

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, PERTAINING TO SIGNS; AMENDING SECTION 20.7-3 OF THE CLAY COUNTY LAND DEVELOPMENT CODE (THE CODE) TO ADD A DEFINITION FOR EDUCATIONAL FACILITY SIGN; AMENDING SECTION 20.7-29(a) OF THE CODE, WHICH PERTAINS TO CERTAIN SIGNS ALLOWED WITHIN THE NEIGHBORHOOD COMMERCIAL, PRIVATE SERVICES, PUBLIC OWNERSHIP, AND MULTIFAMILY ZONING DISTRICTS, BY ADDING THERETO PROVISIONS RELATED TO IDENTIFICATION SIGNS FOR EDUCATIONAL FACILITIES TO ALLOW THE SAME TO BE PLACED WITHIN ANY COUNTY ROAD RIGHT OF WAY SUBJECT TO CERTAIN LIMITS; AMENDING SECTION 20.7-29(b)(2) AND (3) OF THE CODE, WHICH PERTAINS TO PERMANENT ATTACHED SIGNS WITHIN NEIGHBORHOOD COMMERCIAL, PRIVATE SERVICES, PUBLIC OWNERSHIP AND MULTIFAMILY ZONING DISTRICTS, IN ORDER TO CLARIFY THAT THE AGGREGATE ALLOWABLE SIGN SIZE FOR THE FRONT AND SIDE FACADE IS APPLICABLE TO EACH INDIVIDUAL OCCUPANCY; AMENDING SECTION 20.7-30(b)(2) AND (3) OF THE CODE, WHICH PERTAINS TO PERMANENT ATTACHED SIGNS WITHIN INTENSIVE COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS IN ORDER TO CLARIFY THAT THE AGGREGATE ALLOWABLE SIGN SIZE FOR THE FRONT AND SIDE FACADE IS APPLICABLE TO EACH INDIVIDUAL OCCUPANCY; MAKING FINDINGS SUPPORTING THE ADOPTION OF THE ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Recitals

WHEREAS, the Board of County Commissioners (referred to herein as the “Board”) finds and determines that the following amendments are consistent with all applicable policies of the County's adopted Comprehensive Plan;

WHEREAS, the Board finds and determines that the following amendments are not in conflict with the public interest;

WHEREAS, the Board finds and determines that the following amendments will not result in incompatible land uses;

[Additions are underlined]

WHEREAS, the Board finds and determines that amendment to Section 20.7-3 is appropriate to define the term "educational facility sign"; and,

WHEREAS, the Board finds and determines that the sign-types, including educational facility signs, set forth in Article VII of the Clay County Land Development Code (the Code) are not based upon any arbitrary determination but are based upon careful consideration of the function served by the sign and sign-types involved, and that such sign-types serve the legitimate governmental interest of balancing aesthetics and safety with the need for signage that serves a necessary purpose; and,

WHEREAS, various signs and sign-types, including educational facility signs, that serve and function as signage for particular land uses, are classified or categorized in recognition of the differing or special functions that are served by those land uses, and are not based upon any intent to favor a particular viewpoint or control the subject matter of public discourse; and,

WHEREAS, the Board finds and determines that educational facilities signs serve an important function by assisting the motoring public in locating educational facilities; and,

WHEREAS, in view of the findings and determinations contained hereinabove, the Board finds and determines it to be appropriate, reasonable and necessary to authorize such educational facility signs to be located within the county road rights of way if the same are sited a minimum of 30 feet from the traveled way and are in compliance with certain sight visibility triangle requirements, subject to certain restrictions and permitting under the applicable provisions of the Code, the provisions of Code Section 20.7-5(u) to the contrary notwithstanding; and,

WHEREAS, the Board finds and determines that the amendment to the Code regarding educational facility signs provided in this ordinance is necessary and continues to provide a balance between the aesthetic and traffic safety interests of the community and the functions served by the above-described sign types, and that it is the intent of the Board that the categorization and treatment of these particular sign-types survive any strict scrutiny analysis under the First Amendment for the reasons outlined herein; and,

WHEREAS, the Board of County Commissioners (the Board) of Clay County, Florida (the County), finds and determines that the amendment to Section 20.7-29(b)(2) and (3) and Section 20.7-30(b)(2) and (3) of the Code provided in this ordinance revising the aggregate sign size for permanent attached signs is minor and non-substantive, and is intended to clarify the applicability of the aggregate sign size relating to permanent attached signs on the front and side facades; and,

WHEREAS, the Board finds and determines that this ordinance should contain an express severability clause consistent with its other ordinances pertaining to signage.

Be It Ordained by the Board of County Commissioners of Clay County:

[Additions are underlined]

Section 1. Findings. The several recitals set forth hereinabove are hereby adopted as findings that support the adoption of this ordinance.

Section 2. Section 20.7-3 of the Clay County Land Development Code is hereby amended to read in its entirety as follows:

Sec. 20.7-3. 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.

[Additions are underlined]

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.

[Additions are underlined]

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 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*. *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.

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*.)

[Additions are underlined]

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.

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.

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.

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.

[Additions are underlined]

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.

[Additions are underlined]

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

[Additions are underlined]

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.

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.).

[Additions are underlined]

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.

[Additions are underlined]

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 means 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 be 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

[Additions are underlined]

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.

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

[Additions are underlined]

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*.

Section 2. Subsection (a) of Section 20.7-29 of the Clay County Land Development Code is hereby amended to add a new paragraph (5), said subsection (a) to read in its entirety as follows:

(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.
- (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.

[Additions are underlined]

(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.

Section 3. Paragraphs (2) and (3) of subsection (b) of Section 20.7-29 of the Clay County Land Development Code are hereby amended to read in their entirety as follows:

- (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 facade of any building shall not exceed an aggregate of one hundred twenty-five (125) square feet per occupancy.
- (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 facade of any building shall not exceed an aggregate surface area of one hundred twenty-five (125) square feet per occupancy.

Section 4. Paragraphs (2) and (3) of subsection (b) of Section 20.7-30 of the Clay County Land Development Code are hereby amended to read in their entirety as follows:

- (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 facade of any building shall not exceed an aggregate of two hundred and fifty (250) square feet per occupancy.
- (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

[Additions are underlined]

each linear foot of the building frontage of the applicable occupancy, however, the aggregate sign area for the side facade of any building shall not exceed two hundred fifty (250) square feet per occupancy.

Section 5. Severability. Should any word, phrase, sentence, or subsection or section of this ordinance or of the code section amended hereunder be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, subsection, or section so held shall be severed from this ordinance or the code section, as applicable, and all other words, phrases, sentences, subsections or sections shall remain in full force and effect.

Section 6. Effective date. This ordinance shall take effect as provided by Florida general law.

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[Additions are underlined]

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this 23rd day of March, 2010.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA

By: _____
W. Travis Cummings
Its Chairman

ATTEST:

Fritz A. Behring
County Manager and Clerk of the
Board of County Commissioners

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[Additions are underlined]