electronic signs with messages that change; (5) rules that distinguish between the placement of signs on private and public property; (6) rules

distinguishing between the placement of signs on commercial and residential property; (7) rules distinguishing between on-premises and off-premises signs; (8) rules restricting the total number of signs allowed per mile of roadway; and (9) rules imposing time restrictions on signs advertising a one-time event, where rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed; and

WHEREAS, Justice Alito further noted that in addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech [see *Pleasant Grove City v. Summum*, 555 U.S. 460, 467-469 (2009)], and that government entities may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots; and

WHEREAS, Justice Alito noted that the *Reed* decision, properly understood, will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives, including rules that distinguish between on-premises and off-premises signs; and

WHEREAS, as a result of the *Reed* decision, it is appropriate and necessary for local governments to review and analyze their sign regulations, beginning with their temporary sign regulations, so as to make the necessary changes to conform with the holding in *Reed*; and

WHEREAS, under established Supreme Court precedent, commercial speech may be subject to greater restrictions than noncommercial speech and that doctrine is true for both temporary signs as well as for permanent signs; and

WHEREAS, the City finds and determines that under Florida law, whenever a portion of a statute or ordinance is declared unconstitutional, the remainder of the act will be permitted to stand provided (1) the unconstitutional provisions can be separated from the remaining valid provisions, (2) the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void, (3) the good and the bad features are not so inseparable in substance that it can be said that the legislative body would have passed the one without the other, and (4) an act complete in itself remains after the valid provisions are stricken [see, e.g., *Waldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990)]; and

WHEREAS, the City finds and determines that there have been several judicial decisions where courts have not given full effect to severability clauses that applied to sign regulations and where the courts have expressed uncertainty over whether the legislative body intended that severability would apply to certain factual situations despite the presumption that would ordinarily flow from the presence of a severability clause; and

WHEREAS, the City finds and determines that the City has consistently adopted and enacted severability provisions in connection with its ordinance code provisions, and that the City wishes to ensure that severability provisions apply to its land development regulations, including its sign regulations; and

WHEREAS, the City finds and determines that there be an ample record of its intention that the presence of a severability clause in connection with the City's sign regulations be applied to the maximum extent possible, even if less speech would result from a determination that any provision is invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the proposed amendments will specifically delete Chapter 5 Section 5.03.07 (Temporary Business Banners), amend Chapter 5 Section 5.03.05 to correct cross-references, and adopt a new Chapter 5 Section 5.04.00 entitled Temporary Signs; and

WHEREAS, the City does not intend that the new Chapter 5 Section 5.04.00 will regulate or be applicable to signage located in the interior of school yards, ball/play fields or similar uses where such signage is designed to face the interior of such location and is not designed to be seen from adjacent roadways; and

WHEREAS, the City finds and determines that the amendments to its Land Development Code, as set forth herein, are consistent with all applicable policies of the City's adopted Comprehensive Plan; and

WHEREAS, the City finds and determines that these amendments are not in conflict with the public interest; and

WHEREAS, the City finds and determines that these amendments will not result in incompatible land uses; and

WHEREAS, notice of public hearings on such amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on September 30, 2015.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AS FOLLOWS:

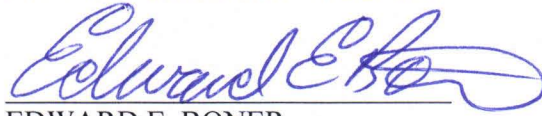
SECTION 1. The City Commission hereby approves and adopts modifications to the Land Development Code of the City of Fernandina Beach, by and through the deletion, in its entirety Chapter 5 Section 5.03.07, the amendment of Chapter 2 Section 5.03.05 to correct cross-references, and by the addition of Chapter 5 Section 5.04.00, Temporary Signs, attached hereto as Exhibit "A."

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 3. This Ordinance shall become effective immediately upon adoption.

ADOPTED this 1st day December, 2015.

