



# AGENDA ITEM REQUEST FORM

**Development Services**

Department Submitting Request

**Jeff Bowman**

Code and Zoning Supervisor

**REGULAR**  
**COMMISSION MTG**  
**Meeting Dates - 7:00 PM**

**DEADLINE TO**  
**Town Clerk**

**ROUNDTABLE**  
**MEETING**  
**Meeting Dates - 7:00 PM**

**DEADLINE TO**  
**Town Clerk**

- April 27, 2011
- May 24, 2011
- June 28, 2011
- July 26, 2011

- April 15 (5:00 pm)
- May 13 (5:00 pm)
- June 10 (5:00 pm)
- July 15 (5:00 pm)

- April 12, 2011
- May 10, 2011
- June 14, 2011
- July 12, 2011

- April 1 (5:00 pm)
- April 29 (5:00 pm)
- June 3 (5:00 pm)
- July 1 (5:00 pm)

\*Subject to Change

- |                                       |   |                                       |   |
|---------------------------------------|---|---------------------------------------|---|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports        | <input type="checkbox"/> Consent      | <input checked="" type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution   | <input type="checkbox"/> Quasi Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business         |

**SUBJECT TITLE: Proposed Ordinance 2010-16 Amendments to Chapter 30 Article VIII Sign Regulations**

**EXPLANATION:** To improve its readability, the attached ordinance (**Exhibit 1**) is color coded to show the purpose and origin of each change.

On October 12, 2010 the Commission reviewed proposed amendments to the sign code, which were predominantly severability and defensibility amendments. Following review of the proposed amendments the Commission provided direction to have the Planning and Zoning Board (P&Z) conduct a comprehensive review of the entire sign code.

The major amendments are listed below:

Amendments

1. The regulations for pole and pylon signs were conflicting. The regulations have been revised in lines 935-965 to reflect the Planning and Zoning Board's recommendation at its December 15, 2010 meeting and to resolve the conflicting language by allowing pole signs as permitted signs for hotels and motels in the RM-25 and RM-50 zoning districts. As recommended by the Board, pylon signs remain not permitted and existing pylon signs are clearly identified as legal non-conforming signs.
2. Lines 182-195 and 936-965. All pylon signs and pole signs outside the RM-25 and RM-50 zoning districts are prohibited signs and existing signs legally built under the Code's criteria are legal non-conforming signs. With the modifications recommended in 1 above, Section 30-501 (3) was modified and (f) created address the change.
3. Lines 313, 734-740, 979-980 and 1068-1070. The Planning and Zoning Board is recommending sandwich signs be permitted within the B-1, and B-1-A zoning districts. Sandwich signs are currently permitted during operation of a valet service.
4. Sections 30-313(10), (11), and (12), have been deleted to address constitutional concerns and duplicative regulations and procedures. Section 30-313(9) was amended to provide the criteria set out in deleted subsection 30-313(12).
5. Permit review procedures and timeframes were added to protect against constitutional challenges.



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6. The Town Attorney identified several types of signs that present legal concerns, are not utilized in the Town, are addressed inconsistently, or appear in multiple areas of the Town's Code. Defunct, unused sign types, color palette and other requirements were deleted, and inconsistencies and duplications were resolved.
7. Severability provisions were added, and the substitution clause was updated to enhance defensibility.
8. Protections were added for non-commercial speech.
9. Flag regulations have been revised to eliminate constitutional concerns and to reflect the recommendation of the Planning and Zoning Board at the Board's January meeting.
10. The definition of canopy and awning signs was amended to clarify procedures to enhance defensibility and to reflect recent right-of-way encroachment legislation approved by the Town Commission.
11. A number of other technical changes were made which help create a more consistent and defensible Code with clearer implementation procedures and a reduction in interpretation issues.

There are additional issues that have arisen regarding signage since our review with the Planning and Zoning Board:

- Non street front signage.

Recently a local retailer appealed (via e-mail) to the Commission regarding signage he had installed that did not front a street and violates the code. The business owner can request a Variance. There would be an application fee of \$900 dollars and it would have to be reviewed by the Board of Adjustment and be approved by the Town Commission.

If the Town were to consider allowing non street frontage signs, we would need to consider a number of issues, including:

- The degree to which allowing such signs could contribute to sign pollution in Town
  - How many signs and the size of signs that would be allowed (i.e. how to handle buildings that have multiple business tenants all wanting signs on the non street frontage walls).
  - Whether it would be allowed only by conditional approval by the Planning and Zoning Board and the Town Commission. That would require an application fee and some standards would need to be set.
  - If we were to allow non street frontage signs, would we limit the amount of square feet of signage for the entire building, including side walls
- That some of the distinctive Miami Modern-style signage we currently have in Town is likely non-confirming and the extent to which we want to define and allow such signage in the code.
  - The Planning and Zoning Board's recommendation to allow sandwich signs are inconsistent with Chapter 17, for which we don't have an NOI to amend.

**PLANNING AND ZONING BOARD RECOMMENDATION:** P&Z recommends approval of the ordinance as reflected in the Exhibit 1.

The September 15, 2010, November 17, 2010, December 15, 2010, January 19, 2011 and February 16, 2011 minutes of the P&Z Board are attached (Exhibit 2).



# AGENDA ITEM REQUEST FORM

Item No. \_\_\_\_\_

## STAFF RECOMMENDATION:

Staff recommends approval with the exceptions of Amendments 1 through 3 above, which we believe need more careful consideration with regard to the visual impact they will have on Town. We believe the best approach would be to adopt the ordinance without those amendments, then determine if we want to allow Miami Modern-style signs and define that style in additional amendments to the Sign Code. The matter of allowing pole signs will relate to the Miami Modern issue. In addition, we need to look at whether pole and pylon signs are appropriate for other architectural styles. The staff, P&Z Board and Town Commission, really need to study the visual and aesthetic impact of such signs before proceeding to allow them. Sandwich signs are not recommended by staff because they have the potential to create significant sign pollution. The possibility of allowing them for special promotional events is one that could be considered, but to allow them year-round will have a visual impact that we feel will really detract from the appearance of the Town.

**EXHIBITS:** Exhibit 1 – Colored coded Ordinance identifying the purpose and origin of changes  
Exhibit 2 – Planning and Zoning minutes (5 meetings)

Reviewed by Town Attorney  
 Yes  No

Town Manager Initials CSA

File: AC Sign Regs R

## **Exhibit 1**

**Color coded Ordinance identifying the purpose  
and origin of changes**

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**ORDINANCE 2010-16**

1           **AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-**  
2           **THE SEA, AMENDING CHAPTER 30, UNIFIED LAND**  
3           **DEVELOPMENT REGULATIONS, ARTICLE V. ZONING,**  
4           **TO DELETE DUPLICATIVE SIGN REGULATIONS;**  
5           **AMENDING ARTICLE VIII. SIGN REGULATIONS, TO**  
6           **REVISE PROVISIONS AND CLARIFY TERMS,**  
7           **REQUIREMENTS AND STANDARDS REGARDING SIGN**  
8           **REGULATIONS; FURTHER CREATING A NEW SECTION**  
9           **30-510, SEVERABILITY REGARDING SIGN**  
10           **REGULATIONS; PROVIDING FOR SEVERABILITY,**  
11           **CONFLICTS AND AN EFFECTIVE DATE**  
12

13           **WHEREAS,** the Town Commission finds and determines that the Town's land  
14 development regulations are required to regulate signs as provided by Section 163.3202(2)(f),  
15 Florida Statutes; and

16           **WHEREAS,** the Town Commission of the Town of Lauderdale-By-The-Sea does not wish  
17 censor speech, but rather to provide for the public welfare by regulating signage in the Town in a  
18 manner that enhances the aesthetics of the community, reduces visual pollution, provides clear  
19 information and minimizes distractions to drivers in the interests of traffic safety; and

20           **WHEREAS,** sign regulation to advance the governmental purpose of aesthetics has long  
21 been upheld by the state and federal courts; and

22           **WHEREAS,** as long ago as 1954, the U.S. Supreme Court recognized that "the concept of  
23 the public welfare is broad and inclusive," that the values it represents are "spiritual as well as  
24 physical, aesthetic as well as monetary," and that it is within the power of the Town Commission to  
25 determine that the community should be beautiful as well as healthy, spacious as well as clean,  
26 well-balanced as well as carefully patrolled," in *Berman v. Parker*, 348 U.S. 26, 33 (1954), which  
27 was followed by *State v. Miami Beach Redevelopment Agency*, 392 So. 2d 875 (Fla. 1980); and

**ORDINANCE 2010-16**

28           **WHEREAS**, sign regulations have been held to advance these aesthetic purposes and  
29 advance the public welfare in *City of Lake Wales v. Lamar Advertising Ass'n of Lakeland, Florida*,  
30 414 So. 2d 1030 (Fla. 1982); and

31           **WHEREAS**, the Town Commission finds and determines that this Ordinance is consistent  
32 with all applicable policies of the Town’s adopted Comprehensive Plan; and

33           **WHEREAS**, the Town Commission is aware that the failure of some courts to apply  
34 severability clauses has led to an increase in litigation by billboard developers and other applicants  
35 seeking to strike down sign regulations in their entirety so that they may argue that their applications  
36 to erect billboards or other signs must be granted; and

37           **WHEREAS**, the Town Commission reiterates its desire that there be an ample and  
38 unequivocal record of its intention that the severability clauses it has adopted related to its sign  
39 regulations shall be applied to the maximum extent possible, even if less speech would result from a  
40 determination that any exceptions, limitations, variances, or other sign provisions are invalid or  
41 unconstitutional for any reason whatsoever; and

42           **WHEREAS**, the Town Commission of the Town of Lauderdale-by-the-Sea recognizes it is  
43 in the Town’s best interest to add a severability section relating to sign regulation in the Town Code  
44 so as to respond to current case law; and

45           **WHEREAS**, Section 30-531 of the Code requires issuance of a Notice of Intent prior to  
46 the processing of any amendment to the land development regulations in Chapter 30 of the Code,  
47 and such notice was given of this amendment on July 27, 2010; and

48           **WHEREAS**, on November 9, 2010, a new Notice of Intent was issued providing for a  
49 comprehensive review of the Sign Regulations, pursuant to Section 30-531 of the Code; and

**COLOR TABLE**

- LEGAL
- PLANNING AND ZONING BOARD
- LEGAL WITH STAFF POLICY RECOMMENDATION

- HOUSEKEEPING
- STAFF RECOMMENDATION

ORDINANCE 2010-16

50 WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has  
51 reviewed this Ordinance at duly noticed hearings on September 15, 2010, January 19, 2011, and  
52 February 16, 2011 and recommended its adoption with amendments; and

53 WHEREAS, the Town Commission conducted a first and second reading of this Ordinance  
54 at duly noticed public hearings, as required by law, and after having received input from and  
55 participation by interested members of the public and staff, the Town Commission has determined  
56 that this Ordinance is consistent with the Town’s Comprehensive Plan and in the best interest of the  
57 Town, its residents, and its visitors.

58 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF  
59 THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:

60 SECTION 1. Recitals. The foregoing “Whereas” clauses are ratified and confirmed as  
61 being true, correct and reflective of the legislative intent underlying this Ordinance and are  
62 hereby made a specific part of this Ordinance.  
63

64 SECTION 2. Amendment. Section 30-313 of Article V of Chapter 30 is hereby  
65 amended<sup>1</sup> as follows:

66 Sec. 30-313. - General provisions.  
67

68 These general provisions shall govern development within the corporate limits of  
69 the Town, as follows:

70 \* \* \*

71 (9) *Use, public areas.* It shall be unlawful for any person or group of persons  
72 to use any public area, park, street or thoroughfare as the site or location  
73 for the construction, erection, or installation of shuffleboard courts, tennis  
74 courts, croquet courts, putting greens, outdoor fireplaces, or for any and all  
75 similar physical installations of any kind, temporary or otherwise, without  
76 express permission upon written application from the Town Commission.

<sup>1</sup> Words in ~~strike through~~ type are deletions; words in underlined type are additions.

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Violation or failure to comply with this provision may incur the penalty provided under section 1-12 and/or removal of such installation upon written prior notice. If approved, such use may be terminated or cancelled at any time by the Town Commission effective upon 30 days' written notice.

~~(10) Signs. It shall be unlawful for any person or group of persons to construct, erect, or install signs, placards, posters, or other notices of any kind, on or in any public area, park, street or thoroughfare, temporary or otherwise, without express permission upon written application from the Town Commission. Violation or failure to comply with this provision may incur the penalty provided under section 1-12 and/or removal of such installation upon written prior notice.~~

~~(11) Billboards. It shall be unlawful for any person, firm, partnership, corporation, association, or other organization, or any combination thereof, to erect, construct or install, or to permit the erection, construction or installation of, a billboard of any type, kind or description, temporary or otherwise, within the corporate limits of the Town, without express permission upon written application from the Town Commission. Violation or failure to comply with this provision may incur the penalty provided by section 1-12 and/or removal of such installation upon written prior notice.~~

~~(12) Variances; shuffleboard, etc., courts; signs. The Town Commission may, as its sole discretion, grant or refuse to grant as deemed unsuitable to the best interests of the Town and its citizens, on written application for the use or utilization of lands, buildings or areas, public or otherwise, for the purposes set forth and specified in the three paragraphs immediately above written. In the event that such use upon such written application is granted, it shall be granted only on the basis and the specific understanding that such permissive use shall be terminable or cancellable at any time by the Town Commission effective upon 30 days' written prior notice.~~

**SECTION 3. Amendment.** Sections 30-501 through 30-509 of Article VIII of

Chapter 30 are hereby amended as follows:

**Sec. 30-501. - Administration and permits.**

(a) Applicability. These sign regulations shall be administered by the Building Development Services Department. No sign of any kind (except exempt signs) shall be erected,

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117 installed, repaired or replaced within the Town until a permit for such sign or work has  
118 been issued by the Development Services Building Department. Prior to the issuance of a  
119 sign permit for any sign, the application for a sign permit shall be reviewed and approved  
120 by the Development Services Building Department.

