



# AGENDA ITEM REQUEST FORM

Item No. 12.1.a

Development Services & Town Mgr

Jeff Bowman & Connie Hoffmann *JH*

Department Submitting Request

**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)

- |                                       |   |                                       |   |
|---------------------------------------|---|---------------------------------------|---|
| <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: First Reading - Ordinance 2010-16 (Exhibit 1) Amendments to Chapter 30 Article VIII Sign Regulations**

**BACKGROUND:**

On October 12, 2010 the Commission reviewed proposed amendments to the sign code, which had been prepared to predominantly address legal defensibility issues and make housekeeping changes. Some policy changes were included in that original draft ordinance. 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 P&Z Board recommended a number of changes (allowing sandwich signs for restaurants, retail, personal services businesses in B1 and B1A, adding detailed regulations on the use of pole signs) that staff recommends not be adopted until an evaluation of the potential visual impact of those provisions can be made. In addition, the P&Z Board recommended prohibiting the replacement of pylon signs, which also needs further consideration. The staff recommended removing those proposed changes from the ordinance and the Commission concurred at the April 12, 2011 Roundtable meeting.

The attached ordinance reflects the removal of those provisions from the amendments but keeps other P&Z Board recommendations intact.

At the April Roundtable meeting, Commissioner Vincent noted that the sign ordinance does not specify the time period in which a business has to replace a legal non-conforming sign that they have removed or lose their legal non-conforming status. In discussing that matter with the Town Attorney's staff, they raised additional issues regarding non-conforming signs that we agree require further discussion. Given those issues, the point raised earlier regarding the visual impact of the P&Z Board's recommendations on pole and sandwich board signs, and the need to take into consideration the extent to which and how we should accommodate signs in the Miami Modern style, staff recommends that we adopt this ordinance as presented and take formal action to extend the NOI for sign code revisions so that work can begin on a second ordinance to amend the sign code that will cover all of those issues. The NOI extension is on this agenda.

The other option is to extend the NOI and address all of these issues in a single sign code amendment. Staff recommends against that option because the ordinance before the Commission on first reading is already difficult to follow because of the many changes being made. It will be much easier for the public, P&Z Board, staff and the Commission to follow what is being proposed on these additional issues if the legal and housekeeping changes are behind us and we start with clean code language to review.



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

**EXPLANATION:** Significant amendments that this ordinance makes to the sign code are listed below:

Amendments

1. 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).
2. Permit review procedures and timeframes were added both to guide staff and to protect against constitutional challenges.
3. 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.
4. Size limits (4 square feet) were placed on non-commercial signs that are exempt from the code.
5. Severability provisions were added, and the substitution clause was updated to enhance defensibility.
6. Protections were added for non-commercial speech.
7. Flag regulations have been revised to eliminate constitutional concerns, the number of flags allowed defined, and the cumulative square footage of signs allowed defined.
8. Signs that emit sound or odor were prohibited.
9. The maximum size of a menu board sign was increased from four to six square feet at the recommendation of the P&Z Board.
10. We eliminated the requirement of a permit for temporary real estate signs and required that real estate open house signs be allowed only during the hours of the open house event.
11. Added a provision that temporary signs be removed within 7 days of the event to which they relate. 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.
12. 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.

**PLANNING AND ZONING BOARD RECOMMENDATION:** P&Z recommended approval of the proposed amendments. Some of the additional items that the P&Z Board recommended are being deferred for additional study as discussed earlier. 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 3**).

**STAFF RECOMMENDATION:** Staff recommends approval of the ordinance on First Reading.

**EXHIBITS:** Exhibit 1 – Sign Code Ordinance  
Exhibit 2 – Planning and Zoning minutes (5 meetings)

Reviewed by Town Attorney  
 Yes     No

Town Manager Initials CS

# Exhibit 1

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

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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

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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.  
77 Violation or failure to comply with this provision may incur the penalty  
78 provided under section 1-12 and/or removal of such installation upon  
79 written prior notice. If approved, such use may be terminated or cancelled

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

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

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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.
- 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