CITY OF FERNANDINA BEACH



EDWARD E. BONER

Mayor - Commissioner

ATTEST:



CAROLINE BEST

City Clerk

APPROVED AS TO FORM AND LEGALITY:



TAMMI E. BACH

City Attorney

ORDINANCE 2015-29
EXHIBIT "A"

Amending Land Development Code to delete Chapter 5 5.03.07 in its entirety:

5.03.07 ~~Temporary Business Banners~~

~~Temporary signs for business events shall be permitted as described in this section. For purposes of this section, "Temporary Business Banners" shall mean:~~

~~Grand openings of new businesses, businesses that have changed ownership, businesses that have reopened after extensive renovation, or businesses that have made appreciable expansion to their facilities; for purposes of clarification, the term "new business," as used in this section, shall mean any newly organized commercial venture that is opening for the first time, or an existing business that has changed location where a valid local business tax receipt has been obtained;~~

~~Promotion of events for non-profit organizations.~~

~~Real estate events such as open houses~~

A. Design Standards

~~Setback shall be twenty-five (25) feet from side property lines or equidistant between side property lines.~~

~~The maximum height shall be five feet in residential zones and eight feet in nonresidential zones, exclusive of banners, balloons and pennants.~~

~~The maximum signage shall be:~~

TABLE 5.03.07(A) ~~Temporary Business Banners~~

	Maximum Per Sign
Residential zone	6 ft ²
Nonresidential zone	16 ft ²

General Requirements

~~No sign prohibited in section 5.03.05 of this chapter shall be authorized under this section as a temporary business banner.~~

~~No temporary business banner shall be placed so as to obscure visibility of any permanent freestanding sign, unless such placement has been approved by the property owner whose freestanding sign is obscured.~~

~~No temporary business banner shall be placed on lots or parcels of any privately owned, undeveloped property without written authorization of the property owner. Such authorization shall be filed with the city clerk prior to posting any sign on the undeveloped property.~~

~~Temporary business banners content shall be specific to the name, time and place of the event or activity.~~

~~All temporary business banners shall be removed within (twenty-four) 24 hours after the event for which the sign was authorized.~~

~~Unless otherwise specified, all temporary business banners shall be limited to a period of thirty (30) consecutive days and no more than twice per year.~~

~~The erection and removal of all temporary business banners shall be the responsibility of the person sponsoring the event, or duly authorized agent.~~

~~Temporary business banners permitted by this subsection shall require a temporary business banner permit, the applicable permit fee and authorization by the City Manager.~~

~~A brochure box, info tube or similar device may be attached to the sign as long as it does not exceed 8.5" x 11" in area.~~

Amending Land Development Code Chapter 5 5.03.05 to amend cross-references:

5.03.05 Prohibited Signs

The signs identified in this section are expressly prohibited unless otherwise exempted or expressly authorized:

Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination.

Any sign that obstructs the vision between pedestrians and vehicles using the public right-of-way, including, but not restricted to, those not meeting intersection visibility requirements set forth in Section 7.01.08.

Signs with lights, lighted screens or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.

Non-governmental signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device; and non governmental signs that use the words "stop", "look", "danger", or any similar word, phrase, or symbol, or which is a copy or imitation of an official sign that may be reasonably confused with or construed as, or conceal, a traffic-control device.

Signs attached to trees or utility poles.

Snipe signs, except as permitted for campaign advertising or other ~~Temporary Business Banners~~ Temporary Signs under ~~Section 5.03.07~~ Section 5.04.00.

Signs with visible moving, revolving, or rotating parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.

Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.

Signs that emit audible sound, odor, or visible matter such as smoke or steam.

Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe.

Signs made of combustible materials that are attached to or in close proximity to fire escapes or fire fighting equipment.

Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public right-of-way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.

Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.

Off-site advertising signs, with the exception of sandwich boards as set forth in Section 5.03.1 0 (E) and ~~Temporary Business Banners~~ Temporary Signs as permitted in ~~5.03.07~~ 5.04.00.

Signs mounted on any portion of a roof.

Abandoned signs.

Signs erected on public property including public rights-of-way, with the exception of signs erected by public authority for public purposes, sandwich boards as set forth in Section 5.03.1 0 (E) and ~~Temporary Business Banners~~ Temporary Signs as permitted in ~~5.03.07~~ 5.04.00.

Signs erected within any navigable waterway within the City to be located beyond any established bulkhead line, and oriented to be visible to those traveling the waterway.

Portable or trailer signs.

Internally lit signs within or adjacent to residential zoning districts.

Signs attached to or painted on vehicles which are not regularly used as part of the advertised business and are obviously parked or advertise in such a way so as to advertise to the passing

motorist or pedestrian.