121  
122 (b) Permits. Sign applications shall be on forms promulgated by the Town and shall include  
123 sufficient information to ensure complete review of the application. Rules regarding sign  
124 application information shall be promulgated by the Town Manager or  
125 designee Administration. The application for a permit for a sign shall be accompanied by  
126 three copies of the following:

- 127  
128 (1) Address and legal description of the property upon which the sign is to be placed;  
129 (2) Name and address of the owner of the property upon which the sign is to be  
130 placed;  
131 (3) Written permission of the owner of the property to erect or place the proposed  
132 sign;  
133 (4) A drawing or sample of the proposed sign, to scale, showing the dimensions,  
134 letter size, colors, materials, structural support, and lighting, if any;  
135 (5) If lighting is proposed, information regarding the type and intensity of the  
136 proposed illumination to document compliance with the sign illumination  
137 restrictions of these regulations;  
138 (6) A plan showing the proposed location on the ground or building and the mounting  
139 height of the proposed sign, along with a color photograph of the proposed  
140 location;  
141 (7) The cost or value of the proposed sign; and  
142 (8) Any other plans or information required by the Development Services Building  
143 Department for any related structural permit or electrical permit.

144  
145 (c) Application Review. Upon submission of an application, the Development Services  
146 Department shall review and evaluate the application as follows:

- 147  
148 (1) No application shall be accepted until it is deemed complete by the Department.  
149 (2) The Department shall review all of the information submitted to determine  
150 conformity with this article and applicable sections of the Florida Building Code,  
151 including the location of the proposed sign. The submitted application will be  
152 reviewed within twenty (20) business days and any corrections, revisions or  
153 deficiencies provided to the applicant within that twenty (20) day period. Upon  
154 each re-submittal of corrected plans, the Department shall have ten (10) business  
155 days to review the application and provide any corrections, revisions or  
156 deficiencies to the applicant. This process shall continue until the applicant has  
157 submitted a complete application or demands that the application be reviewed as  
158 is, without further revisions.

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159 (3) The Department shall approve or deny the sign permit within ten (10) business  
160 days of receipt of the complete application or the applicant's demand for review  
161 as submitted, based on whether it complies with the requirements of this Article.  
162 The Department shall prepare a written notice of the decision, either in the form  
163 of an approved sign permit or written notice of denial, describing the applicant's  
164 appeal rights, and provide such written notice to the applicant of its decision  
165 within the ten (10) day period.

166  
167 (ed) *No right to appeal.* Except when Commission approval is required pursuant to the  
168 provisions of this article of the Code, the decision of the Development Services Building  
169 Department for the issuance or denial of a sign permit shall be final. There shall be no  
170 right of appeal to the Town Board of Adjustment or Town Commission of a finding of  
171 the Development Services Building Department. The appellant may seek relief in the  
172 Circuit Court for Broward County, as provided by law.

173  
174 (de) *Non-conforming signs.* Any previously permitted, existing sign that does not conform to  
175 the provisions of these regulations shall be removed or brought into conformance with  
176 these regulations upon new development or redevelopment as defined in section 30-507  
177 or the when the Town has determined that the sign (except a pole or pylon sign meeting  
178 the criteria and conditions of subsection (f) below) has been destroyed or damaged such  
179 that the cost of alteration, repair or replacement of such sign exceeds 50 percent of the  
180 replacement cost thereof.

181  
182 (f) *Non-conforming pole and pylon signs.* Except as permitted in the RM-25 and RM-50  
183 district, any previously permitted pole or pylon sign legally existing as of March 27,  
184 2001, and in existence for the two (2) years prior to that date, shall be considered a legal,  
185 non-conforming pole or pylon sign.

186  
187 (1) Upon new development or redevelopment of a site, any existing pole or pylon  
188 signs must be removed and may not be replaced under subsections (2) or (3)  
189 below.

190 (2) If any legal non-conforming pole or pylon sign is removed by the sign owner or  
191 property owner, or the sign is damaged by any cause such that the cost of  
192 alteration, repair or replacement of such sign exceeds 50 percent of the  
193 replacement cost thereof, the sign must be replaced within six months of the  
194 removal or date of damage in compliance with this section (f), or removed in its  
195 entirety.

196 (3) Legal, non-conforming pole or pylon signs meeting the criteria of this section  
197 may be replaced only under the following conditions:

198  
199 (i) The sign box or panel of a pole or pylon sign shall not exceed 32 square  
200 feet in size.

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- 201 (ii) There shall be no more than one pole or pylon sign per street frontage per
- 202 property.
- 203 (iii) All pole and pylon signs shall be set back at least five feet from any
- 204 property line or right-of-way.
- 205 (iv) Any pole sign located within 30 feet of a street intersection or within 15
- 206 feet of the intersection of a parking space and a driveway or street shall
- 207 maintain seven feet of clearance between the ground and the bottom of the
- 208 sign box or panel.
- 209 (v) No pylon sign may be placed within 30 feet of a street intersection or in
- 210 any location that would obstruct cross-visibility at a driveway intersection
- 211 or would obstruct cross-visibility for back-out parking.
- 212 (vi) The support poles of pole signs shall not exceed a width or diameter of 18
- 213 inches.
- 214 (vii) Pylon signs shall be limited to one pylon with a width or diameter not to
- 215 exceed four feet.
- 216 (viii) The height of the top of a pole or pylon sign shall not exceed 15 feet above
- 217 the crown of the nearest street.
- 218 (ix) Replacement pole signs and pylon signs require site plan review and
- 219 approval by the Town Commission prior to issuance of a sign permit. The
- 220 following additional requirements and conditions must be met in order for
- 221 a proposed pole sign to receive site plan approval:
- 222
- 223 a. The proposed pole or pylon sign is replacing an existing pole or
- 224 pylon sign.
- 225 b. The design and colors of the proposed sign shall be coordinated
- 226 with the design and colors of any buildings on the premises.
- 227 c. The pole(s) of the proposed pole sign and the pylon of the
- 228 proposed pylon sign shall have architectural treatment or be
- 229 screened by lattice-work and/or landscaping that will, to the
- 230 satisfaction of the Town Commission, ensure that the proposed
- 231 sign is aesthetically compatible with adjoining development.
- 232

Sec. 30-502. - Exempt signs.

The following types of signs are exempt from the provisions of ~~this Article~~ these regulations:

- 237 (1) Any sign not visible from any adjoining street, property or water body;
- 238 (2) Any sign contained within a building and set back from any windows at least ten feet;
- 239 (3) Customary price tags and labels not exceeding 15 square inches in size on merchandise in
- 240 display windows;
- 241 (4) One (1) ~~clock~~ or date/time and temperature indicator no larger than four square feet in
- 242 size per plot;
- 243 (5) Historical signs, except that a permit shall be required for reconstruction or major repair;

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- 244 (6) Legal notices required to be posted by law or ordinance;
- 245 (7) Name and address signs with letters or numerals no more than six inches in height;
- 246 (8) "No admittance", "exit only" and similar signs applied onto or next to rear or emergency
- 247 doors with letters no more than six inches in height;
- 248 (9) "No parking", and "no trespassing" and similar signs, and warning or danger signs, no
- 249 larger than four square feet in size;
- 250 (10) "Reserved", or similar lettering or numbers applied to parking space wheel stops;
- 251 (11) Signs required to be posted by a government regulation or law enforcement agency;
- 252 (12) Temporary signs of any type used as part of a special community event or fair, which has
- 253 been specifically authorized by the Town Commission;
- 254 (13) Informational, directional, hazard and traffic control and similar signs installed by a
- 255 government agency; and
- 256 (14) Noncommercial signs of four (4) square feet or less per property (residential or non-
- 257 residential) or business establishment;
- 258 (15) Flags on residential property up to a cumulative maximum of 40 square feet; and
- 259 (16) Up to four flags on non-residential property, up to a cumulative maximum not to exceed
- 260 one (1) square foot of flag per linear foot of the front lot line.
- 261 ~~(14) Private warning or danger signs for a bona fide hazard only, no larger than four square~~
- 262 ~~feet in size.~~

263  
264 **Sec. 30-503. - Permitted signs.**

265  
266 The following types of permanent signs may be erected, installed, repaired or replaced within the  
267 Town, only in conformance with these regulations and after issuance of a permit by the  
268 Development Services Building Department:  
269

- 270 (1) Box signs;
- 271 (2) Building or development identification signs;
- 272 (3) Cabinet signs;
- 273 (4) Canopy and awning signs;
- 274 (5) Directory sign;
- 275 (6) Hanging signs;
- 276 (7) Informational, directional and traffic control signs;
- 277 (8) Changeable copy signs;
- 278 (9) Menu board signs;
- 279 (10) Monument signs;
- 280 (11) Name and address signs;
- 281 (12) Neon signs;
- 282 (13) Painted signs;
- 283 (14) Pole signs;
- 284 ~~(15) Public service signs;~~
- 285 ~~(16) Pylon signs;~~
- 286 (157) Roof signs;

**COLOR TABLE**

LEGAL

PLANNING AND ZONING BOARD

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- 287 ~~(18)~~ Sandwich signs;
- 288 (169) Subdivision and residential development identification signs;
- 289 (1720) Wall signs; and
- 290 (1821) Window signs.

291

292 **Sec. 30-504. - Temporary signs.**

293

294 The following types of signs may be permitted within the Town as temporary signs, only in  
 295 conformance with these regulations and, except for political signs and real estate signs, after  
 296 issuance of a temporary sign permit by the Development Services Building Department:

- 297
- 298
- 299 (1) Announcing signs;
- 300 (2) Banner and pennant signs;
- 301 (3) Contractor signs;
- 302 (4) Garage sale signs as provided in Chapter 14.5, Article I or moving sale sign no larger  
 303 than four square feet in sign size, limited to one sign per plot and displayed on the  
 304 premises for no more than two days and no more than twice per year;
- 305 (5) Holiday lighting (no permit required);
- 306 ~~(5) Off-premises signs;~~
- 307 (6) Political signs (no permit required)(Note: Unlike other temporary signs, political signs do  
 308 not require the issuance of a permit, however, the person in charge of the campaign or the  
 309 company erecting the sign shall be responsible for removing the signs within seven days  
 310 after the date of the election.);
- 311 (7) Portable advertising signs for businesses adjoining a roadway under construction;
- 312 (8) Real estate signs (no permit required);
- 313 (9) Sandwich signs;
- 314 (109) Special event signs;
- 315 (11) Valet signs;
- 316 (120) Window neon signs.

317

318 **Sec. 30-505. - Prohibited signs.**

319

320 The following types of signs are expressly prohibited within the Town:

- 321
- 322 (1) Animated or flashing signs;
- 323 (2) Any sign not listed elsewhere in these regulations as an exempt, permitted or temporary  
 324 sign;
- 325 (3) Balloon signs;
- 326 (4) Permanent bBanner and pennant signs, except specifically permitted flags or temporary  
 327 signs;
- 328 (5) Billboards/off-premises signs;

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- 329 (6) ~~Paper signs, except as a window or interior sign, menu board sign or as a specifically~~  
330 ~~permitted temporary sign; Pylon signs;~~
- 331 (7) Private signs of any type placed upon Town property or upon public right-of-way;
- 332 ~~(8) Sandwich sign;~~
- 333 (98) Signs placed upon benches, trash receptacles or newsracks;
- 334 (94) Signs placed on any beach or part thereof, except regulatory or warning signs;
- 335 (104) Signs with unshielded lighting elements, except neon signs;
- 336 (112) Snipe signs;
- 337 (123) Stationary vehicle or trailer signs;
- 338 (134) Strip of string lighting in or around windows, ~~other than temporary holiday lighting;~~
- 339 (145) Signs which no longer advertise or identify a business conducted, a service rendered or  
340 product sold; and
- 341 ~~(16) Any other type of sign not listed as a permitted sign or temporary sign;~~
- 342 (15) Signs that produce or emit any type of sound or odor.
- 343 (16) Signs that do not meet the design, material and fabrication requirements of this Article.

344  
345 **Sec. 30-506. - General design standards.**

- 346
- 347 (a) *Construction:* All permanent signs shall be constructed of durable, weather-resistant and  
348 fade-resistant materials. All permanent signs shall be professionally constructed or  
349 manufactured. All permanent signs, except those on single-family and duplex lots, shall  
350 be installed by a licensed contractor. All permanent signs shall be constructed and  
351 installed to conform to the requirements of the building code. All temporary signs shall  
352 be constructed and installed in a workman-like manner, shall not pose any safety hazard,  
353 and shall be removed upon the expiration of the temporary sign permit or upon the  
354 issuance of a severe weather warning. A separate electrical permit is required for any  
355 illuminated sign.
- 356
- 357 (b) *Colors:* No florescent, phosphorescent, iridescent or reflective colors or paint may be  
358 used in any sign, except governmental informational, directional, traffic control or  
359 warning signs. ~~The Building Department shall maintain a color sample palate of~~  
360 ~~acceptable sign colors.~~ Sign copy letters and numerals within the same sign shall be  
361 limited to no more than three colors. White shall not be counted as a color when used as  
362 the background of the sign. All permanent signs on the same building shall use the same  
363 color scheme. Sign color(s) shall be compatible with the color(s) of any building or wall  
364 upon which the sign is mounted. The sign wall of a monument or pylon sign and the box  
365 of a box, pole or pylon sign shall match the color of the building to which it is related.  
366 The actual color samples to be used, as well as written authority from the landlord or  
367 agent (unless applicant is owner) to use the submitted colors and layout, must accompany  
368 all permit applications.
- 369
- 370 (c) *Layout:* The size, location, and style of permanent signs shall be compatible with the  
371 buildings or locations where they are placed. Multiple signs of the same type for the same

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372 business shall be consistent in terms of location, style, size and letter size. New hotel,  
373 motel, business and institutional buildings shall be designed to incorporate locations for  
374 wall signage meeting the requirements of these regulations as part of the overall design of  
375 the building.

