
ARTICLE VII

SIGN REGULATIONS

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Sec. 7-1. Short Title.

This Article shall be known as the “Sign Regulations of Clay County, Florida.”

Sec. 7-2. Purpose, Intent and Scope.

It is the purpose of this Article to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this Article are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. In order to preserve and enhance the County as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the County is a highly contributive means by which to achieve this desired end. These sign regulations have been prepared with the intent of enhancing the visual environment of the County and promoting its continued well-being, and are intended to:

- (a) Encourage the effective use of signs as a means of communications in the County;
- (b) Maintain and enhance the aesthetic environment and the County’s ability to attract sources of economic development and growth;
- (c) Improve pedestrian and traffic safety;
- (d) Minimize the possible adverse affect of signs on nearby public and private property;
- (e) Foster the integration of signage with architectural and landscape designs;
- (f) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- (g) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (h) Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;
- (i) Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
- (j) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- (k) Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function;

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- (l) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
 - (m) Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
 - (n) Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
 - (o) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the County;
 - (p) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
 - (q) Protect property values by precluding to the maximum extent possible sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
 - (r) Protect property values by ensuring that sign-types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;
 - (s) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the County and that complements the natural surroundings in recognition of this County's reliance on its natural surroundings and beautification efforts in retaining economic advantage for the community; and
 - (t) Enable the fair and consistent enforcement of these Sign Regulations.

Sec. 7-3. Definitions.

All words used in this Article shall carry their customary dictionary meanings, except that the following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 six months or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (i) 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.

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

Agricultural sign means a sign in an AR or A (or AG) Zoning District whose function is exclusively for advertising for the normal, incidental and customary sale of products, produce or livestock raised on the premises.

Agricultural produce directional sign means a temporary sign not greater than thirty-two square feet in size (area) in an AR or A (or AG) Zoning District that is content-neutral and functions solely to provide directions to the site where produce in season has been grown on site is available for sale and purchase. An *offsite agricultural produce directional sign* shall not be considered a *billboard*.

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs set in motion by movement of the atmosphere, or made up of a series of sections that turn.

Artwork means a two- or three-dimensional representation of a creative idea that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically 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.

Attached sign means a wall sign, a marquee sign, a window sign, but not a canopy sign.
Bandit sign. See *Snipe sign*.

Banner means any sign or string of one or more signs, usually made of cloth or other lightweight material, which is used to attract attention, whether or not imprinted with words or characters. Banners shall be securely fastened or mounted. Banners are allowed in commercial districts only. Flags shall not be considered banners.

Beacon 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 agency. This definition does 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.

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

Board means the Board of County Commissioners of Clay County, Florida.

Building frontage means the length of the single face of a building or that portion of a building occupied by a single office, business or enterprise, commonly referred to as “store-front,” which is abutting a street, parking area, or other means of customer access such as an arcade, a mall or a walkway. The building frontage for a side façade shall be the length of the single face of a side of building or that portion of a side of a building occupied by a single office, business or enterprise.

Bus stop informational sign means a freestanding or attached noncommercial sign located at a bus stop and providing information as to the route, hours or times of service.

Canopy sign means any sign that is a part of or attached to an 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.

Code Enforcement refers to the Code Enforcement Division of the Enforcement Services Department or successor in function. (Rev. 10/27/09)

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

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, 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.

Copy means the linguistic or graphic content of a sign.

Digital billboard means a billboard capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means, not including a tri-vision sign.

Digital sign means an on-premise sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means; provided, a *digital sign* shall not be construed to be an *animated sign* or an *illuminated sign*. (Rev. 10/27/09)

Double-faced sign means a single sign with items of information relating to the same business on both sides of the sign and mounted as a single structure.

Drive-through menu sign 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 business on which the sign is located and which may provide a mechanism for ordering the products while viewing the sign.

Educational facility sign means a sign identifying an organization or institution, either privately or publicly funded, that provides educational instruction for children in kindergarten through 12th grades. (Rev. 03/23/10)

Election sign means a temporary sign erected or displayed for the purpose of expressing support for or opposition to a candidate or stating a position regarding an issue upon which the voters of the County shall vote.

Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other 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.

Facade means the side of a building, either front or side; and a building façade may be less than the entire side of a building if limited to the occupancy of a portion of a building.

Flag means any fabric, or bunting containing distinct colors, patterns or symbols, used as an ornamental flag or as a symbol of government, political subdivision, corporation or business or other entity. (See also *Ornamental flag*.)

Flagpole shall mean a pole on which to raise a flag.

Flashing means a pattern of changing light illumination within or projected onto a sign where the illumination alternates suddenly between fully or partially illuminated to fully or partially non-illuminated. (Rev. 10/27/09)

Frame effect means a visual effect on a digital sign applied to a single frame to transition from one message to the next, including but not limited to fading, flying, scrolling, wiping and zooming. (Rev. 10/27/09)

Free expression sign means a sign communicating information or views on matters of public policy concern or containing any other noncommercial message, that is otherwise lawful. (Rev. 06/30/09)

Freestanding sign means a sign supported by structures or supports that are placed on or anchored in the ground or at ground level and which are independent of any building or other structure. Unless otherwise limited or restricted, a freestanding sign may be either a freestanding monument sign or a freestanding pole sign.

Freestanding monument sign means a freestanding sign whose ratio of width of sign to width of support is less than 3 to 1.

Freestanding pole sign means a freestanding sign whose ratio of width of sign to width of support is equal to or greater than 3 to 1.

Frontage means the length of the property line of a parcel of land, which runs parallel with and along a road right-of-way or street, exclusive of alleyways.

Future site sign means a sign designating any parcel as a “future site” for the construction of an improvement to the real property.

Garage or yard sale sign (garage-yard sale sign) means any onsite temporary sign pertaining to the sale of personal property in, at or upon any residentially-zoned property located in the County. 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 the offering to make any sale, whether made under any name such as garage sale, lawn sale, yard sale, front yard sale, back yard sale, home sale, attic sale, rummage sale, patio sale, flea market sale, or any similar designation.

Ground level means the finished grade of a parcel of land exclusive of any filling, berming or mounding. Ground level on marina docks or floating structures shall be the finished grade of the landward portion of the adjoining parcel.

Grand opening sign means an on-premise temporary sign announcing the opening of a new business, that does not exceed sixteen (16) square feet in sign area and that is not displayed for longer than thirty (30) days after the opening date of the new business.

Height means vertical distance measured from ground level nearest the base of the sign to the highest point on the sign.

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

Industrial park identification sign means a single freestanding sign, which contains only the name of the industrial park and tenants located in the industrial park, and that is not greater than 310 square feet in size, that is not higher than 35 feet in height, that functions solely to identify the location of an industrial park, and that is located within 3,000 feet of the entrance to the industrial park. An *industrial park identification sign* located within 3,000 feet to the entrance of an industrial park shall not be considered a *billboard* or an *off-premise/off-site sign*. An industrial park is entitled to only one industrial park identification sign.

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, whether or not the source of light is directly affixed as part of the sign.

Incidental sign means a sign not exceeding one square foot in size attached to a freestanding sign or affixed to a wall, that either (a) identifies credit cards accepted by the owner, tenant, or occupant of the parcel where the incidental sign is located, or (b) provides an official notice of services required by law or trade affiliation.

Illegal sign means any sign, which has been determined to be in violation of any provision of this Article.

Lot. See definition of *Parcel*.

Machinery or equipment sign means a sign incorporated into machinery or equipment by a manufacturer or distributor, that function only to identify or advertise the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.

Maintenance means the replacing, repairing or repainting of a portion of sign structure, periodically changing changeable copy or renewing copy, which has been made unusable by ordinary wear.

Marquee means any permanent 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.

Marquee sign means any sign attached to a marquee.

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 or announcements of activities within the establishment for which the menu or announcement is displayed. A menu display 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 structures shall be limited to one per establishment, having a maximum surface area of 12 square feet, and the zoning districts in which they are permitted.

Nameplate sign or *occupant identification sign* means a sign indicating the name and/or profession or address of a person or persons residing on the premises or legally occupying the premises.

Noncommercial message means any message which is not a commercial message.

Noncommercial on-site directional sign means an on-site sign providing direction or information to pedestrian or vehicular traffic that is related or reasonably necessary to the movement of pedestrian or vehicular traffic on the premises, and not displaying a commercial message, e.g., “entrance,” “exit,” “caution,” “no parking,” “one way only,” “no trespassing,” and the like.

Nonconforming sign means a sign, which does not conform to the regulations provided in this Article.

Off-premise sign or *off-site sign* means any sign greater than six square feet relating in its subject matter to commodities, accommodations, services or activities on a premises other than the premises on which the sign is located.

On-premise sign or *on-site sign* means any sign relating in its subject matter to the commodities, accommodations, service or activities on the premises on which it is located.

On-site internal directional sign means a sign no larger than twenty-four (24) square feet and no taller than four (4) feet in height guiding pedestrian or vehicular traffic along a perimeter road within a Planned Unit Development (PUD) or industrial development of at least 25 acres in size or within a Shopping Center District (BSC) of at least 25 acres in size that is related or reasonably necessary to the movement of pedestrian or vehicular traffic on the premises.

Ornamental flag means any fabric or similar material containing patterns, drawings or symbols used for decorative purposes and designed to be flown as a flag.

Parcel means land which has been or which is proposed to be used, developed, or built upon as a unit under single ownership.

Parapet means a false front or wall extension above the roofline of a building.

Pennant means any series of small flag-like or streamer-like pieces of cloth, plastic, paper or similar material attached in a row to any staff, cord, building, or at only one or two edges, the remainder hanging loosely.

Perimeter road means a private road that borders the perimeter of a PUD or a BSC that is 25 acres or greater in area.

Permanent sign means any sign which, when installed, is intended for permanent use. For the purposes of this Article any sign with an intended use in excess of twelve (12) months from the date of installation shall be deemed a permanent sign.

Portable sign means any sign, banner, or poster that is not permanently attached to the ground or structure. For purposes of this Article, a cold air inflatable sign shall be considered to be a portable sign.

Premises means any property owned, leased or controlled by the person actively engaged in business at that location.

Principal use means the use, which constitutes the primary activity, function or purpose to which a parcel of land or a building is put.

Private roadway means a private street that is required to be named under Sec. 18-277 of the Clay County Code, or its successor in function.

Private roadway commercial development sign means a *freestanding sign* which identifies commercial or industrial businesses, or both, for which the exclusive access from a public right-of-way is provided directly from a *private roadway* within a development in which such businesses are located. A *private roadway commercial development sign* shall not be considered a billboard.

Projecting sign means any sign affixed perpendicularly to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Real estate sign means a sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed temporarily.

Revolving sign or *rotating sign* means any sign that revolves or rotates.

Rider means an additional sign not exceeding one square-foot in size, attached to a temporary real estate sign, and advertising some special circumstance or additional information pertaining to the real property (e.g., "reduced price," "waterfront lot," etc.).

Roof sign means any sign erected and constructed wholly on or over the roof of a building, which is supported by the roof structure, or any sign that extends in whole or in part above the roofline of a building.

Roofline means the highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal ridgeline or the highest line common to one or more principal slopes of roof. On a flat roof, the roofline is the highest continuous line of a roof or parapet, whichever is higher.