Wind Signs defined as any device, including but not limited to, one (1) or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind not specifically exempted by section 5.03.06.

Any other signs that are not specifically permitted or exempted by this LDC.

Amending Land Development Code to add Chapter 5 5.04.00:

5.04.00. TEMPORARY SIGNS

5.04.01. Scope. Notwithstanding anything to the contrary in the City's Land Development Code or in any other ordinance or code provision of the City, the provisions of this subchapter 5.04 shall govern the regulation of temporary signs, and take precedence over any other provisions that pertain to temporary signs unless specifically exempted or excepted herein.

05.04.02. Findings of Fact. The City Commission finds that the location and maintenance of temporary signs affects the public health, safety, and general welfare of the people of this community, and that in order to preserve and enhance the city as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance. The city commission further finds that the regulation of temporary signs within the city is a highly contributive means by which to achieve this desired end, and that uncontrolled and unlimited temporary signs would degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation and permanent economic growth.

5.04.03. Purpose and Intent. It is the purpose of this subchapter to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory standards for temporary signs. The temporary sign regulations in this subchapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech, and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. It is the intent of the city commission that the temporary sign regulations shall provide uniform sign criteria which regulate the size, height, number and placement of signs in a manner that is compatible to the residential, coastal and historic scale and character of the city, and which place the fewest possible restrictions on personal liberties, property rights, commerce, and the free exercise of Constitutional rights while achieving the city's goal of creating a healthy, safe and attractive environment that does not contain excessive clutter and visual distraction in rights-of-way and adjacent properties, the surrounding natural coastal environment, historic district and residential neighborhoods. These sign regulations have been prepared with the intent of enhancing the visual environment of the city and promoting its continued well-being, consistent with the most recent pronouncements by the United States Supreme Court regarding the regulation of temporary signage, and are further intended to:

- (1) Encourage the effective use of signs as a means of communication in the city;
- (2) Maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
- (3) Improve pedestrian and traffic safety;

(4) Minimize the possible adverse impact of temporary signs on nearby public and private property;

(5) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of temporary signs which compete for the attention of pedestrian and vehicular traffic;

(6) Allow temporary signs that are compatible with their surroundings, while precluding the placement of temporary signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;

(7) Encourage and allow temporary signs that are appropriate to the zoning district in which they are located;

(8) Regulate temporary signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;

(9) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the city;

(10) Protect property values by precluding to the maximum extent possible temporary signs that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement; and

(11) Enable the fair and consistent enforcement of these temporary sign regulations.

5.04.04. Definitions. The following definitions are applicable to subchapter 5.04.00.

(1) *Sign.* The term "sign" shall mean any surface, fabric, device or display which bears lettered, pictorial or sculptured matter, including forms shaped to resemble any human, animal or product designed to convey information to the public and is visible from an abutting property, from a public street, sidewalk or right-of-way, or from a body of water. The term "sign" shall include all structural members. A sign shall be construed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered a single sign. The term "sign" shall not include: artwork, holiday or seasonal decorations, cemetery markers, or machinery or equipment signs.

(2) *Temporary sign.* The term "temporary sign" shall mean any sign that is not a permanent sign, and shall include a sign formerly or commonly known as a temporary election sign, a temporary political sign, a temporary free expression sign, a temporary real estate sign, a temporary directional sign, a temporary construction sign, a temporary grand opening sign, or any other temporary sign unless otherwise provided herein. The term "temporary sign" shall not include any substitution of message on an existing lawful sign or sign structure.

5.04.05. Criteria Required for Temporary Signs. The criteria for temporary signs are set forth in Table 5.04.05 below. A temporary sign is unlawful if it does not meet the criteria established for the zoning district in which the sign is located.

TABLE 5.04.05 Temporary Signs Design Standards and Limitations

ZONING DISTRICTS	R-E, R1-G, R-1, RLM, R-2, R-3, OT-1, OT-2	MU-1, C-1, C-2, I-1, I-A, I-W, W-1, PI-1	C-3, CON, REC
Maximum Number of Signs Per Parcel ¹	8	4	4
Maximum Sign Area ²	6 sf.	32 sf.	16 sf.
Sign Height Maximum for a Freestanding Sign ³	5 ft.	5 ft.	5 ft.
Sign Height Maximum for a Wall Sign (inclusive of a Window Sign)	15 ft.	15 ft.	15 ft.
Minimum Sign Setback for Ground Signs ⁴	3 ft.	3 ft.	3 ft.
Minimum Spacing from any Other Sign (Temporary Sign or a Permanent Sign ⁵)	15 ft.	15 ft.	15 ft.
Aggregate Maximum of Surface Area Allocated for All Sign Messages ⁶	96 sf.	256 sf.	128 sf.

