

AS AMENDED

ORDINANCE NO. 2015-8064

AN ORDINANCE RELATING TO THE DEFINITIONS USED IN ARTICLE IV, LAND DEVELOPMENT CODE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; ADDING CERTAIN DEFINITIONS, AMENDING CERTAIN DEFINITIONS, AND REPEALING OTHER DEFINITIONS; PROVIDING THAT LANGUAGE STRUCK THROUGH INDICATES DELETIONS, AND LANGUAGE UNDERLINED INDICATES ADDITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Jacksonville Beach has determined the need to update and revise the definitions as they relate to signs in its Land Development Code, and to update and revise other definitions in its Land Development Code;

WHEREAS, the City Council wishes to ensure that the definitions in the City's Land Development Code as they relate to signs are in compliance with all constitutional and other legal requirements;

WHEREAS, the City of Jacksonville Beach finds and determines that the updated and revised definitions herein are consistent with all applicable policies of the City's adopted 2030 Comprehensive Plan;

WHEREAS, the City of Jacksonville Beach finds and determines that the updated and revised definitions herein are not in conflict with the public interest;

WHEREAS, the City of Jacksonville Beach finds and determines that the Land Development Code's severability clause was adopted with the intent of upholding and sustaining as much of the City's regulations, including its sign regulations, as possible in the event that any portion thereof (including any section, sentence, clause or phrase) be held invalid or unconstitutional by any court of competent jurisdiction;

WHEREAS, the City of Jacksonville Beach 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 invalid provisions are stricken [*see, e.g., Waldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990)];

WHEREAS, the City of Jacksonville Beach 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;

WHEREAS, the City of Jacksonville Beach finds and determines that the failure of some courts to uphold severability clauses has led to an increase in litigation seeking to strike down sign ordinances in their *entirety* so as to argue that the developers' applications to erect prohibited sign types, such as billboards, must be granted;

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

WHEREAS, the City of Jacksonville Beach 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 exceptions, limitations, variances or other provisions are invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the City of Jacksonville Beach recognizes that definitions in the City's Land Development Code need to be deleted, revised or added in light of the recent decision in *Reed v. Town of Gilbert, Ariz.*, — U.S. —, 135 S. Ct. 2218, 2221, 192 L. Ed. 2d 236 (2015);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. That Article IV, Definitions, of the Land Development Code of the Jacksonville Beach City Code of Ordinances is amended to add the following underlined language, and repeal the following struck through language:

Article IV. Definitions.

Terms in the LDC shall have the following definitions.

Abandoned sign means a sign that is not operated or maintained for a period of one hundred eighty (180) calendar days or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (1) the sign displays advertising for a product or service which is no longer available, (2) the sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. An *abandoned sign* includes a sign on which is advertised a business that no longer has a certificate of occupancy or that is no longer doing business on the parcel where the sign is located. An *abandoned sign* includes a sign for a purpose for which the purpose has lapsed. If the abandoned sign is on a freestanding sign structure conforming with the city's Land Development Code (LDC) and in compliance with the Florida Building Code, then only the sign face shall be considered abandoned and only the sign face shall be removed. Any replacement sign face must comply with the city's LDC. However, if the abandoned sign is on a freestanding sign structure that is nonconforming with the City's LDC, then both the sign face and the sign structure shall be removed.

~~*Abandoned or discontinued sign or sign structure* means a sign or sign structure is considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of sixty (60) days or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (1) a sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed, or (2) a sign which is blank. This definition of abandoned sign includes signs on which is advertised a business that is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at that location, or any other sign for any purpose for which the purpose has lapsed. If the sign is a~~

~~conforming sign that is in compliance with the Florida Building Code and the Land Development Code building codes and all other applicable City Ordinances, then only the sign face will be considered abandoned and discontinued.~~

Accessory building means a building which is detached from the main building on the lot and the use of which is subordinate or incidental to that of the main building. For residential districts and land uses, any structure containing a dwelling unit or units shall be considered a principal structure.

Accessory use means a use incidental and subordinate to the principal use of a lot or building located upon the same lot.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adequate public facilities means compliance with Article X, Adequate Public Facility Standards.

Adjacent landowner means an owner of land sharing a boundary with another parcel of land. For purposes of the LDC, an intervening road, right-of-way, easement or canal shall not destroy the adjacency of the two (2) parcels.

Administration commission means the governor and the cabinet.

Adult day care services means any building, whether operated for profit or not, which undertakes through its ownership or management to provide, for a part of a twenty-four (24)-hour day, the basic services which may include but are not limited to providing a protective setting, social activities, leisure-time activities, self-care training, rest, and nutritional services, to three (3) or more adults, not related to the owner/operator by blood or marriage, who require such services.

Advertising means any commercial sign copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, sales event, activity, entertainment, of or real or personal property.

Affected person means persons owning property, residing, or owning or operating a business within the City of Jacksonville Beach, and local governments adjoining Jacksonville Beach that can demonstrate that an amendment of the comprehensive plan as proposed would produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written objections during Jacksonville Beach's consideration of a comprehensive plan amendment.

Affidavit attesting to subsequent receipt of certificate of public facilities reservation means an affidavit signed by the applicant that defers the application for a certificate of public facilities reservation until receipt of a final development order for the proposed development, acknowledging that future rights to develop the land are subject to the receipt of a certificate of

public facilities reservation and acknowledging that no vested rights are granted by the City of Jacksonville Beach, or acquired by the applicant as it relates to the adequate public facilities standards of Article X, Adequate Public Facility Standards.

Aggrieved or adversely affected person means any person or local government which will suffer an adverse effect to an interest protected or furthered by the comprehensive plan, including interests related to health and safety, police and fire protection systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, or environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but shall exceed in degree the general interest in common good shared by all persons.

Alcoholic beverage establishment means any establishment devoted primarily to the sale of alcoholic beverages for consumption on or off-premises, which is licensed by the State of Florida to dispense or sell alcoholic beverages.

Alley means a roadway dedicated to public use or an approved private way, which affords only a secondary means of access to abutting property that is not intended for general traffic circulation.

Alteration means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or moving of a building or structure from one location to another. In the case of a sign, alteration shall include any change of copy, color, size, shape, illumination, position, construction, or supporting structure.

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by movement of the atmosphere, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays, such as an LED (light emitting diode) screen or any other type of video display.

~~*Apartment sign* means a sign identifying an apartment project or building.~~

Application for development permit means an application submitted to the City of Jacksonville Beach requesting the approval of a development permit.

Approved street means any local street, constructed according to the specifications in Article IX, Subdivision Standards, and accepted by resolution of the City Council of the City of Jacksonville Beach for maintenance purposes.

Aquifer means a groundwater bearing geologic formation, or formations, that contain enough saturated permeable material to yield significant quantities of water.

Architectural detail or embellishment means any projection, relief, change of material, window or door opening, exterior lighting, inlay, or other exterior building features not specifically classified as a sign. The term includes, but is not limited to, relief or inlay features or patterns

that distinguish window or door openings, exterior lighting that frames building features, and changes in façade materials to create an architectural effect.

Area of shallow flooding means a designated AO or AH Zone on the Jacksonville Beach Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of sign means the square foot area within a continuous perimeter enclosing the extreme limits of the sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of the actual surface area. In the case of painted wall signs composed of letters, shapes, or figures, or skeleton letters mounted without a border, the sign area shall be the area of the smallest rectangle or other geometric figure that would enclose all of the letters, shapes and figures. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than twenty-four (24) inches apart.

Area of special flood hazard means the land in the floodplain within the city subject to a one (1) percent or greater chance of flooding in any given year.

Artwork means a two- or three-dimensional representation of a creative idea that is expressed in an art form ~~a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically but does not~~ convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed. If displayed as a two-dimensional representation on a flat surface, the same shall not exceed one-quarter (1/4) of the total surface area; however, if displayed on a flat surface oriented to a federal-aid primary highway, the same shall not exceed one-half (1/2) of the total surface area. All outdoor artwork shall conform to the maximum height restrictions in any particular zone in which it is located. All outdoor artwork shall also conform to any applicable building code and safety standards.

Attached sign means any sign attached to, on, or supported by any part of a building (e.g., walls, awning, windows, or canopy), which encloses or covers useable space.

