

ORDINANCE 2004- 51

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA RELATING TO SIGNS. THIS ORDINANCE MAKES FINDINGS OF FACT AND AMENDS AND SUPPLEMENTS CERTAIN PROVISIONS OF ARTICLE I, ARTICLE VII AND ARTICLE XII OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE IN THE FOLLOWING MANNER: IT ADDS ADDITIONAL FINDINGS OF FACT TO ARTICLE I; IT ADDS SECTION 7.00.001 INDEX TO ARTICLE VII; IT ADDS SECTION 7.00.002 FREE SPEECH PROVISION AND SUBSTITUTION CLAUSE; IT ADDS SECTION 7.00.003 SEVERABILITY; IT ADDS SECTION 7.00.004 REENACTMENT AND EFFECT OF ORDINANCES 2002-61 AND 2002-72 AS AMENDED; IT ADDS SECTION 7.00.005 REASONS FOR DENIAL OF A SIGN PERMIT APPLICATION; IT AMENDS THE PREAMBLE AND SUBSECTIONS D AND L OF SECTION 7.03.01 (PERTAINING TO FLAGS AND TO POLITICAL MESSAGE SIGNS); IT AMENDS SECTION 7.00.07 INTERPRETATION; IT AMENDS SECTION 7.04.01 POLITICAL CAMPAIGN SIGNS; IT AMENDS SECTION 7.05.01 SPECIAL EVENT SIGNS; IT AMENDS SECTION 7.00.09 OTHER REGULATIONS; IT AMENDS ARTICLE XII BY AMENDING THE DEFINITIONS OF BILLBOARD, FLAG, OFF-PREMISE SIGN, ON-PREMISE SIGNS, POLITICAL MESSAGE SIGN, SPECIAL EVENT AND SPECIAL EVENT SIGN, BY DELETING THE DEFINITION OF CLEARANCE AND BY ADDING THE DEFINITION OF POLITICAL MESSAGE; IT MOVES THE STATEMENT THAT ON-PREMISE SIGNS THAT EXCEED THREE HUNDRED SQUARE FEET ARE DEEMED TO BE BILLBOARDS FOR SPACING PURPOSES FROM THE DEFINITION OF BILLBOARDS TO SECTION 7.01.04.E SPACING; IT DESCRIBES THE EFFECT OF THIS ORDINANCE ON EXISTING SIGN PERMITS AND EXISTING APPLICATIONS FOR SIGN PERMITS; IT PROVIDES FOR SEVERABILITY AND IT PROVIDES AN EFFECTIVE DATE.

WHEREAS, in 1999 St. Johns County enacted ordinance 99-51 which adopted the St. Johns County Land Development Code; and

WHEREAS, on December 4, 2002 the United States District Court, Middle District of Florida, Jacksonville Division, entered a judgment in Case No. 3:98-CV-597-J-21HTS, Café Erotica of Florida, Inc. v St. Johns County, that determined that three sections (7.00.01, 7.00.08, and 7.03.01) of Article VII of the County's 1999 Land Development Code were unconstitutional; and

WHEREAS, the District Court's judgment enjoined the County from enforcing Article VII of the County's 1999 Land Development Code; and

WHEREAS, Article VII of the County's Land Development Code regulates signs; and
WHEREAS, on October 15, 2002, prior to the District Court's judgment, St. Johns County enacted ordinance 2002-61 which deleted in its entirety the Article VII in the County's Land Development Code that was created by ordinance 99-51 and which enacted a new Article VII in its stead; and

WHEREAS, the County disagreed with the District Court's conclusions and appealed the judgment to the Eleventh Circuit Court of Appeals; and

WHEREAS, certain sections in the Article VII in the County's Land Development Code that was created by County ordinance 2002-61 were subsequently amended by County ordinance 2002-72; and