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- 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) Legal, non-conforming pole or pylon signs meeting the criteria of this section  
191 may be replaced only under the following conditions:  
192
- 193 (i) The sign box or panel of a pole or pylon sign shall not exceed 32 square  
194 feet in size.
- 195 (ii) There shall be no more than one pole or pylon sign per street frontage per  
196 property.
- 197 (iii) All pole and pylon signs shall be set back at least five feet from any  
198 property line or right-of-way.
- 199 (iv) Any pole sign located within 30 feet of a street intersection or within 15  
200 feet of the intersection of a parking space and a driveway or street shall  
201 maintain seven feet of clearance between the ground and the bottom of the  
202 sign box or panel.
- 203 (v) No pylon sign may be placed within 30 feet of a street intersection or in  
204 any location that would obstruct cross-visibility at a driveway intersection  
205 or would obstruct cross-visibility for back-out parking.
- 206 (vi) The support poles of pole signs shall not exceed a width or diameter of 18  
207 inches.
- 208 (vii) Pylon signs shall be limited to one pylon with a width or diameter not to  
209 exceed four feet.
- 210 (viii) The height of the top of a pole or pylon sign shall not exceed 15 feet above  
211 the crown of the nearest street.

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212 (ix) Replacement pole signs and pylon signs require site plan review and  
213 approval by the Town Commission prior to issuance of a sign permit. The  
214 following additional requirements and conditions must be met in order for  
215 a proposed pole sign to receive site plan approval:

- 216
- 217 a. The proposed pole or pylon sign is replacing an existing pole or
- 218 pylon sign.
- 219 b. The design and colors of the proposed sign shall be coordinated
- 220 with the design and colors of any buildings on the premises.
- 221 c. The pole(s) of the proposed pole sign and the pylon of the
- 222 proposed pylon sign shall have architectural treatment or be
- 223 screened by lattice-work and/or landscaping that will, to the
- 224 satisfaction of the Town Commission, ensure that the proposed
- 225 sign is aesthetically compatible with adjoining development.
- 226

227 **Sec. 30-502. - Exempt signs.**

228

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

- 230
- 231 (1) Any sign not visible from any adjoining street, property or water body;
- 232 (2) Any sign contained within a building and set back from any windows at least ten feet;
- 233 (3) Customary price tags and labels not exceeding 15 square inches in size on merchandise in
- 234 display windows;
- 235 (4) One (1) ~~clock~~ or date/time and temperature indicator no larger than four square feet in
- 236 size per plot;
- 237 (5) Historical signs, except that a permit shall be required for reconstruction or major repair;
- 238 (6) Legal notices required to be posted by law or ordinance;
- 239 (7) Name and address signs with letters or numerals no more than six inches in height;
- 240 (8) "No admittance", "exit only" and similar signs applied onto or next to rear or emergency
- 241 doors with letters no more than six inches in height;
- 242 (9) "No parking", ~~and~~ "no trespassing" and similar signs, and warning or danger signs, no
- 243 larger than four square feet in size;
- 244 (10) "Reserved", or similar lettering or numbers applied to parking space wheel stops;
- 245 (11) Signs required to be posted by a government regulation or law enforcement agency;
- 246 (12) Temporary signs of any type used as part of a special community event or fair, which has
- 247 been specifically authorized by the Town Commission;
- 248 (13) Informational, directional, hazard and traffic control and similar signs installed by a
- 249 government agency; ~~and~~
- 250 (14) Noncommercial signs of four (4) square feet or less per property (residential or non-
- 251 residential) or business establishment;
- 252 (15) Flags on residential property up to a cumulative maximum of 40 square feet; and
- 253 (16) Up to four flags on non-residential property, up to a cumulative maximum not to exceed
- 254 one (1) square foot of flag per linear foot of the front lot line.
- 255 ~~(14) Private warning or danger signs for a bona fide hazard only, no larger than four square~~
- 256 ~~feet in size.~~
- 257

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258 **Sec. 30-503. - Permitted signs.**  
259

260 The following types of permanent signs may be erected, installed, repaired or replaced within the  
261 Town, only in conformance with these regulations and after issuance of a permit by the  
262 Development Services Building Department:  
263

- 264 (1) Box signs;
- 265 (2) Building or development identification signs;
- 266 (3) Cabinet signs;
- 267 (4) Canopy and awning signs;
- 268 (5) Directory sign;
- 269 (6) Hanging signs;
- 270 (7) Informational, directional and traffic control signs;
- 271 (8) Changeable copy signs;
- 272 (9) Menu board signs;
- 273 (10) Monument signs;
- 274 (11) Name and address signs;
- 275 (12) Neon signs;
- 276 (13) Painted signs;
- 277 (14) Pole signs;
- 278 ~~(15) Public service signs;~~
- 279 (15) Pylon signs;
- 280 ~~(16) Roof signs;~~
- 281 (18) Sandwich signs for valet parking services;
- 282 ~~(17) Subdivision and residential development identification signs;~~
- 283 ~~(18) Wall signs; and~~
- 284 ~~(19) Window signs.~~