376

377 (d) *Items of information:* The items of identification information on permanent signs for the  
378 uses listed below shall be limited to the following:

379

380 (1) Hotels and motels (no more than three of the following items of information on  
381 any one permanent sign): Hotel or motel name, type of accommodation (i.e.  
382 suites, efficiencies, apartments, bed and breakfast, resort or spa), telephone  
383 number, chain and travel club affiliations. Address and vacancy/no vacancy  
384 information shall be permitted, in addition to the three allowable items.

385 (2) Retail, office and service businesses (no more than two of the following items of  
386 information on any one permanent sign): Business name, type of business,  
387 address, telephone number and up to two of the products or services offered.

388 (3) Restaurants and lounges (no more than two of the following items of information  
389 on any one permanent sign): Business name, type of business, type of food or  
390 beverage served, address, and telephone number.

391 (4) Apartment buildings and condominiums (no more than two of the following items  
392 of information on any one permanent sign): Name of complex, telephone number,  
393 and type of accommodations. Address and vacancy/no vacancy information shall  
394 be permitted, in addition to the two allowable items.

395

396 (e) ~~*Substitution clause:* To ensure commercial and non-commercial signage are afforded  
397 equal protection under this article, any sign authorized in this article may contain either  
398 commercial or non-commercial copy. It is not the purpose of this article to regulate or  
399 control the copy, content or viewpoint of signs. Nor is it the intent of this article to afford  
400 greater protection to commercial speech than to noncommercial speech. Any sign,  
401 display or device allowed under this article may contain, in lieu of any other copy, any  
402 otherwise lawful noncommercial message that complies with all other requirements of  
403 this article. The noncommercial message may occupy the entire sign area or any portion  
404 thereof, and may substitute for or be combined with the commercial message. The sign  
405 message may be changed from commercial to noncommercial, or from one  
406 noncommercial message to another, as frequently as desired by the sign's owner,  
407 provided that the sign is not prohibited and the sign continues to comply with all  
408 requirements of this article.~~

409

410 (f) *Sign illumination:* Illuminated signs may be indirectly or internally illuminated. All  
411 lighting elements or bulbs must be fully recessed or shielded within opaque or translucent  
412 covers. Wooden signs shall not be internally illuminated or have electrical fixtures  
413 attached directly to the sign panel. The intensity of illumination shall be limited to no  
414 more than 90 foot lamberts or ten foot-candles within residential districts or if visible

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415 within 200 feet from first floor residential property. The intensity of illumination shall be  
416 limited to no more than 150 foot lamberts or 25 foot-candles if visible within 200 to 500  
417 feet from first floor residential property. The intensity of illumination shall be limited to a  
418 maximum of 250 foot lamberts or 50 foot-candles within nonresidential districts. All  
419 transformer boxes, outlets and conduits relating to sign illumination shall be screened  
420 from exterior view. A separate electrical permit is required for any sign illumination.  
421

422 **Sec. 30-507. - Definitions and restrictions by sign type.**  
423

424 *Address sign:* A sign displaying only the numerical address and unit number or letter of the  
425 premises upon which the sign is located. An address sign with numerals or letters no more than  
426 six inches in height is allowed. Every building shall display an address sign that is clearly visible  
427 from the street. Buildings that have rear door access to an alley or parking lot shall also display  
428 an address sign that is clearly visible from the alley or parking lot.  
429

430 *Animated or ~~flashing~~ sign:* Any sign including electronic, laser, video, digital or similar  
431 displays, with elements, images, text, or colors that move, rotate, ~~or~~ flash, change or similar  
432 movement is prohibited. A clock, thermometer, date/time and temperature indicator or barber  
433 pole is not an animated sign. Temporary animated or flashing signs attached to amusement rides,  
434 vending carts, and sideshow equipment used in a special community event specifically  
435 authorized by the Town Commission shall not be prohibited by these regulations.  
436

437 *Announcing sign:* A temporary sign announcing the opening of a business, the future  
438 development of property or an upcoming event or activity. An announcing sign shall not exceed  
439 32 square feet in size. An announcing sign for a new business may be displayed from the date of  
440 issuance of a business tax receipt for a business until 30 days after the opening of the business.  
441 An announcing sign for a future development may be displayed from the date of approval of a  
442 site plan by the Town Commission, or the issuance of a building permit when no site plan  
443 approval is required, until the issuance of the certificate of occupancy. An announcing sign for  
444 an upcoming event may be posted from 14 days prior to the event until the day after the event. A  
445 temporary sign permit for an event announcing sign shall not be issued more than twice per year  
446 for the same business.  
447

448 *Awning sign:* See "canopy and awning sign."  
449

450 *Balloon sign:* Any type of inflatable sign or sign suspended from a balloon is a prohibited sign.  
451 Temporary balloon signs used in a special community event specifically authorized by the Town  
452 Commission shall not be prohibited by these regulations.  
453

454 *Banner sign:* A sign with or without any text, composed of fabric or plastic, and suspended from  
455 or attached to a pole or structure by wire, string, brackets or grommets. Pennants are included  
456 within this definition of a banner sign. A banner sign shall not exceed 32 square feet in sign  
457 area. A temporary sign permit for one banner sign may be issued for a period not to exceed 14

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458 days to announce the opening of a business, a change of business name or an annual church  
459 event. A temporary sign permit for use of banner signs shall not be required for a special  
460 community event specifically authorized by the Town Commission.

461

462 *Billboard:* A permanent, free-standing or building-mounted sign, advertising products or services  
463 not related to the premises upon which the sign is located, is prohibited. Also referred to as off-  
464 premise sign.

465

466 *Box sign:* A sign, constructed like a box, with sign copy carved or routed into an opaque plastic,  
467 metal, stone or masonry face. A box sign with sign copy painted on to or applied to a plastic or  
468 glass face is a cabinet sign. Routed sign letters may be back-faced with translucent plastic or  
469 glass to protect the inside of the sign and to shield lighting elements. A box sign shall not exceed  
470 32 square feet in sign area. A box sign may be used as a monument sign, hanging sign, name and  
471 address sign, building identification sign, directory sign, informational, directional or traffic  
472 control sign wall sign, window sign, pole or pylon sign or roof sign.

473

474 *Building or development identification sign:* A sign displaying only the name and/or address of a  
475 building or development.

476

477 *Cabinet sign:* A sign, constructed like a box, with sign copy painted on or applied to a  
478 translucent plastic or glass face.

479

480 *Canopy and awning sign:* A sign that is part of, or attached to a canopy or awning or other  
481 similar protective cover. Signs placed upon awnings may consist of fabric, or thermally applied  
482 letters, the copy of which shall not exceed the permitted wall sign area. Internally illuminated,  
483 transparent or translucent awnings used as signs are prohibited. Any canopy or awning that  
484 extends over a public sidewalk must be fire-proofed, shall have at least seven feet of clearance  
485 above the sidewalk, shall be setback at least five feet from the edge of pavement of the adjoining  
486 street and must comply with section 30-326 of the Code of Ordinances be approved by the Town  
487 Commission prior to applying for a sign permit, along with an indemnification agreement  
488 providing for removal upon request of the Town Commission and proof of insurance in the  
489 amount of \$1,000,000.00 with the Town named as an additional insured party.

490

491

492 *Changeable copy sign:* A sign or portion thereof with characters, letters or illustrations that can  
493 be changed or rearranged by manually removing or rearranging the characters, letters or  
494 illustrations on the physical sign.

495

496 *Commercial message:* Any wording, logo, emblem, character, pictograph, trademark, or symbol  
497 used to represent a firm, organization, entity, product, or service, or other representation that,  
498 directly or indirectly, names, advertises, or calls attention to a product or service. For purposes  
499 of this article, terms such as sale, special, clearance, or other words which relate to commercial

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500 activity shall be deemed to be commercial messages. Items of identification shall not be  
501 considered to be commercial messages.

502  
503 *Contractor sign:* A temporary sign, posted upon property or a building with an active building  
504 permit, listing only the name and/or type of development and/or the name and phone number of  
505 the developer, contractor, architect, engineer, landscape architect, planner and/or realtor. A  
506 contractor sign shall not exceed 16 square feet in size.

507  
508 *Development:* See "new development and redevelopment."

509  
510 *Directory sign:* A single or double face sign, consisting of the name of the building or  
511 development and the names and unit numbers of tenants in a multiple tenant building or  
512 development. A directory sign may use a changeable copy. Directory signs erected after the  
513 effective date of this article shall not exceed six feet in height. Directory signs shall not exceed  
514 32 square feet in size and a ground-mounted directory sign shall be set back at least five feet  
515 from any street right-of-way.

516  
517 Flag: Any fabric, plastic, canvas, material or bunting containing distinctive color(s), pattern(s),  
518 symbol(s), emblem(s) or insignia(s) containing non-commercial speech or used as a symbol of a  
519 government, political subdivision or other governmental entity or of any business or institutional  
520 entity or idea.

521  
522 *Hanging sign:* A double face sign hanging from a canopy, awning, or roof overhang and oriented  
523 perpendicular to the nearest building wall. A hanging sign shall have two identical sign faces.  
524 Any hanging sign that extends over a public sidewalk shall have at least seven feet of vertical  
525 clearance above the sidewalk, shall be setback at least five feet from the edge of pavement of the  
526 adjoining street and must comply with section 17-9 of the Code of Ordinances and obtain a right-  
527 of-way encroachment permit approval prior to applying for a sign permit. ~~be approved by the~~  
528 ~~Town Commission, along with an indemnification agreement providing for removal upon~~  
529 ~~request of the Town Commission and proof of insurance in the amount of \$1,000,000.00 with the~~  
530 ~~Town named as an additional insured party.~~

531  
532 *Historical sign:* A sign of historical or architectural significance to the Town may be designated  
533 as an historical sign by resolution of the Town Commission and shall thereafter be exempt from  
534 all provisions of these regulations except for the requirements for maintenance and permit for  
535 reconstruction or major repair.

536  
537 *Informational, directional or traffic control sign:*

- 538  
539 a. A noncommercial sign ~~permanently~~ erected and maintained by the Town, County or  
540 State, or any agency thereof, to denote the name of any thoroughfare, route directions,  
541 educational institution, public building, park, recreational facility or hospital; to direct

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- 542 and regulate traffic; to denote any transportation or transmission company for the
- 543 direction or safety of the public; or to provide any other governmental information.
- 544 b. A noncommercial sign located on and relating to an activity on the premises upon which
- 545 the sign is located, providing information to pedestrian and vehicular traffic, e.g.,
- 546 “entrance,” “exit,” “caution” and “no trespassing.”
- 547 c. A **noncommercial** sign within a development, or at the entrances thereto, showing the
- 548 name(s) and directions to the locations of the subdivisions comprising the development, a
- 549 sales office, etc.

550  
 551 *Length:* The horizontal dimension of a sign as measured in feet and inches.

552  
 553 *Menu board sign:* A sign placed on a door, wall or column outside of a restaurant and containing  
 554 only a copy of the menu or daily specials. If a paper menu is used, it must be mounted under a  
 555 protective glass or plastic cover. A menu board sign shall not exceed **four six** square feet in size.

556  
 557 *Monument sign:* A free-standing stone, masonry or metal ground sign or a sign placed upon a  
 558 free standing masonry wall section not exceeding six feet in height and listing only the name and  
 559 address of the development or business. A monument sign shall not exceed six feet in height or  
 560 32 square feet in sign area and shall be setback at least ten feet from any public street right-of-  
 561 way. No monument sign may be placed within 30 feet of a street intersection or in any location  
 562 that would obstruct cross-visibility at a driveway intersection or would obstruct cross-visibility  
 563 for back-out parking.

564  
 565 *Name sign:* A sign containing only the name and unit number or letter of the person, entity or  
 566 business occupying the premises.

567  
 568 *Neon sign:* Any type of sign that utilizes exposed neon, argon or any other gaseous or liquid  
 569 element or compound as a direct means of illumination. Neon, argon or other gaseous or liquid  
 570 element or compound utilized for illumination that is covered by a translucent material, or  
 571 otherwise concealed from direct view, shall not be considered to be a neon sign. Exposed neon,  
 572 argon or any other gaseous or liquid element or compound utilized for illumination used solely to  
 573 accent or illuminate architectural features of a building shall not be considered a sign, if  
 574 authorized by the Town Commission as part of the site plan approval for the development.  
 575 Window neon signs are subject to special regulations as hereinafter set forth:

576  
 577 *Window neon signs* shall be considered temporary signs and shall require an annual  
 578 license from the Town. All licenses for window neon signs shall expire on the thirtieth  
 579 day of September of each year. Each window neon sign shall require a separate license.  
 580 ~~The Town Commission reserves the right to prohibit the use or display of window neon~~  
 581 ~~signs. Commission prohibition of window neon signs shall be enacted by ordinance~~  
 582 ~~amending this article of the Code, effective at the expiration of the then most current~~  
 583 ~~licensure period.~~

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585 Neon signs shall be permitted in the B1, and B1A ~~and B2~~ districts, provided:

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- (1) A business shall be allowed to have up to three neon signs per street frontage, one of which may be an exterior sign;
- (2) No neon window sign may exceed four square feet unless it displays solely the name of the business;
- (3) The total area of the neon window signs shall not exceed the lesser of 12 square feet or 25 percent of the area of the total window space on the street frontage;
- (4) An exterior neon sign may only display the name of the business or the business' logo;
- (5) The depiction of any part of the human body is prohibited; and
- (6) Signs may remain illuminated only during the business hours of the business, or 10:00 p.m., whichever is later.

599 *New development and redevelopment:* For the purposes of Article VI. Sign Regulations, the  
600 terms new development and redevelopment shall have the following meanings:

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*New development* means the construction of a building or parking lot upon a vacant or cleared plot.

*Redevelopment* means: (1) any reconstruction or remodeling exceeding 25 percent of the assessed valuation of a building; or (2) any substantial alteration of the street facade of a building.