WHEREAS, on February 23, 2004 the Eleventh Circuit Court of Appeals filed an opinion that determined Section 7.03.01 of the 1999 Article VII that was created by ordinance 99-51 was unconstitutional and that the 1999 Article VII lacked specific guidelines needed to limit the discretion of the County Administrator with regard to the sizes of signs that contain political messages; and

WHEREAS, the Eleventh Circuit Court of Appeals confirmed that sections 7.00.01 and 7.00.08 of the 1999 Article VII were constitutional; and

WHEREAS, the Eleventh Circuit Court of Appeals did not directly address the new Article VII of the Land Development Code that was created by ordinance 2002-61 and amended (along with Article XII) by ordinance 2002-72; and

WHEREAS, the County has never prohibited noncommercial messages from being substituted for commercial messages on any lawfully erected sign, and desires to codify that policy and practice in Article VII; and

WHEREAS, the County has never prohibited political messages, including campaign messages, from being substituted for any other message on any lawfully erected sign, and desires to further confirm that policy and practice in Article VII; and

WHEREAS, the County has determined that Article VII of the County's current Land Development Code as created by County ordinance 2002-61 and as amended by County ordinance 2002-72, while constitutional as applied, can be further improved to address the appellate court's concerns about the now deleted 1999 Article VII; and

WHEREAS, the County believes that Article VII of the County's current Land Development Code can be further improved by modifications herein.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of St. Johns County, Florida (the "Board"), as follows:

Section 1. The above paragraphs in the preamble to this ordinance are adopted and incorporated herein as findings of fact.

Section 2. The Board hereby makes the following additional findings of fact and amends the current St. Johns County Land Development Code by adding such additional findings to Section 1.02.04 of Article I thereof:

- M. The proliferation of Signs, Flags, Pennants, Spinners, Streamers and other objects that are intended to attract the attention of the public creates distractions to motorists, bicyclists, pedestrians and other members of the traveling public that have the effect of causing accidents, causing such persons to take dangerous evasive actions to avoid accidents, and are adverse to the interests of traffic safety.
- N. The proliferation of Signs, Flags, Pennants, Spinners, Streamers and other objects that are intended to attract the attention of the public also create visual clutter and adversely affect the aesthetic interests of the public.
- O. The regulations that are set forth in Article VII (created by ordinance 2002-61 and amended by ordinance 2002-72) of the St. Johns County Land Development Code and as amended hereby are narrowly tailored and advance the County's interest in promoting traffic safety, preventing visual clutter and protecting aesthetic interests of the public.
- P. On February 23, 2004, the United States Court of Appeals for The Eleventh Circuit Court filed its opinion in Café Erotica of Florida, Inc., et al. v St. Johns County Case Nos: 02-16718 and 03-11385 in which the Court held that Sections 7.00.01 and 7.00.08 of the Article VII that was created in 1999 by St. Johns County ordinance 99-51 are constitutional. Those sections were repealed in 2002 by St. Johns County ordinance 2002-61 and were replaced by the Sections 7.00.01 and 7.00.08 that were created in 2002 by St. Johns County ordinances 2002-61 and 2002-72. Sections 7.00.01 and 7.00.08 in the current Article VII of the County's Land Development Code contain no differences from the 1999 sections that would affect their constitutionality.

Section 3. The St. Johns County Land Development Code is hereby amended by adding the following Section 7.00.001 to Article VII thereof:

Section 7.00.001. Index to Article VII

- 7.00.001 Index to Article VII
- 7.00.002 Free Speech Provision and Substitution Clause
- 7.00.003 Severability
 - A. Generally
 - B. Effect of severance which could result in a restriction of speech.
 - C. Effect of severance on provisions pertaining to prohibited signs.
 - D. Effect of severance on provisions pertaining to Billboards.
- 7.00.004 Effect of Ordinances 2002-61 and 2002-72
- 7.00.005 Reasons For Denial Of Sign Permit Application
- 7.00.01 Sign Permit Required
 - A. Application
 - B. Applicants
 - C. Time allowed for processing a Sign Permit Application.
 - D. Failure to obtain a required Sign Permit on a Non-conforming Sign.
- 7.00.02 Zoning and Comprehensive Plan
 - A. Billboards
 - B. On-premise
- 7.00.03 Structural Requirements
- 7.00.04 Illumination
- 7.00.05 General Maintenance
- 7.00.06 Causes For Removal
- 7.00.07 Interpretation
- 7.00.08 Appeals
- 7.00.09 Other Regulations
- 7.00.10 Enforcement and Penalties

- 7.01.01 Intent and Future Billboards
- 7.01.02 Types of Billboards Allowed
- 7.01.03 General Requirements (Billboards)
- 7.01.04 Established Setbacks and Spacing (Billboards)
- 7.01.05 Swapdown Requirement For New Permits (Billboards)

7.02.01	On-Premise Sign Provisions - Non Interstate
7.02.02	On-Premise Sign Provisions - Interstate
7.03.01	Special Use Signs - <u>Exemptions</u>
7.04.01	Political Campaign Signs
7.05.01	Special Event Signs
7.06.01	Development Signs
7.07.01	Scenic Highway Signs and Antennas
7.08.01	Prohibited Signs
7.09.01	Non-Conforming Signs
7.10.01	Race Track Road Signs

Section 4. The St. Johns County Land Development Code is hereby amended by adding the following Section 7.00.002 to Article VII thereof:

Section 7.00.002. Free Speech Provision and Substitution Clause.

A. Any other provision of Article VII notwithstanding, any Sign that is authorized in an unincorporated area of St. Johns County, Florida under Article VII of the St. Johns County Land Development Code is allowed to contain any Political Message or Political Messages, in lieu of, in addition to, and/or up to the same size as any other Copy for such Sign. Section 7.01.03(G) of Article VII shall not apply to Billboards whose Copy consists solely of one or more Political Messages. Other than as set forth above, the placement of a Political Message on a Sign will not alter or change any other regulation that would otherwise apply to such Sign. In the event there is a conflict between this Section 7.00.002 and any other section or portion of Article VII of the St. Johns County Land Development Code, this Section 7.00.002 shall control.

B. Substitution Clause. Any other provision of Article VII notwithstanding, a noncommercial message may be substituted for a commercial message or another noncommercial message on any sign lawfully erected and maintained under this Article VII.

Section 5. The St. Johns County Land Development Code is hereby amended by adding the following Section 7.00.003 to Article VII thereof:

Section 7.00.003. Severability.

A. Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII 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 VII.

B. Effect of severance which could result in a restriction of speech. Without diminishing or limiting in any way the declaration of severability set forth in subsection (a) above, or elsewhere in this Article VII, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII 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 VII if the severance of the unconstitutional provision would result in a situation where there would be less speech.

C. Effect of severance on provisions pertaining to prohibited Signs. Without diminishing or limiting in any way the declaration of severability set forth in subsection (a) above, or elsewhere in this Article VII, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII other than part 7.08.00 (Prohibited Signs) or any other law of St. Johns County 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 VII that pertains to prohibited Signs, including specifically those Signs and Sign-types prohibited and not allowed under section 7.08.00 of this Article VII. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 7.08.00 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 part 7.08.00.

D. Effect of severance of provisions pertaining to Billboards. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII other than part 7.01.00 (Billboard Sign Provisions) and/or any other code provisions and/or ordinances 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 regulation of Billboards as contained in this Article VII. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of part 7.01.00 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 7.01.00.

Section 6. The St. Johns County Land Development Code is hereby amended by adding the following Section 7.00.004 to Article VII thereof:

Section 7.00.004. Reenactment and Effect of ordinances 2002-61 and 2002-72 as amended.