285  
286 **Sec. 30-504. - Temporary signs.**  
287

288 The following types of signs may be permitted within the Town as temporary signs, only in  
289 conformance with these regulations and, except for political signs and real estate signs, after  
290 issuance of a temporary sign permit by the Development Services Building Department:  
291

- 292
- 293 (1) Announcing signs;
- 294 (2) Banner and pennant signs;
- 295 (3) Contractor signs;
- 296 (4) Garage sale signs as provided in Chapter 14.5, Article I or ~~moving sale sign no larger~~  
297 ~~than four square feet in sign size, limited to one sign per plot and displayed on the~~  
298 ~~premises for no more than two days and no more than twice per year;~~
- 299 (5) Holiday lighting (no permit required);
- 300 ~~(5) Off-premises signs;~~
- 301 (6) Political signs (no permit required) ~~(Note: Unlike other temporary signs, political signs do~~  
302 ~~not require the issuance of a permit, however, the person in charge of the campaign or the~~

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303 ~~company erecting the sign shall be responsible for removing the signs within seven days~~  
304 ~~after the date of the election.);~~

305 (7) Portable advertising signs for businesses adjoining a roadway under construction;

306 (8) Real estate signs (no permit required);

307 (9) Special event signs;

308 (10) Valet signs; *add name in sandwich signs*

309 (11) Window neon signs.

310

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

312

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

314

315 (1) Animated or flashing signs;

316 (2) Any sign not listed elsewhere in these regulations as an exempt, permitted or temporary  
317 sign;

318 (3) Balloon signs;

319 (4) ~~Permanent banner and pennant signs, except specifically permitted flags or temporary~~  
320 ~~signs;~~

321 (5) Billboards/off-premises signs;

322 (6) ~~Paper signs, except as a window or interior sign, menu board sign or as a specifically~~  
323 ~~permitted temporary sign;~~

324 (7) Private signs of any type placed upon Town property or upon public right-of-way;

325 ~~(8) Sandwich sign;~~

326 (9) Signs placed upon benches, trash receptacles or newsracks;

327 (10) Signs placed on any beach or part thereof, except regulatory or warning signs;

328 (11) Signs with unshielded lighting elements, except neon signs;

329 (12) Snipe signs;

330 (13) Stationary vehicle or trailer signs;

331 (14) Strip of string lighting in or around windows, ~~other than temporary holiday lighting;~~

332 (15) Signs which no longer advertise or identify a business conducted, a service rendered or  
333 product sold; and

334 ~~(16) Any other type of sign not listed as a permitted sign or temporary sign;~~

335 (15) Signs that produce or emit any type of sound or odor.

336 (16) Signs that do not meet the design, material and fabrication requirements of this Article.

337

338 **Sec. 30-506. - General design standards.**

339

340 (a) *Construction:* All permanent signs shall be constructed of durable, weather-resistant and  
341 fade-resistant materials. All permanent signs shall be professionally constructed or  
342 manufactured. All permanent signs, except those on single-family and duplex lots, shall  
343 be installed by a licensed contractor. All permanent signs shall be constructed and  
344 installed to conform to the requirements of the building code. All temporary signs shall  
345 be constructed and installed in a workman-like manner, shall not pose any safety hazard,  
346 and shall be removed upon the expiration of the temporary sign permit or upon the  
347 issuance of a severe weather warning. A separate electrical permit is required for any  
348 illuminated sign.