Automobile wrecking yard ("junkyard") means a lot or group of contiguous lots used for the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or lots of two (2) or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or resale shall constitute prima facie evidence of an automobile wrecking yard.

Auxiliary dwelling unit means a one family dwelling unit subordinate in area to, and attached to a structure containing a listed permitted or approved listed conditional use. Minimum floor area of auxiliary dwelling unit is subject to section 34-340: Residential, multiple family: RM-2 standards for multiple family dwellings.

Available school capacity means that portion of total public school capacity that remains available for the development proposal after the following are subtracted: Current student

enrollment; those student stations reserved by a finding of available school capacity; and those student stations reserved for exempt development.

Awning means any secondary covering attached to the exterior wall of a building. It is typically composed of canvas woven of acrylic, cotton or polyester yarn, or vinyl laminated to polyester fabric that is stretched tightly over a light structure of aluminum, iron or steel, or wood.

Awning sign or canopy sign means any sign that is a part of or printed, stamped, stitched or otherwise applied onto a protective awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Bandit sign means the same as a snipe sign. See Snipe sign. ~~an illegal commercial sign posted on a utility pole, street sign, or other street furniture; or any other sign placed within a public right-of-way or public property or on private property such that it is visible from a public right-of-way or public property. A bandit sign generally has less than six (6) square feet or less of advertising area and are made of vinyl, paper, cloth or fabric, polyboard, coroplas, corrugated plastic, poster board, plastic core, cardboard, wood, or plywood, including signs with wood or wire framing, posts, or stakes.~~

Banner shall mean a temporary sign made of wind and weather resistant cloth or other lightweight material, intended to hang either with or without frames or in some other manner as not to be wind activated, and possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. Flags shall not be considered banners for the purpose of this definition.

Banner, vertical streetlight means a temporary government sign made of wind and weather resistant cloth or other lightweight material, displaying government speech and ~~intended to be~~ hung in the public right-of-way from rods and brackets attached to a government-owned streetlight pole.

Bar means any establishment which is devoted primarily to the retailing and on-premises consumption of malt, vinous, distilled or other alcoholic beverages within an enclosed building and which is licensed by the State of Florida to dispense or sell alcoholic beverages. A bar may include a package liquor store on the same premises. The term "bar" is intended to include lounges, nightclub, tavern, or other drinking places within its meaning.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any year.

Basement means any portion of a building having its floor sub-grade (below ground level) on all sides.

Beacon sign means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting or diverting attention, except, however, this term does not include any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration or other similar governmental agency. This definition does not apply to any similar type of lighting device

contained entirely within a structure and which does not project light to the exterior of the structure.

Bed and breakfast means a limited occupancy visitor accommodation facility consisting of a residential building or group of residential buildings containing a total of not less than four (4) and not greater than ten (10) guest rooms and a manager's residence, where visitor occupancy is limited to a maximum of seven (7) consecutive days, where such lodging and a daily meal or meals are provided for compensation, and said meals are served only to resident guests of the inn. Bed and breakfast inns are limited to the adaptive conversion and reuse of, or reproductions of, historically or architecturally unique residential structures, which are compatible with the surrounding neighborhood.

~~*Billboard* means a sign structure, including building and/or sign utilized for advertising an establishment, an activity, a product, service or entertainment, which is sold, produced, manufactured or furnished at a place other than on the property on which such structure and/or sign is located.~~

Billboard means an advertising sign or other commercial sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed.

Block means a parcel of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street.

Board of adjustment means the Jacksonville Beach Board of Adjustment.

Boarding (lodging) house means a building other than a hotel, where rooms are rented and meals may be provided for compensation.

Boutique shall mean any retail establishment selling clothing, specialty food goods, gifts, coffees and antiques, located in a freestanding building not more than two (2) stories in height and not containing more than two thousand (2,000) square feet on either floor.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building means a structure having a roof supported by columns or walls, that is designed or built for support, enclosure, shelter or protection of any kind.

Building code means ~~the Florida Building Code Chapter 7 of the Jacksonville Beach Code of Ordinances and the standard codes as published by the Southern Building Code Congress, Inc., adopted by reference therein.~~

Building height means the vertical distance between the elevation of the crown of the road of the nearest adjacent roadway at the center of the front of the building; and either the highest point of

the coping of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge for hip, gable, and gambrel roofs.

Building line means a line across a parcel of land that is the distance a structure must be set back from a lot boundary line, street center line or right-of-way, as defined in Art. VII, Zoning Districts, for the zoning district in which the parcel is located.

Building official means the appointed individual in charge of the Building Division of the Jacksonville Beach Planning and Development Department.

Building permit means a permit required by the Florida Building Code for the construction of or addition to a structure, the installation of a mobile home, or a final development order for those improvements to land not requiring building permits or permits for mobile home installation. Building permits shall include those permits which allow the installation for location of a mobile home or a recreational vehicle to a site or lot.

~~*Bulletin-board sign* means a sign erected by a charitable, educational, religious institution, or public body, which is erected on the same property as said institution for the purpose of announcing events; which are held on the same premises.~~

Bus stop informational sign means a freestanding or attached noncommercial government sign erected by a public transit agency, which is located at an official bus stop and providing information as to the route, hours or times of service.

Cabinet sign means a sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

Canopy means an overhead roof or structure that is able to provide shade or shelter.

Capital improvement element ("CIE") means the capital improvement element of the comprehensive plan.

Carport means a roofed structure providing space for parking or storage of motor vehicles enclosed on not more than three (3) sides.

CERCLA means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended.

Certificate of public facilities reservation means a written determination, issued by the planning and development director, verifying the current availability of a minimum level of road, potable water, sanitary sewer, solid waste collection, stormwater management, and recreation and open space facilities to serve the proposed project concurrent with the development of that project pursuant to the requirements of Art. X, Adequate Public Facilities Standards.

Changeable copy sign means a sign with the capability of content change by means of manual or remote input, including the following types:

(1) Manually activated. Changeable sign whose message copy can be changed manually on a display surface.

(2) Electronically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or may be from an external light source designed to reflect off of the changeable component display. See also *Electronic message sign*.

Change of occupancy means a discontinuance of an existing use and the substitution therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Character means any symbol, mark, logo, or inscription.

Child day care services means an establishment, licensed by the HRS, which provides non-resident day or night care for more than six (6) children on a fee basis. The term includes day nurseries, day care centers, day care agencies, nursery schools, or play schools, but not foster homes or community-based residential facilities.

City means the City of Jacksonville Beach.

City council means the City Council of the City of Jacksonville Beach, Florida.

Clinic, medical or dental means an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one (1) person or a group of persons practicing any form of medical care, whether such persons are medical doctors, chiropractors, osteopaths, chiropodists, naturopath, optometrists, dentists or any such profession, the practice of which is lawful in the State of Florida.

Cluster housing means a residential development pattern with structures arranged in closely related groups such as around culs-de-sac, instead of spreading housing uniformly over a tract, where the remainder of the land is commonly maintained open space. Control takes place through zoning by density.

Coastal high hazard area means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone VE or V.

Coastal construction setback line means a line landward of the mean high water line at any riparian coastal location fronting the Atlantic coast shoreline, exclusive of bays, inlets, rivers, bayous, creeks, passes and the like. No construction in this area shall be allowed unless a permit is obtained from the DEP.

Code enforcement board means the board appointed and vested with the authority to enforce local codes and ordinances pursuant to F.S. Ch. 162.

Color means any distinct tint, hue or shade including white, black or gray.

Commercial mascot sign means humans or animal used as advertising devices for commercial establishments, typically by holding or wearing of insignia, masks, or costumes associated with the commercial establishment. Commercial mascot includes sign twirlers, sign wavers, and sign clowns, etc.

Commercial message means any sign wording, copy, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, commodity, service, sale, or sales event, activity, entertainment or other commercial activity.

Commercial vehicle means ~~[means]~~ any motor vehicle licensed by the state as a commercial vehicle, any vehicle designed for a commercial or industrial function, or any vehicle marked with commercial advertising.

Common ownership means a shared interest in real property by the same person or any persons related by marriage or blood within an immediate family including parents, spouses, siblings and children.

Community center means a building or land open to the public and used for recreational, social; educational, and cultural activities, usually owned and operated by a public or nonprofit group or agency.

Compatibility setback ("buffer") means a strip of land used to visibly separate one (1) use from another or to shield or block noise, light, or other nuisances.