Safety sign. See *Warning sign.*

Sandwich board sign means a temporary portable double-faced, freestanding sign.

Sight visibility triangle means a triangular portion of land established at street intersections or street and driveway intersections in which nothing is erected, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. For street intersections, this triangle is measured 30 feet in length from the intersection along the edge of the traveled way to form a triangle. For driveway intersections, this triangle is measured ten feet from the intersection along the edge of the traveled way and along the driveway line to form a triangle.

Sign means any device, fixture, placard or structure which uses color, form, graphics, illumination, architectural style or design with text, or writing to advertise, attract attention, announce the purpose of, or identify the purpose of any person or entity or to communicate information of any kind to the public. The term “sign” includes sign structure. The following shall not be considered signs subject to the regulations of this Section: artwork, ornamental flags, holiday or seasonal decorations, cemetery markers, machinery or equipment signs, memorial signs or tablets.

Sign area means the total square foot area of sign copy surface, including all parts thereof devoted to the background, but excluding architectural features and structures. The sign area is computed by bounding the sign surface with a series of straight or curved lines tangent thereto (see illustrative examples in section 20.7-4). Architectural features or structures may not exceed the sign copy area by more than 1.8 times the size of the sign copy area, the maximum not to exceed 700 square feet (including sign copy and architectural features). The area of a sign painted directly on a wall or awning and signs with letters attached directly to walls or awnings shall be calculated by constructing an imaginary series of straight lines or lines formed, bounded or characterized by curves around the outside of all elements of the letters, numbers and figures that form the sign message.

Sign face means the part of the sign that is or can be used to identify, display, advertise, communicate information, or for the visual representation, which attracts or intends to attract the attention of the public for any purpose.

Sign structure mean any structure which is designed specifically for the purpose of supporting a sign, which has supports or which is capable of supporting a sign. The definition shall include any decorative covers, braces, wires, supports, or other components attached to or placed around the sign structure.

Snipe sign (bandit sign) means any sign tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, or fences, with the message appearing thereon not applicable to the present use of the premises upon which the sign is located.

Special event sign means a temporarily erected or attached content-neutral sign providing notice of, or direction to, an event, gathering, assembly or meeting that is open to the public at large. The

substitution of a noncommercial message for a commercial message on a lawfully existing sign structure is not a special event sign; however, any substitution of any type of message must not occur more frequently than once every hour.

Statutory sign means a sign required by any statute or regulation of the State of Florida or the United States.

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

Substantially damaged or destroyed, as it pertains to a nonconforming sign, means that (a) more than 50% of the upright supports of a sign structure are physically damaged such that normal repair practices of the sign industry would call for, in the case of wooden structures, replacement of the broken supports and, in the case of a metal sign structure, replacement of at least 25% of the length above ground of each broken, bent, or twisted support, or (b) that more than 50% of a wall or attached sign is physically damaged such that normal repair practices of the sign industry would call for the same to be replaced or repaired. However, any nonconforming sign holding a lawful permit under the provisions of Chapter 479, Florida Statutes, shall not be deemed to be substantially damaged or destroyed if the same is lawfully maintained in accordance with the applicable provisions of the Florida Administrative Code.

Subdivision monument identification sign means a monument sign which contains only the name of a platted subdivision or other residential development. A *subdivision monument identification sign* at a platted subdivision or neighborhood entrance shall not be considered a *billboard* or an *off-premise/off-site sign*. The sign area for the sign shall be calculated as sign copy area, excluding architectural features and structures.

Temporary sign means a sign intended for a use not permanent in nature. For the purposes of this Article, a sign with an intended use of one year or less shall be deemed a temporary sign.

Time and temperature sign means a sign, which functions only to display the current time and temperature at intervals no more frequently than once per minute and which contains no other messages. Time and temperature signs are regulated within the zoning districts in which they are allowed.

Traffic control device sign means any sign located within the right-of-way that functions 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 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).

Traveled way means the paved highway, street or road that lies between the outside edge of any demarcation (e.g., white lines) on the pavement identifying the traffic lane for vehicular traffic; or if there is no such demarcation, then the paved highway, street or road between the edge of pavement or other paved surface; or if there is no paved service, then the traveled way for vehicular traffic shall be deemed to be bordered by the edge of the right of way for vehicular traffic.

Tri-vision sign means a billboard capable of presenting three separate faces sequentially by intermittently rotating triangular cylinders.

Vehicle sign means any sign or signs where the total sign area covers more than ten square feet of the vehicle.

Vessel fuel sign means any on-site sign not exceeding twenty-four square feet, attached to a pier, and advertising the availability of fuel for sale at a marina pier or dock for a vessel or other water-borne craft.

Visibility triangle. See *Sight visibility triangle.*

Wall sign means a sign, which is painted on, fastened to, or erected against the wall of a building with its face in a parallel plane with the plane of the building facade or wall, which is used for advertising.

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.).

Waterside identification sign means a sign identifying a residential complex, single business property or shopping center and which can only be viewed from the waters of any navigable waterway.

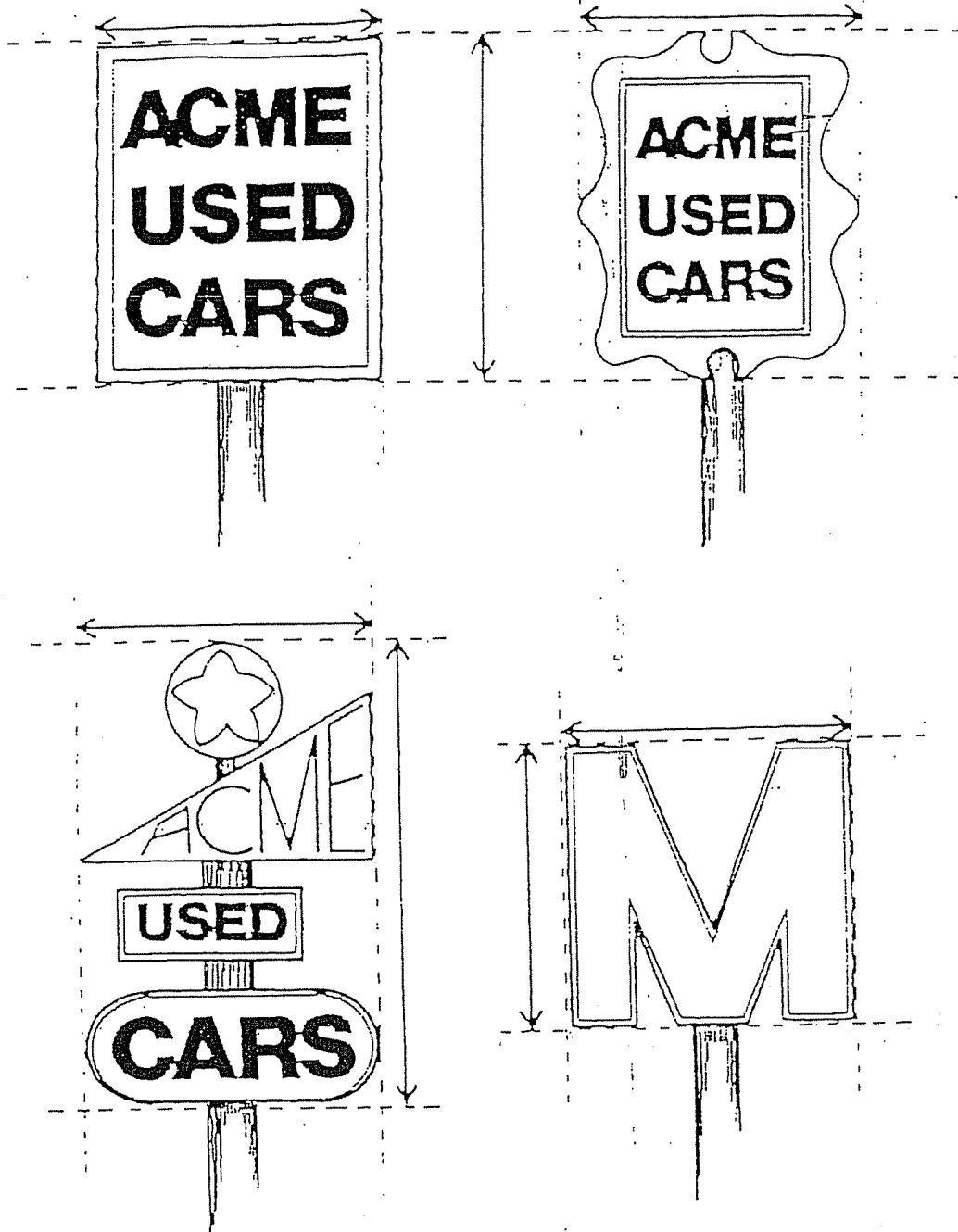
Window sign means any sign mounted in any fashion on the interior or exterior of the surface of a window.

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*.

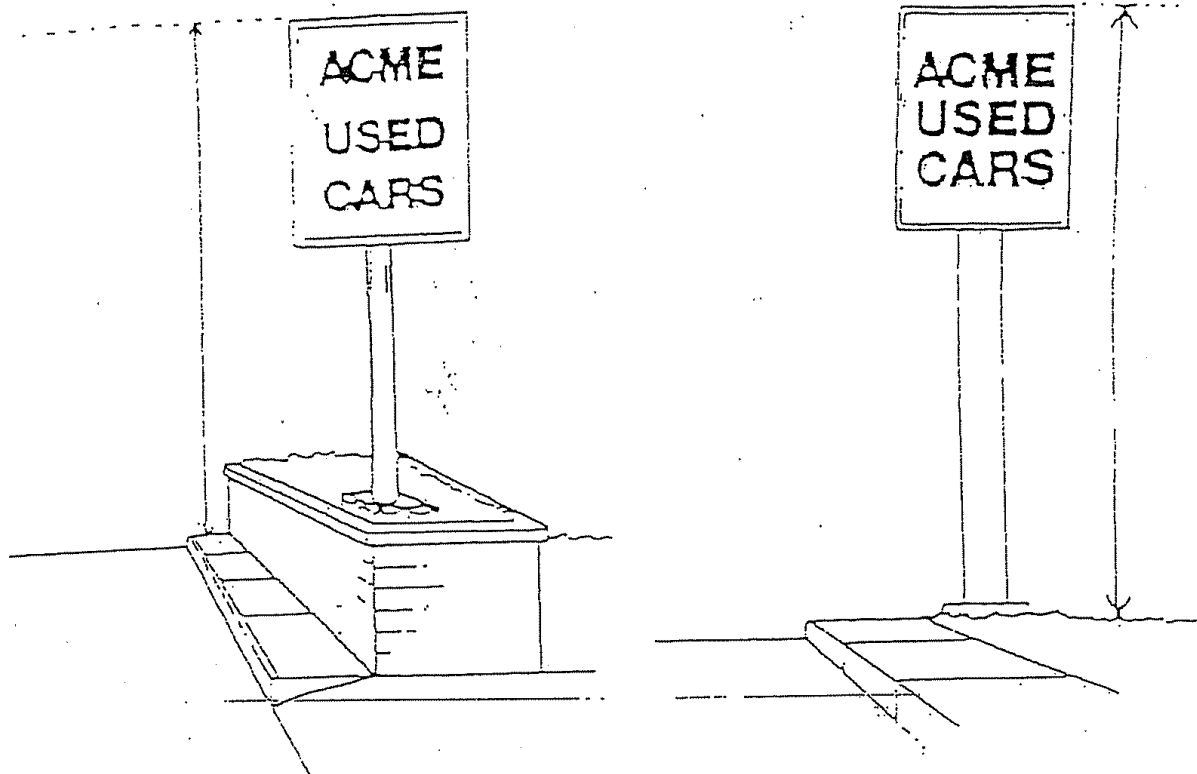
Sec. 7-4. Illustrations.

