1	ORDINANCE NO. 2024-03		
2 3 4 5 6 7 8 9 10 11 12	AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING ARTICLE II OF THE CITY OF FLAGLER BEACH LAND DEVELOPMENT REGULATIONS RELATING TO SIGNS; REDUCING THE WINDOW SIGN ALLOWANCE; AMENDING THE SIZE AND TIME ALLOWANCE FOR TEMPORARY BANNER SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE. WHEREAS, the City Commission wishes to protect the safety of motorists,		
13 14 15 16	where from distraction caused by signs; and where the City Commission finds that an overabundance of temporary signage can detract from the aesthetic beauty of the landscape, waterways, and the Atlantic Ocean; and		
17 18	WHEREAS , the City Commission wishes to preserve the aesthetic beauty of the City of Flagler Beach; and		
19 20	WHEREAS, the regulation of signage for purposes of aesthetics has long been recognized as advancing the public welfare; and		
21 22	WHEREAS, the Florida Constitution provides that it shall be the policy of the state to conserve and protect its scenic beauty; and		
23 24	WHEREAS , the regulation of signage for purposes of aesthetics directly serves the policy of this state by conserving and protecting its scenic beauty; and		
25 26 27 28	WHEREAS, the City Commission finds that the existing allowance for window signs in the Code allows situations where windows can be completely covered by window signage as long as such signage does not exceed 50% of the total window area of the building; and		
29 30	WHEREAS, the City Commission finds that such coverage contributes to sign clutter and detracts from the aesthetic beauty of the City; and		
31 32 33	WHEREAS, the City Commission finds that the current banner sign allowances are being abused by a small number of users and finds that a reduction in the size and time allowances are appropriate and necessary; and		
34 35 36 37 38	WHEREAS, the Planning and Architectural Review Board, acting as the Local Planning Agency, found and determined that this Ordinance is consistent with the City's Comprehensive Plan, and the City Commission finds and determines that the following amendments are consistent with all applicable policies of the City's Comprehensive Plan; and		
39 40 41	WHEREAS, the City Commission finds and determines that the City's sign regulations are concerned with the secondary effects of speech including but not limited to aesthetics and traffic safety, and are not intended to regulate viewpoints or censor speech,		

and for those and other reasons that the foregoing provisions are not subject to, or would not fail, a "prior restraint" analysis; and

WHEREAS, the City Commission finds and determines that adoption of this Ordinance is in the best interest of the residents, businesses, and visitors of Flagler Beach.

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

SECTION ONE. The findings set forth in the recitals above are hereby adopted as legislative findings of the City Commission pertaining to this Ordinance.

SECTION TWO. Article VII, "Signs," of the City of Flagler Beach Land Development Regulations is hereby amended as follows (note, <u>underlined</u> text notates additions, strikethrough text notates deletions, and ellipses (***) notate text which remains unchanged and is not reprinted here):

ARTICLE VII. SIGNS

* * *

Sec. 7.06.07. Window signs.

Window signs shall not exceed fifty (50) twenty-five (25) percent of the area of any window as viewed from the outside of the building the building's window area. For purposes of calculation, Ssuch signage shall include permanently and temporarily affixed window signs, neon displays, or any other sign displayed in a manner to be readily visible from the exterior of the building. Window signs shall not be calculated in a lot or premises' total allowable number of signs and sign copy area unless otherwise specified in this article. Window signs existing as of April 11, 2024, shall be brought into compliance with the coverage limitation provided herein on or before May 10, 2024.

Sec. 7.07.03. Standards for certain temporary signs-erected with a permit.

The number of such signs and a sign's copy area shall not be calculated in a lot or premises' total allowable number of signs and sign copy area unless otherwise specified in this article.

A. Temporary freestanding signs.

- 1. Only one (1) temporary freestanding sign may be erected on a lot. All temporary signs may be authorized for a total period not to exceed ninety (90) days during any calendar year. Said sign shall be removed upon the expiration of the above-described period.
- 2. A temporary freestanding sign's copy area shall not exceed sixteen (16) square feet in the SFR, LDR, MDR zoning districts and thirty-two (32) square feet in all other zoning districts except the single- and two-family residential use portions of the comprehensive plan designated planned and limited development overlays and the mixed-use overlay. Temporary freestanding signs erected in the comprehensive plan designated planned and limited development overlays and the mixed-use overlay shall not