It is hereby confirmed, declared and established that St. Johns County ordinance 2002-61 was intended to, and did in fact, replace the Article VII of the County's Land Development Code that was created by St. Johns County ordinance 1999-51. It is further confirmed, declared and established that St. Johns County ordinance 2002-72 amended the Article VII of the County's Land Development Code that was created by ordinance 2002-61. St. Johns County ordinance 2002-61, as amended by ordinance 2002-72 and St. Johns County Ordinance 2002-72 are both amended by this ordinance and as so amended, are hereby reenacted and ratified.

Section 7. The St. Johns County Land Development Code is hereby amended by adding the following section 7.00.005 to Article VII thereof:

Section 7.00.005. Reasons For Denial Of Sign Permit Application.

A Sign Permit Application will be denied if the Application is not Complete and Sufficient and if the Applicant does not meet the

requirements contained in section 7.00.01 of the St. Johns County Land Development Code.

Section 8. The St. Johns County Land Development Code is hereby amended by deleting the definitions of Billboard, Clearance, Flag, Off-Premise Sign, On-Premise Sign, Political Message Sign, Special Event and Special Event Sign from Article XII thereof and by adding and substituting the following definitions in their stead:

Billboard: Any Sign over 32 square feet in size that is used for Off-premise outdoor advertising and display whether leased or not leased. Each Billboard may also contain one or more Political Messages in lieu of or along with other Advertising Messages.

Clearance: Definition deleted.

Flag: A piece of cloth or similar material having a distinctive size, color and design used as a symbol, standard, signal and other similar items of recognition and may include Political Messages and/or insignias of governmental, religious, charitable, fraternal or other organizations. Any Flag and pole or attachment that frequently holds a Flag shall be deemed a permanent Flag.

Off-premise Sign: Any Sign whose purpose is to advertise, display, identify, direct attention to or in any other way present to the public a message that relates to a product, business, merchandise, service, institution, residential area, entertainment, charitable organization, religious organization or any other organization or activity conducted by any company, Person or organization, which is not located, purchased, rented, based, offered, furnished or otherwise associated with the property on which the Sign is located. For purpose of clarification, a Sign (i) that is not an On-premise sign and (ii) that does not convey such a message but which is available to convey such a message shall also be defined as being an Off-premise Sign. Each Off-premise Sign may also contain one or more Political Messages in lieu of or along with the messages described above.

On-premise Sign: Any Sign identifying or advertising a business, Person, activity, goods, product, commodity, service, or entertainment located on the Premises where the Sign is installed and Maintained. Any Sign used for the purpose of identifying or advertising a business, Person, activity, goods, product, commodity, service, or entertainment located off the Premises where the Sign is installed shall not be considered an On-premise Sign. Each On-premise Sign may also contain one or more

Political Messages in lieu of or along with other Advertising Messages.

Political Message Sign: Any Sign containing one or more Political Messages with no commercial or other messages.

Special Event: Temporary sales, activities and promotions (commercial, non-commercial or political) that require special advertising for the public.

Special Event Sign: A Sign which carries a message advertising or otherwise indicating a Special Event.

Section 9. The St. Johns County Land Development Code is hereby amended by adding the following definition in Article XII thereof.

Political Message: Any legal non-commercial Copy that is protected under the First Amendment of the United States Constitution and/or under Section 4 of Article I of the Constitution of the State of Florida.

Section 10. The St. Johns County Land Development Code is hereby amended by deleting the preamble and subsections D and L in Section 7.03.01 of Article VII thereof and by adding and substituting the following preamble and subsections D and L in their stead:

Section 7.03.01 Special Use Signs - Exemptions

The Signs listed in this Section 7.03.01 shall be allowed without a Sign Permit. Nothing in this Section 7.03.01 shall be deemed to effect or to limit the size or any other aspect of other Signs that are regulated by Article VII of the County Land Development Code when the permit provisions contained in Section 7.00.01 and other applicable provisions of Article VII that pertain to such other Signs are met.