609 Non-commercial: Containing no commercial message.

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~~Off-premises sign: A temporary sign advertising or providing notice of products, services or activities being offered or conducted at a location different from where the sign is located. Off-premises signs include "open house", "garage sale" and similar signs. An off-premises sign shall not exceed four square feet in size. An off-premises sign permit must contain the name and phone number of the person responsible for placing and removing the sign. An off-premises sign shall not be placed upon public property or right-of-way. A temporary sign permit for an off-premises sign shall not be issued for a period of more than two days nor for the same location more than four times per year. A \$25.00 refundable removal deposit shall be posted with the Town for each permitted off-premises sign.~~

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*Painted sign:* Any exterior sign or window sign with text or message that is only painted or applied upon a surface. Decals, plastic film, mosaic, photocopied and printed text or messages are also considered to be "painted". All painted signs shall be professionally applied. "Handmade" or stenciled signs are prohibited for use as permanent signs, real estate signs, announcing signs, contractor signs or window signs.

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627 *Paper sign:* A sign drawn, painted or printed on paper, cardboard, or similar water-absorbing  
628 material. Paper or cardboard signs may be used only inside of a building or mounted within a  
629 weatherproof cover.

630

631 *Permanent sign:* A permanent sign is any one of the types of signs specifically listed within these  
632 regulations as an allowed sign, and which ~~is~~ may be installed and maintained in a fixed location  
633 for an indefinite period of time.

634

635 *Pole sign:* A sign mounted upon one or two vertical poles, either free-standing or extending  
636 above another structure. ~~Pole signs are permitted but are not encouraged. Except as provided in~~  
637 ~~the RM-25 and RM-50 Districts,~~ pProperties that ~~did~~ not have pole signs ~~on~~at time of adoption  
638 of these regulations March 27, 2001 and did not have ~~not had~~ them within the two years  
639 preceding ~~that date~~adoption shall not be permitted to erect or maintain pole signs. New  
640 development and redevelopment shall not be permitted to erect or maintain pole signs. Traffic  
641 control and directional signs mounted on poles are not considered to be pole signs. ~~The sign box~~  
642 ~~or panel of a pole sign shall not exceed 32 square feet in size. There shall be no more than one~~  
643 ~~pole or pylon sign per street frontage per property. All pole signs shall be setback at least five~~  
644 ~~feet from any property line or right of way. Any pole sign located within 30 feet of a street~~  
645 ~~intersection or within 15 feet of the intersection of a parking space and a driveway or street shall~~  
646 ~~maintain seven feet of clearance between the ground and the bottom of the sign box or panel.~~  
647 ~~The support poles of pole signs shall not exceed a width or diameter of 18 inches. The height of~~  
648 ~~the top of a pole sign shall not exceed 15 feet above the crown of the nearest street. Pole signs~~  
649 ~~require site plan review and approval by the Town Commission prior to issuance of a sign~~  
650 ~~permit. The following additional requirements and conditions must be met in order for a~~  
651 ~~proposed pole sign to receive site plan approval:~~

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- 653 (1) ~~The proposed pole sign is replacing an existing pole or pylon sign.~~
- 654 (2) ~~The design and colors of the proposed pole sign shall be coordinated with the~~  
655 ~~design and colors of any buildings on the premises.~~
- 656 (3) ~~The pole(s) of the proposed pole sign shall have architectural treatment or be~~  
657 ~~screened by lattice work and/or landscaping that will, to the satisfaction of the~~  
658 ~~Town Commission, ensure that the proposed sign is aesthetically compatible with~~  
659 ~~adjoining development.~~

660

661 *Political sign:* A sign which sets forth the name, cause, or affiliation of a person seeking office or  
662 a proposed referendum or ballot proposition, the date of the election and/or the office sought or  
663 which sets forth any issue for which, or pertaining to, a public election is scheduled to be held.  
664 Political signs may not be erected upon government-owned or leased property. The sign shall be  
665 of a temporary nature and shall not exceed an overall size of two feet by three feet. No permit  
666 shall be required for such sign; however, the person in charge of the campaign or the company  
667 erecting the sign shall be responsible for removing the signs within seven days after the date of  
668 the election. No political signs or placards shall be permitted to be erected or placed upon  
669 parkways, utility poles, or trees.

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*Portable advertising signs for businesses adjoining a roadway under construction:* A temporary sign, not exceeding 16 square feet in area, allowed in the business and motel districts, to be posted adjacent to the road right-of-way during the period of road construction.

~~*Public service sign:* A permanent non-commercial sign erected by the Town, a community service organization, or a homeowners or condominium association identifying a permanent community facility, service or program. The type, size and location of such a sign must be approved by the Town Commission.~~

~~*Pylon sign:* A sign, mounted upon or on top of a vertical wall or pylon, that exceeds six feet in height, either free-standing or extending above another structure. Pylon signs are permitted but are not encouraged. New development and redevelopment shall not be permitted to erect or maintain pylon signs. Properties that did not have pylon signs on March 27, 2001 and did not have them within the two years preceding that date shall not be permitted to erect or maintain pylon signs. The sign box or panel of a pylon sign shall not exceed 32 square feet in size. There shall be no more than one pylon or pole sign per street frontage per property. All pylon signs shall be setback at least five feet from any property line or right of way. Pylon signs shall be limited to one pylon with a width or diameter not to exceed four feet. The height of the top of a pylon sign shall not exceed 15 feet above the crown of the nearest street. No pylon sign may be placed within 30 feet of a street intersection or in any location that would obstruct cross visibility at a driveway intersection or would obstruct cross visibility for back-out parking. Pylon signs require site plan review and approval by the Town Commission prior to issuance of a sign permit. The following additional requirements and conditions must be met in order for a proposed pylon sign to receive site plan approval:~~

- ~~(1) The proposed pylon sign is replacing an existing pole or pylon sign.~~
- ~~(2) The design and colors of the proposed pylon sign shall be coordinated with the design and colors of any buildings on the premises.~~
- ~~(3) The pylon(s) of the proposed pylon sign shall have architectural treatment or be screened by lattice work and/or landscaping that will, to the satisfaction of the Town Commission, ensure that the proposed sign is aesthetically compatible with adjoining development.~~

~~*Real estate sign:* A temporary sign announcing an “open house” or “model home” on the premises or the availability of the premises for sale or for lease. The name and phone number of the person or company responsible for placing and removing the sign shall be listed on the sign. Real estate signs located in residential zoning districts shall be no larger than 24 inches wide by 18 inches high mounted upon the ground, and shall not exceed three feet in height and shall be mounted with a frame or holder and post. Real estate signs located in nonresidential zoning districts shall be no larger than six square feet in size and, if mounted upon the ground, such sign shall not exceed six feet in height and shall be mounted with a frame or holder and post, or if mounted upon a wall or within a window, such sign shall not be placed higher than 24 feet above~~

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713 the ground. Properties shall be limited to one real estate sign per street frontage. Waterfront  
714 properties may display one additional sign facing the water. No real estate sign may be placed on  
715 public property or right-of-way. Real estate signs placed on or for property which is for sale or  
716 lease, during a period of open viewing (“open house” signs) may only be posted during the hours  
717 of the open house and may only be posted on private property with the permission of the  
718 property owner. All real estate signs must be removed upon closing or leasing of a property  
719 which had been for sale or lease.

720  
721 *Redevelopment:* See “new development and redevelopment.”  
722

723 *Roof sign:* A sign mounted above the fascia of a sloped roof or above the deck of a flat roof. A  
724 sign placed upon a bona fide tower extending above the principal roof-line of the building or  
725 upon a dormer or recessed wall within a sloped roof shall not be considered a roof sign. Roof  
726 signs are permitted but not encouraged. Roof signs shall not be permitted if either wall or awning  
727 signs can be placed upon a building. New development and redevelopment shall not be permitted  
728 to erect or maintain roof signs. No roof signs are permitted on any property with a pole or pylon  
729 sign. No roof sign shall exceed 32 square feet in size, four feet vertically in width or 14 feet in  
730 length. Roof signs shall be mounted on the parapet wall of a flat roof or on a solid supporting  
731 panel on a sloped roof. Roof signs shall not be mounted on visible poles or brackets. Multiple  
732 roof signs on the same building shall be the same design, size, shape and color.

733  
734 *Sandwich sign:* A movable, portable, free-standing sign not secured or attached to the ground  
735 that can be folded and carried by an individual. The sign panels of a sandwich sign shall not  
736 exceed not 16 square feet in size and shall be no taller than four feet in height. The sandwich sign  
737 may only be utilized for a licensed valet establishment; or, in the B1 or B1A district, for a  
738 restaurant, retail, or personal service use. and for no other purpose. A sandwich sign shall not be  
739 placed in a right-of-way, but may be placed on private property. A sandwich sign may be erected  
740 only during the hours of operation of the establishment.

741  
742 *Sign:* Any device, fixture, placard, or structure that uses any color, form, graphic, illumination,  
743 symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or  
744 entity, or to communicate information to the public. The flag of the United States of America is  
745 not a sign in any context. Non-commercial flags are not signs. Other flags or pennants shall be  
746 regulated as signs. Non-commercial paintings or murals displayed for purely decorative,  
747 historical or architectural purposes are not signs. A mural containing advertising, text or logo’s,  
748 or copyrighted, trademarked or service marked characters, objects or products advertised in print  
749 or media advertising is a sign. Architectural lighting designed to illuminate building walls,  
750 architectural features or landscaping is not a sign. Strip or string lighting placed in or around  
751 windows is a prohibited sign.

752  
753 *Sign area:* The area of a square or rectangle encompassing all of the text, copy, symbols and  
754 logos displayed on a sign. The total sign area of all signs attached to the wall, canopy and/or  
755 awnings of a building face shall not exceed 15 percent of the area of that building face. In the

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756 case of a building with a flat roof, the area of the building face shall be measured from the  
757 elevation of the nearest sidewalk or crown of the road to either the deck of a flat roof or the top  
758 of the parapet wall, whichever is higher. In the case of a building with a sloped roof, the area of  
759 the building face shall be measured from the elevation of the nearest sidewalk or crown of the  
760 road to the midpoint of a sloped roof. The sign area of a double-faced sign, with identical faces  
761 mounted on opposite sides of the same sign panel or box, is the area of only one of the two  
762 identical faces.

763

764 *Sign height:* The elevation **above** of the highest point of the sign area above the nearest sidewalk  
765 or roadway crown.

766

767 *Sign letter size:* The size of an individual letter or symbol in any window sign copy shall not  
768 exceed 12 inches in height or width and the size of an individual letter or symbol in any other  
769 type of sign copy shall not exceed 18 inches in height or width, except that:

770

- 771 (1) The sign letter size may be increased by one inch for each 25 feet that the sign is
- 772 setback from nearest street right-of-way;
- 773 (2) The sign letter size may be increased by one inch for each 25 feet above the
- 774 elevation of the nearest sidewalk or roadway that the sign is mounted; and
- 775 (3) In a sign with both upper and lower case letters, the maximum letter size of one
- 776 upper case letter in each word may be increased 20 percent provided that the letter
- 777 size of the lower case letters is reduced 20 percent.

778

779 *Sign size:* The overall size of the sign box or panel of a pole, box, cabinet, roof, hanging or  
780 window sign.

781

782 *Snipe sign:* A prohibited sign, not otherwise permitted by these regulations, which is tacked,  
783 nailed, taped, glued or otherwise attached to a tree, pole, fence, newsrack, trash receptacle,  
784 building wall or door or other object. Legal notices required by law are not signs.

785

786 *Special event sign:* A temporary sign placed by the Town, a community service organization,  
787 homeowners association or condominium association announcing an upcoming community  
788 event, special meeting or election. A special event sign shall not exceed 32 square feet in size,  
789 shall not be posted for more than 14 days. A temporary sign permit for a special event sign shall  
790 not be issued for the same property or location more than four times per year without the  
791 approval of the Town Commission.

792

793 *Subdivision and residential development identification sign:* A sign erected at the entrance to a  
794 neighborhood or residential development displaying only the official name and address of the  
795 neighborhood or residential development. Subdivision and residential development identification  
796 signs shall not exceed six feet in height or 32 square feet in sign area per sign face. One two-face  
797 sign may be permitted in the median of a divided entrance or one single-face sign shall be  
798 permitted on each side of a street entrance to a named residential neighborhood or of a street-

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799 type driveway entrance to a multi-family development. The sign shall not be located within any  
800 utility or drainage easements, or within any cross visibility triangle or safe recovery area for a  
801 street. All proposed subdivision and residential development identification signs shall be subject  
802 to site plan approval pursuant to Article IV of the Land Development Code.

803  
804 *Temporary sign:* A temporary sign is any one of the types of signs specifically listed within these  
805 regulations as an allowed temporary sign and which may be displayed for a limited, specified  
806 amount of time. Temporary signs may be constructed of wood, metal and/or plastic, and may use  
807 flat, painted or printed text and designs. Window neon signs shall be considered temporary signs,  
808 regardless of the material used in their construction. Unless otherwise addressed by this Article,  
809 temporary signs shall be removed within seven days after the event to which they relate.

810  
811 *Vacancy/no vacancy sign:* A sign or portion of a sign located at a motel, hotel, apartment  
812 building or condominium indicating whether or not there are rooms available. A vacancy/no  
813 vacancy sign shall not exceed two square feet in sign area, and may be directly or indirectly  
814 illuminated or changeable copy.

815  
816 *Vehicle or trailer sign:* A prohibited sign advertising a business or product, mounted on, or  
817 attached to a motor vehicle or trailer which is parked for more than 12 hours at the same location  
818 or parked on more than three consecutive days at the same location as the business or product  
819 which is being advertised, unless the A vehicle is parked inside a garage, or is parked behind the  
820 building, or Aa passenger vehicle displaying a name and telephone number with letters no more  
821 than four inches in height is not a vehicle sign as described above.