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- (b) *Colors:* No florescent, phosphorescent, iridescent or reflective colors or paint may be used in any sign, except governmental informational, directional, traffic control or warning signs. ~~The Building Department shall maintain a color sample palate of acceptable sign colors.~~ Sign copy letters and numerals within the same sign shall be limited to no more than three colors. White shall not be counted as a color when used as the background of the sign. All permanent signs on the same building shall use the same color scheme. Sign color(s) shall be compatible with the color(s) of any building or wall upon which the sign is mounted. The sign wall of a monument or pylon sign and the box of a box, pole or pylon sign shall match the color of the building to which it is related. The actual color samples to be used, as well as written authority from the landlord or agent (unless applicant is owner) to use the submitted colors and layout, must accompany all permit applications.
- (c) *Layout:* The size, location, and style of permanent signs shall be compatible with the buildings or locations where they are placed. Multiple signs of the same type for the same business shall be consistent in terms of location, style, size and letter size. New hotel, motel, business and institutional buildings shall be designed to incorporate locations for wall signage meeting the requirements of these regulations as part of the overall design of the building.
- (d) *Items of information:* The items of ~~identification information~~ on permanent signs for the uses listed below shall be limited to the following:
- (1) Hotels and motels (no more than three of the following items of information on any one permanent sign): Hotel or motel name, type of accommodation (i.e. suites, efficiencies, apartments, bed and breakfast, resort or spa), telephone number, chain and travel club affiliations. Address and vacancy/no vacancy information shall be permitted, in addition to the three allowable items.
  - (2) Retail, office and service businesses (no more than two of the following items of information on any one permanent sign): Business name, type of business, address, telephone number and up to two of the products or services offered.
  - (3) Restaurants and lounges (no more than two of the following items of information on any one permanent sign): Business name, type of business, type of food or beverage served, address, and telephone number.
  - (4) Apartment buildings and condominiums (no more than two of the following items of information on any one permanent sign): Name of complex, telephone number, and type of accommodations. Address and vacancy/no vacancy information shall be permitted, in addition to the two allowable items.
- (e) *Substitution clause:* ~~To ensure commercial and non-commercial signage are afforded equal protection under this article, any sign authorized in this article may contain either commercial or non-commercial copy. It is not the purpose of this article to regulate or control the copy, content or viewpoint of signs. Nor is it the intent of this article to afford greater protection to commercial speech than to noncommercial speech. Any sign, display or device allowed under this article may contain, in lieu of any other copy, any~~

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395 otherwise lawful noncommercial message that complies with all other requirements of  
396 this article. The noncommercial message may occupy the entire sign area or any portion  
397 thereof, and may substitute for or be combined with the commercial message. The sign  
398 message may be changed from commercial to noncommercial, or from one  
399 noncommercial message to another, as frequently as desired by the sign's owner,  
400 provided that the sign is not prohibited and the sign continues to comply with all  
401 requirements of this article.

402  
403 (f) *Sign illumination:* Illuminated signs may be indirectly or internally illuminated. All  
404 lighting elements or bulbs must be fully recessed or shielded within opaque or translucent  
405 covers. Wooden signs shall not be internally illuminated or have electrical fixtures  
406 attached directly to the sign panel. The intensity of illumination shall be limited to no  
407 more than 90 foot lamberts or ten foot-candles within residential districts or if visible  
408 within 200 feet from first floor residential property. The intensity of illumination shall be  
409 limited to no more than 150 foot lamberts or 25 foot-candles if visible within 200 to 500  
410 feet from first floor residential property. The intensity of illumination shall be limited to a  
411 maximum of 250 foot lamberts or 50 foot-candles within nonresidential districts. All  
412 transformer boxes, outlets and conduits relating to sign illumination shall be screened  
413 from exterior view. A separate electrical permit is required for any sign illumination.  
414

415 **Sec. 30-507. - Definitions and restrictions by sign type.**  
416

417 *Address sign:* A sign displaying only the numerical address and unit number or letter of the  
418 premises upon which the sign is located. An address sign with numerals or letters no more than  
419 six inches in height is allowed. Every building shall display an address sign that is clearly visible  
420 from the street. Buildings that have rear door access to an alley or parking lot shall also display  
421 an address sign that is clearly visible from the alley or parking lot.  
422

423 *Animated or ~~flashing~~ sign:* Any sign including electronic, laser, video, digital or similar  
424 displays, with elements, images, text, or colors that move, rotate, or flash, change or similar  
425 movement is prohibited. A ~~clock, thermometer, date/time~~ and temperature indicator or barber  
426 pole is not an animated sign. Temporary animated or flashing signs attached to amusement rides,  
427 vending carts, and sideshow equipment used in a special community event specifically  
428 authorized by the Town Commission shall not be prohibited by these regulations.  
429

430 *Announcing sign:* A temporary sign announcing the opening of a business, the future  
431 development of property or an upcoming event or activity. An announcing sign shall not exceed  
432 32 square feet in size. An announcing sign for a new business may be displayed from the date of  
433 issuance of a business tax receipt for a business until 30 days after the opening of the business.  
434 An announcing sign for a future development may be displayed from the date of approval of a  
435 site plan by the Town Commission, or the issuance of a building permit when no site plan  
436 approval is required, until the issuance of the certificate of occupancy. An announcing sign for  
437 an upcoming event may be posted from 14 days prior to the event until the day after the event. A  
438 temporary sign permit for an ~~event~~ announcing sign shall not be issued more than twice per year  
439 for the same business.  
440