83 84 85		exceed sixteen (16) square feet of copy area within single-family and two-family residential use areas and thirty-two (32) square feet of copy area in all other use areas.		
86 87		3. Temporary freestanding signs shall not exceed six (6) feet in height measured from the finished grade to the highest point on the sign.		
88	B.	On-site temporary banner signs.		
89 90 91 92 93 94		No more than two (2) one (1) temporary on-site banner signs of sixteen (16) square feet or less of copy area in a residential zone and sixty-four (64) thirty-six (36) square feet or less of copy area in a non-residential zone may be displayed for up to two (2) weeks one (1) week, twelve (12) six (6) times per calendar year, with a minimum of fourteen (14) thirty (30) days between times of display.		
95 96 97 98 99		No more than two (2) temporary on-site banner signs of six (6) square feet or less of copy area in a residential zone and twelve (12) square feet or less of copy area in a nonresidential zone may be displayed for up to three (3) weeks, twelve (12) times per calendar year, with a minimum of seven (7) calendar days between times of display.		
100 101		<u>23.</u> Applications for temporary on-site banner signs shall meet all of the following content-neutral criteria:		
102 103 104		a. The temporary sign is not displayed more than fourteen (14) days prior to the start of the special event, and the sign will be removed within twenty-four (24) hours of the closing of the special event.		
105		<u>ab</u> . The temporary banner sign will not exceed nine (9) feet in height.		
106 107		<u>be</u> . The temporary banner sign will not conceal or obstruct adjacent land uses or signs.		
108 109		<u>cd</u> . The temporary banner sign will not conflict with the principal permitted use of the site.		
110 111		<u>de</u> . The temporary banner sign will not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians.		
112 113 114		<u>ef</u> . The temporary banner sign will be installed and maintained in a safe manner and in such a way that it will not disassemble, float, or fall in the event of wind.		
115	C.	Sandwich signs.		
116 117 118 119 120		1. Sandwich signs are temporary signs which are only permitted in the General Commercial, Highway Commercial and Tourist Commercial Zoning Districts, the Community Redevelopment Area's Downtown Mixed-Use Overlay District and A1A Retail Corridor Overlay District. All of the following regulations shall apply:		

Only one (1) sandwich sign is allowed per business and can be 122 displayed only during the business hours of the business it identifies 123 and shall be stored indoors during non-business hours. 124 b. Maximum sign area is twelve (12) square feet, with a maximum 125 height of four (4) feet. 126 A sandwich sign shall be placed in front of the use and shall allow for a minimum of at least five (5) feet of unobstructed pedestrian 127 128 clearance adjacent to the sign. If a sandwich sign cannot be placed in 129 front of the business because of these regulations, and the business is 130 on a corner, the sandwich sign can be placed in the side yard. 131 d. The sign shall not be located in a public right-of-way or on a 132 sidewalk. 133 A business located above the first floor of a building may place one 134 (1) sandwich sign on the ground level of the building in which the 135 business is located. 136 f. A sandwich sign does not count against other allowable sign number or area of a business. 137 138 A sandwich sign shall not be located in a manner which violates the g. 139 provisions of Section 7.06.04 of this article. 140 A sandwich sign shall not be illuminated or electric, shall not have h. 141 any electric devices attached thereto, and shall not contain any 142 attachment for holding pamphlets, leaflets, written material, or any 143 other items. 144 A sandwich sign shall be stored indoors during tropical 145 storm/hurricane watches and warnings and other severe weather 146 advisories. 147 Special events parking signs. Signs directing participants on parking availability during a special event shall be no more than sixteen (16) square feet in sign copy 148 149 area and six (6) feet in height. 150 The temporary signs shall comply with all other applicable sections of this article E. not in conflict with this section. Specifically, prohibited signs under Section 7.05.00 151 152 shall not be allowed. 153 The temporary sign permit is in addition to any other permit required by applicable F. 154 county, state or federal statute, law or regulation. 155 Any decision of the city manager or designee regarding the display of temporary 156 signs may be appealed in accordance with Section 7.02.03 except that the initial time in which the city must make a determination on the sign permit application shall be 157 ten (10) days as opposed to the forty-five (45) days provided in Section 10.02.03. 158 159 * 160 161

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a.

162	SECTION THREE. Codification. It is the intent of the City Commission of the City of			
163	Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is			
164	granted broad and liberal authority in codifying the provisions of this Ordinance.			
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166	SECTION FOUR. Conflicts. In any case where a provision of this Ordinance is found to			
167	be in conflict with the provisions of any other ordinance of this City, the conflicting			
168	provisions of the previous ordinance shall be repealed and superseded by this Ordinance.			
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170	SECTION FIVE. Effective date. This Ordinance shall take effect immediately upon			
171	adoption as provided by the Charter of the City of Flagler Beach.			
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173	PASSED ON FIRST READING TH	IIS DAY OF MARCH 2024.		
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175	PASSED AND ADOPTED THIS	DAY OF MARCH, 2024.		
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178		CITY OF FLAGLER BEACH, FLORIDA		
179		CITY COMMISSION		
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182		Suzie Johnston, Mayor		
183	ATTEST:			
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186	Penny Overstreet, City Clerk			
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