822  
823 *Wall sign:* A sign attached to, or parallel to but within six inches of, a wall, or erected and  
824 confined within the limits of an outside wall of any building or structure, which is supported by  
825 such wall or building, and which displays only one sign surface.

826  
827 *Warning or danger sign:* A sign warning of a hazardous condition or dangerous object or animal  
828 in the immediate vicinity. Warning or danger signs not exceeding four square feet in size are  
829 exempt from these regulations.

830  
831 ~~*Width:* The vertical dimension of a sign as measured in feet and inches.~~

832  
833 *Window:* For the purpose of these regulations, a window shall be defined as that portion of a first  
834 or second floor facade consisting of a transparent, glass-like material designed to provide  
835 viewing of the interior from the exterior of the building and which shall be no less than 75  
836 percent transparent from the exterior. The area of a single window includes contiguous window  
837 panels separated by dividers less than six inches in width. Contiguous window panels separated  
838 by dividers greater than six inches in width, separated by a doorway or separated by the corner of  
839 a building shall be considered separate windows. A glass door or pair of doors shall be  
840 considered a separate window.

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842 Window sign: A sign attached to or placed within ten feet of the inside of a window and oriented  
843 toward the window. No more than three window signs of any type shall be displayed in any  
844 single window. A bulletin board, displayed inside a window, and upon which notices,  
845 advertisements, specials, listings and the like are posted, shall be considered a single window  
846 sign. A window sign shall not exceed 15 square feet in sign size. Window signs shall not obstruct  
847 more than 25 percent of the total area of the window within which it is placed. Merchandise in  
848 display windows shall not be considered window signs. Customary price tags and labels not  
849 exceeding 15 square inches each in size on merchandise in display windows shall not be  
850 considered window signs.

851

852 Sec. 30-508. – Sign regulations by zoning district.

853

854 (a) RS-5 and RD-10 districts. Only the following types of signs are permitted within the RS-  
855 5 and RD-10 zoning districts, subject to the limitations and requirements contained in the  
856 definitions and restrictions by sign type and the general design standards sections of these  
857 regulations, and subject to the additional limitations stated below:

858

- 859 (1) Private informational, directional and traffic control signs.
- 860 (2) Name and address signs: one resident name sign per dwelling unit, including any
- 861 exempt name sign, to be placed on the building and not to exceed two square feet
- 862 in sign area. One address sign per address, including any exempt address sign,
- 863 shall be placed on the building, fence, wall or mail box, be visible from the street
- 864 and shall not exceed two square feet in sign area.

865 ~~(3) Public service signs: Only if approved by the Town Commission.~~

866 (34) Subdivision and residential development identification signs: Only if location and  
867 other aspects of such signs has been previously approved by the Town  
868 Commission pursuant to site plan approval procedures.

869 (45) Temporary political signs: To be set back at least five feet from any right-of-way  
870 or property line.

871 (56) In addition, no more than two of the following temporary signs, including any  
872 exempt temporary signs, shall be permitted on any single plot at the same time:

873

874 a. Temporary contractor signs: one sign per plot to be set back at least five  
875 feet from any right-of-way or property line.

876 b. Temporary garage sale or moving sale signs: one sign per plot, no larger  
877 than four square feet in size and displayed on the premises for no more  
878 than two days and no more than twice per year to be set back at least five  
879 feet from any right-of-way or property line.

880 be. Temporary real estate signs: To be set back at least five feet from any  
881 right-of-way or property line.

882 cd. Temporary special event signs: two signs per neighborhood to be set back  
883 at least five feet from any right-of-way or property line.

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885 (b) RM-25 and RM-50 districts. Single-family and duplex residences and plots located in the  
886 RM-25 district shall be subject to the sign regulations as listed for the RS-5 and RD-10  
887 districts listed above.  
888

889 Only the following types of signs are permitted within the RM-25 and RM-50 districts,  
890 subject to the limitations and requirements contained in the definitions and restrictions by  
891 sign type and the general design standards sections of these regulations, and subject to the  
892 additional limitations stated below:

893 ~~(1) No more than four bona fide flags at a hotel or motel, not exceeding 15 square~~  
894 ~~feet in size each.~~

895 (12) Private informational, directional and traffic control signs.

896 ~~(23)~~ Name and address signs: One resident name sign per dwelling unit, including any  
897 exempt name sign, to be placed on the dwelling unit and not to exceed two square  
898 feet in sign area. One occupant address sign per address, including any exempt  
899 address sign, to be placed on the building or mail box and not to exceed two  
900 square feet in sign area. One building address sign per building to be placed on  
901 the building and not to exceed a total of six square feet of sign area. Every  
902 building shall display an address sign that is clearly visible from the street.  
903 Buildings that have rear door access to an alley or parking lot shall also display an  
904 address sign that is clearly visible from the alley or parking lot.

905 ~~(4) Public service signs: Only if approved by the Town Commission.~~

906 ~~(35)~~ Subdivision and residential development identification signs: Only if approved by  
907 the Town Commission pursuant to site plan approval procedures.

908 ~~(46)~~ Vacancy/no vacancy signs: one sign per licensed motel or hotel, not exceeding  
909 two square feet of sign area.

910 ~~(57)~~ Temporary political signs: to be set back at least five feet from any right-of-way  
911 or property line.

912 ~~(68)~~ In addition, each multifamily or hotel, motel, apartment building, condominium,  
913 group home, church, school or other non-residential use may display no more than  
914 two of the following permanent signs, with a combined total sign area of not more  
915 than 32 square feet, per street frontage, and the total sign area of all signs attached  
916 to the wall, canopy and/or awnings of a building face shall not exceed 15 percent  
917 of the area of the building facade. In the case of a building with a flat roof, the  
918 area of the building face shall be measured from the elevation of the nearest  
919 sidewalk or crown of the road to either the deck of a flat roof or top of the parapet  
920 wall, whichever is higher. In the case of a building with a sloped roof, the area of  
921 the building face shall be measured from elevation of the nearest sidewalk or  
922 crown of the road to the midpoint of a sloped roof. If a hotel or motel takes over  
923 an adjoining hotel or motel, then the combined hotel or motel is entitled to 16  
924 additional square feet of separate wall or awning sign area; the existing signs shall  
925 not be increased in size by this additional footage.  
926

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- a. Building or development identification signs: one sign per building per street frontage, with a sign height no greater than 35 feet.
- b. Canopy or awning signs: With a sign height no greater than 18 feet.
- c. Hanging sign: one sign per building per street frontage, with a sign height no greater than 18 feet.
- d. Changeable copy signs: one sign per street frontage, with a sign height no greater than 18 feet.
- e. Monument signs: one sign with one or two faces per street frontage, only on a plot with 200 or more feet of continuous frontage on the same street.
- f. ~~Pole or pylon signs: Limited to hotels, and motels, apartment buildings and condominiums only and to one sign per street frontage per property, subject to the following:~~
  - (i) ~~The sign box or panel of a pole sign shall not exceed 32 square feet in size.~~
  - (ii) ~~There shall be no more than one pole sign per street frontage per property.~~
  - (iii) ~~All pole signs shall be setback at least five feet from any property line or right-of-way.~~
  - (iv) ~~Any pole sign located within 30 feet of a street intersection or within 15 feet of the intersection of a parking space and a driveway or street shall maintain seven feet of clearance between the ground and the bottom of the sign box or panel.~~
  - (v) ~~The support poles of pole signs shall not exceed a width or diameter of 18 inches.~~
  - (vi) ~~The height of the top of a pole sign shall not exceed 15 feet above the crown of the nearest street.~~
  - (vii) ~~Pole signs require site plan review and approval by the Town Commission prior to issuance of a sign permit. The following additional requirements and conditions must be met in order for a proposed pole sign to receive site plan approval:~~
    - a. ~~The design and colors of the proposed sign shall be coordinated with the design and colors of any buildings on the premises.~~
    - b. ~~The pole(s) of the proposed pole sign shall have architectural treatment or be screened by lattice-work and/or landscaping that will, to the satisfaction of the Town Commission, ensure that the proposed sign is aesthetically compatible with adjoining development.~~
- g. Wall signs: With a sign height no greater than 35 feet.

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- (89) In addition, no more than two of the following temporary signs, including any exempt temporary signs, shall be permitted on any single business or plot at the same time:
  - a. Temporary announcing sign: one sign per plot to be set back at least five feet from any right-of-way or property line.
  - b. Temporary contractor signs: one sign per plot to be set back at least five feet from any right-of-way or property line.
  - c. ~~Temporary garage sale or moving sale signs: one sign per plot, no larger than four square feet in size and displayed on the premises for no more than two days and no more than twice per year to be set back at least five feet from any right of way or property line.~~ Temporary sandwich sign: one sign per hotel or motel for valet services only.
  - d. Temporary portable advertising signs for businesses adjoining a roadway under construction: one sign per frontage of a street under construction, not exceeding 16 square feet in sign size, to be posted adjacent to the road right-of-way during the period of road construction.
  - e. Temporary real estate signs: To be set back at least five feet from any right-of-way or property line.
  - f. Temporary special event signs: two signs per block to be set back at least five feet from any right-of-way or property line.

(c) *B1, and B1A and B2 districts.* Only the following types of signs are permitted within the B1, *and B1A and B2* districts, subject to the limitations and requirements contained in the definitions and restrictions by sign type and the general design standards sections of these regulations, and subject to the additional limitations stated below:

- (1) ~~One dive flag at a bona fide dive shop and three bona fide flags at a travel agency or foreign cuisine restaurant, not exceeding 15 square feet in size each.~~
- (12) Building or development identification signs: one sign per building per street frontage with a sign area of no more than 32 square feet and with a sign height no greater than 35 feet.
- (23) Private informational, directional and traffic control signs.
- (34) Menu board sign: one sign per licensed restaurant per street frontage.
- (45) Name and address signs: One occupant name sign per dwelling unit or business, excluding any exempt rear door name sign, to be placed on the dwelling unit or business and not to exceed two square feet in sign area; one occupant address sign per address, excluding any exempt rear door address sign, to be placed on the building or mail box and not to exceed two square feet in sign area; one building address sign per building to be placed on the building and not to exceed a total of six square feet of sign area. Every building, and every business with a separate, ground floor, street-side entrance, shall display an address sign that is clearly visible from the street. Buildings that have rear door access to an alley or parking

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1011 lot shall also display an address sign that is clearly visible from the alley or  
1012 parking lot.

1013 ~~(6) Public service signs: Only if approved by the Town Commission.~~

1014 (57) Window signs: No more than three window signs per window, placed in first floor  
1015 windows; in second floor windows, only one window sign for each business  
1016 which has its entrance from the second floor or a stairway only.

1017 (68) Temporary political signs.

1018 (79) In addition, each office building, separate storefront business, or other non-  
1019 residential use restaurant, church, assembly hall, school or other building may  
1020 display no more than two of the following permanent signs, with a combined total  
1021 sign area of not more than 32 square feet per street frontage, and the total sign  
1022 area of all signs attached to a building shall not exceed 15 percent of the area of  
1023 the building facade. In the case of a building with a flat roof, the area of the  
1024 building face shall be measured from the elevation of the nearest sidewalk or  
1025 crown of the road to either the deck of a flat roof or top of the parapet wall,  
1026 whichever is higher. In the case of a building with a sloped roof, the area of the  
1027 building face shall be measured from elevation of the nearest sidewalk or crown  
1028 of the road to the midpoint of a sloped roof. (Multiple businesses occupying a  
1029 single storefront bay must share the permitted total number and sign area of  
1030 signs.) If a store front business takes over the entire adjoining store front space  
1031 vacated by another business, then that new business is entitled to either 16  
1032 additional square feet of wall or awning sign area, or if the store front business is  
1033 taking over an entire adjoining store front space vacated by another business, the  
1034 new business may use the existing roof signage that the old business used  
1035 provided that the structure of the roof sign is not altered:

- 1036
- 1037 a. Canopy or awning signs: With a sign height no greater than 18 feet.
- 1038 b. Directory signs: one sign per street frontage for a multi-tenant office,  
1039 multi-tenant retail or governmental building only.
- 1040 c. Hanging: With a sign height no greater than 18 feet.
- 1041 d. Changeable copy signs: With a sign height no greater than 18 feet.
- 1042 e. Monument signs: one sign with one or two faces per street frontage, only  
1043 on a plot with 200 or more feet of continuous frontage on the same street.
- 1044 f. Pole or pylon signs (if legal non-conforming signs): No new pole or pylon  
1045 sign may be erected after the effective date of this article March 27, 2001  
1046 unless it is a replacement sign meeting the requirements of this article.
- 1047 g. Roof signs: Only when wall or awning signs are not feasible, and not if a  
1048 legal non-conforming pole or pylon sign exists is placed on the same  
1049 property.
- 1050 h. Wall signs: With a sign height no greater than 35 feet. A single tenant  
1051 building may combine a permitted wall sign and building identification  
1052 sign into a single wall sign not exceeding 48 square feet in sign area.
- 1053

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1054 (812) In addition, no more than two of the following temporary signs, including any  
1055 exempt temporary signs, shall be permitted on any single business or plot at the  
1056 same time:

- 1057
- 1058 a. Temporary announcing signs: one sign per plot;
- 1059 b. Temporary contractor signs: one sign per plot;
- 1060 c. Temporary portable advertising signs for businesses adjoining a roadway
- 1061 under construction: one sign per frontage of a street under construction,
- 1062 not exceeding 16 square feet in sign size, allowed in the business and
- 1063 motel districts, to be posted adjacent to the road right-of-way during the
- 1064 period of road construction;
- 1065 d. Temporary real estate signs;
- 1066 e. Temporary special event signs: two signs per block;
- 1067 f. Temporary banner and pennant sign;
- 1068 ~~g. Temporary off premises signs;~~ Temporary sandwich signs: one sign per  
1069 plot or per ground floor retail, restaurant, personal service, hotel or motel  
1070 business;
- 1071