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441 *Awning sign:* See "canopy and awning sign."  
442

443 *Balloon sign:* Any type of inflatable sign or sign suspended from a balloon is a prohibited sign.  
444 Temporary balloon signs used in a special community event specifically authorized by the Town  
445 Commission shall not be prohibited by these regulations.  
446

447 *Banner sign:* A sign with or without any text, composed of fabric or plastic, and suspended from  
448 or attached to a pole or structure by wire, string, brackets or grommets. Pennants are included  
449 within this definition of a banner sign. A banner sign shall not exceed 32 square feet in sign  
450 area. A temporary sign permit for one banner sign may be issued for a period not to exceed 14  
451 days to announce the opening of a business, a change of business name or an annual church  
452 event. A temporary sign permit for use of banner signs shall not be required for a special  
453 community event specifically authorized by the Town Commission.  
454

455 *Billboard:* A permanent, free-standing or building-mounted sign, advertising products or services  
456 not related to the premises upon which the sign is located, is prohibited. Also referred to as off-  
457 premise sign.  
458

459 *Box sign:* A sign, constructed like a box, with sign copy carved or routed into an opaque plastic,  
460 metal, stone or masonry face. A box sign with sign copy painted on to or applied to a plastic or  
461 glass face is a cabinet sign. Routed sign letters may be back-faced with translucent plastic or  
462 glass to protect the inside of the sign and to shield lighting elements. A box sign shall not exceed  
463 32 square feet in sign area. A box sign may be used as a monument sign, hanging sign, name and  
464 address sign, building identification sign, directory sign, informational, directional or traffic  
465 control sign wall sign, window sign, pole or pylon sign or roof sign.  
466

467 *Building or development identification sign:* A sign displaying only the name and/or address of a  
468 building or development.  
469

470 *Cabinet sign:* A sign, constructed like a box, with sign copy painted on or applied to a  
471 translucent plastic or glass face.  
472

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

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

488

489 *Commercial message:* Any wording, logo, emblem, character, pictograph, trademark, or symbol  
490 used to represent a firm, organization, entity, product, or service, or other representation that,  
491 directly or indirectly, names, advertises, or calls attention to a product or service. For purposes  
492 of this article, terms such as sale, special, clearance, or other words which relate to commercial  
493 activity shall be deemed to be commercial messages. Items of identification shall not be  
494 considered to be commercial messages.

495

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

500

501 *Development:* See "new development and redevelopment."

502

503 *Directory sign:* A single or double face sign, consisting of the name of the building or  
504 development and the names and unit numbers of tenants in a multiple tenant building or  
505 development. A directory sign may use a changeable copy. Directory signs erected after the  
506 effective date of this article shall not exceed six feet in height. Directory signs shall not exceed  
507 32 square feet in size and a ground-mounted directory sign shall be set back at least five feet  
508 from any street right-of-way.

509

510 *Flag:* Any fabric, plastic, canvas, material or bunting containing distinctive color(s), pattern(s),  
511 symbol(s), emblem(s) or insignia(s) containing non-commercial speech or used as a symbol of a  
512 government, political subdivision or other governmental entity or of any business or institutional  
513 entity or idea.

514

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

524

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

529

530 *Informational, directional or traffic control sign:*

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- 531
- 532 a. A noncommercial sign ~~permanently~~ erected and maintained by the Town, County or
- 533 State, or any agency thereof, to denote the name of any thoroughfare, route directions,
- 534 educational institution, public building, park, recreational facility or hospital; to direct
- 535 and regulate traffic; to denote any transportation or transmission company for the
- 536 direction or safety of the public; or to provide any other governmental information.
- 537 b. A noncommercial sign located on and relating to an activity on the premises upon which
- 538 the sign is located, providing information to pedestrian and vehicular traffic, e.g.,
- 539 "entrance," "exit," "caution" and "no trespassing."
- 540 c. A noncommercial sign within a development, or at the entrances thereto, showing the
- 541 name(s) and directions to the locations of the subdivisions comprising the development, a
- 542 sales office, etc.

543  
544 *Length:* The horizontal dimension of a sign as measured in feet and inches.

545  
546 *Menu board sign:* A sign placed on a door, wall or column outside of a restaurant and containing  
547 only a copy of the menu or daily specials. If a paper menu is used, it must be mounted under a  
548 protective glass or plastic cover. A menu board sign shall not exceed ~~four~~ six square feet in size.