Comprehensive plan means the Jacksonville Beach Comprehensive Plan, adopted pursuant to F.S. § 163.3161, et seq., as amended.

Concurrency service area or CSA means the area within the corporate limits of the City of Jacksonville Beach, Florida.

Conditional use means a use which is generally not compatible with the other land uses permitted in a zoning district, but with individual review and control of its location, design, configuration and intensity and density of use, buildings and structures, and the imposition of conditions pertinent thereto in order to ensure the appropriateness of the use at a particular location, may be permitted in the zoning district as a conditional use pursuant to the procedures and standards of section 34-221, et seq.

Condominium means a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.

Conservation-protected land means all undeveloped estuarine wetland areas, any undeveloped area within a fifty (50) foot strip upland of the designated estuarine wetland area, the sandy portion of the beach, and any areas landward of the sandy beach designated by the Federal Emergency Management Agency as lying within a V or velocity coastal hazard zone.

Conservation-restricted land means all designated palustrine or upland wetland areas and any areas designated by the Federal Emergency Management Agency as lying within an A or special flood hazard area.

Construction, actual or start includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

~~*Construction sign* means a temporary on-premise sign identifying the ongoing construction activity during the time that a building permit is active and prior to completion of the work for which the permit was issued, and containing sign copy that is limited to the ongoing construction activity and identifying the contractor and/or any subcontractor engaged to perform construction activity on the site.~~

Contiguous means a sharing of a common border at more than a single point of intersection.

Cost per student station estimate means, for each type of public school facility, an estimate of the cost of providing public school facilities for a public school student, as established in the school district's work program. "Cost per student station estimates" shall include all costs of providing instructional and core capacity including land, design, buildings, equipment and furniture, and site improvements. The cost of ancillary facilities that generally support the school district and the capital costs associated with the transportation of students shall not be included in the cost per student station estimate used for proportionate share mitigation.

Copy means the linguistic or graphic content of a sign.

Curb level means the permanently established elevation or grade of the curb top in front of a lot.

Current student enrollment means the number of students enrolled in all existing public school facilities operated by the school district in a given school year.

D.C.A. or Department of Community Affairs means the Florida Department of Community Affairs and its successor the Florida Department of Economic Opportunity.

D.E.P. means the Florida Department of Environmental Protection.

Decoration means any decoration visible from a public area that does not include lettering or text and is not displayed for commercial advertising.

Density means the number of dwelling units divided by the gross area of the land on which such dwelling units are located. Where used in the LDC, density shall mean gross density. Gross density includes all of the land within a particular area excluding nothing.

Developed area shall mean any platted or occupied section of the city abutting a public right-of-day in which twenty-five (25) percent of the lots in a block or tract have been developed by the building of a residential or commercial structure.

Developer means the legal or beneficial owner of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land, including a governmental agency undertaking any development.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land or the dividing of land into three (3) or more parcels.

(1) The following activities or uses shall be taken for the purposes of these regulations to involve "development:"

- a. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water.
- b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- c. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including "coastal construction" as defined in F.S. § 161.021.
- d. Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
- e. Demolition of a structure.
- f. Clearing of land as an adjunct of construction.
- g. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(2) For the purpose of these regulations the following operations or uses shall not be taken to involve "development:"

- a. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
- b. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-

of-way any sewer mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracts, or the like.

c. Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

d. The use of any structure or land devoted to dwelling units for any purpose customarily incidental to enjoyment of the dwelling.

e. A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the class.

f. A change in the ownership or form of ownership of any parcel or structure.

g. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law.

Development agreement means an agreement entered into between the City of Jacksonville Beach and a person associated with the development of land pursuant to F.S. § 163.3220 or 380.06.

Development order means any order granting or granting with conditions an application for development permit.

Development permit means an amendment to the official zoning atlas, a planned unit development (PUD) zoning district classification, a redevelopment district (RD) zoning district classification, a conditional use, a development plan, subdivision approval, a variance, a building permit or any other official action of the city having the effect of permitting the development of land.

Development proposal means an application for any approval of the following types of residential development, or a phase thereof or amendments thereto: (1) final subdivision plat approval; or (2) development plan approval.

Development of regional impact ("DRI") means any development, exceeding the thresholds established by the State of Florida pursuant to F.S. Ch. 380.06, which because of its character, magnitude or location would have a substantial effect on the health, safety, or welfare of the citizens of more than one county.

Diameter breast height (DBH) means the trunk diameter of an existing tree measured four and one-half (4½) feet above the average ground level at the tree base. If the tree forks between four and one-half (4½) and two (2) feet above ground level, it shall be measured below the swell resulting from the fork. Trunks that fork below two (2) feet above ground level, shall be considered multi-trunk trees. DBH for multi-trunk trees shall be determined by adding together the DBH of the two (2) largest trunks four and one-half (4½) feet above the ground.

~~*Directional sign, on-site* means any on-premises sign that provides directions necessary or convenient for visitors or clients coming onto the premises, including signs marking entrances and exits, parking areas, loading zones, or circulation directions.~~

~~*Directional sign, non-commercial off-site* means a directional sign erected on private property adjacent to a designated principal or minor arterial roadway by a religious, charitable, fraternal, nonprofit, or civic organization having a meeting place, clubhouse, or other site within the city for the purpose of indicating the place where such clubhouse, meeting place or site is located.~~

Director means the planning and development director or the director's designee.

~~*Directory sign* means a non-commercial sign which lists the names and locations of occupants or the use of a building, limited to multi-tenant office buildings and complexes.~~

Discontinued sign means a sign that is not operated or maintained for a period of one hundred eighty (180) calendar days or longer, and the intent of the owner of the sign shall not be a consideration in whether or not the sign is a *discontinued sign*. The following conditions shall be conclusively considered as the failure to operate or maintain a sign: (1) a sign displays advertising for a product or service which is no longer available, or (2) a sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. A *discontinued sign* includes a sign advertising a business that no longer has a certificate of occupancy or that no longer does business at the location at which the sign is located. A *discontinued sign* includes a sign for a purpose for which the purpose has lapsed. If the discontinued sign is on a freestanding sign structure that is conforming with the city's Land Development Code (LDC) and in compliance with the Florida Building Code, then only the sign face will be considered discontinued; however, if the discontinued sign is on a freestanding sign structure that is either nonconforming with the city's LDC or out of compliance with the Florida Building Code, then freestanding sign structure shall be removed.

Double-faced sign means a sign which has two display surfaces backed against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction, every point on which face being either in contact with the other face or in contact with the same background.

Drip line means a vertical line extending from the outermost branches of a tree to the ground.

Drive-through lane sign shall mean a sign oriented to vehicles utilizing a drive-through lane at an establishment.

Dwelling means a building or portion thereof designed exclusively for residential occupancy, including single family, two-family or duplex, townhouses, and multiple family dwellings, but not including hotels, boarding or lodging houses, or mobile homes, whether such mobile homes are movable or anchored in a stationery fashion.

Dwelling, attached means a one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.

Dwelling, multiple family means a structure containing two (2) or more dwelling units.

Dwelling, single-family means the use of land for only one (1) dwelling unit, other than a mobile home, that is developed with open yards on all sides of the dwelling unit. This use includes manufactured single-family units certified by the Florida Department of Community Affairs to be in compliance with the Florida Manufactured Building Act of 1979, Part 4, F.S. Ch. 553.

Dwelling, townhouse means a structure of three (3) or more single family units separated by party walls in which each unit has its own front and rear access to the outside and no unit is located over another unit. The party walls separating the dwelling units shall be fire resistant and shall extend to the roof line of the structure and shall have no openings therein.

Dwelling, two-family ("duplex") means a structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both units.

Dwelling unit means a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people; no portion of which building interior, including any kitchen, shall be designed, arranged or closed off in a manner that eliminates interior access to or exit therefrom. This use includes manufactured single-family units certified by the Florida Department of Community Affairs to be in compliance with the Florida Manufactured Building Act of 1979, ~~Part 4,~~ Part 1, Ch. 553, F.S. Buildings with more than one (1) kitchen or set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are located outside of any building and are clearly accessory, such as an outdoor grill.

Dwelling, zero lot line detached means the use of land for only one dwelling unit, which is not attached to any other dwelling unit that has one (1) wall located on one (1) interior side lot line.