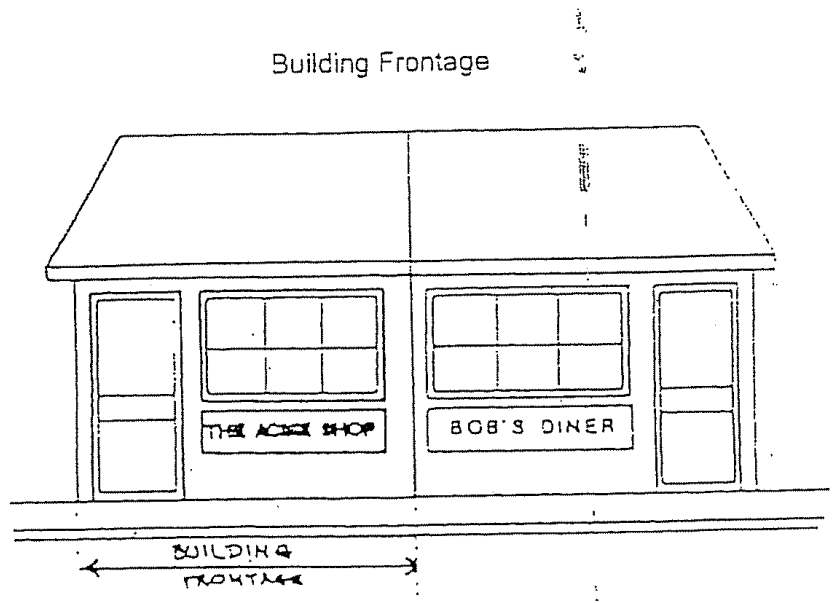
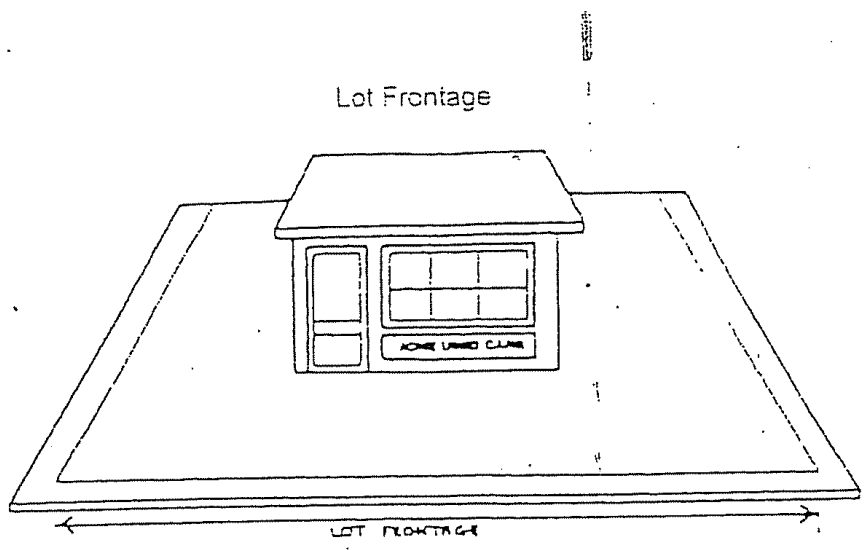
The following diagrams illustrate sign-types and methods of measurement:

How to Measure Sign Area (include supports)



How to Measure Sign Height

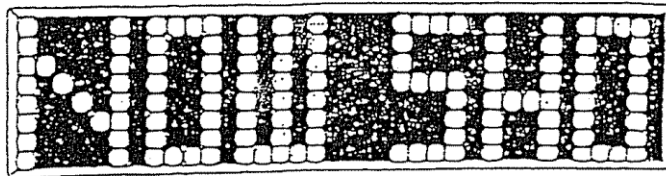
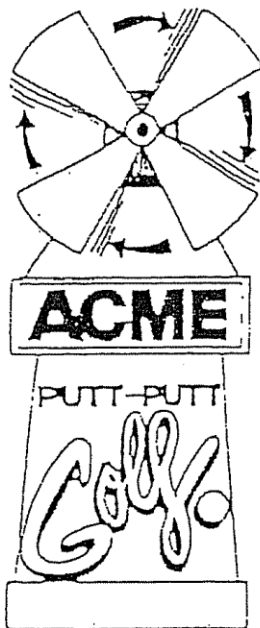