549  
550 *Monument sign:* A free-standing stone, masonry or metal ground sign or a sign placed upon a  
551 free standing masonry wall section not exceeding six feet in height and listing only the name and  
552 address of the development or business. A monument sign shall not exceed six feet in height or  
553 32 square feet in sign area and shall be setback at least ten feet from any public street right-of-  
554 way. No monument sign may be placed within 30 feet of a street intersection or in any location  
555 that would obstruct cross-visibility at a driveway intersection or would obstruct cross-visibility  
556 for back-out parking.

557  
558 *Name sign:* A sign containing only the name and unit number or letter of the person, entity or  
559 business occupying the premises.

560  
561 *Neon sign:* Any type of sign that utilizes exposed neon, argon or any other gaseous or liquid  
562 element or compound as a direct means of illumination. Neon, argon or other gaseous or liquid  
563 element or compound utilized for illumination that is covered by a translucent material, or  
564 otherwise concealed from direct view, shall not be considered to be a neon sign. Exposed neon,  
565 argon or any other gaseous or liquid element or compound utilized for illumination used solely to  
566 accent or illuminate architectural features of a building shall not be considered a sign, if  
567 authorized by the Town Commission as part of the site plan approval for the development.  
568 Window neon signs are subject to special regulations as hereinafter set forth:

569  
570 *Window neon signs* shall be considered temporary signs and shall require an annual  
571 license from the Town. All licenses for window neon signs shall expire on the thirtieth  
572 day of September of each year. Each window neon sign shall require a separate license.  
573 ~~The Town Commission reserves the right to prohibit the use or display of window neon~~  
574 ~~signs. Commission prohibition of window neon signs shall be enacted by ordinance~~  
575 ~~amending this article of the Code, effective at the expiration of the then most current~~  
576 ~~licensure period.~~

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

- (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.

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

*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.

*Non-commercial:* Containing no commercial message.

~~*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.~~

*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.

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

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623  
624 *Permanent sign:* A permanent sign is any one of the types of signs specifically listed within these  
625 regulations as an allowed sign, and which ~~is may be~~ installed and maintained in a fixed location  
626 for an indefinite period of time.

627  
628 *Pole sign:* A sign mounted upon one or two vertical poles, either free-standing or extending  
629 above another structure. ~~Pole signs are permitted but are not encouraged. Except as provided in~~  
630 ~~the RM-25 and RM-50 Districts, p~~Properties that ~~did~~ not have pole signs ~~on at time of adoption~~  
631 ~~of these regulations March 27, 2001 and did not have not had~~ them within the two years  
632 preceding ~~that date~~adoption shall not be permitted to erect or maintain pole signs. New  
633 development and redevelopment shall not be permitted to erect or maintain pole signs. Traffic  
634 control and directional signs mounted on poles are not considered to be pole signs. ~~The sign box~~  
635 ~~or panel of a pole sign shall not exceed 32 square feet in size. There shall be no more than one~~  
636 ~~pole or pylon sign per street frontage per property. All pole signs shall be setback at least five~~  
637 ~~feet from any property line or right of way. Any pole sign located within 30 feet of a street~~  
638 ~~intersection or within 15 feet of the intersection of a parking space and a driveway or street shall~~  
639 ~~maintain seven feet of clearance between the ground and the bottom of the sign box or panel.~~  
640 The support poles of pole signs shall not exceed a width or diameter of 18 inches. The height of  
641 the top of a pole sign shall not exceed 15 feet above the crown of the nearest street. Pole signs  
642 require site plan review and approval by the Town Commission prior to issuance of a sign  
643 permit. ~~The following additional requirements and conditions must be met in order for a~~  
644 proposed pole sign to receive site plan approval:

- 645  
646 (1) ~~The proposed pole sign is replacing an existing pole or pylon sign.~~  
647 (2) ~~The design and colors of the proposed pole sign shall be coordinated with the~~  
648 ~~design and colors of any buildings on the premises.~~  
649 (3) ~~The pole(s) of the proposed pole sign shall have architectural treatment or be~~  
650 ~~screened by lattice work and/or landscaping that will, to the satisfaction of the~~  
651 ~~Town Commission, ensure that the proposed sign is aesthetically compatible with~~  
652 ~~adjoining development.~~

653  
654 *Political sign:* A sign which sets forth the name, cause, or affiliation of a person seeking office or  
655 a proposed referendum or ballot proposition, the date of the election and/or the office sought or  
656 which sets forth any issue for which, or pertaining to, a public election is scheduled to be held.  
657 Political signs may not be erected upon government-owned or leased property. The sign shall be  
658 of a temporary nature and shall not exceed an overall size of two feet by three feet. No permit  
659 shall be required for such sign; however, the person in charge of the campaign or the company  
660 erecting the sign shall be responsible for removing the signs within seven days after the date of  
661 the election. No political signs or placards shall be permitted to be erected or placed upon  
662 parkways, utility poles, or trees.