5.04.06. Prohibition of Temporary Signs on Public Property. Other than government signs displaying government speech, temporary signs on public property are prohibited unless otherwise allowed within the LDC or the Code of Ordinances.

¹ The number of temporary commercial signs per parcel shall be no more than two.

² The square footage limitation is per side for a back-to-back sign. For example, a 6 square foot limitation means that there is a limit of 6 square feet of surface area per side of a back-to-back sign, and an aggregate limit of 12 square feet is allowed if the sign is a back-to-back temporary sign.

³ Not applicable to signs displayed on flagpoles.

⁴ Minimum sign setbacks are measured from the edge of the property line. Setbacks do not apply to wall signs. And, as set forth in Section 5.04.06 all temporary signs are prohibited on public property.

⁵ Not applicable to signs displayed on flagpoles.

⁶ There is no limit to the number of separate messages that may appear on the allowable surface(s) of any temporary sign. The aggregate maximum of surface area allowed is subject to the other limitations or circumstances that may reduce the aggregate maximum of surface area that can be allocated.

(Deletions are shown as ~~strikethroughs~~ and additions are underlined.)

5.04.07. Duration for Display of Temporary Sign. If a temporary sign pertains to an event, the temporary sign shall be removed within and by no later than three days after the event is concluded. If a temporary sign does not pertain to an event, the temporary sign shall be removed within and by no later than thirty (30) days after being erected.

5.04.08. Display of Temporary Sign Requires Permission of Real Property Owner. A temporary sign on any parcel shall not be maintained if the placement of the same does not have the permission of the owner of the real property.

5.04.09. A Temporary Sign May Not Display Any Lighting and Must Remain Static. A temporary sign may not display any lighting or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.

5.04.10. A Temporary Sign May Not Incorporate Fluorescent Color or Exhibit Fluorescence. A temporary sign may not incorporate fluorescent color or exhibit fluorescence.

5.04.11. A Temporary Sign May Not Obstruct A Permanent Sign or The Vision Between Pedestrians and Vehicles. A temporary sign may not obstruct the view of a permanent sign as viewed from any public road, street or highway or any public sidewalk, and may not obstruct the vision between pedestrians and vehicles using the public right-of-way, including but not restricted to, those meeting intersection visibility requirements set forth in Section 7.01.08.

5.04.12 A Temporary Sign May Display Multiple Messages. A temporary sign may display multiple independent messages on any portion of the sign surface of a temporary sign.

5.04.13 A Temporary Sign is Not Subject to Permitting. A temporary sign does not require a permit from the City.

5.04.14 Chapter 5 5.04.00 Not Intended to Regulate Interior Facing Signage. The City does not intend that Chapter 5 Section 5.04.00 regulate or be applicable to signage located in the interior of school yards, ball/play fields or similar uses where such signage is designed to face the interior of such location and is not designed to be viewed or seen from adjacent roadways.

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, December 1, 2015, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2015-29

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE LAND DEVELOPMENT CODE, DELETING CHAPTER 5 SECTION 5.03.07 IN ITS ENTIRETY, REVISING CHAPTER 5 SECTION 5.03.05 TO CORRECT CROSS-REFERENCES, AND ADDING A NEW SUBCHAPTER 5.04.00, TEMPORARY SIGNS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2015-30

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE LAND DEVELOPMENT CODE, REVISING CHAPTER 11 SECTION 11.03.01 TO INCLUDE A SUFFICIENCY REVIEW PROCESS AND SECTION 11.07.01 TO PROVIDE FOR AN APPEAL PROCEDURE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

For information, please contact the Staff of the City Clerk's Office, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday, (904) 310-3115.

Note:

Please run as a DISPLAY in the November 18, 2015 edition of the News Leader.

Please send proof of publication to:

City Clerk's Office

City Hall, 204 Ash Street

Fernandina Beach, FL 32034

904-310-3115

November 18, 2015
Newspaper Edition

SCANNED
9 KB



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