D. Flags provided:

1. Maximum of three (3) permanent Flags may be flown per site concurrently.
2. The maximum distance from top to bottom of all Flags situated on a single flag pole shall be twenty percent (20%) of the total height of the flag pole.
3. For Flags situated without a flag pole, the maximum distance from top to bottom of all Flags shall be twenty

percent (20%) of the distance from the top of the flag or insignia to the ground.

4. The Height of a Flag pole that is located in a commercial or industrial zoning district shall not exceed the maximum Sign Height that is allowed for On-premise Signs that are located in such zoning districts.
 5. Subsection D.1. above and section 7.05.01(C) shall not apply to Flags of the United States of America. Flags of the United States of America may be flown in unrestricted numbers without a Sign Permit and without being registered as a Special Event Sign. In the event that this subsection D.5. is found to be unconstitutional or is found to cause any other portion of Article VII of the County Land Development Code to be found unconstitutional by a court of competent jurisdiction, then in such event, this subsection D.5. shall automatically be deleted and of no effect.
- L. Political Message Signs will be allowed up to 32 square feet, except in residential districts, which shall not exceed six square feet. Political Messages are allowed in larger Copy on any permanent Sign if the Sign has been lawfully erected. In other words, Political Messages, including campaign messages, on other Signs authorized by other provisions of this Code shall not be restricted or affected by this subsection.

Section 11. The St. Johns County Land Development Code is hereby amended by deleting Section 7.04.01 Political Campaign Signs from Article VII thereof and by adding and substituting the following section in its stead:

Section 7.04.01. Political Campaign Signs

Political Campaign Signs shall be subject to the following provisions and limitations. Political Messages, including campaign messages, on other Signs authorized by other provisions of this Code shall not be restricted or affected by this section.

A. Size

Political Campaign Signs shall not exceed thirty-two (32) square feet of Advertising Display Area, except in residential zoning districts which shall not exceed six (6) square feet.

B. Duration

Political Campaign Signs may be Erected prior to the election in which the Political Campaign Signs pertain and shall be removed within seven (7) days after the election. The winning candidate in a primary election may continue to Maintain applicable Political Campaign Signs until seven (7) days after the general election. If such Signs are not removed within the specified period, the County may remove such Signs and may charge the candidate the actual cost for such removal. Collected funds shall be deposited into the County general revenue fund.

C. Location

Political Campaign Signs shall be placed on private property only with the consent of the property owners. Political Campaign Signs that are placed within the public right-of-way are prohibited and shall be removed by County Code Enforcement Officers without notice.

D. Political Campaign Signs shall be constructed and placed in a manner that will not harm any person that approaches or touches the Political Campaign Sign.

Section 12. The St. Johns County Land Development Code is hereby amended by deleting Section 7.05.01 Special Events Signs from Article VII thereof and by adding and substituting the following section in its stead:

Section 7.05.01. Special Event Signs

Special Event Signs are exempt from prohibition when registered with County Administration and used as herein detailed. Political Messages are allowed on Special Event signs. Political Messages on other Signs authorized by other provisions of this code shall not be restricted or affected by this Section. Special Event Signs may be allowed on any nonresidential Property. Special Events shall include temporary activities, sales and promotions (commercial, non commercial or political). Special Events for each Property may be used for a cumulative total of one hundred twenty (120) days per calendar year. Each Person that uses Special Event Signs shall register the Special Event Signs with the County Administration, at least one business day prior to initially using the Special Event Signs. Each such Person shall also maintain an accumulative log of all such Signs per calendar year for comparison to County Event records as necessary. No Special Event Signs shall be located on the right-of-way. All Special Event Signs shall be removed immediately after the Special Event. The applicant shall state the type of Special Use Signage that will be used during the

Special Event when registering the Special Event. Upon registering, the following listed Special Event Signs shall be allowed.