663  
664 *Portable advertising signs for businesses adjoining a roadway under construction:* A temporary  
665 sign, not exceeding 16 square feet in area, allowed in the business and motel districts, to be  
666 posted adjacent to the road right-of-way during the period of road construction.

667

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

672  
673 ~~Pylon sign: A sign, mounted upon or on top of a vertical wall or pylon, that exceeds six feet in~~  
674 ~~height, either free-standing or extending above another structure. Pylon signs are permitted but~~  
675 ~~are not encouraged. New development and redevelopment shall not be permitted to erect or~~  
676 ~~maintain pylon signs. Except as provided in the RM-25 and RM-50 Districts, properties that did~~  
677 ~~not have pylon signs on March 27, 2001 and did not have them within the two years preceding~~  
678 ~~that date shall not be permitted to erect or maintain pylon signs. The sign box or panel of a pylon~~  
679 ~~sign shall not exceed 32 square feet in size. There shall be no more than one pylon or pole sign~~  
680 ~~per street frontage per property. All pylon signs shall be setback at least five feet from any~~  
681 ~~property line or right-of-way. Pylon signs shall be limited to one pylon with a width or diameter~~  
682 ~~not to exceed four feet. The height of the top of a pylon sign shall not exceed 15 feet above the~~  
683 ~~crown of the nearest street. No pylon sign may be placed within 30 feet of a street intersection or~~  
684 ~~in any location that would obstruct cross-visibility at a driveway intersection or would obstruct~~  
685 ~~cross-visibility for back-out parking. Pylon signs require site plan review and approval by the~~  
686 ~~Town Commission prior to issuance of a sign permit. The following additional requirements and~~  
687 ~~conditions must be met in order for a proposed pylon sign to receive site plan approval:~~

- 688  
689 (1) ~~The proposed pylon sign is replacing an existing pole or pylon sign.~~  
690 (2) ~~The design and colors of the proposed pylon sign shall be coordinated with the~~  
691 ~~design and colors of any buildings on the premises.~~  
692 (3) ~~The pylon(s) of the proposed pylon sign shall have architectural treatment or be~~  
693 ~~screened by lattice work and/or landscaping that will, to the satisfaction of the~~  
694 ~~Town Commission, ensure that the proposed sign is aesthetically compatible with~~  
695 ~~adjoining development.~~

696  
697 ~~Real estate sign: A temporary sign announcing an “open house” or “model home” on the~~  
698 ~~premises or the availability of the premises for sale or for lease. The name and phone number of~~  
699 ~~the person or company responsible for placing and removing the sign shall be listed on the sign.~~  
700 ~~Real estate signs located in residential zoning districts shall be no larger than 24 inches wide by~~  
701 ~~18 inches high mounted upon the ground, and shall not exceed three feet in height and shall be~~  
702 ~~mounted with a frame or holder and post. Real estate signs located in nonresidential zoning~~  
703 ~~districts shall be no larger than six square feet in size and, if mounted upon the ground, such sign~~  
704 ~~shall not exceed six feet in height and shall be mounted with a frame or holder and post, or if~~  
705 ~~mounted upon a wall or within a window, such sign shall not be placed higher than 24 feet above~~  
706 ~~the ground. Properties shall be limited to one real estate sign per street frontage. Waterfront~~  
707 ~~properties may display one additional sign facing the water. No real estate sign may be placed on~~  
708 ~~public property or right-of-way. Real estate signs placed on or for property which is for sale or~~  
709 ~~lease, during a period of open viewing (“open house” signs) may only be posted during the hours~~  
710 ~~of the open house and may only be posted on private property with the permission of the~~  
711 ~~property owner. All real estate signs must be removed upon closing or leasing of a property~~  
712 ~~which had been for sale or lease.~~

713

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714 *Redevelopment:* See “new development and redevelopment.”  
715