Easement means a grant of the use of land by the land owner to any person, or to the general public for a specified purpose.

Educational services means different establishments providing a variety of academic or technical instruction on the elementary, secondary, junior college, college, university, professional, or vocational level.

Egress means an exit.

Electronic message sign means an electronically activated changeable copy sign whose variable message capability can be electronically programmed.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Engineer means a professional engineer registered to practice by the State of Florida.

E.P.A. means the United States Environmental Protection Agency.

Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish: but it does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.

Essential public services means the erection, construction, alteration, or maintenance of underground, surface or overhead utility installations of water, sewer, gas, telephone and electrical systems and the equipment and appurtenances such as substations and lift stations necessary for such systems to furnish an adequate level of service.

Exceptional specimen tree means any tree which is determined by the city council to be of unique and intrinsic value to the general public because of its size, age, historic association, or ecological value, or any tree designated a Florida State Champion by the American Forestry Association. The planning and development director shall keep a record of all specimen trees and their location.

Exempt development means a development that creates additional impact on public school facilities, but which is not required to receive a finding of available school capacity because it received site plan or final subdivision approval prior to the effective date of this ordinance, and the approval has not expired and remains valid. Approved developments of regional impact are exempt development. Developments of regional impact that submitted applications prior to May 1, 2005 or received approvals are also exempt development.

Existing grade means the elevation of the ground in its natural state, before man-made alterations, including the deposition of fill, adjacent to and within two (2) feet of the proposed exterior walls of a structure.

Façade means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Family means any number of individuals related by blood, marriage or legal adoption, and no more than four (4) persons not so related living together as a single housekeeping unit.

Feather sign or flutter sign ~~flag~~ means a sign ~~flag~~ extending in a sleeve-like fashion down a telescoping or fixed pole that is mounted in the ground or on a building or stand. A feather sign or flutter sign ~~flag~~ is usually shaped like a sail or feather, and attached to the pole support on one vertical side.

Fence means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Finding of available school capacity means a determination by the school district designee that public school concurrency has been achieved based on the projected impacts of the development proposal. A finding of available school capacity may be based upon an executed proportionate share mitigation agreement.

Finding of no available school capacity means a determination by the school district designee that public school concurrency has not been achieved based on the projected impacts of the

development proposal and the failure of the applicant to proffer an acceptable proportionate share mitigation agreement.

Fixed aerial advertising sign means any aerial advertising medium that is tethered to, or controlled from the ground.

Finished grade or finished elevation means the elevation of the ground surface upon the completion of any construction, immediately adjacent to and within two (2) feet of the exterior walls of a structure.

Flag means a temporary sign consisting of a piece of cloth, fabric or other non-rigid material, usually rectangular, of distinctive color and design, used as a symbol, standard, signal, or emblem.

Flag pole means a pole on which to raise a flag.

Flashing sign means any illuminated sign, on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign.

~~*Flat or wall sign* means any sign erected parallel to the face or the outside wall of any building that is supported throughout its length by the wall of the building.~~

~~*Flat or wall sign. See wall sign.* means any sign erected parallel to the face or the outside wall of any building that is supported throughout its length by the wall of the building.~~

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry lands from the overflow of inland or tidal water or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study means the official hydrology and hydraulics report provided by the Federal Emergency Management Agency. This report contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBMs (where applicable), and other related data and information.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Foster home means any facility, licensed by the HRS, which houses foster residents and provides a family living environment for the residents, including such supervision and care as may be necessary to meet residents' physical, emotional, and social life needs of the residents. Delinquent children, alcohol and drug abusers, and dangerous mentally ill persons are excluded from this definition.

Fraternal club or lodge means those associations and organizations of a civic, fraternal or social character not operated or maintained for profit, for which there is restricted public access or use.

~~Free expression sign means a sign communicating information or views of concern to the owner of the sign, or containing any other non-commercial message, that is otherwise lawful.~~

Free-standing (ground) sign means a detached sign which shall include any signs supported by uprights or braces placed upon or in or supported by the ground and not attached to any building. A free-standing (ground) sign may be a pole sign or a monument sign.

Frontage, building means the maximum width of a building measured in a straight line parallel with the abutting street, public parking lot, or pedestrian walkway.

Frontage, lot means the horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abut a street shall be considered lot frontage.

Functionally dependent facility means a facility that cannot be used for its intended purpose unless it is located or carried out close to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufactured sales, or service facilities.

Future land use map means the figure entitled "Future Land Use Map 2010, City of Jacksonville Beach, Florida" included as part of the future land use element of the Jacksonville Beach Comprehensive Plan, adopted pursuant to F.S. § 163.3161, et seq., as amended.

Garage means an accessory building or part of the main building used for the parking or storage of four (4) automobiles or less, used by the occupants of the main building.

~~*Garage or yard sale or garage-yard sale sign* means any on-site temporary sign pertaining to the sale of personal property in, at or upon any residentially-zoned property located in the city. Garage or yard sales shall include but not be limited to all such sales, and shall include the advertising of the holding of any such sale, or other offering to make any sale, whether made~~

~~under any name such as garage sale, lawn sale, yard sale, front yard sale, back yard sale, attic sale, rummage sale, patio sale, moving sale, or any similar designation.~~

~~*Gasoline price display sign* means a changeable message signs, typically mounted on the freestanding ground or monument sign, which display the prices of gasoline for sale.~~

Governing body means the City Council of the City of Jacksonville Beach, Florida.

Government sign shall mean any temporary or permanent sign erected by or on the order of a public official or quasi-public entity at the federal, state or local government level in the performance of any duty including, but not limited to, noncommercial signs identifying a government building or service, traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of events, public notice of government actions, proposed changes of land use, any proposed rezoning, or any other government speech.

Government use means any use which aids in the function of local, state and federal government. Such uses shall include but not be limited to branch government, government owned buildings, post offices, and community centers.

Gross area means an entire area without exception.

Ground cover means a low-growing herbaceous or woody plant other than turf, not over two (2) feet high, planted in such a way as to cover the ground.

Groundwater means water that fills all the unblocked voids of underlying material below the natural ground surface, which is the upper limit of saturation, or water which is held in the unsaturated zone by capillarity.

Group home, elderly-oriented means a dwelling unit licensed to serve clients of the HRS, providing a living environment for elderly residents who operate as the functional equivalent of a family, including supervision and care by support staff as may be necessary to meet the physical, emotional, and social life needs of residents. An elderly resident is any person age sixty (60) and over who is currently a resident of the state and who, because of a functional impairment, requires personal assistance with the activities of daily living but does not require nursing home or institutional care.

Group home, developmentally or physically disabled means a dwelling unit licensed to serve clients of HRS, providing a living environment for residents who operate as the functional equivalent of a family, including supervision and care by support staff as may be necessary to meet the physical, emotional, and social life needs of residents. A developmentally-disabled resident is a person with a disorder or syndrome which is attributable to retardation, cerebral palsy, autism or spina bifida and which constitutes a substantial handicap that can reasonably be expected to continue indefinitely. A physically-disabled resident is a person who has a physical impairment which substantially limits one (1) or more major life activities, or who has a record of having, or is regarded to have such physical impairment.

Halfway house means a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

Hedge means a landscape barrier consisting of a continuous, dense planting of shrubs.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to any construction, immediately adjacent to and within two (2) feet of the proposed walls of a structure.

Historical structure means any of the nine (9) structures identified by the Jacksonville Historical Landmark Commission in the City of Jacksonville Beach, Florida's Comprehensive plan document.

~~*Holiday and seasonal decorations* means decorations that pertain to legal or other recognized holidays or to a season of the year.~~

Holographic display sign means an advertising display that creates a three-dimensional image through projection, OLED (organic light emitting diode), or any similar technology.

Home occupation, type I means a home occupation use in which no persons other than members of the family residing on the premises are engaged in the occupation, which has no visible exterior evidence of the conduct of the occupation, which does not create need for off-street parking beyond normal dwelling needs, which does not generate additional traffic, and in which no equipment is used other than that normally used in household, domestic or general office use.

Home occupation, type II means a home occupation use in which not more than one (1) person other than members of the family residing on the premises is employed on the premises, which has not more than one (1) unilluminated sign not exceeding one (1) square foot in area as visible exterior evidence of conduct of the occupation, and which accommodates both dwelling and home occupation parking needs off the street.