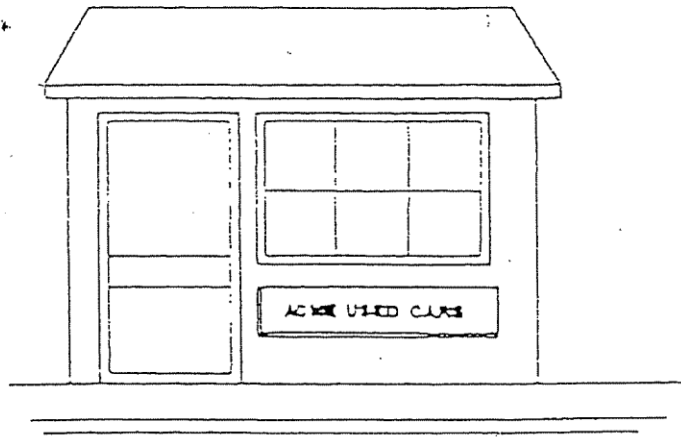
Abandoned Sign



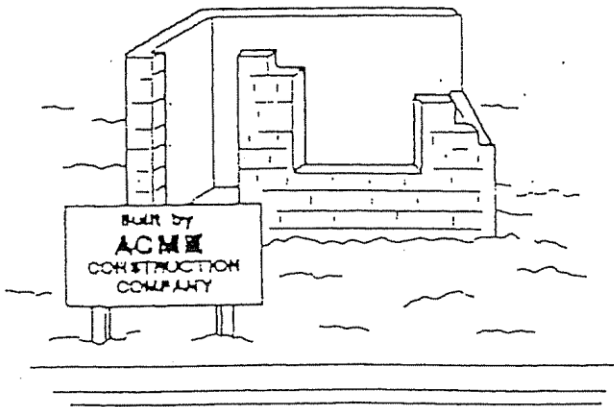
Animated Sign



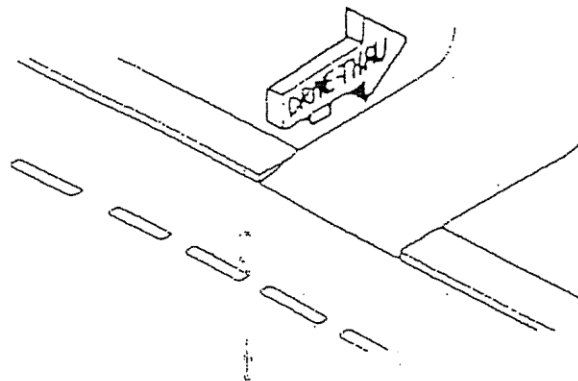
Attached Sign



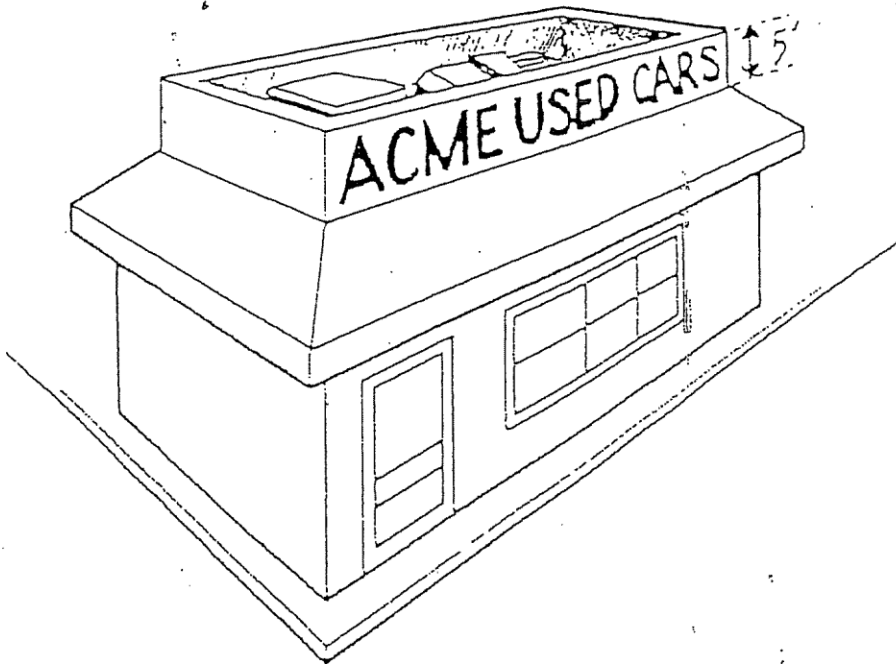
Construction Sign



Directional Sign



Integral Roof Sign



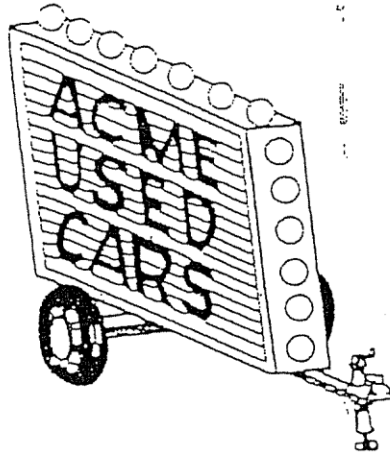
Off-Premise Sign



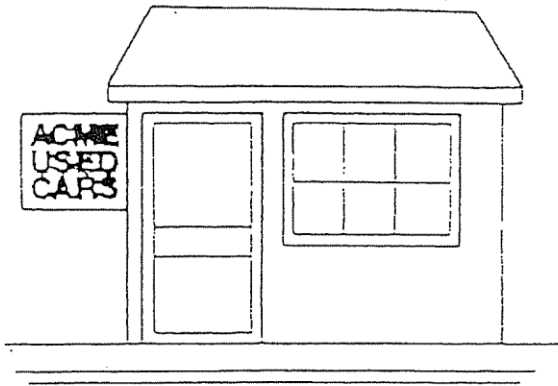
Pennants



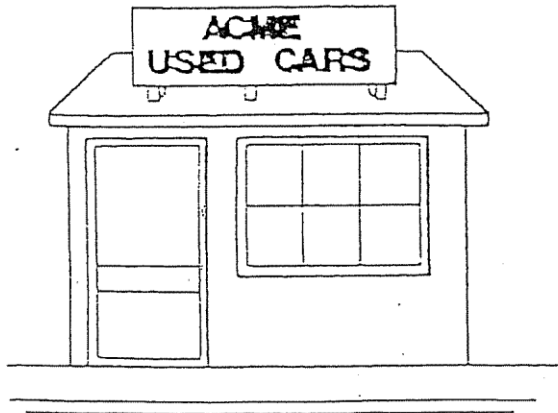
Portable Sign



Projecting Sign



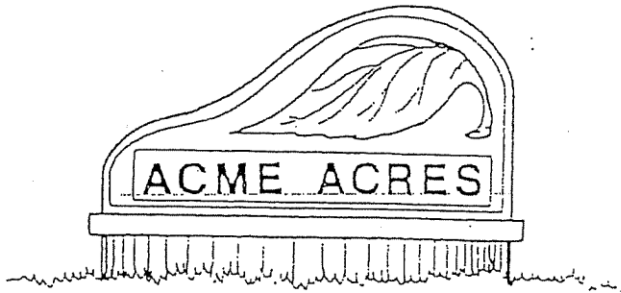
Roof Sign



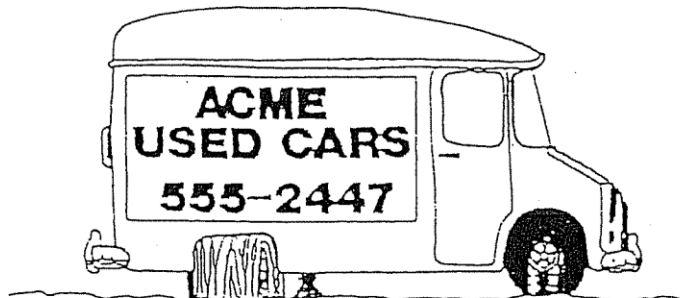
Snipe Sign



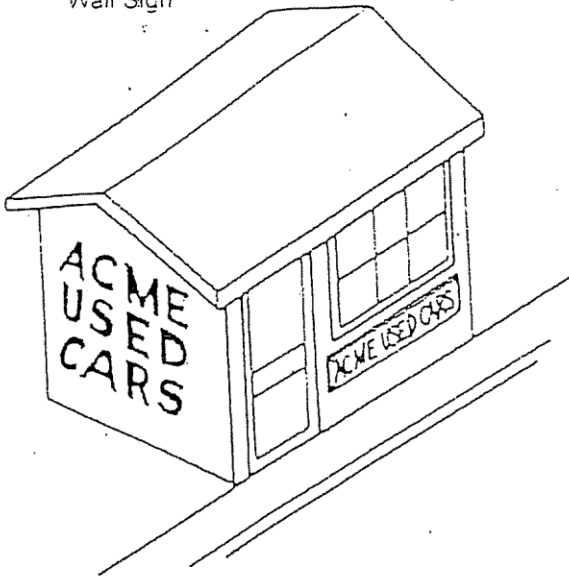
Subdivision Sign



Vehicle Sign



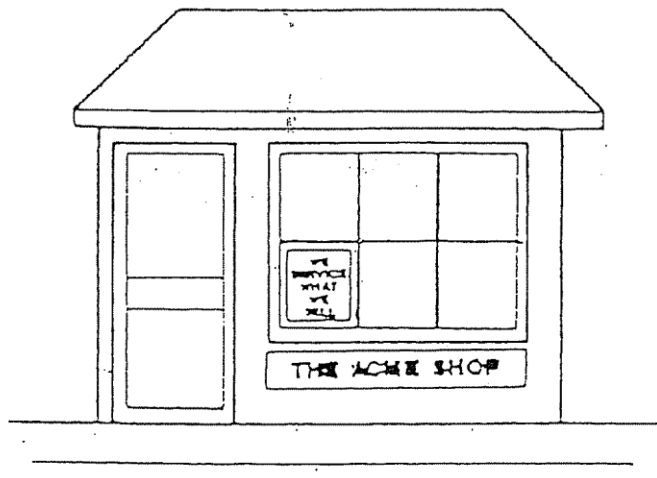
Wall Sign



Warning Sign



Window Sign



Sec. 7-5. Prohibited signs.

The following signs and sign-types are prohibited within the unincorporated County and shall not be erected. Any lawfully existing permanent sign or sign-type which is among the prohibited signs and sign-types listed below shall be deemed a nonconforming sign subject to the provisions of Section 20.7-6.

- (a) Billboards and off-premise/off-site signs; excluding, however, digital billboards permitted and operated in compliance with Section 7-6.1.
- (b) Revolving signs.
- (c) Signs that utilize flashing.
- (d) Animated signs.
- (e) Wind signs.
- (f) Portable signs.
- (g) Roof signs.
- (h) Abandoned and discontinued signs.
- (i) Snipe signs.
- (j) Projecting signs.
- (k) Bus bench advertising signs; bus shelter advertising signs.
- (l) Signs that emit sound, vapor, smoke, odor, particles or gaseous matter.
- (m) Signs that have unshielded illuminating devices.
- (n) Signs that obstruct, conceal, hide or otherwise obscure from view any official traffic or governmental sign, signal or device.
- (o) Any attached sign, including a wall sign, in an intensive commercial or industrial district that exceeds two hundred fifty (250) square feet in sign area.
- (p) Any attached sign, including a wall sign, that exceeds one hundred twenty five (125) square feet in sign area in any zoning district other than an intensive commercial or industrial zoning district.
- (q) Any freestanding sign that is higher than forty (40) feet; excluding, however, a digital billboard permitted and operated in compliance with Section 7-6.1.

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- (r) Any freestanding sign in an intensive commercial or industrial district that exceeds five hundred (500) square feet in sign area; excluding, however, a digital billboard permitted and operated in compliance with Section 7-6.1.
 - (s) Any freestanding sign that exceeds two hundred fifty (250) square feet in sign area in any zoning district other than an intensive commercial or industrial zoning district.
 - (t) Any sign within a sight visibility triangle that obstructs a clear view of pedestrian or vehicular traffic.
 - (u) Any sign in the public right of way, other than Traffic Control Device Signs, bus stop informational signs, warning signs or safety signs.
 - (v) Any sign attached to a pier, other than a warning sign or safety sign or vessel fuel sign.
 - (w) Any sign other than a Traffic Control Device Sign that uses the word “stop” or “danger,” or presents or implies the need or requirement of stopping or the existence of danger, or which is a copy or imitation of official traffic control device signs, and which is adjacent to the right-of-way of any road, street, or highway.
 - (x) Any sign nailed, fastened or affixed to any tree.
 - (y) Any sign prohibited by state or federal law.
 - (z) Vehicle sign or signs which have a total sign area on any vehicle in excess of ten square feet, when the vehicle is not “regularly used in the conduct of the business or activity” advertised on the vehicle, and (a) is visible from a street right-of-way within one hundred feet of the vehicle, and (b) is parked for more than two consecutive hours within one hundred feet of any street right of way. A vehicle shall not be considered “regularly used in the conduct of the business or activity” if the vehicle is used primarily (i) for advertising, or (ii) for the purpose of advertising, or (iii) for the purpose of providing transportation for owners or employees of the business or activity advertised on the vehicle.
 - (aa) Any sign located on real property without the permission of the property owner.
 - (bb) Beacons, except as required by federal or state law.
 - (cc) Sandwich board signs.

Sec. 7-6. Nonconforming signs.

A nonconforming sign that was lawfully erected may continue to be maintained until the nonconforming sign is substantially damaged or destroyed. At such time that the nonconforming sign is substantially damaged or destroyed, the nonconforming sign must either (a) be removed or (b) be brought into conformity with this Article and with any other applicable law or regulation.

Sec. 7-6.1. Digital Billboards.

Digital billboards shall be permitted and operated only in accordance with the following provisions:

- (a) The sign area of each digital billboard face shall be no greater than 675 square feet.
- (b) For each digital billboard face erected, existing billboard faces owned by the digital billboard permit applicant must first be permanently removed in accordance with the following swap-down ratios:
 - (1) **1:1 Swap-Down Ratio.** If the sign face being removed is that of a tri-vision sign, the square footage thereof, based upon the area of one face only, as opposed to the area of all three faces, must be at least one times the square footage of the new digital billboard face; or
 - (2) **2:1 Swap-Down Ratio.** If the digital billboard permit applicant owns less than 15 existing non-digital billboard faces in Clay County at the time the application is submitted, the total square footage of those existing billboard faces removed must be at least two times the square footage of the new digital billboard face; or
 - (3) **3:1 Swap-Down Ratio.** If the digital billboard permit applicant owns 15 or more existing non-digital billboard faces in Clay County at the time the application is submitted, the total square footage of those existing billboard faces removed must be at least three times the square footage of the new digital billboard face.
- (c) Digital billboards may only be permitted if they are primarily oriented to read to the following road corridors:

Road	Corridor
I-295	State Road 21 to Orange Park Town Limits
Wells Road	State Road 21 to Orange Park Town Limits
State Road 21	Duval County Line to County Road 218, excluding the portions thereof situated within the limits of the adopted Branan Field Master Plan
US 301	Duval County Line to Bradford County Line
State Road 21	County Road 352 to State Road 100

- (d) No digital billboard oriented to read to I-295 may be located closer than 1,500 feet from any other billboard located along the same side of the roadway.
- (e) Except as further limited in subsection (d), no digital billboard may be located closer than 1,000 feet from any other billboard along the same side of the roadway.
- (f) No digital billboard may be located closer than 1,500 feet from any other digital billboard or tri-vision sign along either side of the roadway.

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- (g) Digital billboards may only be located in BB, BB-1, BB-2, BB-4, BB-5, BSC, IA, IB, IS, BP, PCD, PID or comparable zoning districts with uses or allowable uses similar to those zoning districts.
 - (h) No digital billboard may exceed 50 feet in height, as measured above the crown of the adjacent roadway.
 - (i) No digital billboard may be closer than 10 feet from the sidewalk or paved portion of the adjacent roadway.
 - (j) Digital billboards may not utilize flashing or frame effects, shall display static messages for a period of at least eight seconds, and shall be operated such that the transition of new messages shall occur simultaneously on the entire sign face.
 - (k) Digital billboards must utilize dimming technology which automatically adjusts the brightness of the sign based on ambient light conditions. Each application for a digital billboard permit must include a certificate signed by the sign owner attesting that the new digital billboard will be so equipped. The standard for the brightness adjustment as ambient light intensity declines shall be a maximum increase in light intensity from the digital billboard of 0.3 foot candles over ambient levels, as measured using a foot candle meter at a pre-set distance in accordance with the following procedure:
 - (1) At least 30 minutes past sunset, record the ambient light using a foot candle meter for the area while the sign is off or displaying all black copy, with the meter located directly in front of and aimed directly at the sign at the appropriate distance as follows:
 - (2) If the sign is 300 square feet in size or less, measure 150 feet from the source.
 - (3) If the sign is between 300 square feet and 476 square feet in size, measure 200 feet from the source.
 - (4) If the sign is greater than 476 square feet in size, measure 250 feet from the source.
 - (5) Turn on the sign to display all white and take another measurement in accordance with the same procedure.
 - (6) If the difference between the measurements is 0.3 foot candles or less, the brightness is properly adjusted, otherwise the sign must be adjusted to comply with the brightness adjustment standard set forth above.
 - (l) For purposes of this section, when calculating the number of billboards owned by a digital billboard permit applicant that is an artificial entity, the number of billboards owned by the parent, subsidiary and sibling entities thereof shall be included.
 - (m) For purposes of this section, the only billboards that are eligible for permanent removal through the swap-down provided in subsection (b) are those identified in the inventory attached hereto as Appendix A.