1072 (d) CF and SP districts. Only the following types of signs are permitted within the CF and  
1073 SP districts, subject to the limitations and requirements contained in the definitions and  
1074 restrictions by sign type and the general design standards sections of these regulations,  
1075 and subject to the additional limitations stated below:

- 1076
- 1077 (1) Informational, directional and traffic control signs.
- 1078 (2) Name and address signs: One occupant name sign per building, excluding any
- 1079 exempt rear door name sign, to be placed on the building and not to exceed two
- 1080 square feet in sign area. One occupant address sign per address, excluding any
- 1081 exempt rear door address sign, to be placed on the building or mail box and not to
- 1082 exceed two square feet in sign area. One building address sign per building to be
- 1083 placed on the building and not to exceed a total of six square feet of sign area.
- 1084 Every building shall display an address sign that is clearly visible from the street.
- 1085 Buildings that have rear door access to an alley or parking lot shall also display an
- 1086 address sign that is clearly visible from the alley or parking lot.
- 1087 ~~(3) Public service signs: Only if approved by the Town Commission.~~
- 1088 (4) Window signs: one window sign per street frontage, placed in first floor windows
- 1089 only.
- 1090 (5) In addition, each building may display no more than two of the following
- 1091 permanent signs, with a combined total sign area of not more than 32 square feet
- 1092 per street frontage, and the total sign area of all signs attached to a building shall
- 1093 not exceed 15 percent of the area of the building facade. In the case of a building
- 1094 with a flat roof, the area of the building face shall be measured from the elevation
- 1095 of the nearest sidewalk or crown of the road to either the deck of a flat roof or top
- 1096 of the parapet wall, whichever is higher. In the case of a building with a sloped

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1097 roof, the area of the building fact shall be measured from elevation of the nearest  
1098 sidewalk or crown of the road to the midpoint of a sloped roof:

- 1099
- 1100 a. Building or development identification signs: With a sign height no
- 1101 greater than 35 feet.
- 1102 b. Canopy or awning signs: With a sign height no greater than 18 feet.
- 1103 c. Directory signs: For a multi-tenant building only, and with a sign height
- 1104 no greater than 12 feet.
- 1105 d. Hanging signs: With a sign height no greater than 18 feet.
- 1106 e. Changeable copy signs: With a sign height no greater than 18 feet.
- 1107 f. Monument signs: one sign with one or two faces per street frontage, only
- 1108 on a plot with 200 or more feet of continuous frontage on the same street.
- 1109 g. Wall signs: With a sign height no greater than 35 feet.
- 1110

1111 (6) In addition, no more than two of the following temporary signs, including any  
1112 exempt temporary signs, shall be permitted on any single plot at the same time:

- 1113
- 1114 a. Temporary announcing signs: one sign per plot to be set back at least five
- 1115 feet from any right-of-way or property line.
- 1116 b. Temporary contractor signs: one sign per plot to be set back at least five
- 1117 feet from any right-of-way or property line.
- 1118 c. Temporary real estate signs: To be set back at least five feet from any
- 1119 right-of-way or property line.
- 1120 d. Temporary special event signs: two signs per block to be set back at least
- 1121 five feet from any right-of-way or property line.
- 1122 e. Temporary banner and pennant signs.
- 1123 f. ~~Temporary off-premises signs.~~
- 1124

1125 \* \* \* \*

1126 **SECTION 4. Amendment.** Section 30-510 of Article VIII of Chapter 30 is hereby

1127 created as follows:

1128 \* \* \* \*

1129 **Sec. 30-510. Severability**

1130  
1131 (a) The sections, paragraphs, sentences, clauses and phrases of this Article are severable, and  
1132 if any phrase, clause, sentence, paragraph or section of this Article shall be declared  
1133 unconstitutional or void or unenforceable by the valid judgment or decree of a court of  
1134 competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the  
1135 remaining phrases, clauses, sentences, paragraphs and sections of this Article.  
1136

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1137 (b) This subsection shall not be interpreted to limit the effect of subsection (a) above, or any  
1138 other applicable severability provision in this Code or any adopting ordinance. The  
1139 Town Commission specifically intends that severability shall be applied to sign  
1140 regulations even if the result would be to allow less speech in the Town, whether by  
1141 subjecting currently exempt signs to permitting or by some other means.  
1142

1143 (c) This subsection shall not be interpreted to limit the effect of subsections (a) or (b) above, or  
1144 any other applicable severability provision in this Code or any adopting ordinance. The  
1145 Town Commission specifically intends that severability shall be applied to prohibited signs  
1146 so that each of the prohibited sign types listed in the Town Code in Section 30-505 and  
1147 Section 30-507 shall continue to be prohibited irrespective of whether another or any sign  
1148 prohibition is declared unconstitutional or invalid.  
1149

1150 (d) This subsection shall not be interpreted to limit the effect of subsections (a), (b) or (c) above,  
1151 or any other applicable severability provision in this Code or any adopting ordinance. The  
1152 Town Commission specifically intends that severability shall be applied to Section 30-505  
1153 and Section 30-507 of the sign regulations so that if all or any of such provisions are  
1154 declared unconstitutional or invalid by the final and valid judgment of any court of  
1155 competent jurisdiction, the Town Commission intends that such declaration shall not affect  
1156 any other prohibition on animated, flashing or billboard signs in the aforesaid sections.  
1157

1158 \* \* \* \*

1159  
1160 **SECTION 5. Codification.** This Ordinance shall be codified in accordance with the  
1161 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall  
1162 become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the  
1163 sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be  
1164 changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such  
1165 intentions.

1166 **SECTION 6. Severability.** If any section, sentence, clause, or phrase of this Ordinance is  
1167 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall  
1168 in no way affect the validity of the remaining portions of this Ordinance.

**COLOR TABLE**

- LEGAL
- PLANNING AND ZONING BOARD
- LEGAL WITH STAFF POLICY RECOMMENDATION

- HOUSEKEEPING
- STAFF RECOMMENDATION

**ORDINANCE 2010-16**

1169            **SECTION 7. Conflicting Ordinances.**        All prior ordinances or resolutions or parts  
1170 thereof in conflict herewith are hereby repealed to the extent of such conflict.

1171            **SECTION 8. Effective Date.**            This Ordinance shall become effective immediately  
1172 upon passage on second reading.

1173 Passed on the first reading, this \_\_\_\_ day of \_\_\_\_\_, 2011.

1174 Passed on the second reading, this \_\_\_\_ day of \_\_\_\_\_, 2011.

1175  
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1177  
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\_\_\_\_\_  
Mayor Roseann Minnet

	First Reading	Second Reading
1179		
1180	_____	_____
1181	_____	_____
1182	_____	_____
1183	_____	_____
1184	_____	_____
1185		

1186 Attest:

1187 \_\_\_\_\_  
1188 Town Clerk, June White

1189 (CORPORATE SEAL)

1190 Approved as to form:

1191 \_\_\_\_\_  
1192 \_\_\_\_\_  
1193 Town Attorney, Susan L. Trevarthen

1194

**COLOR TABLE**

- LEGAL
- PLANNING AND ZONING BOARD
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- HOUSEKEEPING
- STAFF RECOMMENDATION

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Exhibit 2

Planning and Zoning Minutes

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## February 16, 2011 P&Z Minutes

### V. OLD BUSINESS

#### Item #1: Proposed changes to the sign regulations.

Vice Chair Brandt reminded the Board of prior discussions on sign regulations, stating the numerous discussions on the ordinance included an examination of a matrix of different signs, sizes, shapes, forms, as well as uses in the districts they were permitted. Staff separated the signs according to color coordination, as indicated on page two in the backup. He went on to distinguish subsection d: no right to appeal. He understood from discussions with staff that the amendment was not a departure from the current Code but was, potentially, an oversight, as the Town appeared to be tying the hands of an applicant requesting a straight forward sign permit. If the sign did not require Commission approval and Development Services viewed the requested sign in a negative light and declined it, the appeal process did not allow for the Board of Adjustments or the Commission to consider the matter, and it would go straight to court. He thought an alternative was needed to make the process more user friendly and include a step in the recommendation for approval to the Commission unless there was a legal issue.

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Town Attorney Mehaffey concurred, stating the existing text did not preclude a variance application; any denial by the administration simply meant the sign did not meet the requirement of the Code, at which point the applicant could apply for a variance and go through that procedure. Another option was the zoning relief procedure that was adopted and implemented in the Code; it provided a final avenue of appeal for any Constitutional issues or situation the applicant felt was a violation of their rights under state or federal law.

Vice Chair Brandt commented as long as the administrative ruling did not preclude the applicant from doing a new application under a variance, he was satisfied.

Mr. Wick made a motion, seconded by Mr. Yankwitt, to pass the "Proposed changes to the sign regulations" to the Town Commission for approval as presented by staff. The motion carried 4 – 0.

Vice Chair Brandt pointed out, in the near future, the Board would see another item come from staff concerning electronic signage, as indicated by the package in the Board's backup, when staff was prepared to recommend more language for approval.

# January 19, 2010 P&Z Minutes

## Item #1. Proposed changes to the sign regulations.

Mr. Bowman reviewed the backup information pertaining to the subject item, focusing on pole signs in the hotel/motel districts, RM25 and RM50, as well as sandwich signs, where the Board recommended allowing them in the B1 zoning district.

Mr. Wick requested background specifically on the portions in the backup dealing with poles and pylon signs, specifically items 202 to 205.

Town Attorney Mehaffey responded section two provided for the nonconforming language that was in the Town Code. Prior to the shifting around for housekeeping purposes, there was a provision for pole signs and a provision for pylon signs; in one section of the code they were prohibited, while in another section they were permitted. In the zoning districts themselves, both signs were allowed subject to conditions, but were only permitted if they already existed, making them nonconforming signs. She said staff moved all those provisions to the nonconforming section of the codes pertaining to signage; all of section F highlighted in yellow represented the cleanup where staff moved the provisions for clarity. The highlighted red section was the proposal staff made in prior discussions regarding if a time came when the Town wished such signs removed, and it was similar to using the nonconforming language previously discussed and was in other sections of the Town's Code regarding the 50 percent replacement cost. She intimated this was totally a policy decision for the Board to make recommendations on and for the Town Commission to decide on as to whether or not to pursue the matter. Ms. Mehaffey mentioned her focus would be on the changes highlighted in green, purple, grey and red, as these were the changes the Board directed staff to make at its last meeting, and staff wished to confirm their accuracy. Those highlighted in purple pertained to legal issues with staff recommendations; grey was the legal recommendations that might need some policy direction; and the red reflected staff's recommendations; she went on to review those changes, accordingly, as shown in the backup. She moved to page eight, where exempt signs were examined, noting the Board might wish to review the size for noncommercial signs that could be posted on commercial, business or residential property; she then reviewed the highlighted portions dealing with flags regarding permitted sizes and numbers on nonresidential commercial property. The Board was at liberty to change the Code's language. She then looked at page nine, number eight dealing with temporary signs.

Mr. Freaney asked about temporary signs, specifically sandwich signs, and whether the Code had a definition of "temporary" or a set time limit.

Town Attorney Mehaffey answered, yes, later in the provisions, there was language regulating how long temporary signs could be up, and then each sign was defined. She then went on to review pages 10 and 12, noting the changes pertained to legal procedures and was based on a policy decision the Board might wish to consider in terms of whether it desired digital, electronic or LED signs in any context. The legal changes noted in the backup were examined. Staff and she realized the Town had hotels in the RM 25 and RM 50 districts, as illustrated on page 24 in the backup. Section four pertained to subdivision and residential development identification signs, as within sign approvals, staff discovered one of the serious flaws in the Code was it allowed for too much discretion, as this could create legal problems.

Mr. Hunsaker commented as to flag sizes, stating he wished the permitted size of 27 square feet changed to 40 square feet.

Town Attorney Mehaffey responded the Board had considerable flexibility and could set flag sizes based on various thresholds, such as the size of the lot, frontage, etc.

Mr. Bowman concurred, stating the size of 27 square feet was a figure staff put in the amendment but the Board was at liberty to change.

Mr. Wick suggested making an amendment to the motion, specifically to page eight, line 270 of staff's recommendations.

### Recess/Reconvene

Town Attorney Mehaffey continued her page-by-page review of the backup material, reminding the Board that the size restriction pertaining to flags applied to the American flag as well, as case law did not permit size discrimination based on a flag's country of origin, etc.

Mr. Yankwitt thought the size of flags needed to be discussed in terms of condominiums, as well as posting commercial flags; for instance, in support of a particular sports team.

Town Attorney Mehaffey indicated the language pertaining to the definitions and provisions of flags was located on page 14 in the backup.

Mr. Hunsaker understood the Town's government buildings had to comply with the flag regulations as well.

Mr. Bowman affirmed this to be the case, reiterating the Board was free to change allowable flag sizes.

Mr. Hunsaker restated his wish for the maximum flag size to be changed from 27 to 40 square feet for commercial and residential, and the language should say the cumulative size of the flag(s) should not exceed 40 square feet. He went on to comment on changeable electronic signs, noting they should be permitted in some manner in keeping with changing times, though he was unclear if they fell under animated or flashing signs.

Mr. Freaney anticipated electronic signs being permitted, though he felt it was necessary to limit flashing signs. He envisioned gas stations having signs that digitally showed gas prices without having to manually change the numbers; it might be difficult to devise language that would differentiate between the various uses and types of electronic signs. There were those electronic signs that gave general information, while others were there specifically to draw attention.

Mr. Wick discussed pages six, lines 160 to 178, confirming the time limits would remain as is.

Mr. Bowman indicated they would remain the same.

Mr. Wick moved on to line 325, questioning the placement of real estate signs on the property of a real estate office.

Town Attorney Mehaffey replied a real estate sign was defined as a temporary sign announcing an open house, a model home, or the availability of a premises for sale or lease; this was different from the permanent signage posted to indicate a real estate place of business.

Mr. Wick next discussed line 344, private signs posted on Town property or rights of way, noting election signs were sometimes placed in these areas.

Town Attorney Mehaffey remarked under the current Town Code, posting of such signs was not permitted.