Hotel means a building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient guests or tenants, in which four (4) or more rooms are furnished for the accommodation of such guests; whether or not having one (1) or more dining rooms, restaurants or cafes where meals are served. Such sleeping accommodations and dining rooms, restaurants or cafes, and accessory uses such as gift shops, barber shops or other services primarily intended for the use of the hotel guests, being conducted in the same building or accessory buildings in connection therewith.

H.R.S. means the Florida Department of Health and Rehabilitative Services.

Illuminated sign means any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light (including but not limited to plasma or laser), whether or not the source of light is directly affixed as part of the sign, and shall also include signs with reflectors that depend upon sunlight or automobile headlights for an image.

In compliance means consistent with the requirements of F.S. §§ 163.3177, 163.3178 and 163.3191, the Northeast Florida Regional Policy Plan, the State Comprehensive Plan and Rule 9J-5, F.A.C., where such rule is not inconsistent with F.S. Ch. 163, Part II.

Indirectly illuminated sign means any sign, the facing of which reflects light from a source intentionally directed upon it.

Inflatable or balloon sign means a sign consisting of a flexible envelope of nonporous materials that gains its shape from inserted air or other gas.

Ingress means an access or entry.

Ingress and egress sign shall mean a sign at the entrance to or exit from a parcel necessary to provide directions for vehicular traffic and provide a warning for pedestrian and/or vehicular traffic safety.

Internally illuminated sign means any sign which has the source of light not visible to the eye and entirely enclosed within the sign.

Intermittent means more frequently than once per day.

Irrigation means the mechanical application of water to plant material in order to sustain plant life.

Junk yard means a place, structure, or lot where junk, waste, discarded, salvaged, or similar materials are bought, sold, exchanged, baled, packed, disassembled, stored, or handled.

Kennel means any structure or premises where four (4) or more animals over six (6) months of age, not owned by the occupants of the premises, are kept for sale or for the purpose of breeding or temporary boarding, except in an animal hospital, animal grooming parlor or pet shop.

Kitchen means any room or space used or intended and designed to be used for cooking or the preparation of food. The installation of a cooking appliance constitutes a kitchen within the meaning of this definition, and where such a kitchen is installed or maintained in a room or suite of rooms said room or suite of rooms shall constitute a dwelling unit.

Land means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land. The word "land" includes the words "marsh" or "swamp."

Land development regulation commission means the agency designated to prepare and review the land development regulations in the City of Jacksonville Beach. In Jacksonville Beach, the land development regulation commission is the city council.

LED display sign means any sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind whether conventional (using discrete

LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro luminescence (OEL), or any similar technology.

Level of service (LOS), public school facilities means the comparison of public school enrollment to school capacity in a given concurrency service area.

Level of service (LOS) standard means an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and relative to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for road, potable water supply, sanitary sewer, solid waste collection, stormwater management, or recreation and open space facilities. For public school facilities, level of service (LOS) standard means the level of service applied to a concurrency service area that is adopted in the public schools interlocal agreement and the public schools facilities element for each level or type of public school facility.

Local planning agency means the planning commission.

Lot means a parcel, tract, or area of land of varying size established by plat, subdivision, or as otherwise permitted by law, which is designated as a single unit which is intended to be occupied by one building, or group of buildings, and its accessory uses.

Lot, corner means a lot abutting upon two (2) or more streets at their intersection.

Lot coverage ~~shall mean~~ means the number determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches, and accessory structures, driveways, and paved, bricked, or wooden walkways, pool decks and patios, by the lot area.

Lot depth means the distance measured in a mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite rear line of the lot.

Lot, interior means a lot other than a corner lot with frontage on only one (1) street.

Lot line means the lines of record bounding a lot which divides one (1) lot from another lot or from a public or private street or any other public space.

Lot, through means a lot other than a corner lot having frontage on two (2) streets.

Lot width means the horizontal distance between side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design standards of this ordinance.

Machinery and equipment sign means any sign that is integral to the machinery or equipment and that identifies the manufacturer of the machinery or equipment that is placed on the machinery or equipment at the factory at the time of manufacture.

Maintenance in the context of Article VIII, Division 4, Sign Standards means the repairing or repainting of a portion of a sign or sign structure, periodically changing changeable copy, or renewing copy, which has been made unusable by ordinary wear.

Major development means:

- (1) Any residential development containing more than one hundred (100) dwelling units,
- (2) A commercial or office development containing thirty thousand (30,000) or more square feet of floor area,
- (3) Any combination of land uses which will generate one thousand (1,000) or more vehicle trips per day, and
- (4) Any combination of land uses that will generate an increase of one hundred (100) or more new peak hour trips. Trip generation shall be based on the ITE Trip Generation Manual, current edition.

Mansard or mansard roof means a style of hip roof characterized by two slopes on each of its four sides with the lower slope being much steeper, almost a vertical wall, while the upper slope, usually not visible from the ground, is usually pitched at the minimum needed to shed water. A mansard roof may combine a steep lower slope with a flat roof.

Manufactured building means a closed structure, building assembly, or system of assemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection, with or without specified components, as a finished building or part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, or industrial structures. Manufactured building may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building site.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Marina means an establishment with a waterfront for the purpose of storing watercraft and pleasure boats on land, in buildings, in slips or on boat lifts, including accessory facilities for purposes such as refueling, minor repair and launching.

Marquee means any permanent wall or roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. A marquee is not an awning or canopy.

Marquee sign means any sign painted or printed onto or otherwise attached to a marquee.

Mean sea level (MSL) means the average height of the sea for all stages of the tide. For the purposes of the LDC, the term is synonymous with National Geodetic Vertical Datum (NGVD).

~~*Menu display sign* means a fully enclosed or otherwise protected from the elements sign structure, including but not limited to a box, shadow box or cabinet, attached to a wall or freestanding, which is used solely for the purpose of displaying restaurant menus list. A menu display sign may be used for a restaurant without drive-through service and for transient lodging facilities which have restaurant facilities open to the general public in addition to the registered guests.~~

~~*Menu display sign, drive-through* means a sign placed so as to be viewed from a drive-through lane and which contains only a listing of the products, with prices, offered for sale by the restaurant or carwash where the sign is located and which may provide a mechanism for ordering the products while viewing the sign.~~

Microbrewery means an establishment which produces, packages, and stores beer or other cereal beverages within an enclosed building, and which produces no more than 8,000 barrels or 248,000 gallons of beverages per year.

~~*Mobile billboard advertising sign* means any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard used for the primary purpose of off-premises advertising.~~

Mobile food vending vehicle means a vehicle-mounted public food service establishment that is either self-propelled or otherwise movable from place to place. A mobile food vending vehicle is further defined as having, as part of the vehicle, a three-compartment sink for washing, rinsing and sanitizing equipment and utensils; a separate hand wash sink; adequate refrigeration and storage capacity; full provision of power utilities including electrical, LP-gas, or a portable power generation unit; a potable water holding tank; and a liquid waste disposal tank.

Mobile food vendor means any person or business selling food from a mobile food vending vehicle from which food items are sold to the general public.

Mobile home means the use of land for a structure, including the plumbing, heating, air conditioning, and electrical components contained therein, transportable in one or more sections which structure is eight (8) feet or more in width and over (40) feet in length, or which, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a metal frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. If fabricated after June 15, 1976, each section should bear a HUD label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards, 42 USC 5401 and 24 CFR 3282 and 3283. This use does not include manufactured buildings meeting the criteria contained in the definition of a single-family dwelling.

Mobile home park, existing means premises existing as of March 6, 1995 (ref. Ord. No. 95-7617), with required improvements and utilities where mobile home spaces are rented or leased for use by mobile homes for residential occupancy which may include services and facilities for the residents.

Mobile home park, expansion to existing means an increase in the number of mobile home sites to an existing mobile home park.

Mobile home park, new means premises approved for development after March 6, 1995 (ref. Ord. No. 95-7617), with required improvements and utilities where mobile home spaces are rented or leased for use by mobile homes for residential occupancy which may include services and facilities for the residents.

Mobile home park means premises with required improvements and utilities where mobile home spaces are rented or leased for use by mobile homes for residential occupancy which may include services and facilities for the residents.

Mobile home site means land within a mobile home park or subdivision designated for the accommodation of not more than one (1) mobile home.