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- (n) For every billboard face removed through the swap-down provided in subsection (b), the structure upon which the face is mounted must also be removed in its entirety, inclusive of all poles thereof to the foundation of the structure at grade level, regardless of whether such removal results in the loss of another face not counted in the swap-down. If the billboard face being removed is that of a tri-vision sign, then the entire tri-vision sign and sign structure must be removed, inclusive of all poles thereof to the foundation of the structure at grade level.

Sec. 7-7. Exemptions.

This Article does not pertain to the following:

- (a) A sign, other than a window sign, located entirely inside the premises of a building or enclosed space.
- (b) A sign on a car, other than a prohibited vehicle sign or signs.
- (c) A statutory sign.
- (d) Traffic control device sign.

Sec. 7-8. Building Permits.

It shall be unlawful for any person or business or the person in charge of the business to erect, construct, alter or maintain an outdoor advertising display sign, as defined in the Florida Building Code, without first obtaining a building permit from the County in accordance with the provisions of the Florida Building Code and applicable law. Permit fees shall be paid in accordance with the applicable County fee schedules. The requirement of a building permit under the Florida Building Code is separate and independent of the requirement for a sign permit under this Article.

Sec. 7-9. Shielding of illumination.

Illuminated signs, in addition to conforming to all other requirements of this Article, shall be shielded in such a manner so that no direct source of light is cast into residential properties or into a public street or right-of-way. Illuminated signs shall not interfere with pedestrian or motorist vision. The illumination shall not be reflective or phosphorescent and shall perform in a steady non-fluctuating or non-undulating manner and shall be placed in a manner that will not create a nuisance to other premises or interfere with vehicular movements.

Sec. 7-10. Substitution of noncommercial speech for commercial speech.

Notwithstanding anything contained in this Article or Code to the contrary, any sign erected pursuant to the provisions of this Article or Code with a commercial message may, at the option of the owner, contain a noncommercial message unrelated to the business located on the premises where the sign is erected. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that

the sign is not a prohibited sign or sign-type and provided that the size, height, setback and other dimensional criteria contained in this Article and Code have been satisfied.

Sec. 7-11. Content neutrality as to sign message (viewpoint).

Notwithstanding anything in this Article or Code to the contrary, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

Sec. 7-12. Permit Required.

- (a) Allowed temporary and allowed permanent signs of the type described in section 20.7-27 shall be exempt from sign permitting hereunder.
- (b) No sign permit shall be issued for the erection of a prohibited sign.
- (c) Unless exempt from permitting, no permanent sign shall be erected, altered, relocated, maintained or displayed until a sign permit is obtained from and appropriate fee, if any, paid to the County.
- (d) A sign lawfully erected under permit may be repainted or have ordinary and customary repairs performed, including replacement of plastic or glass panels, without a new sign permit; however, if such sign is to be structurally altered in any manner or if it is not a digital billboard and accomplishes the substitution of a new or different advertiser, a new sign permit shall be required and the altered sign must meet all requirements of this Article and this Code.

Sec. 7-13. Sign Permit Application and Issuance of Sign Permit.

- (a) A sign permit application for a permanent sign shall be made upon a form provided by the County. The sign permit application is in addition to any building permit application required by the Florida Building Code. The sign permit application shall be accompanied by plans and specifications drawn to scale, together with any site plan required by this Article or the Code. The applicant shall furnish the following information on or with the sign permit application form:
 - (1) The legal description of the real property where the sign is proposed to be located.
 - (2) The zoning district for the real property on which the sign will be located.
 - (3) The name, mailing address and telephone number (where available) of the owner(s) of the real property where the sign is proposed to be located.
 - (4) A notarized statement of authorization signed by the owner(s) consenting to the placement of the proposed sign on the real property.
 - (5) The name, mailing address and telephone number of the sign contractor.
 - (6) Type of proposed sign (*e.g.*, attached wall sign, freestanding monument sign).

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- (7) The square footage of the surface area of the proposed sign.
 - (8) The setbacks for the proposed sign.
 - (9) The value of the proposed sign.
 - (10) If the proposed sign is a freestanding sign:
 - (i) The lot frontage on all adjacent street rights-of-way.
 - (ii) The height of the proposed freestanding sign.
 - (11) If the proposed sign is an attached sign, the building frontage for the building to which the attached sign shall be affixed.
 - (12) The number, type, location, and surface area for all existing signs on the same lot and/or building on which the sign will be located.
 - (13) Whether the proposed sign will be an illuminated or non-illuminated sign.
- (b) An applicant shall deliver a sign permit application for a permanent sign to the County's Zoning Director or his or her designee, or such other person as may be designated by the County. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this Article and any applicable zoning law. The review of the sign permit application shall be completed within fifteen calendar days, and the application shall be granted or denied within that time frame. In the event that no decision is rendered within fifteen calendar days following submission, the applicant may appeal to the Board of Adjustment. Any appeal shall be heard and a decision rendered within the time frames specified in this Article or otherwise set forth or provided for appeals.

Sec. 7-14. Fees.

- (a) *Sign permit fees.* Every person making an initial application for a sign permit shall pay any required sign permit fee, if any, to the County at the time of the application. The permit fee, if any, shall be established by resolution of the Board and shall be as stated in an appendix to this Article.
- (b) *Building permit fees distinguished.* The sign permit fee, if any, shall be separate and apart from any required fee for a building permit for the erection of a sign covered by the Florida Building Code.
- (c) *Enforcement of this Article.* Nothing contained in this section shall be construed as prohibiting the County from taking appropriate legal action, including the filing of legal proceedings in a court of competent jurisdiction, to enforce this Article. The requirements of this Article are not exclusive, and the County shall be entitled to impose any authorized delinquency penalty and

also seek a remedy from a court of competent jurisdiction at one and the same time, if it so chooses.

Sec. 7-15. Conditions.

- (a) *Duration of permit.* If the work authorized under a sign permit has not been completed within one year after the date of issuance, the permit shall become null and void and a new application for a sign permit shall be required.
- (b) *Maintenance of signs.*
 - (1) All visible portions of a sign and its supporting structure shall be maintained in a safe condition, and neat appearance according to the following:
 - a. If the sign is lighted, all lights shall be maintained in working order and functioning in a safe manner.
 - b. If the sign is painted, the painted surface shall be kept in good condition.
 - c. Every sign shall be kept in such manner as to constitute a complete or whole sign.
 - (2) Lawfully erected nonconforming signs may suffer only ordinary and customary repairs and maintenance. As provided in section 20.7-12, a lawfully-erected non-conforming sign shall not be structurally altered except in full conformance with this Article.

Sec. 7-16. Appeals to the Board of Adjustment.

- (a) Whenever it is alleged that there has been an error in any order, action, decision, determination, or requirement by an administrative official in the enforcement and application of any provision contained within this Article or any other provision of this Code pertaining to sign permits (including any allegation that an administrative official has failed to act within applicable time frames), the aggrieved party shall file a written appeal with the Board of Adjustment.
- (b) The written appeal shall be filed with the Board of Adjustment within thirty days of the date of the alleged error. The written appeal shall describe the alleged error and the applicable provisions of this Article or the Code pertaining to the administrative official's order, action, decision, determination, requirement, or failure to act.
- (c) The Board of Adjustment shall hold a hearing within forty-five days following receipt of the written appeal.
- (d) The Board of Adjustment shall render a written decision within ten days following the hearing.

Sec. 7-17. Appellate Decisions Deemed Final, Subject to Judicial Review.

The appellate decisions of the Board of Adjustment pursuant to Section 20.7-16, above, shall be deemed final, subject to judicial review as provided by law.

Sec. 7-18. Administration and Enforcing Official.

The director of the Code Enforcement Division or an official designated by the director shall be the enforcing official of this Article. The enforcing official is charged with the duty of administering this Article and securing compliance therewith. Further, the enforcing official shall make such inspection as may be necessary to ensure compliance with this Article and shall initiate appropriate action, if any, to enforce the provisions of this Article.

Sec. 7-19. Failure to Comply.

- (a) If the Enforcement Services Department finds that any sign has been erected, altered or maintained in violation of this Article, the department shall notify the owner of record of the property upon which such sign is located by either regular mail, or by hand delivery or such other mode of delivery as may be appropriate, that such violation exists. Where it is determined that such illegal sign poses an imminent threat to the health, safety or welfare of the public, the County may cause the immediate removal of the sign by its own action. The cost of such removal shall be paid by the property owner or person who erected the sign. In addition to removal, the County shall be entitled to proceed with alternative legal or equitable remedies, including injunctive relief.
- (b) Removal of signs on county-owned property. Code enforcement officers shall be authorized to remove, without notice, any sign on or partly on county or state rights-of-way which is unlawful hereunder.

Sec. 7-20. Violations and penalties.

- (a) The acts enumerated in this section shall be a violation of this Article and shall be subject to the enforcement remedies and penalties provided by this Article, by other County codes, and by state law. Such remedies may be pursued simultaneously.
- (b) It shall be a violation to:
 - (1) Install, create, erect or maintain any sign in a way that is inconsistent with any approved plan or permit governing such sign or the site on which the sign is located.
 - (2) Install, create, erect or maintain any sign requiring a permit without having first obtained such permit.
 - (3) Fail to remove any sign that is installed, created, erected or maintained in violation of this Article or for which the sign permit has lapsed.
 - (4) Install, erect, place, or maintain any sign contrary to the provisions of this Article, including any sign or sign structure not allowed within the applicable zoning district.
 - (5) Continue any such violation.

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- (c) Each sign installed, created, erected or maintained in violation of this Article shall be considered a separate violation, and each day of a continued violation shall be considered a separate violation.
 - (d) Any violation of this Article or any condition or requirement adopted pursuant to this Article may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to law. The remedies of the County shall include but not be limited to the following:
 - (1) Issuing a stop work order for any and all work on any signs on the same site.
 - (2) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign or the correction of the violation.
 - (3) For a sign, which poses an immediate danger to the public health or safety, taking, such measures as are available to the County under the applicable provisions of this Article for such circumstances.
 - (e) The Clay County Special Magistrate shall exercise jurisdiction to enforce the provisions of this Article consistent with the power and authority conferred upon it by general Florida law and applicable ordinance of the Board.
 - (f) It shall be unlawful to knowingly provide false or fraudulent information to any official of Clay County charged with the implementation and enforcement of this Article for the purposes of inducing the official to take or refrain from taking any particular action or making any particular determination under its terms and provisions. A person violating the provisions of this subsection shall be guilty of an offense that, pursuant to Section 125.69, Florida Statutes, and any successor thereto, shall be prosecuted in the same manner as misdemeanors are prosecuted, and upon conviction, shall be punished by a fine not to exceed five hundred dollars or by imprisonment in the county jail, not to exceed sixty days, or by both such fine and imprisonment.