A. Banners or Pennants

Each Banner or Pennant shall not exceed one hundred twenty (120) square feet in size and no more than three (3) total shall be used per Special Event. Any Banner or Pennant not registered in advance shall be prohibited.

B. Anchored Balloons

Anchored Balloons may be many shapes and shall be anchored to and have contact with the ground at all times during display. Anchored Balloons shall not exceed thirty (30) feet in height when anchored from the ground. Any Anchored Balloon not registered in advance shall be prohibited.

C. Flags when flown on poles

Any Flag not registered in advance shall be prohibited, except those allowed in Section 7.03.01.D.

If any provision of this Section 7.05.01 is found unconstitutional or otherwise void by a court of competent jurisdiction, provisions for Special Event Signs under this Code shall be deemed voided in totality and no Special Event Signage shall be allowed.

Section 13. The St. Johns County Land Development Code is hereby amended by deleting Section 7.00.07 Interpretation from Article VII thereof and by adding and substituting the following section in its stead:

Section 7.00.07. Interpretation

The County Administrator shall interpret the provisions of this Article VII. When making such interpretation, the County Administrator shall use the word definitions that are provided in the County's Land Development Code. If there is an ambiguity, dispute or conflict concerning the interpretation of this Article VII that involves words that are not defined in the County's Land Development Code, the County Administrator shall interpret the ambiguity, dispute or conflict by utilizing dictionaries, the Florida Building Code, the County's zoning regulations, County ordinances and/or Florida Statutes pertaining to building codes or Signs or other governmental or professional references pertaining to building or structural standards. The County Administrator may also use rules of statutory construction. In the event

that there is a dispute concerning the interpretation of this Article VII or of the words that are defined in Article XII and used in this Article VII, the interpretive decision of the County Administrator shall be final and shall, if requested, be in writing with reasons that support the decision. Such requested written decision shall be rendered within five (5) business days of the actual decision.

Section 14. The St. Johns County Land Development Code is hereby amended by deleting Section 7.00.09 Conflict With Other Regulations from Article VII thereof and by adding and substituting the following Section 7.00.09 in its stead:

Section 7.00.09 Other Regulations

All applications for Signs in special overlay districts shall be complete with plan details approved by the applicable architectural review committee when such review is required under such overlay district. All Signs that are legal for use in special districts shall be allowed to contain one or more Political Messages. The County also enforces the Florida Building Code, the National Electrical Code, other Articles of the St. Johns County Land Development Code and other laws when they are applicable to Signs.

Section 15. The St. Johns County Land Development Code is hereby amended by deleting the first paragraph (i.e., the lead in paragraph) of subsection 7.01.04 E from Article VII thereof and by adding and substituting the following first paragraph in its stead:

Section 7.01.04 Established Setback and Spacing (See Appendix C for Illustration)

E. No part of a Billboard or an On-Premise Sign exceeding three hundred (300) square feet, or their supporting structures, shall be permitted or Erected unless all the required distances to the nearest existing Billboard and/or to the nearest existing On-Premise Sign that exceeds three hundred square feet is assured as provided herein. For the purposes of the following subsections to this subsection E, the word Billboard shall be deemed to mean and shall include Billboards and On-Premise Signs that exceed three hundred (300) square feet.

Section 16. Nothing in this ordinance shall be deemed to impair the rights of any Person to whom a Sign Permit was issued by St. Johns County prior to the effective date of this ordinance. Nothing in this ordinance shall be deemed to impair the rights of any Person who, as of the effective date of this ordinance, has applied for a Sign Permit if the Application was Sufficient and Complete, accompanied by the applicable fee and signage plan, and complied in every material respect with the provisions of the St. Johns County Land Development Code, the

Florida Building Code, the National Electrical Code and other applicable regulations adopted by St. Johns County.

Section 17. Severability. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is deemed unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provision of this ordinance.

Section 18. Effective date. This ordinance shall take effect upon a certified copy being filed with the Department of State of Florida.