Monopole means a vertical self-supporting structure, not guyed, made of spin-cast concrete, concrete, steel or similar material, presenting a solid appearance.

Monument sign means a type of freestanding sign that is not supported by a pole structure and is placed upon the ground independent of support from the face of a building and that ~~generally has greater width than height and typically is~~ constructed of a solid material such as wood, masonry or high-density urethane.

Motel means a group of attached or detached buildings containing individual sleeping units, with automobile storage or parking space provided in connection therewith, designed for use primarily by transients.

Multi-prism or tri-vision sign means a sign made with a series of triangular sections that rotate and stop, or index, to show multiple images or messages in the same area at different times.

~~*Nameplate or occupant identification sign* means an attached wall sign indicating the name and/or profession or address of a person or persons residing on the premises where the sign is located or legally occupying the premises where the sign is located.~~

National Geodetic Vertical Datum (NGVD) means the vertical control, as corrected in 1929, used as a reference for establishing varying elevations within the flood plain.

New construction means structures for which the start of construction commenced on or after the effective date of the LDC. For floodplain management purposes, new construction means any structure for which the "start of construction" commenced ~~commence~~ on or after August 19, 1991.

Newspaper of general circulation means a newspaper of local origin published at least on a weekly basis, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

Non-commercial message means any message which is not a commercial message.

Nonconforming building or structure means any building or other structure which was lawfully constructed but which does not comply with all applicable provisions of the LDC, including size and dimensional standards, off-street parking standards, landscape standards, performance standards, or height standards either on the effective date of the LDC or as a result of any subsequent amendment. Such noncomplying building or structure shall be referred to as a nonconformity.

Nonconforming lot of record means a lot which conformed to the relevant land use standards at the time of the creation of the lot, but which does not comply with applicable regulations of the LDC for width and area.

Nonconforming sign means any sign that was validly installed under laws or ordinances in effect prior to the effective date of the LDC or subsequent amendments, but which is in conflict with the provisions of the LDC.

Nonconforming use means any use of a building or structure which, at the time of the commencement of the use, was a permitted use in the zoning district until the effective date of the LDC, but which does not, on the effective date of the LDC or amendment thereto, conform to any one of the current permitted uses of the zoning district in which it is located. Such nonconforming use may be referred to as a nonconformity.

Nonresidential activity means any activity which occurs in any building, structure, or open area which is not used primarily as a private residence or dwelling.

Nursing or personal care facility means any institution, building or buildings, residence, private home, boarding home, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding twenty-four (24) hours, one (1) or more personal services for adults who by reason of illness, physical infirmity, or advanced age are unable to care for themselves and are not related to the owner or administrator by blood or marriage, and who require such services.

Oceanfront lots means lots fronting or parallel to the ocean.

Offsite commercial advertising means a nonaccessory billboard or sign which directs attention to a business, commodity, service, entertainment, or attraction that is sold, offered or existing elsewhere than upon the same lot where such sign is displayed.

Offsite commercial sign means a nonaccessory billboard or sign that displays offsite commercial advertising.

~~*Off-site sign* means a commercial sign not located on the site of the establishment or entity indicated or advertised by the sign, or a commercial sign advertising a commodity, good, product, service or other commercial or industrial activity which originates on a site other than where the sign is maintained. The on-site/off-site distinction applies only to commercial message signs.~~

On-site sign means any commercial sign which directs attention to a commercial or industrial occupancy, establishment, commodity, good, product, service or other commercial or industrial

activity conducted, sold or offered upon the site where the sign is maintained. The on-site/off-site distinction applies only to commercial message signs. For purposes of Article VIII, Division 4, Sign Standards of this chapter, all signs with noncommercial speech messages shall be deemed to be "on-site," regardless of location.

Outdoor restaurant or bar means any restaurant or bar, or portion thereof, which exists outside of the permanent exterior walls of the principal building(s) on a lot. This definition includes any deck or other area constructed and/or utilized on the roof of a structure.

Owner means any part or joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal or beneficial title to whole or part of a building or land.

Package liquor store means any establishment devoted primarily to the sale of alcoholic beverages for consumption off-premises, which is licensed by the State of Florida to dispense or sell alcoholic beverages for consumption off-premises.

Painted wall sign means any sign painted on any surface or roof of any building.

Parcel of land means any quantity of land and water capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Parking bay means a parking module consisting of one (1) or more rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.

Parking lot means an off-street, ground level area or plot of land used for the storage or parking of vehicles.

Parking space means a space for the parking of a motor vehicle within a public or private parking area.

Permanent sign means any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall or building. Unless otherwise provided for herein, a sign other than a temporary sign shall be deemed a permanent sign unless otherwise indicated elsewhere in this Land Development Code.

Pennant means any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, ~~design to which will flutter or swing in the wind. Unless otherwise provided for herein, a sign with an intended use of two (2) twelve (12) months or less shall be deemed a temporary sign.~~

Person means any person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever or any combination of such, jointly or severally.

Pets, household means any domestic animal such as cats, dogs, hamsters, and birds other than poultry that are customarily kept for personal use or enjoyment within the home. Poultry, hoofed animals of any type, predatory animals, or any animal which is normally raised to provide food for people shall not be considered as household pets.

Planned unit development means a development of land that is under unified control and is planned for and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features or improvements.

Planning and development director means the person appointed to direct the Planning and Development Department of the City of Jacksonville Beach.

Planning commission means the Jacksonville Beach Planning Commission.

Plant nurseries means an agricultural endeavor devoted exclusively to the raising of ornamental plants for sale or transplanting.

Plat means a map or drawing upon which an exact representation of a subdivision and other information is presented in compliance with the requirements of Article IX, Subdivision Standards.

Pole sign means a ground sign that is supported by one or more poles and otherwise separated from the ground by air. ~~Pole signs~~ A pole sign is not a monument sign, another type of ground sign, almost always separated from buildings and other structures.

~~*Political-campaign sign or election sign* means any sign indicating the name and/or picture of an individual seeking election to a public office, or relating to a forthcoming public election or referendum, or pertaining to the advocating by persons, groups or parties of political views or policies.~~

Portable sign means any sign, banner, or poster that is not permanently attached to the ground or to a structure that is attached to the ground or a sign capable of being transported, including, but not limited to, signs designed to be transported by means of wheels or carried by a person, and signs converted to an A-Frame sign or a T-frame sign ~~A or T frames~~. For purposes of this division, a cold air inflatable sign shall be considered to be a portable sign.

Porte-cochere means a porch or portico-like structure at a main or secondary entrance to a building, through which it is possible for a vehicle to pass, in order for the occupants to enter or exit under cover, protected from the weather.

Potable water facilities means the planning of, engineering for, acquisition of land for, or construction of potable water facilities necessary to meet the LOS for potable water facilities.

Preserve area means vegetative areas required to be preserved under the jurisdiction of DER, SJRWMD or other governmental regulatory agencies.

Proportionate share mitigation means an applicant's voluntary provision of public school facilities proportionate to a development proposal's impact on school capacity. Proportionate share mitigation options may include contribution of or payment for land acquisition; construction or expansion of, or payment for construction of public school facilities; or the creation of mitigation banking based on the construction of public school facilities, in exchange for the right to sell capacity credits to other residential development affecting those facilities. Proportionate share mitigation must be identified in a work program, unless the school district has committed itself in a proportionate share mitigation agreement to include the mitigation in the work program during the next annual update to the work program.

Proportionate share mitigation agreement means a voluntary, legally-binding commitment to provide proportionate share mitigation to ensure public school concurrency can be achieved, where school capacity would not otherwise be adequate to support the demand resulting from approval of a development proposal at the time the development proposal is being considered. The applicant, school district and the city shall be parties to a proportionate share mitigation agreement.

Projecting sign means any sign affixed perpendicular, or at any angle to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall.

Protected tree means any tree, except those which are hereinafter exempted in section 34-424(b), with a DBH of six (6) inches or more.

Public potable water supply well means a well withdrawing potable water from the surficial aquifer that serves and is operated by public utilities. For the purposes of section 34-468 public utility shall mean any municipal system that provides service to the public and utilities required to obtain a SJRWMD individual water use permit.