Mr. Wick questioned if there was Board consensus on line 374 dealing with signs being limited to three colors. He received an affirmative response.

Mr. Yankwitt stated he did not feel adequately knowledgeable about sign colors, lettering and how their aesthetics achieved the business owner's desire; he was merely going along with the Board consensus. He wondered if staff could acquire some form of information that could enlighten him further on such matters.

Mr. Bowman replied staff did not have such information, but the issue of sign colors was discussed at length at the Board's workshop in December, and the Board decided to stick with the language in the current Code.

Mr. Wick directed the discussion to line 451, asking if the Code would restrict the Town from erecting a banner for a Fourth of July event.

Mr. Bowman responded the Fourth of July celebration would be a community event, and signs for such activities were addressed under banner signs in the Code.

Mr. Yankwitt asked about the regulation of signage located within a storefront window; it could just be about items for sale but was not electronic, such as in many grocery and convenience stores.

Mr. Bowman pointed out any sign that was placed within ten feet of the store's window was considered a sign.

Mr. Wick agreed this was one of the points of discussion, as many such stores had their front windows practically covered in sale signs.

Mr. Bowman mentioned the definition of a window sign could be found on page 21, line 856 of the Town Code, to which there were no changes. Stores were currently limited to three window signs that did not cover more than 25 percent of the window area.

Mr. Hunsaker questioned if staff had any issues regarding sign design in terms of the number of colors used.

Mr. Bowman answered, no, he was unaware of anyone questioning the existing code, nor had anyone come to him about such an issue.

Mr. Wick requested a motion to pass on staff's proposed changes with Board recommendations to the Town Commission.

Mr. Yankwitt made a motion, seconded by Mr. Hunsaker, to approve the subject changes as reflected in the backup and have them go forward to the Commission.

Mr. Hunsaker specified his motion to amend the language on page 8, line 270 (15), by placing a period after the words "not to exceed a cumulative maximum of 40 square feet" and strike the rest of the language in the particular sentence.

Town Attorney Mehaffey informed the Board, for clarification, rather than a period, a semicolon would be used.

Mr. Freeny was more inclined to look at the cumulative size based on the lot size or frontage that would make it more flexible for people who might have 100 feet of frontage to have a larger flag or X number of flags cumulative to the maximum.

Mr. Wick suggested the total square footage could not exceed four times the lot frontage.

Mr. Hunsaker asked if the language could be 1 square foot per street frontage and if a store front has 25 feet of frontage, that would be one flag 4 feet by 6 feet and if there was 200 feet of frontage, you could have up to 200 square feet of flags.

Town Attorney Mehaffey said that could be done and a cap could be placed on the maximum.

Mr. Bowman clarified Mr. Hunsaker's suggestion that for every foot of frontage, you would have 1 square foot of flag.

George Hunsaker made an amendment to the main motion, seconded by Eric Yankwitt, to amend line 270 (15) to read "Flags on residential property up to a cumulative maximum of 40 square feet"; and to amend line 272 (16) to read "Up to four flags on a non-residential property, up to a cumulative maximum of one square foot of flag per linear foot of the front lot line". In a roll call vote, the motion for the amendment to the main motion carried 4 to 0.

Mr. Wick asked if there were any further amendments to be added to the main motion.

Mr. Yankwitt said that he would like to discuss the section pertaining to digital signage.

Town Attorney Mehaffey referred to page 12 line 443 regarding the definition of "Animated or flashing sign" and said that language was added that strengthened the prohibition of these signs. Town Attorney Mehaffey recommended that the board give staff guidance because of the extensive nature of regulations that could be applied and imposed and the degree of complexity that would be involved in using these types of signs.

Mr. Yankwitt asked Town Attorney Mcehaffey if there were any studies done by D.O.T. that would give the board some insight.

Town Attorney Mehaffey said that the D.O.T. study was not complete, however, the study was due out very soon.

Mr. Wick commented that animated or flashing signs are prohibitive in Town. Mr. Wick asked Mr. Yankwitt if he wanted to delete that section entirely.

Mr. Yankwitt said he thought you could have a digital sign.

Mr. Wick said there was not enough time for the board to come up with some kind answer that evening.

Mr. Yankwitt was in agreement and suggested that the board address this matter at another Planning and Zoning meeting.

Town Attorney Mehaffey asked the board to give staff guidance in what the board would like to see in regulating digital signs.

Mr. Bowman said that in the definition of animated or flashing signs, it was talking about elements, images, text or colors that move and rotate. Mr. Bowman asked the board if they want to allow these types of signs.

Mr. Hunsaker said that he thought there should be something in the code that addresses scrolling electronic digital signage and would like staff to recommend regulations that would allow this type of signage.

Mr. Wick felt that scrolling signs could be beneficial to advertise daily or weekly specials for various businesses.

Mr. Bowman said that if the board wants to allow signs that have moving text, the board could recommend that now. Mr. Bowman said that if this passes through, a separate ordinance would have to be done and there would have to be another legal advertisement, or most likely another Notice of Intent or extending the current one. Mr. Bowman suggested that the board come up with a consensus on how the board wanted to go forward with this.

Mr. Hunsaker said the Town Attorney said that the regulations on these types of signs were extensive and asked Mr. Bowman how he would regulate the signs.

Mr. Bowman referred to page 15 line 582 and said that the neon sign regulation pertaining to illumination could be used.

Mr. Wick verified with Mr. Bowman that neon signs were permitted and if the board wanted to do what Mr. Bowman suggested, they would go by the neon sign regulation and say that a scrolling sign could not be more than 6 inches in height and not more than 4 foot across.

Mr. Freeny said that there were already digital signs in Town. Mr. Freeny said that they span from just a simple LED with image changes with pre non-descript images to a television with a slide show. Mr. Freeny agreed with Mr. Hunsaker and thought that a comprehensive study needed to be done and suggested that staff check with other cities to see how they structured the components of their electrical digital signs. Mr. Freeny said that people have told him that they want to put up a large type TV screen to put up different signage.

Mr. Bowman said that he had directed the board to neon signs by mistake but then referred them to page 11 line 423 (f) regarding Sign illumination regulations. Mr. Bowman said that if the board wanted to revisit this matter, he recommended this be tabled to a future Planning and Zoning meeting and not push this forward and have to do a separate ordinance.

Town Attorney Mehaffey said that there were motions on the table and the board could address any additional motions and give the board guidance on this; there would be the primary motion as amended and at that point table this to come back with additions and final considerations.

Mr. Wick asked the board for a motion to table this to the next meeting.

Ben Freeny made a motion, seconded by Eric Yankwitt, to table the proposed changes to the sign regulations with amendment #1 and open amendment #2 to the next planning and zoning meeting scheduled for February 16, 2011. In a roll call vote, the motion carried 4 to 0.

Mr. Wick asked the board to give staff direction regarding recommending regulations on digital/electronic/scrolling signs.

Mr. Freeny said that in light of the complexity using this type of signage, he thought that staff should check with other cities similar to the Town to obtain general feedback on their experiences with digital and electronic signs. Mr. Hunsaker said that this is an emerging field and there would have to be some information out there on how this would be regulated and in the process encourage forward thinking to modernize our signage. Mr. Yankwitt suggested that staff check with other organizations such as the DOT that would be releasing their latest report soon that would address the complexities of flashing and illuminated signage and also the AARP to get input as to the size of the fonts and other factors that a senior person would have with this type of signage.

## December 15, 2010 P&Z Minutes

### Item #2. Proposed changes to the Town's Sign Regulations.

Vice Chair Brandt noted the backup contained copies of the Unicode and the ordinances the Board had seen a number of times as prepared by staff, along with the matrix the Board requested at the prior workshop showing the different sign types with allowances by zoning district and additional restrictions. Staff included in the backup a list of the signs most frequently discussed, such as pole, pylon and monument signs, to facilitate a discussion as to which signs were preferred; the results would be shown with red lines at the next meeting; thus, the Board would see a red lined document and recommendations to the Commission. The discussion would begin with the matrix, then focus on permitted versus non-permitted signs and, finally, examine the restrictions for permitted signs; he asked if there were any signs Board members saw in the prohibited section they believed should be permitted.

Mr. Wick questioned why pole signs were not permitted if they were allowed for most of the years the Town existed.

Vice Chair Brandt believed in 1999 an ordinance was passed allowing two more years of construction of pole signs through 2001, after which those signs became prohibited.

Mr. Bowman answered, yes, those dates were close to accurate.

Vice Chair Brandt invited Board feedback as to whether pole signs should be permitted rather than prohibited.

Mr. Freaney wondered, in considering the big picture, what kind of consideration was being given to the Master Plan and was this issue of signs one which the guidance of the Master Plan Steering Committee (MPSC) should be sought, as they needed to complement the look envisioned for the Town.

Mr. Yankwitt echoed Mr. Freaney's thoughts it might be premature for the Board to make any decision on what signs to permit or prohibit. This applied to most of the sign issues on which the Board was providing its recommendations. He pointed out there were no economic studies on how pole signs affected a community; he had no idea why the Town might permit or not permit them, if it was due to issue(s) of safety, aesthetic, economic, etc.

Vice Chair Brandt observed, as the meeting was a workshop, and there was a MPSC meeting in the interim of the Board's next meeting, the Board could ask staff to present the matter to the MPSC and request their input and recommendations on pole signs, and these could be placed on the Board's next agenda. For the present, the Board could render its views on whether pole signs should be permitted.

Mr. Bowman was unsure if the MPSC might not be at a point where they wished to review pole signs, as they were currently in the beginning stages of the revision of the Master Plan.

Mr. Wick agreed with Mr. Brandt that pole signs should be permitted in the RM25 or RM50, in light of the presence of the hotel and motel industries; located in these two districts were small hotels and motels. Thus, the code should be revised to prohibit pole signs except in the zones RM25 and RM50, if possible.

Mr. Bowman sought clarification the pole signs would then only apply to hotels and motels and not condominiums.

Mr. Wick affirmed this to be his suggestion.

Mr. Freaney pointed out there was a Master Plan currently on file for the Town, and the way in which signs were dealt with in the Plan could furnish the Board with some guidance on how to approach the issue of permitted and

unpermitted signs. The MPSC could give its recommendations and the Board could advocate further changes at that time if necessary.

Mr. Yankwitt wished to know why pole signs would be prohibited, stating he needed to know more about pole signs or why they were first allowed and then disallowed, and the Board was now considering whether to permitted them once more.

Mr. Bowman believed the answer to Mr. Yankwitt's question was it most likely due to policy.

Town Attorney Kathryn Mehaffey noted the decision to permit signs tended to be based firstly on aesthetic reasons, and where the issue was one of nonconformance, economic factors came into the play. Until the code provisions allowed them, the signs could be rezoned to prevent the Town becoming involved in an amortization issue.

Vice Chair Brandt concurred the MPSC recommendations were important, but he was afraid their time line and that of the Board's were not on the same with regard to the Town's sign code. There were some cleanup items the Commission wished to see, including from a legal standpoint. He thought the signs should all fit into the category of whether they matched the MPSC, and it was the Board's responsibility to put something onto the books and make recommendations.

Mr. Wick inquired if on the list of permitted/prohibited signs, for businesses situated some distance away from the road, how would they alert potential patrons to their presence; the Board should recommend the Town permit temporary sandwich signs, that they might be allowed on a temporary basis only. Thus, they would have to be brought in at closing and could remain as long as they did not obstruct any public right of way or traffic.

Vice Chair Brandt confirmed Mr. Wick was advocating allowing temporary sandwich signs within business hours, including weekends. Staff had to find the right language, as the intent was for businesses on Commercial Blvd. to be allowed sandwich signs closer to the road that could be in the right of way but not obstructing the sidewalk, street or public safety.

Mr. Bowman preferred the sandwich signs not being placed in the right of way.

Mr. Yankwitt remarked on the southwest corner of Commercial Blvd. and A1A, in front of the building there was a sidewalk, and they had parking and the public sidewalk and then the street. Staff should develop some sort of language that allowed sandwich signs for such vendors to advertise from the immediate sidewalk in front of their place of business but not near the street, as this could lead to safety issues. He supported permitting sandwich signs.

There was a Board consensus to move temporary sandwich signs and pole signs from the prohibitive list to the permitted list and for staff to devise language for their requirements. The board would discuss drafting the language for these signs later in the meeting.

Mr. Wick felt unprepared to give his opinion on pylon signs, noting it was not something the Board needed to address immediately.

Mr. Yankwitt believed pylon and pole signs were very similar.

Mr. Freney concurred.

Vice Chair Brandt moved the issue forward for further discussion. He asked if there were any signs on the prohibited list Board members wished to see in the permitted use.

Mr. Wick recalled Broward County generated income by permitting some local organizations to place benches in certain areas. The only place he would prohibit them was on the beach itself.

Vice Chair Brandt asked if the Town had any jurisdiction over the Broward County Transit bench signs.

Town Attorney Mehaffey replied with the actual signs, probably not.

Vice Chair Brandt thought the question pertained to the benches and whether the Town could prohibit advertising being sold regardless of who owned the benches.

Town Attorney Mehaffey responded she needed to gather further information on benches before rendering an answer.

Vice Chair Brandt received a Board consensus to discuss bench signs further in an effort to determine how to move them. He questioned how much jurisdiction the Town had in the vertical way; that is, how high up did the Town's sign ordinance go.

Mr. Yankwitt wished to know why strip or string lighting around windows was prohibited, questioning if it was an aesthetic issue or a safety issue.

Vice Chair Brandt believed it was a matter of aesthetics; the intent was to prevent having holiday lights hanging from windows all year long, as this regulation did not include holiday lighting.

Mr. Freney recalled when the subject discussion began, there was some comment about housekeeping changes that were needed and changing some items in order for the Town to conform with the law. If it were possible to separate the housekeeping and any legal nonconforming issues from any of the other recommendations by the Board, this would be very helpful, as the Board could skip through the housekeeping items. He noted this left the other items a bit cleaner for the Board to discuss.