Sec. 7-21. Adoption of Zoning Regulations.

The boundaries of the various districts shown upon the official zoning map and the regulations of the comprehensive zoning ordinance contained in the Code, governing the use of land and buildings and other matters set forth therein, as the same may be amended from time to time, are made part of this Article. Except provided in this Article, no sign shall be erected, enlarged, reconstructed or structurally altered which does not comply with all the district regulations established by this Article for the zoning district in which it is located.

Sec. 7-22. Freestanding Signs.

- (a) Except as provided in subsection (c), freestanding signs shall be set back at least five feet from any property line.
- (b) Except as provided in subsection (c), freestanding signs shall have a minimum sight clearance from three feet above grade to eight feet above grade when located within fifty feet of the edge

of the traveled way or within thirty feet of any edge of driveway or other point of ingress or egress.

- (c) Freestanding signs shall be permitted within the traveled way portion of a privately owned driveway or other privately owned point of ingress/egress to a Commercial Intensive PUD parcel subject to the provisions of Section 7-30(a), and in accordance with the following requirements:
- (1) Signs shall be set back a minimum of 30 feet from any intersecting roadway and/or access point.
 - (2) Signs shall be located such that the minimum width from the edge of the sign structure to the edge of pavement is 12 feet in order to allow for sufficient bi-directional passage within the traveled way. The minimum width may be reduced to no less than 10 feet upon determination by the Zoning Chief that safe passage may be achieved.

Sec. 7-23. Setback Measurement.

Required setbacks for signs in all zoning districts shall be measured from the property line to the nearest part of the sign.

Sec. 7-24. Double-Faced Signs.

Double-faced signs shall be permitted in all zoning districts, provided the signs are designed and constructed such that the two sign faces are directionally oriented so that the angle between the two faces does not extend more than 90-degrees from one another. The maximum sign area allowed shall be permitted for each sign face. An existing nonconforming double-faced sign may not be changed or modified in any way unless the sign comes into complete conformity with the current code.

Sec. 7-25. Illumination.

Freestanding signs, attached signs and subdivision monument identification signs may be illuminated unless stated otherwise in the specific zoning district regulations, provided the illumination is designed and installed in such a manner that light from the sign meets all requirements of this Article, the Code, and the Florida Building Code.

Sec. 7-26. Time and Temperature Signs.

Time and temperature signs may be utilized as part of an otherwise allowed freestanding or attached sign in nonresidential zoning districts; otherwise they are prohibited.

Sec. 7-27. All Districts.

The regulations in this section apply in every zoning district, except where otherwise specified or indicated. Sign permits are not required for signs and sign-types described and identified in this section.

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- (a) Street address signs. For each parcel, residence or business, one street address sign may be displayed. For each residence, the street address sign shall not exceed two square feet in sign area unless required by applicable law. For each business or parcel in nonresidential use, the street address sign shall not exceed six square feet in sign area unless required by applicable law.
 - (b) **Nameplate or occupant identification signs.** For each residence, business or other occupancy, one nameplate sign may be displayed. For residences the nameplate or occupant identification signs shall not exceed two square feet in sign area. For any nonresidential use, the nameplate or occupant identification sign shall not exceed six square feet in sign area.
 - (c) **Noncommercial onsite directional signs.** Noncommercial onsite directional signs, not exceeding four square feet in sign area, shall be allowed on each parcel. Also, onsite internal directional signs shall be allowed on a qualifying parcel.
 - (d) **Noncommercial onsite parking space signs.** Noncommercial onsite parking space number signs, not exceeding one square foot of sign face per sign, shall be allowed on each parcel in noncommercial use having multiple parking spaces onsite. One such sign shall be allowed for each parking space.
 - (e) **Noncommercial onsite marina slip number signs.** Noncommercial onsite marina slip number signs, not exceeding one square foot of sign face per sign, shall be allowed for each marina having marina slips. One such sign shall be allowed for each marina slip.
 - (f) **Free expression signs.** For each nonresidential parcel, one free expression sign not exceeding thirty-two square feet in sign area may be displayed. For each residential parcel, one free expression sign not exceeding six square feet in sign area may be displayed. The free expression sign may be displayed as an attached sign or as a freestanding sign; if displayed as a freestanding sign, the freestanding sign shall not exceed eight feet in height for nonresidential parcels or four feet in height for residential parcels.

A free expression sign is in addition to any other sign permitted under this Article and is permitted in any zoning district. Only one such sign shall be permitted on each parcel. If the free expression sign is a freestanding sign, the sign must be set back a minimum of five feet from all property lines and must be located outside of any traveled way and sight visibility triangle.

(g) **Election signs.**

- (1) For each parcel, one election sign for each candidate and each issue may be displayed. An election sign may be displayed as an attached sign or as a freestanding sign. Except as provided below for parcels zoned Agricultural (AG) and Agricultural Residential (AR), on parcels that are in residential use, the election sign shall not exceed six square feet in sign area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed four feet in height. On parcels that are in nonresidential use, and on parcels zoned Agricultural (AG) and Agricultural Residential (AR), regardless of actual use, the election sign shall not exceed thirty-two square feet in sign

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- area unless the election sign is also a permanent onsite digital sign, in which case the digital sign in its entirety may be used as the election sign; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign (i) shall be set back at least five feet from all property lines and located outside of any traveled way and sight visibility triangle and (ii) shall not exceed eight feet in height. An election sign shall be removed within seven calendar days following the election to which it pertains. The provisions of this paragraph to the contrary notwithstanding, election signs may not be erected within the property boundary of any parcel utilized as a polling place on any election day, and within the property boundary of any parcel utilized as an early voting site during any early voting period.
- (2) It is prohibited to display on any parcel an election sign that is in violation of the requirements of Section 106.143, Florida Statutes.
 - (3) In the case of any election sign displayed in violation of paragraphs (1) and (2), the owner of the parcel upon which the sign is displayed shall be deemed to be the violator.
 - (4) Nothing in this article shall be deemed to prohibit, restrict or otherwise regulate the use of a lawfully existing digital sign or billboard for the purpose of expressing support for or opposition to a candidate or stating a position regarding an issue upon which the voters of the County shall vote, except that such use must be discontinued within seven calendar days following the election to which it pertains.
 - (5) The provisions of Section 15-20 of the Clay County Code may be used to enforce each provision of this subsection (g) as a nonexclusive alternative to enforcement by any other means authorized hereunder, and the violation of any such provision shall constitute a civil infraction within the meaning of said Section 15-20.
 - (6) With the exception of any vehicle transporting an elector to a polling place or an early voting site whose business on the parcel upon which the polling place or early voting site is located is limited to casting a ballot and the vehicle is removed from the parcel promptly upon the completion of such business, a vehicle on which any election sign or election signs are displayed may not be driven, towed, permitted to stand or parked upon any parcel utilized as a polling place on any election day, or upon any parcel utilized as an early voting site during any early voting period, unless each such election sign does not exceed two square feet in sign area, and no more than one election sign for each candidate and each issue is displayed on such vehicle.
 - (7) For purposes of paragraph (6), a vehicle shall mean a vehicle as defined in Section 316.003(75), Florida Statutes, or its successor in function, and any kind of trailer towed by a vehicle.
- (h) **Flagpoles.** One flagpole is allowed for each parcel, except parcels greater than one-half acre in size shall be allowed up to three flagpoles. Flagpoles in residential districts shall not exceed twenty-five feet in height. Flagpoles in nonresidential districts shall not exceed eighty feet in

height. Flagpoles shall be set back from all property lines by a distance that is equal to the height of the flagpole.

- (i) **Flags.** For each detached dwelling unit less than one-half acre in size in a residential district, two flags not greater than twenty-four square feet in sign area (each) may be displayed. For parcels greater than one-half acre and for each parcel in a multifamily residential district, three flags not greater than forty-eight square feet in sign area (each) may be displayed. Flags in nonresidential districts may not exceed 600 square feet.
- (j) **Industrial park identification signs.** Industrial park identification signs shall be allowed in all districts.
- (k) **Warning signs and safety signs.** Warning signs and safety signs, not exceeding four square feet in sign area, shall be allowed in all districts.
- (l) **Temporary construction signs.** One temporary construction sign shall be allowed on each parcel. Temporary construction signs shall not exceed six square feet in sign area and four feet in height for an individual residential lot already developed and shall not exceed thirty-two square feet in sign area and eight feet in height for nonresidential properties and for individual residential properties in development. Signs shall be set back at least five feet from all property lines and located outside of any traveled way and sight visibility triangle.
- (m) **Temporary real estate signs - generally.**
 - (1) *Number.* For each parcel, one temporary real estate sign may be displayed on each parcel of land or part thereof that is for sale, lease, or rent; however, when more than one dwelling unit or nonresidential space on a parcel of land is for sale, lease, or rent, there may be one real estate sign for each such unit or space. For a parcel with dual street frontage, or located with frontage on navigable water or on golf courses, or which have more than 500 linear feet of frontage, such parcels may have one additional temporary real estate sign per frontage or per five hundred linear feet.
 - (2) *Size.* Temporary real estate signs shall not exceed six square feet in sign area and four feet in height for residential properties, and thirty-two square feet in sign area and eight feet in height for nonresidential properties.
 - (3) *Setback.* Temporary real estate signs that are freestanding shall maintain a five-foot setback from all property lines and shall be located outside of any traveled way and sight visibility triangle.
 - (4) *Riders.* A maximum of three riders shall be allowed for real estate signs, and shall not be included in the size limitation; however, a rider shall not exceed one square foot in size.
 - (5) *Duration.* Temporary real estate signs shall be removed immediately upon the sale, lease or rent of the real estate that was offered for sale, lease, or rent.

(n) **Temporary real estate signs - open house and directional signs.**

- (1) *Number.* For each residential parcel with a house for sale, up to six temporary open house and/or directional signs may be displayed on private property with the permission of the property's owner or, with the permission of the frontage property's owner, within the non-paved portion of the right of way of any county road that is situated outside of any sidewalk, ditch or drainway therein, and that lies no closer than five feet from the edge of the traveled way therein, the provisions of Section 20.7-5(u) of this Article to the contrary notwithstanding. *Rev. 05/26/09*
- (2) *Size (area).* Temporary open house and directional signs shall not exceed six square feet in sign area. *Rev. 05/26/09*
- (3) *Height.* Temporary open house and directional signs shall not exceed four feet in height.
- (4) *Setback.* Temporary open house and directional signs that are freestanding and located adjacent to non-county public roads shall maintain a five foot setback from all property lines and shall be located outside of any traveled way and sight visibility triangle. *Rev. 05/26/09*
- (5) *Duration.* Temporary open house and directional signs shall be limited to weekends between sunset Friday and sunset Sunday. Without limiting the enforcement mechanisms and sanctions elsewhere authorized and available under this article for violations of this paragraph (5), any such sign found within a county road right of way other than between sunset Friday and sunset Sunday shall be deemed abandoned, and code enforcement officials are authorized to remove and dispose of the same without notice or compensation to the owner thereof. *Rev. 05/26/09*

(o) **Temporary garage-yard sale signs - generally.** For each parcel with a lawful residential use, one temporary garage-yard sale sign may be displayed. Temporary garage-yard sale signs shall not exceed six square feet in sign area and four feet in height. Signs shall maintain a five-foot setback from all property lines and shall be located outside of any traveled way and sight visibility triangle.