PASSED and ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 22nd day of June, 2004.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: *Karen R. Stern*
Karen R. Stern, Chair

ATTEST: Cheryl Strickland, Clerk of Court

RENDITION DATE 06 | 23 | 04

By: *Yvonne King*
Deputy Clerk

Effective Date: June 28, 2004



THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **AMANDA N. BRUNK**

who on oath says that she is an Accounting Clerk of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a **NOTICE OF PUBLIC HEARINGS**

In the matter of **SJC BCC / PROPOSED ORDINANCE THAT REGULATES SIGNS**

in the Court, was published in said newspaper in the issues of

MAY 29, 2004

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this **1ST** day of **JUNE 2004**

by Amanda N. Brunk who is personally known to me or who has produced **PERSONALLY KNOWN** as identification.

Patricia A. Bergquist

(Signature of Notary Public)



Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

(Seal)

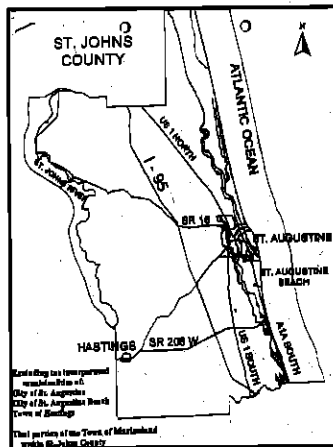
PATRICIA A BERGQUIST

NOTICE OF PUBLIC HEARINGS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ENACTMENT OF A PROPOSED ORDINANCE THAT REGULATES SIGNS AND THEREBY AFFECTS THE USE OF LAND

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at regular meetings on Tuesday, June 8, 2004 at 1:30 p.m. and Tuesday, June 22, 2004 at 5:30 p.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida, will hold public hearings to consider adoption of the following ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA RELATING TO SIGNS. THIS ORDINANCE MAKES FINDINGS OF FACT AND AMENDS AND SUPPLEMENTS CERTAIN PROVISIONS OF ARTICLE I, ARTICLE VII AND ARTICLE XII OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE IN THE FOLLOWING MANNER: IT ADDS ADDITIONAL FINDINGS OF FACT TO ARTICLE I; IT ADDS SECTION 7.00.001 INDEX TO ARTICLE VII; IT ADDS SECTION 7.00.002 FREE SPEECH PROVISION AND SUBSTITUTION CLAUSE; IT ADDS SECTION 7.00.003 SEVERABILITY; IT ADDS SECTION 7.00.004 REENACTMENT AND EFFECT OF ORDINANCES 2002-61 AND 2002-72 AS AMENDED; IT ADDS SECTION 7.00.005 REASONS FOR DENIAL OF A SIGN PERMIT APPLICATION; IT AMENDS THE PREAMBLE AND SUBSECTIONS D AND L OF SECTION 7.03.01 (PERTAINING TO FLAGS AND TO POLITICAL MESSAGE SIGNS); IT AMENDS SECTION 7.00.07 INTERPRETATION; IT AMENDS SECTION 7.04.01 POLITICAL CAMPAIGN SIGNS; IT AMENDS SECTION 7.05.01 SPECIAL EVENT SIGNS; IT AMENDS SECTION 7.00.09 OTHER REGULATIONS; IT AMENDS ARTICLE XII BY AMENDING THE DEFINITIONS OF BILLBOARD, FLAG, OFF-PREMISE SIGN, ON-PREMISE SIGNS, POLITICAL MESSAGE SIGN, SPECIAL EVENT AND SPECIAL EVENT SIGN, BY DELETING THE DEFINITION OF CLEARANCE AND BY ADDING THE DEFINITION OF POLITICAL MESSAGE; IT MOVES THE STATEMENT THAT ON-PREMISE SIGNS THAT EXCEED THREE HUNDRED SQUARE FEET ARE DEEMED TO BE BILLBOARDS FOR SPACING PURPOSES FROM THE DEFINITION OF BILLBOARDS TO SECTION 7.01.04.E SPACING; IT DESCRIBES THE EFFECT OF THIS ORDINANCE ON EXISTING SIGN PERMITS AND EXISTING APPLICATIONS FOR SIGN PERMITS; IT PROVIDES FOR SEVERABILITY AND IT PROVIDES AN EFFECTIVE DATE

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing.



Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 823-2505 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
By: Yvonne King, Deputy Clerk

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared AMANDA N. BRUNK

who on oath says that she is an Accounting Clerk of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a NOTICE TO CREDITORS

In the matter of ORD, FLAGS, SIGNS

in the Court, was published in said newspaper in the issues of

JUNE 8, 2004

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 8TH day of JUNE 2004

by Amanda N. Brunk who is personally known to me or who has produced PERSONALLY KNOWN as identification.



Patricia A. Bergquist My Commission DD275991 Expires December 18, 2007

Signature of Patricia A. Bergquist

(Signature of Notary Public)

(Seal)

PATRICIA A BERGQUIST

NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, June 22, 2004 at 5:30 p.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S.1 North, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA RELATING TO SIGNS. THIS ORDINANCE MAKES FINDINGS OF FACT AND AMENDS AND SUPPLEMENTS CERTAIN PROVISIONS OF ARTICLE I, ARTICLE VII AND ARTICLE XII OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE IN THE FOLLOWING MANNER: IT ADDS ADDITIONAL FINDINGS OF FACT TO ARTICLE I; IT ADDS SECTION 7.00.001 INDEX TO ARTICLE VII; IT ADDS SECTION 7.00.002 FREE SPEECH PROVISION AND SUBSTITUTION CLAUSE; IT ADDS SECTION 7.00.003 SEVERABILITY; IT ADDS SECTION 7.00.004 REENACTMENT AND EFFECT OF ORDINANCES 2002-61 AND 2002-72 AS AMENDED; IT ADDS SECTION 7.00.005 REASONS FOR DENIAL OF A SIGN PERMIT APPLICATION; IT AMENDS THE PREAMBLE AND SUBSECTIONS D AND L OF SECTION 7.03.01 (PERTAINING TO FLAGS AND TO POLITICAL MESSAGE SIGNS); IT AMENDS SECTION 7.00.07 INTERPRETATION; IT AMENDS SECTION 7.04.01 POLITICAL CAMPAIGN SIGNS; IT AMENDS SECTION 7.05.01 SPECIAL EVENT SIGNS; IT AMENDS SECTION 7.00.09 OTHER REGULATIONS; IT AMENDS ARTICLE XII BY AMENDING THE DEFINITIONS OF BILLBOARD, FLAG, OFF-PREMISE SIGN, ON-PREMISE SIGNS, POLITICAL MESSAGE SIGN, SPECIAL EVENT AND SPECIAL EVENT SIGN, BY DELETING THE DEFINITION OF CLEARANCE AND BY ADDING THE DEFINITION OF POLITICAL MESSAGE; IT MOVES THE STATEMENT THAT ON-PREMISE SIGNS THAT EXCEED THREE HUNDRED SQUARE FEET ARE DEEMED TO BE BILLBOARDS FOR SPACING PURPOSES FROM THE DEFINITION OF BILLBOARDS TO SECTION 7.01.04.E SPACING; IT DESCRIBES THE EFFECT OF THIS ORDINANCE ON EXISTING SIGN PERMITS AND EXISTING APPLICATIONS FOR SIGN PERMITS; IT

PROVIDES FOR SEVERABILITY AND IT PROVIDES AN EFFECTIVE DATE

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. 1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 823-2505 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHERYL STRICKLAND, ITS CLERK By: Yvonne King, Deputy Clerk L1349-4 June 8, 2004

ORDINANCE BOOK 34 PAGE 732