Vice Chair Brandt believed the legal questions related to severability. Thus, the Board could highlight housekeeping versus legal recommendations in separate colors.

Town Attorney Mehaffey questioned if the Board wished housekeeping one color and legal and separate color, and there could be a third color.

Mr. Yankwitt wished to know why Mr. Wick thought there should be an exception allowing pole signs for hotels and motels.

Mr. Wick pointed out pole signs were designed to draw patrons to a business; however, condominiums units were privately owned and they fit into the RM50 district. He had no wish to see the entire west side of A1A from Sea Ranch Building C to Terra Mar Drive loaded with signs standing out one after the other; aesthetically, this would not be very pleasing. Thus, they should only be allowed for hotels, motels and timeshares.

There was a Board consensus to allow pole signs in RM 25 and RM 50 zoning districts for hotels and motels; staff would draft language accordingly.

Vice Chair Brandt thought the existing pylon signs were acceptable, though they tended to be more bulky than the pole signs. However, if a hotel or motel wished to erect a new sign, they should be required to use pole signs. He received concurrences from Mr. Wick and Mr. Yankwitt.

Mr. Freney disagreed and felt pylon signs should be left as an option for hotels and motels and that variety is good.

There was a Board consensus to leave pylon signs as a prohibited use.

Vice Chair Brandt noted, on the matter of sandwich signs, the aim was to push for these signs to benefit the businesses off the street on Commercial Blvd. so they might attract patrons to look inward toward the shops. He said the intent was to have the signs placed closer to where cars traversed. He understood there might be some legal and language issues to work through, and it could involve having stores place their signs on property not owned by them or their landlord.

Mr. Wick wondered if sandwich signs could be permitted in the B1 and B1(a) zoning districts. A business could post such signs when needed, as long as they took them in every day, allowing one sign per business.

Vice Chair Brandt suggested placing the matter with legal staff, giving them the Board's concerns: legally, from a liability standpoint, and what they proposed.

Mr. Yankwitt thought the language should contain a setback or include A-frame signs to protect the Town's interests as far as liability was concerned, while enhancing the business interests in advertising. This could facilitate a meeting of minds.

Mr. Freaney preferred to allow sandwich signs, though he believed there would be an issue on Commercial west of A1A due to zero lot lines, as there was a lot more than people realized.

Vice Chair Brandt felt the Board was unanimous as to permitting sandwich signs, and staff could devise language that included allowing them while taking into consideration the concerns voiced by the Board.

Town Attorney Mehaffey wished to know if the recommendation applied to all businesses in the B1 and B1(a) or just to retail businesses; she received a consensus for it to apply to all businesses.

There was a Board consensus to allow one sandwich sign per business involved in retail, restaurant and personal services, and for staff to draft language for the sign code accordingly.

Vice Chair Brandt recalled at the previous meeting there were comments regarding signs having three colors versus four colors. He wished to know if the Town's code currently required box signs not to have more than three colors.

Mr. Bowman answered, yes.

Vice Chair Brandt recommended the Town stay with three colors but not have white count as a color.

Mr. Bowman indicated white did not currently count as a color if used as a background color, as indicated under 30-506, General Design Standards, b, on page 9 in the ordinance, line 319.

Vice Chair Brandt wondered if there was a larger topic the Board could address regarding the sign brought up under Public Comment at the last meeting.

Mr. Bowman believed the concern voiced by the business owner was he did not wish to be limited to three colors.

Vice Chair Brandt indicated his support for the elimination of that portion of the ordinance pertaining to white not being a color that said: when used as the background of the sign.

Mr. Yankwitt questioned if the business owner wished to use more than four colors, one of them being white, he/she could apply for a variance, eliminating the need to alter the ordinance in this regard.

Vice Chair Brandt responded "The Bus Stops Here." He understood the direction of the intent but was concerned with issues such as: right of way, sidewalks, permanent benches, temporary benches, etc., and he could not support going down that path.

Mr. Wick commented, as he was the person who brought the matter up, he would withdraw it out for later discussion.

Vice Chair Brandt recalled there were signs regarding menu boards; the sizing might be a little off, and the maximum size should be six square feet.

Mr. Yankwitt concurred.

Vice Chair Brandt pointed out the Board would receive the code version as well as the ordinance, an elaboration of housecleaning versus legal, as well as the changes on which a consensus was gained during the meeting.

## November 17, 2010 P&Z Minutes

### Item #2. Proposed changes to the Town's Sign Regulations.

Member Wick sought clarification on page five on what appeared to be the elimination of pole signs and pylon signs.

Vice Chair Brandt indicated the Town Commission was unhappy with what the P&Z Board did and sent the matter back to them.

Mr. Bowman elaborated the Commission did not dislike what the Board did, rather it indicated at the October 12, 2010, Town Commission meeting it preferred the Board not make piecemeal revisions to the sign code, but to do a comprehensive rewrite of the sign code that involved the business community's input.

Town Attorney Kathryn Mehaffey understood Exhibit 2 in the backup represented the document the Board reviewed at its most recent meeting. The Commission wished the Board review the sign code and its impact on the Town as a whole, keeping in mind the Master Plan and any overall goals for the Town.

Vice Chair Brandt thought the Board should look at the Town's sign codes from a top level: prohibited signs, permanent signs, etc., as each sign was subject to three different sections of the code: a list of approved and non-approved, zoning districts, and the definitions of signs. Thus, the Board could begin with the list and determine which signs should be on which list, as this would eliminate dealing with unpermitted signs under the definitions section of the code.

Member Wick questioned if, on page seven, public service signs were being disallowed.

Town Attorney Mehaffey stated, pertaining to pole and pylon signs on pages 15 and 16 where most of the language was struck out, they were only permitted under limited circumstances with no new ones allowed. Thus, they were now legal nonconforming signs, but the Town allowed existing signs to remain. She pointed out, for clarification, on page five, item F2, if such signs were damaged by more than 50 percent or removed, they must be replaced by the property owner within six months or they could not go back.

Member Wick asked if temporary signs used for such things as valet parking or posting sidewalk signs outside to notify customers of specials were legal signs.

Mr. Bowman responded valet signs were allowed as long as they met code requirements. With regard to cafés, it was possible for signs to be allowed.

Member Wick suggested including language that allowed temporary sidewalk signs for cafés, restaurants, etc. to attract patrons.

Mr. Bowman suggested Board members put together their recommendations for the next workshop meeting for further discussion.

Vice Chair Brandt recommended staff create a matrix of the signs in the code under the three abovementioned sections, as this might help streamline the discussion and make for more useful conversation.

There was a Board consensus to discuss the Town's sign code at the next regular P&Z Board meeting on December 15, 2010.

## September 15, 2010 P&Z minutes

### Item #4. Amendments to Chapter 30-501 Adopting Severability Provisions to the Sign Code. ( Town Attorney Susan Trevarthen )

Town Attorney Trevarthen reviewed the subject item as contained in the backup. At its meeting of July 27, 2010, the Commission approved the Notice of Intent to move forward with amending Chapter 30, Article VIII, Sign Regulations, of the Town's Code of Ordinances. These revisions to the sign code sought to enhance severability provisions, resolve internal conflicts, and facilitate defensibility in light of recent case law. Several minor changes were made to address inconsistencies and implementation issues identified by Town staff.

Vice Chairman Brandt asked if Ms. Trevarthen thought there was a sense of urgency regarding the subject item or did the Board have time for further consideration.

Town Attorney Trevarthen replied there was no real sense of urgency; she became aware of some of the deficiencies after the Commission asked her to look at this portion of the Code, and she sought ways to address them; she was not aware of a particular circumstance triggering a problem.

Vice Chairman Brandt desired another month to take the amendments, go through the Town in order to understand which signs might be affected as new, nonconforming signs, the change that would have to be made if something happened to those buildings, etc. He recommended deferring the vote on the subject item until the next meeting.

Town Attorney Trevarthen acknowledged the request and saw no reason for the subject amendment having to move forward immediately.

Mr. Bowman was unsure if the deferment would affect the notice of intent.

Town Attorney Trevarthen explained a deferment would affect the notice of intent; Town staff had to go back to the Commission and change the dates listed in the notice of intent. The process for the notice of intent was cumbersome and restrictive, and very each step was very detailed. She said it was a procedural step that could be accomplished.

Vice Chairman Brandt made a motion to defer voting on the subject amendment but received no second.

Mr. Wick questioned page four, line 114 to page five, line 127 where it dealt with a limitation of 20 business days, wondering if this was adequate time for the Town's department and possibly lead to conflicts or hardships.

Town Attorney Trevarthen pointed out when they developed the proposed procedure, they consulted with Town staff; the reason for the specificity had to do with their being first amendment cases that spoke in great deal about such matters and required fairly tight time frames for the procedures to be constitutional.

Mr. Bowman confirmed 20 business days was ample time.

Mr. Wick went on to discuss page six, number three, line 164, asking if this would create a problem if the fishing pier sign got blown down; could it be replaced by being grandfathered in or would they have to ascribe to the new requirements?

Town Attorney Trevarthen pointed out the drafting of the subject amendment was an effort to gather all of the references to pole and pylon signs in the Town and reproduce them under the proposed section. Thus, the implication raised by Mr. Wick was already in the current Code and would be in the proposed amendment.

Mr. Wick observed the amendment eliminated sandwich signs, according to line 249, asking if anywhere in the Code allowed such signs.

Town Attorney Trevarthen stated the current Code was unclear or even conflicting on the issue, but there were other provisions in the Code where it seemed the intent was to prohibit such signs and this was buried somewhere in the Code's definition of a sandwich sign; the aim was to clearly state their prohibition.

Mr. Bowman directed the Board's attention to page 17, line 694, for the Code's definition of a sandwich sign.

Town Attorney Trevarthen noted in line 694 it seemed to allow sandwich signs, while elsewhere in the Code it clearly stated they were prohibited.

Mr. Wick inquired as to line 299, stringing lighting in or around windows, as staff removed the language "other than temporary holiday lights", asking if this included lights placed around trees that were donated to the Town; and would this eliminate the lights on top of Aruba that had been there for years.

Town Attorney Trevarthen directed the Board's attention to the prior page, line 266, the language had simply been relocated, as it was seen as a form of temporary signage; thus, it was listed under temporary signs where it belonged.

Mr. Wick next discussed page 10, line 347, where it appeared that though people were permitted to have signs, they were limited in the number of signs they could have; thus, businesses were being limited as to the amount of content.

Town Attorney Trevarthen indicated, as the particular language Mr. Wick was referring to was not underlined, this meant it was existing Code.

Mr. Wick asked about the canopy on line 441 where it was being removed, wondering at the reason for the elimination.

Town Attorney Trevarthen responded the same matter was dealt with in Section 17-9 of the Code where it dealt with encroachments, so there was no need for the duplication.

Mr. Wick questioned as to line 595 and if pole signs were permitted, as he experienced some confusion with the document.

Town Attorney Trevarthen said staff too got confused, hence the proposed changes. They believed the new text created in the amendment clearly stated what the Code intended and accomplished in 2001; that is, they prohibited pole signs going forward but made provisions for those already having them. On page five, lines 144 through 193, page six, there was a whole regulatory scheme that applied to if a business had a nonconforming pole or pylon sign, explaining the conditions under which they had to be removed or replaced. It was all somewhat scattered around the Code, and staff pulled it together.

Mr. Wick asked if there was a reason for striking one dive flag at a legitimate dive shop and three legitimate flags at a travel agency, as indicated on page 22, line 932.

Town Attorney Trevarthen affirmed this to be the case, as the matter of flags were addressed overall on page 7, line 219, under the grouping: exempt signs, as they were exempt from the Code.

Vice Chairman Brandt observed line 245 eliminated pole signs but he did not see them coming up under prohibited signs.

Town Attorney Trevarthen indicated it was moved to line 144, and was included in the list of prohibited signs on line 290. Businesses with prohibited signs that were required to change them could select from the permitted signs currently detailed in the Code.

Vice Chairman Brandt thought it unfair, as he was unsure if members of the business community had a proper understanding of the full notice of intent that pole signs were going from a permitted sign to a prohibited sign. Businesses undergoing redevelopment, etc. and having pole signs would have to replace them according to the Code.

Town Attorney Trevarthen pointed to line 641, which currently existed in the Code, and this was also indicated on line 599 pertaining to new development and redevelopment. Thus, staff only sought to echo existing language in the proposed comprehensive section dealing with poles and pylon signs. She noted the Board could recommend changes, reiterating the specifics of the proposed amendment were already contained in the current Code.

Vice Chairman Brandt asked if anyone from the Town's Chamber of Commerce or business community weighed in on the possible effects on business.

Town Attorney Trevarthen responded she was unaware of any feedback, nor did she expect any, as there should be no impacts due to the proposed amendment containing what was already reflected in the Code. The understanding was that enforcement after the fact would be the same as before the fact; there just would be less confusion as to what the Code included. She said the Board could revisit the matter at any time.

Vice Chairman Brant reiterated his desire for the vote on the subject item to be deferred for 30 days, in order to ensure whatever was being proposed did not adversely affect any business due to the loss of signage. It might not be enough to just rearrange the language, there might be need to make changes.

Mr. Yankwitt understood the concerns expressed, as he too was a business owner and dealt with the frustration of signage with the Town. It was best to clean up what was already written, and then analyze it line by line and make changes if needed.

Mr. Bowman concurred, as the Board and staff could later recommend revisiting the issue to the Commission at any time.

Mr. Wick made a motion to move the vote on the amendments to Chapter 30, Section 30-22 forward, seconded by Mr. Yankwitt, sending the proposed changes to the Town Commission with the recommendation of approval by the Planning and Zoning Board.

Chairman Oldaker agreed with Vice Chairman Brandt but also supported the motion. He believed separating the matter into the two components of moving forward then revising the issue reduced the effect of being overwhelmed with trying to handle the subject ordinance.

In a roll call vote, the motion passed 3 – 1 (Vice Chairman Brandt voted no)