(p) **Temporary garage-yard sale signs – directional.** Two temporary garage-yard sale directional signs may be displayed on private property with the permission of the property owner(s). These signs shall not exceed six square feet in sign area and four feet in height. Signs may be displayed on weekends between sunset Thursday and sunset Sunday. Signs must maintain a five-foot setback from all property lines and must be located outside of any traveled way or sight visibility triangle.

(q) **Temporary grand opening signs.** For each new business or business name change, one temporary grand opening sign shall be permitted for ninety days after the opening of the new business or the business name change. A temporary grand opening sign shall not exceed thirty-two square feet in sign area. A temporary grand opening sign may be a banner or a temporary covering, such as a toaster cover, sign boot, or sign sock, which covers an existing permitted attached or freestanding sign.

Freestanding signs must maintain a five-foot setback from all property lines and must be located outside of any traveled way or sight visibility triangle.

Banners must not be within the rights-of-way or attached to utility poles or trees. The Enforcement Services Department must be notified in writing as to the first date the grand opening sign will be displayed and removed immediately upon the expiration of the ninetieth day.

- (r) **Temporary window signs.** For each parcel, one or more temporary window signs may be displayed. On parcels that are in residential use, the temporary window sign(s) shall not exceed an aggregate of six square feet in sign area. On parcels that are in nonresidential use, the temporary window sign(s) shall not exceed an aggregate of thirty-two square feet in sign area. Temporary window signs shall not cover more than twenty-five percent of any window surface.
- (s) **Temporary future site signs.** One temporary future site sign with no more than thirty-two square feet in sign area shall be allowed on each nonresidential parcel. A temporary future site sign must be removed upon the placement of temporary construction sign. Signs must maintain a five-foot setback from all property lines and must be located outside of any traveled way or sight visibility triangle.
- (t) **Temporary special event signs.** Temporary special event signs as approved by the director as meeting the following content-neutral criteria:
 - (1) the signs are temporary signs for a limited time and frequency,
 - (2) the signs are for a special event as defined herein,
 - (3) the temporary signs will not exceed six square feet in size and a maximum height of four feet in residential districts and shall not exceed thirty-two square feet in size and a maximum height of eight feet in nonresidential districts,
 - (4) the temporary signs will not conceal or obstruct adjacent land uses or signs,
 - (5) the temporary signs will not conflict with the principal permitted use of the site or adjoining sites,
 - (6) the temporary signs will not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians,
 - (7) the temporary signs will be installed and maintained in a safe manner,
 - (8) the temporary signs shall maintain a five foot setback from all property lines and must be located outside of any traveled way or sight visibility triangle, and
 - (9) the display of temporary signs for a special event shall not begin any earlier than one week before the event and shall be removed within two business days after the event;

however, if the special event is (i) for a period of seven days or more and (ii) planned for more than 50,000 attendees, then the temporary signs may be displayed thirty days before the commencement of the event and shall be removed within seven days after the event.

Consistent with Section 20.7.11 of this Article, approval or disapproval shall not be based on the content of the message contained (*i.e.*, the viewpoint expressed) on such signs. The director shall render a decision within 10 days after an application is made for such signs. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision to the Board of Adjustment in accordance with the provisions of Section 20.7-16 herein.

- (u) **Banners.** Banners are allowed in nonresidential districts only. Banners shall be securely fastened or mounted.

Sec. 7-28. Residential and Agricultural Zoning Districts: RA, RB, RC, A, AR-1, AR-2, AR, RE, RMHP, and PUD (Residential).

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to Section 20.7-27, the following permanent and temporary signs are also allowed within the residential districts designated in the Clay County Land Development Regulations, as amended from time to time, as RA, RB, RC, A, AR-1, AR-2, AR, RE, and RMHP, and within single family and duplex portions of any PUD. The permanent signs described below require a sign permit.

- (a) **Subdivision monument identification signs and neighborhood monument identification signs.** For each platted subdivision entrance, two subdivision monument identification signs not exceeding twelve feet in height and thirty-two square feet in sign area shall be allowed. For each neighborhood entrance within a larger platted subdivision, two neighborhood monument identification signs not exceeding six feet in height and twenty-four square feet in sign area shall be allowed. These signs may be located within the median of any county road right of way, the provisions of Section 20.7-5(u) of this Article to the contrary notwithstanding. If located within the median, signs shall be a minimum of 30 feet from the traveled way of the intersecting street and shall comply with the sight visibility triangle requirements found elsewhere in this Code. Signs must also be set back a minimum of two feet from the face of curb and be no greater than five feet in height. Signs located within the median must be permitted consistent with the provisions of Clay County Code Chapter 18, Article II. (*Rev. 06/30/09*)
- (b) **Agricultural signs.** In A (or AG) and AR Zoning Districts, up to one permanent agricultural sign, one temporary agricultural sign, and two temporary agricultural produce directional signs per parcel may be erected or displayed. An agricultural sign shall not exceed thirty-two square feet, and may be either a freestanding sign or an attached sign.

Sec. 7-29. Neighborhood Commercial, Private Services, Public Ownership, and Multi-family Zoning Districts: BA, BA-1, BA-2, PS-1, PS-2, PS-3, PS-4, PS-5, PO-1, PO-2, PO-3, PO-4, RD, and PUD (Neighborhood Commercial, Private Services and Multi-family).

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to Section 20.7-27, the following permanent signs are also allowed within the Neighborhood Commercial, Private Services, Public Ownership, and Multi-family Zoning Districts designated in the Clay County Land Development Regulations, as amended from time to time, as BA, BA-1, BA-2, PS-1, PS-2, PS-3, PS-4, PS-5, PO-1, PO-2, PO-3, PO-4, RD, and PUD (Neighborhood Commercial, Private Services and Multi-family), and within neighborhood commercial, private services and multi-family portions of any PUD. Other than incidental signs, the permanent signs described below require a sign permit.

(a) **Permanent freestanding signs.**

- (1) *Maximum number.* Except for the PS-3 Zoning District, only one permanent freestanding sign shall be permitted per street frontage for each developed or improved parcel having frontage on a public right-of-way. The permanent freestanding sign may be double-faced. Undeveloped and unimproved parcels shall not be allowed a permanent freestanding sign. In the PS-3 Zoning District for each developed or improved parcel having frontage on a public right-of-way, one permanent freestanding sign may be permitted per street frontage for each 175 linear feet of street frontage. For hospital and/or emergency room facilities within the PS-3 Zoning District, one additional sign may be allowed within the median of the roadway fronting the parcel. This sign may not exceed 15 feet in height and 115 square feet in sign area. (Rev. 04/09/13)
- (2) *Maximum sign area.* The sign area of any permanent freestanding sign shall not exceed one and one-half (1 ½) square feet of sign area for each linear foot of street frontage abutting the portion of the parcel, but in no case exceeding seventy (70) square feet total per side for each commercial or multi-family tenant, up to a maximum or aggregate of two hundred and fifty (250) square feet total per side.
- (3) *Setback.* The permanent freestanding sign shall be set back at least five feet from any public right-of-way.
- (4) *Maximum height.* The permanent freestanding sign shall be limited to an overall height of forty (40) feet above average ground level.
- (5) *Educational facility signs within the PO-1 and PS-1 zoning districts.* Permanent freestanding educational facility signs to serve kindergarten through 12th grade educational facilities within the PO-1 and PS-1 zoning districts may be located within any county road right of way, adjacent to the facility, the provisions of Section 20.7-5(u) of this Article to the contrary notwithstanding; provided, however, educational facility signs may not be located within any right of way island, median, sidewalk, bike path or drainage facility, nor may educational facility signs obstruct motorist views of traffic control signs, signals and devices. Educational facility signs shall be a minimum of 30 feet from the traveled way and shall comply with the sight visibility triangle requirements found elsewhere in this Code. Educational facility signs must be permitted consistent with the provisions of Section 20.7-13. (Rev. 03/23/10)

(b) **Permanent attached signs.**

- (1) *Maximum number.* Only three permanent attached sign shall be permitted per front facade for each occupancy within a developed parcel. Only three permanent attached sign may be permitted per side facade for each occupancy within a developed parcel. In no event shall there be more than nine permanent attached signs per occupancy within a developed parcel.
- (2) *Maximum sign area for a front facade.* The sign area of the permanent attached sign for a front facade shall not to exceed a total copy area of one and one-half (1½) square feet for each linear foot of the building frontage of the applicable occupancy; however, the aggregate sign area for all attached signs for the front façade of any building shall not exceed an aggregate of one hundred twenty-five (125) square feet per occupancy. (Rev. 03/23/10)
- (3) *Maximum sign area for a side facade.* The sign area of the permanent attached sign for a side facade shall not to exceed a total copy area of one and one-half (1½) square feet for each linear foot of the building frontage of the applicable occupancy, however, the aggregate sign area for all attached signs for the side façade of any building shall not exceed an aggregate surface area of one hundred twenty-five (125) square feet per occupancy. (Rev. 03/23/10)
- (4) *Location.* Attached signs shall be located below the lowest roofline of the building.

(c) **Canopy signs.** One canopy sign per occupancy may be permitted subject to the following conditions:

- (1) *Maximum sign area.* The area of copy shall not exceed three square feet per linear foot of canopy, front and sides; however, for places of public entertainment (such as theaters, arenas, or meeting halls), the copy area allowance will be four square feet per linear foot of canopy width. Copy may be installed above or on the face of the canopy proper, provided that the copy area of a sign installed above or on the canopy proper will be computed on the total of the sign face and the canopy apron proper.
- (2) *Minimum height.* No canopy sign shall be less than nine feet above the ground immediately below it.
- (3) *Setback.* No canopy sign may be located within five feet of any public right-of-way, lot line, or within fifty feet of the intersection at any two public right-of-way lines.

(d) **Under-canopy signs.** If the building includes a canopy, each occupancy may be permitted one under-canopy sign (*i.e.*, a sign suspended below the ceiling or roof of a canopy or marquee). The copy area of an under-canopy sign shall not exceed six square feet.

(e) **Incidental signs.** Up to four incidental signs may be permitted to be attached (i) to a freestanding sign structure or (ii) to a building wall, but not perpendicular to the wall. An incidental sign shall not exceed one square foot in size.

