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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, underlined 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.

Copy area of Wwindow signs shall not exceed fifty (50) 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 exceed sixteen (16) square feet of copy area within single-family and two-
84 family residential use areas and thirty-two (32) square feet of copy area in
85 all other use areas.

- 86 3. Temporary freestanding signs shall not exceed six (6) feet in height
87 measured from the finished grade to the highest point on the sign.

88 B. *On-site temporary banner signs.*

- 89 1. No more than ~~two (2)~~ one (1) temporary on-site banner signs of sixteen
90 (16) square feet or less of copy area in a residential zone and ~~sixty-four~~
91 ~~(64)~~ thirty-six (36) square feet or less of copy area in a non-residential
92 zone may be displayed for up to two (2) weeks ~~one (1) week, twelve (12)~~
93 six (6) times per calendar year, with a minimum of ~~fourteen (14)~~ thirty
94 (30) days between times of display.

- 95 2. ~~No more than two (2) temporary on-site banner signs of six (6) square feet~~
96 ~~or less of copy area in a residential zone and twelve (12) square feet or less~~
97 ~~of copy area in a nonresidential zone may be displayed for up to three (3)~~
98 ~~weeks, twelve (12) times per calendar year, with a minimum of seven (7)~~
99 ~~calendar days between times of display.~~

- 100 23. Applications for temporary on-site banner signs shall meet all of the
101 following content-neutral criteria:

102 a. ~~The temporary sign is not displayed more than fourteen (14) days~~
103 ~~prior to the start of the special event, and the sign will be removed~~
104 ~~within twenty-four (24) hours of the closing of the special event.~~

105 ab. The temporary banner sign will not exceed nine (9) feet in height.

106 be. The temporary banner sign will not conceal or obstruct adjacent land
107 uses or signs.

108 cd. The temporary banner sign will not conflict with the principal
109 permitted use of the site.

110 de. The temporary banner sign will not interfere with, obstruct the vision
111 of or distract motorists, bicyclists or pedestrians.

112 ef. The temporary banner sign will be installed and maintained in a safe
113 manner and in such a way that it will not disassemble, float, or fall in
114 the event of wind.

- 115 3. Banner signs erected as part of a special event approved pursuant to
116 Chapter 4, Article III of this code of ordinances shall be exempt from this
117 subsection provided that the signage to be erected for the special event has
118 been approved by the city as part of the special event approval.

119 C. *Sandwich signs.*

- 120 1. Sandwich signs are temporary signs which are only permitted in the
121 General Commercial, Highway Commercial and Tourist Commercial
122 Zoning Districts, the Community Redevelopment Area's Downtown

123 Mixed-Use Overlay District and A1A Retail Corridor Overlay District. All
124 of the following regulations shall apply:

- 125 a. Only one (1) sandwich sign is allowed per business and can be
126 displayed only during the business hours of the business it identifies
127 and shall be stored indoors during non-business hours.
- 128 b. Maximum sign area is twelve (12) square feet, with a maximum
129 height of four (4) feet.
- 130 c. A sandwich sign shall be placed in front of the use and shall allow for
131 a minimum of at least five (5) feet of unobstructed pedestrian
132 clearance adjacent to the sign. If a sandwich sign cannot be placed in
133 front of the business because of these regulations, and the business is
134 on a corner, the sandwich sign can be placed in the side yard.
- 135 d. The sign shall not be located in a public right-of-way or on a
136 sidewalk.
- 137 e. A business located above the first floor of a building may place one
138 (1) sandwich sign on the ground level of the building in which the
139 business is located.
- 140 f. A sandwich sign does not count against other allowable sign number
141 or area of a business.
- 142 g. A sandwich sign shall not be located in a manner which violates the
143 provisions of Section 7.06.04 of this article.
- 144 h. A sandwich sign shall not be illuminated or electric, shall not have
145 any electric devices attached thereto, and shall not contain any
146 attachment for holding pamphlets, leaflets, written material, or any
147 other items.
- 148 i. A sandwich sign shall be stored indoors during tropical
149 storm/hurricane watches and warnings and other severe weather
150 advisories.

151 D. *Special events parking signs.* Signs directing participants on parking availability
152 during a special event shall be no more than sixteen (16) square feet in sign copy
153 area and six (6) feet in height.

154 E. The temporary signs shall comply with all other applicable sections of this article
155 not in conflict with this section. Specifically, prohibited signs under Section 7.05.00
156 shall not be allowed.

157 F. The temporary sign permit is in addition to any other permit required by applicable
158 county, state or federal statute, law or regulation.

159 G. Any decision of the city manager or designee regarding the display of temporary
160 signs may be appealed in accordance with Section 7.02.03 except that the initial time
161 in which the city must make a determination on the sign permit application shall be
162 ten (10) days as opposed to the forty-five (45) days provided in Section 10.02.03.

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SECTION THREE. Codification. It is the intent of the City Commission of the City of Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provisions of this Ordinance.

SECTION FOUR. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with the provisions of any other ordinance of this City, the conflicting provisions of the previous ordinance shall be repealed and superseded by this Ordinance.

SECTION FIVE. Effective date. This Ordinance shall take effect immediately upon adoption as provided by the Charter of the City of Flagler Beach.

PASSED ON FIRST READING THIS 14TH DAY OF MARCH 2024.

PASSED AND ADOPTED THIS _____ DAY OF MARCH, 2024.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

Patti King, Mayor

ATTEST:

Penny Overstreet, City Clerk