Public protected tree means any tree, except those which are hereinafter exempted in section 34-424(b), with a DBH of six (6) inches or more located on lands owned by the city, its agencies or authorities, or any land upon which easements are imposed for the benefit of the city, its agencies or authorities, or upon which other ownership control may be exerted by the city, its agencies or authorities, including rights-of-way, parks, public areas and easements for drainage, sewer, water and other public utilities.

Public school concurrency means, as provided in F.S. § 163.3180(13)(e), the necessary public school facilities to maintain level of service standards are in place or are scheduled in the work program to be under actual construction within three (3) years of approval of a development proposal.

Public school facilities means permanent public school buildings provided by the school district, as defined by the most current edition of the Florida Inventory of School Houses (FISH), published by the Florida Department of Education, Office of Educational Facilities, or land for a public school facility.

Public school facilities, existing means public school facilities that are already constructed and operational at the time that the school district designee makes a finding regarding school capacity.

Public school facilities, planned means public school facilities in the school district's work program that will be in place or under actual construction within three (3) years after the approval of the development proposal.

Public school facilities, total means existing public school facilities and planned public school facilities.

Public schools interlocal agreement means the interlocal agreement between the county, non-exempt municipalities, and the school district, pursuant to F.S. § 163.31777, which establishes standards and procedures for a coordinated, uniform public school concurrency program throughout Duval County and which ensures the level of service standards for public school facilities are achieved and maintained.

~~*Real estate sign* means a sign indicating that real property is available for sale, exchange, rent or lease. Such signs typically state that real property, or any interest therein, is for sale or exchange, or for lease or rent for a period longer than one week, and the names and contact information for persons involved in such economic transaction.~~

Recreation and open space facilities means the planning of, engineering for, acquisition of land for or construction of park and recreation facilities necessary to meet the LOS for recreation and open space facilities.

Recreational vehicle means a vehicle that is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment district means an area designated by the city council as blighted and in need of redevelopment pursuant to F.S. Ch. 163, Part III. When indicated as a redevelopment district or RD zone district, reference is made to an area classified in accordance with section 34-347 of the LDC.

Regulated area means that area within the zone of protection surrounding each public potable water supply well.

Regulated substances mean:

- (1) Substances which have one (1) or more of the following characteristics:

- a. They are listed as a priority toxic pollutant and hazardous substance by the EPA in 40 CFR 122.21;
- b. They are an EPA Designation Reportable Quantities and Notification Requirements for Hazardous substances under CERCLA (40 CFR 302);
- c. They are a degradation product which is toxic, which includes petroleum based products;
- d. They are on a restricted use pesticide list promulgated pursuant to F.S. Ch. 487, set forth in Chapters 5E-2 and 5E-9, F.A.C.

(2) As well as the following physical characteristics:

- a. They are prone to be persistent in the environment;
- b. They are water soluble or prone to pass downward through surface soils, to enter into and mix with groundwater, and be transported by the movement of groundwater.

Religious organization means a structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held.

Restaurant means an establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

Restaurant, drive-in means an establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food to customers who are not in motor vehicles, for consumption either on or off the premises.

Right-of-way means the area of a highway, road, street, way, parkway, electric transmission line, gas pipeline, water main, storm or sanitary sewer main, or other such strip of land reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain or any other legal means.

Road facilities mean the planning of, engineering for, acquisition of land for or construction of roads necessary to meet the LOS for road facilities.

Roof sign means any sign which is mounted on the roof of a building or which extends above the top edge of the wall of a flat roofed building, the eave line of a building with a hip, gambrel, or gable roof.

Rotating sign (or revolving sign) sign means an animated sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.

Sand dunes mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Sandwich board sign means a portable, freestanding, movable sign not secured or attached to the ground or surface upon which it is located; and is constructed in a manner as to form an "A" or tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

Sanitary sewer facilities means the planning of, engineering for, acquisition of land for, or construction of sanitary sewer facilities necessary to meet the LOS for sanitary sewer facilities.

School capacity means the demand that can be accommodated by a public school facility at the level of service standard, as determined by the school district.

School concurrency allocation means a reservation of school capacity made by the school district after a finding of available school capacity, upon the city's approval of a development proposal. The reservation shall be indicated on the school concurrency schedule.

School concurrency application means an application for the school district to make a finding of available school capacity and issue a school concurrency allocation.

School concurrency schedule means a schedule maintained by the school district that tracks the availability of school capacity over time.

School district means Duval County Public Schools.

School district designee means a person or committee designated to act on behalf of the school district, and to make determinations regarding whether public school concurrency has been achieved for school concurrency applications submitted to the school district by the director.

Screen enclosure means a structural network of metal or wood members with open mesh panels for both walls and roof.

Service island sign means a sign mounted permanently on, under, or otherwise mounted on a service island canopy.

Service station means any building, structure or land used for the dispensing, sale or offering for sale at retail, and any automobile fuel, oils, or accessories in connection with which is performed general automotive servicing, such as tire servicing and repair, and including engine and transmission repair, but excluding body work, straightening of frames, painting, or welding. All work must be done inside of an enclosed building.

Shade tree means a tree with a mature crown spread of at least fifteen (15) feet.

Shopping center means a group of retail stores, service establishments or any other business not necessarily owned by one (1) person nor by a single land ownership which is adjacent to and utilizing a common off-street parking area.

Shrub means a self-supporting woody perennial plant characterized by multiple stems and branches continuous from the base, naturally growing to a mature height between two (2) and twelve (12) feet.

Sign means any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area (collectively referred to as a "public area"). For the purposes of these regulations, the term "sign" shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed 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 to be a single sign. The term "sign" for regulatory purposes shall not include the following objects: Grave yard and cemetery markers visible from a public area, vending machines or express mail drop-off boxes visible from a public area, decorations that do not constitute advertising visible from a public area, artwork that does not constitute advertising or a building's architectural features visible from a public area, or a manufacturer's or seller's markings on machinery or equipment visible from a public area. The foregoing objects are not signs for purpose of regulation herein. In the case of a permanent sign made of any fabric or other non-rigid material, the sign shall conform to each specification for such signs found elsewhere in the Code. However, the following are not within the definition of a "sign" for regulatory purposes of this chapter:

(1) Architectural features: Decorative or architectural features of buildings (not including lettering, trademarks or moving parts);

(2) Symbols embedded in architecture: Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal;

(3) Personal appearance: Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, costumes (but not including commercial mascots);

(4) Manufacturers' marks: Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale;

(5) Fireworks, etc.: The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter;

(6) Certain insignia on vehicles and vessels: On-street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, noncommercial messages;

(7) Grave stones or grave markers;

(8) News racks and newsstands;

(9) Artwork.

Sign height means the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The base or

structure erected to support or adorn a monument, pole or other freestanding sign is measured as part of the sign height.

Sign size means *area of sign*.

Sign visibility triangle shall mean the triangle described in Section 34-425(b)(1).

~~*Sign walker or sign spinner* means a person who wears, holds, or balances a sign in order to convey a commercial message.~~

Snipe sign means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to or placed on public property such as but not limited to a public utility pole, a public street sign, a public utility box, a public fire hydrant, a public right-of way, public street furniture, or other public property; except for A-frame and T-frame signs that are temporarily placed on public property under such limitations and constraints as may be set forth in the Land Development Code poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

Solid waste facilities mean the planning of, engineering for, acquisition of land for or construction of solid waste facilities necessary to meet the LOS for solid waste facilities.

Special flood hazard area. See "*Area of special flood hazard.*"

Start of construction means, for other than new construction and substantial improvements under the Coastal Barrier Resources Act P. L. 97-348, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Statutory sign means a sign the city is required to erect by any statute of the State of Florida or the United States for safety, directional, or traffic control purposes.

Stormwater management facilities mean the planning of, engineering for, acquisition of land for or the construction of stormwater management facilities necessary to meet the LOS for stormwater management facilities.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor or roof next above.

Street means a right-of-way for vehicular traffic, designated as an alley, avenue, boulevard, court, drive, expressway, highway, lane, road, street, or thoroughfare (also referred to as roadway). A street may be dedicated to the public or maintained in private ownership, but open to the public. For the purposes of the LDC, "streets" are divided into the following categories:

(1) Arterial street means a road which is used to move large volumes of traffic rapidly between population centers, around population centers, or from one section of the urban area to another.

(2) Collector street means a road designed primarily to connect local streets with arterials or to provide access from residential areas to major destination points such as shopping or employment centers and which may be expected to carry a significant volume of traffic.