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- (f) **Drive-through menus signs.** For each parcel with a lawful nonresidential use that utilizes a drive-through lane, three drive-through menu signs shall be allowed for each drive-through lane. Each allowed drive-through menu sign may be either a freestanding sign or an attached sign, and shall not exceed forty square feet in sign area and ten feet in height. Drive-through menu signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this section.
- (g) **Waterside identification signs.** For each parcel with a residential complex or business property that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a freestanding sign or an attached sign. A waterside identification sign shall not exceed eight feet in height and shall not exceed twenty square feet in sign area. A waterside identification sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this section.
- (h) **Attached menu display signs.** For each parcel with (a) a restaurant without drive-through service or (b) with a transient lodging facility that has restaurant facilities open to the general public, one attached menu display sign shall be allowed. An attached menu display sign shall be a wall sign not exceeding twelve square feet in sign area. An attached menu display sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this section.
- (i) **Digital signs.** Subject to the limitations set forth in this section for permanent freestanding signs, digital signs shall be allowed under the following conditions:
- (1) Digital signs shall display static messages for a period of at least one second.
 - (2) Digital signs may utilize frame effects for the purpose of transitioning from one message to the next.
 - (3) Digital signs shall not utilize flashing.
 - (4) Digital signs shall utilize dimming technology which automatically adjusts the brightness of the sign based on ambient light conditions. Each application for a digital sign permit must include a certificate signed by the contractor that the digital sign will be so equipped. The standard for the brightness adjustment as ambient light intensity declines shall be a maximum increase in light intensity from the digital sign of 0.3 foot candles over ambient levels as measured using a foot candle meter at a pre-set distance in accordance with the following procedure:
 - a. At least 30 minutes past sunset, record the ambient light using a foot candle meter for the area while the sign is off or displaying all black copy, with the meter located directly in front of and aimed directly at the sign at the appropriate distance as follows:
 1. If the sign is 100 square feet in size or less, measure 100 feet from the source;

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2. If the sign is greater than 100 square feet in size, measure 150 feet from the source;
 - b. Turn on the sign to display all white and take another measurement in accordance with the same procedure.
 - c. If the difference between the measurements is 0.3 foot candles or less, the brightness is properly adjusted, otherwise the sign must be adjusted to comply with the brightness adjustment standard set forth above. (Rev. 10/27/09)

Sec. 7-30. Intensive Commercial and Industrial Zoning Districts: BB, BB-1, BB-2, BB-3, BB-4, BB-5, BSC, IA, IB, IS, BP, PCD, PID, and PUD (Intensive Commercial and Industrial).

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to Section 20.7-27, the following permanent signs are also allowed within the Intensive Commercial and Industrial Zoning Districts designated in the Clay County Land Development Regulations, as amended from time to time, as BB, BB-1, BB-2, BB-3, BB-4, BB-5, BSC, IA, IB, IS, BP, PCD, and PID, and within intensive commercial and industrial portions of any PUD. Other than incidental signs, the permanent signs described below require a sign permit.

(a) Permanent freestanding signs.

- (1) *Maximum number.* Only one permanent freestanding sign shall be permitted per street frontage for each developed or improved parcel having frontage on a public right-of-way. The permanent freestanding sign may be double-faced. Undeveloped and unimproved parcels shall not be allowed a permanent freestanding sign.
- (2) *Maximum surface area.* The surface area of the permanent freestanding sign shall not exceed two (2) square feet of sign area for each linear foot of street frontage abutting the portion of the parcel, but in no case exceeding a maximum of five hundred (500) square feet total per side.
- (3) *Setback.* The permanent freestanding sign shall be set back at least five feet from any public right-of-way.
- (4) *Maximum height.* The permanent freestanding sign shall be limited to an overall height of forty (40) feet above average ground level.

(b) Permanent attached signs.

- (1) *Maximum number.* Only three permanent attached signs shall be permitted per front facade for each occupancy within a developed parcel. Only three permanent attached signs may be permitted per side facade for each occupancy within a developed parcel. In no event shall there be more than nine permanent attached signs per occupancy within a developed parcel.

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- (2) *Maximum sign area for a front facade.* The sign area of the permanent attached sign for a front facade shall not to exceed a total copy area of three (3) square feet for each linear foot of the building frontage of the applicable occupancy; however, the aggregate sign area for the front façade of any building shall not exceed an aggregate of two hundred and fifty (250) square feet per occupancy. (Rev. 03/23/10)
 - (3) *Maximum sign area for a side facade.* The sign area of the permanent attached sign for a side facade shall not exceed a total copy area of three (3) square feet for each linear foot of the building frontage of the applicable occupancy, however, the aggregate sign area for the side façade of any building shall not exceed two hundred fifty (250) square feet per occupancy. (Rev. 03/23/10)
 - (4) *Location.* Attached signs shall be located below the lowest roofline of the building.
- (c) **Permanent canopy signs.** One canopy sign per occupancy may be permitted subject to the following conditions:
- (1) *Maximum sign area.* The area of copy shall not exceed three square feet per linear foot of canopy, front and sides; however, for places of public entertainment (such as theaters, arenas, or meeting halls), the copy area allowance will be four square feet per linear foot of canopy width. Copy may be installed above or on the face of the canopy proper, provided that the copy area of a sign installed above or on the canopy proper will be computed on the total of the sign face and the canopy apron proper.
 - (2) *Minimum height.* No canopy sign shall be less than nine feet above the ground immediately below it.
 - (3) *Setback.* No canopy sign may be located within five feet of any public right-of-way, lot line, or within fifty feet of the intersection at any two public right-of-way lines.
- (d) **Under-canopy sign.** If the building includes a canopy, each occupancy may be permitted one under-canopy sign (*i.e.*, a sign suspended below the ceiling or roof of a canopy or marquee). The copy area of an under-canopy sign shall not exceed six square feet.
- (e) **Incidental signs.** Up to four incidental signs may be permitted to be attached (i) to a freestanding sign structure or (ii) to a building wall, but not perpendicular to the wall. An incidental sign shall not exceed one square foot in size.
- (f) **Drive-through menus signs.** For each parcel with a lawful nonresidential use that utilizes a drive-through lane, three drive-through menu signs shall be allowed for each drive-through lane. Each allowed drive-through menu sign may be either a freestanding sign or an attached sign, and shall not exceed forty square feet in sign area and ten feet in height. Drive-through menu signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this section.
- (g) **Waterside identification signs.** For each parcel with a residential complex or business property that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a freestanding sign or an

attached sign. A waterside identification sign shall not exceed eight feet in height and shall not exceed twenty square feet in sign area. A waterside identification sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this section.

- (h) **Attached menu display signs.** For each parcel with (a) a restaurant without drive-through service or (b) with a transient lodging facility that has restaurant facilities open to the general public, one attached menu display sign shall be allowed. An attached menu display sign shall be a wall sign not exceeding twelve square feet in sign area. An attached menu display sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this section.
- (i) **Digital signs.** Subject to the limitations set forth in this section for permanent freestanding signs, digital signs shall be allowed under the following conditions:
- (1) Digital signs may utilize animations and frame effects to display messages.
 - (2) Digital signs shall not utilize flashing.
 - (3) Digital signs shall utilize dimming technology which automatically adjusts the brightness of the sign based on ambient light conditions. Each application for a digital sign permit must include a certificate signed by the contractor that the digital sign will be so equipped. The standard for the brightness adjustment as ambient light intensity declines shall be a maximum increase in light intensity from the digital sign of 0.3 foot candles over ambient levels as measured using a foot candle meter at a pre-set distance in accordance with the following procedure:
 - a. At least 30 minutes past sunset, record the ambient light using a foot candle meter for the area while the sign is off or displaying all black copy, with the meter located directly in front of and aimed directly at the sign at the appropriate distance as follows:
 1. If the sign is 100 square feet in size or less, measure 100 feet from the source;
 2. If the sign is between 100 and 350 square feet in size, measure 150 feet from the source;
 3. If the sign is 350 square feet in size or greater, measure 200 feet from the source.
 - b. Turn on the sign to display all white and take another measurement in accordance with the same procedure.
 - c. If the difference between the measurements is 0.3 foot candles or less, the brightness is properly adjusted, otherwise the sign must be adjusted to comply with the brightness adjustment standard set forth above.

(j) **Private roadway commercial development signs.**

- (1) *Maximum number.* For each development that is zoned as provided in this Section and within which is located commercial or industrial businesses, or both, for which the exclusive access from a public right-of-way is provided directly from a private roadway within the development, one permanent freestanding sign within the development shall be allowed at the entrance to the private roadway that functions solely to identify the names of such businesses and may include the logos thereof. The permanent freestanding sign may be double-faced.
- (2) *Maximum surface area.* The surface area of the permanent freestanding sign shall not exceed 250 square feet in size
- (3) *Setback.* The permanent freestanding sign shall be set back at least five feet from any public right-of-way.
- (4) *Maximum height.* The permanent freestanding sign shall be limited to an overall height of 20 feet above average ground level.

Sec. 7-31. Miscellaneous.

- (a) **Licensed sign contractors.** A licensed sign contractor erecting any sign in Clay County must maintain such current liability insurance and such current workers compensation insurance as required by state law.

Sec. 7-32. Transition Rules.

Any permit actually issued prior to the effective date of the adoption of the sign regulations that comprise this Article VII shall remain valid but only until the earlier of the following dates: (a) the date that said permit expires by its own terms or expired under the operation of the former ordinance, or (b) ninety days after the effective date of the adoption of this Article VII.

Sec. 7-33. Severability.

- (a) **Generally.** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article.
- (b) **Severability where less speech results.** Without diminishing or limiting in any way the declaration of severability set forth above in section 20.7-33(a), or elsewhere in this Article, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such

unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

- (c) **Severability of provisions pertaining to prohibited signs.** Without diminishing or limiting in any way the declaration of severability set forth above in section 20.7-33(a), or elsewhere in this Article, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under section 20.7-5 of this Article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 20.7-5 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 20.7-5.
- (d) **Severability of prohibition on billboards.** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained herein.

Sec. 7-34. Advertising on Bus Benches, Transit Shelters and Recycling Stations

- (a) Any provisions of this Article to the contrary notwithstanding, a sign advertising a commercial message on a bus bench or a transit shelter for the free use and accommodation of persons waiting to board public transportation vehicles and located within any county or state road right of way shall be permitted subject to the following requirements:
- (1) A permit for the sign must be obtained as required under Sec. 7-12.
 - (2) The bus bench or transit shelter must be installed and maintained in compliance with all applicable regulations of the county, the state and the federal government, including but not limited to the Americans With Disabilities Act.
- (b) Any provisions of this Article to the contrary notwithstanding, a sign advertising a commercial message on a recycling station may be located on county park sites only and shall be permitted subject to the requirement that a permit for the sign is obtained as required under Sec. 7-12.

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- (c) Signs permitted under subsections (a) and (b) shall not exceed 12.5 square feet in size.
 - (d) Prior to submitting an application for a permit for a sign under subsection (a), the written authorization to install the bus bench or transit shelter contemplated under section 337.408, Florida Statutes, must be obtained, and proof thereof must be submitted with the application.
 - (e) Prior to submitting an application for a permit for a sign under subsection (a) on a bus bench or transit shelter to be installed within a county road right of way, a permit authorizing such installation under Sec. 18-17, Clay County Code, must be obtained, and proof thereof must be submitted with the application.
 - (f) Prior to submitting an application for a permit for a sign under subsection (a) on a bus bench or transit shelter to be installed within a state road right of way, a permit authorizing such installation under the applicable regulations of the Florida Department of Transportation must be obtained, and proof thereof must be submitted with the application.
 - (g) No bus benches or transit shelters shall be permitted within that portion of U.S. Highway 17 right of way lying adjacent to the boundaries of the Crossings and Fleming Island Plantation Developments of Regional Impact.