(3) Cul-de-sac means a minor road of short length having one end open to traffic and one end terminating in a vehicular turn-around.

(4) Local street means a road used primarily for access to abutting properties within a subdivision.

(5) Approved private street means a street or road that meets the design standards set forth herein corresponding to its intended functional use, that is not dedicated to the City of Jacksonville Beach.

(6) Approved street means any local street, constructed according to the specifications in Article IX, Subdivision Standards, and accepted by resolution of the city council of the City of Jacksonville Beach for maintenance purposes.

Street address sign means any sign denoting the street address of the premises on which it is attached or located.

Street line means the line separating the street and abutting property.

Structure means anything constructed, installed or portable, the use of which requires location on land. It includes a movable building which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. It also includes roads, walkways, paths, fences, swimming pools, tennis courts, poles, tracks, pipelines, transmission lines, signs, cisterns, sheds, docks, sewage treatment plants and other accessory construction.

Structural alterations mean any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists; or in the dimensions or configurations of the roof or exterior walls.

Subdivider means a person developing a subdivision, or that person's agent.

Subdivision means the division of land into three (3) or more parcels for the purpose of sale or lease, including the addition to or resubdivision of land, if not exempted by the terms of the LDC.

~~*Subdivision sign* means a sign identifying a named, platted subdivision and erected on private property at the local street entrance to the property.~~

Submerged land means land below the mean high tide or mean high water line.

Substantial damage means damage to a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement means any repair, reconstruction, alteration, or improvement to a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. This term does not, however, include any repair or improvement of a structure to correct existing violations of State of Florida or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official prior to the application for permit for improvement, and which are the minimum necessary to assure safe living conditions. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term does not include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Temporary structure means any non-habitable structure for ancillary use which does not require a permanent foundation or connection to the ground for its support, and has no permanent connection to or provisions for municipal utilities, and can be disassembled without the use of destructive force for relocation or removal.

Temporary sign means a sign intended for a use not permanent in nature. Unless otherwise provided for in this Code herein, a sign with an intended use of two (2) months or less or for a period of time related to an event shall be deemed a temporary sign ~~unless otherwise indicated elsewhere in this Code. A flag shall be deemed a temporary sign.~~

Traffic control device sign means any government sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those government signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

Travel trailer (recreational vehicle) means a portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation purposes. It is not more than nine (9) feet in width and up to forty (40) feet in length.

Travel trailer park means a duly licensed camp, park or other area established to carry on the business of parking or otherwise servicing travel trailers (recreational vehicles or motor homes).

The development plan and all sanitary facilities of a travel park must conform to the requirements of the state and county health authorities.

Tree means a self-supporting woody plant having a single trunk or a multiple trunk of lower branches, growing to a mature height of at least twelve (12) feet in northeast Florida.

Umbrella sign means a sign printed on umbrellas used for legal outdoor seating area at a business establishment, which is made of a lightweight fabric or similar material.

Understory means assemblages of natural low-level woody, herbaceous, and ground cover species which exist in the area below the canopy of the trees.

Unsafe sign means a sign posing an immediate peril or reasonably foreseeable threat of injury or damage to persons or property.

Vehicle sign means a sign which covers more than twenty (20) square feet of the vehicle, which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized or drawn vehicle, and is parked and visible from the public right-of-way; unless said vehicle is used for transporting people or materials in the normal day to day operation of the business.

Vested right means that a right is vested when it has become absolute and fixed and cannot be defeated or denied by subsequent conditions or change in regulations, unless it is taken and paid for. There is no vested right to an existing zoning classification or to have zoning remain the same forever. However, once development has been started or has been completed, there is a right to maintain that particular use regardless of the classification given the property. There can be no vested right in a sign permit if a sign permit is applied for under a sign ordinance that is later partially or wholly adjudicated to be unconstitutional by a court of competent jurisdiction.

Veterinary services means any building or portion thereof designed or used for veterinary care, surgical procedures or treatment of animals, but not the boarding of well animals.

Violation, for the purpose of floodplain regulation, means the failure of a structure or other development to be fully compliant with the floodplain regulations of the Jacksonville Beach Land Development Code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the Jacksonville Beach Land Development Code is presumed to be in violation until such time as that documentation is provided.

Wall wrap sign means a sign composed of fabric, plastic, vinyl, mylar or a similar material that drapes or hangs over the side of a building, wall or window.

Wall sign means any sign attached parallel to, but within twelve (12) inches of a wall; painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Warning sign or safety sign means a sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line,

high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

Water-dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Wayfinding sign means a non-commercial government sign that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information for the aid of the traveling public, for facilitating a safe and in order to encourage orderly traffic flow and preventing sudden stops, ~~from drivers who cannot easily find their destination.~~

Well means a pit or hole sunk into the earth to reach a resource supply such as water.

Wetland means hydrologically sensitive areas which are identified by being inundated or saturated by surface or groundwater with a frequency or duration sufficient to support, and under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include ~~includes~~ swamps, marshes, bogs, and similar areas.

Wetland, estuarine means the area of mixing of saline, marine waters with freshwater drainage from upland areas, and is subject to tidal inundation with a range of frequencies. The estuarine wetlands include the salt marsh and the estuarine forested wetland areas of the community.

Wetland, palustrine means areas adjacent to the estuarine wetlands, which may be informally defined as freshwater drainage features which may or may not have continuous connection to tidal waters.

Wind sign means a sign which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include, pennants, ribbons, spinners, streamers or captive balloons, however, the term wind sign shall not include flags.

~~*Window or door sign, temporary* means a sign painted on, placed inside of and visible through, or affixed to glass surfaces of windows, doors, store equipment, fuel pumps, or other types of vending equipment used for dispensing retail products for the specific purpose of attracting attention of the passerby to the sale, to promotion items, or other products or services, other than the identity of the proprietor, nature of the business, or name of the business; including any banner, poster, cut-out letters, decals, painted text or graphic, or other text or visual presentation placed within six (6) feet behind a window or door, and which is placed to be read from the exterior of a building. This does not include any item of merchandise normally displayed within a store window.~~

Window or door sign, permanent means any sign visible from the exterior of a building or structure which is painted, attached, glued, or otherwise affixed to a window or door ~~for the specific purpose of identifying the proprietor, nature of the business, or name of the business to the passerby.~~

Work program means a five-year capital improvement plan that is financially feasible, as defined by state statute, and which is adopted by the school district and the city and incorporated into the capital improvement element of the city's comprehensive plan. The work program itemizes planned public school facilities and includes the following: (a) all planned public school facilities, including new construction, expansions, and renovations that will create additional capacity, whether provided by the school district or through proportionate share mitigation; (b) existing and projected enrollment of public school facilities; (c) the year in which each planned public school facility will be undertaken; (d) the source of funding for each planned public school facility and the year in which the funding becomes available; (e) the capacity created by each planned public school facility; and (f) necessary data and analysis supporting the proposed work program.

Yard means a required open space on the same lot with a principal or accessory building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

Yard, front means a yard across the full width of the lot, extending from the front line of the building to the front line of the lot.

Yard, side means an open unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot, extending from the rear line of the front yard to the front line of the rear yard.

Yard, rear means a yard extending across the full width of the lots measured between the rear line of the lot and the rear line of the main building.

Zone of protection means that area within five hundred (500) feet of a public potable water supply well.

SECTION 2. Except as amended by this ordinance, the terms and provisions of Article IV, Definitions, of the City of Jacksonville Beach's Land Development Code, are hereby re-adopted and ratified, and the forgoing amendments are incorporated therein.

SECTION 3. As used in this ordinance, language appearing in struck-through type is language in the City Code of Ordinances to be deleted, and underlined language is language to be added to the City Code of Ordinances, in the section, subsection, or other location where indicated. Language in the City Code of Ordinances not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise.

SECTION 4. Severability. The provisions of this ordinance shall be deemed to be severable. If any provision, definition, word or section within a definition of this ordinance is deemed

unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provision, definition, section or word of this ordinance.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

SECTION 6. Codification of this ordinance in the Code of Ordinances of the City of Jacksonville Beach is authorized and directed.

AUTHENTICATED THIS 7th DAY OF December, 2015.


William C. Latham, MAYOR


Laurie Scott, CITY CLERK