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

727 *Sandwich sign:* A movable, portable, free-standing sign not secured or attached to the ground  
728 that can be folded and carried by an individual. The sign panels of a sandwich sign shall not  
729 exceed ~~not~~ 16 square feet in size and shall be no taller than four feet in height. The sandwich sign  
730 may only be utilized for a licensed valet establishment and for no other purpose. A sandwich  
731 sign shall not be placed in a right-of-way, but may be placed on private property. A sandwich  
732 sign may be erected only during the hours of operation of the establishment.  
733

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

745 *Sign area:* The area of a square or rectangle encompassing all of the text, copy, symbols and  
746 logos displayed on a sign. The total sign area of all signs attached to the wall, canopy and/or  
747 awnings of a building face shall not exceed 15 percent of the area of that building face. In the  
748 case of a building with a flat roof, the area of the building face shall be measured from the  
749 elevation of the nearest sidewalk or crown of the road to either the deck of a flat roof or the top  
750 of the parapet wall, whichever is higher. In the case of a building with a sloped roof, the area of  
751 the building face shall be measured from the elevation of the nearest sidewalk or crown of the  
752 road to the midpoint of a sloped roof. The sign area of a double-faced sign, with identical faces  
753 mounted on opposite sides of the same sign panel or box, is the area of only one of the two  
754 identical faces.  
755

756 *Sign height:* The elevation ~~above~~ of the highest point of the sign area above the nearest sidewalk  
757 or roadway crown.  
758

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

- 762
- 763 (1) The sign letter size may be increased by one inch for each 25 feet that the sign is  
764 setback from nearest street right-of-way;
  - 765 (2) The sign letter size may be increased by one inch for each 25 feet above the  
766 elevation of the nearest sidewalk or roadway that the sign is mounted; and
  - 767 (3) In a sign with both upper and lower case letters, the maximum letter size of one  
768 upper case letter in each word may be increased 20 percent provided that the letter  
769 size of the lower case letters is reduced 20 percent.
- 770

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

773

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

777

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

784

785 *Subdivision and residential development identification sign:* A sign erected at the entrance to a  
786 neighborhood or residential development displaying only the official name and address of the  
787 neighborhood or residential development. Subdivision and residential development identification  
788 signs shall not exceed six feet in height or 32 square feet in sign area per sign face. One two-face  
789 sign may be permitted in the median of a divided entrance or one single-face sign shall be  
790 permitted on each side of a street entrance to a named residential neighborhood or of a street-  
791 type driveway entrance to a multi-family development. The sign shall not be located within any  
792 utility or drainage easements, or within any cross visibility triangle or safe recovery area for a  
793 street. All proposed subdivision and residential development identification signs shall be subject  
794 to site plan approval pursuant to Article IV of the Land Development Code.

795

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

802

803 *Vacancy/no vacancy sign:* A sign or portion of a sign located at a motel, hotel, apartment  
804 building or condominium indicating whether or not there are rooms available. A vacancy/no

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805 vacancy sign shall not exceed two square feet in sign area, and may be directly or indirectly  
806 illuminated or changeable copy.

807

808 *Vehicle or trailer sign:* A prohibited sign advertising a business or product, mounted on, or  
809 attached to a motor vehicle or trailer which is parked for more than 12 hours at the same location  
810 or parked on more than three consecutive days at the same location as the business or product  
811 which is being advertised, ~~unless the~~ A vehicle is parked inside a garage, ~~or is parked behind the~~  
812 building, or. ~~A~~ passenger vehicle displaying a name and telephone number with letters no more  
813 than four inches in height is not a vehicle sign as described above.

814

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

818

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

822

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

824

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

833

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

843

844 **Sec. 30-508. – Sign regulations by zoning district.**

845

846 (a) *RS-5 and RD-10 districts.* Only the following types of signs are permitted within the RS-  
847 5 and RD-10 zoning districts, subject to the limitations and requirements contained in the  
848 definitions and restrictions by sign type and the general design standards sections of these  
849 regulations, and subject to the additional limitations stated below:

850

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- 851 (1) Private informational, directional and traffic control signs.
- 852 (2) Name and address signs: one resident name sign per dwelling unit, including any
- 853 exempt name sign, to be placed on the building and not to exceed two square feet
- 854 in sign area. One address sign per address, including any exempt address sign,
- 855 shall be placed on the building, fence, wall or mail box, be visible from the street
- 856 and shall not exceed two square feet in sign area.
- 857 ~~(3) Public service signs: Only if approved by the Town Commission.~~
- 858 (34) Subdivision and residential development identification signs: Only if location and
- 859 other aspects of such signs has been previously approved by the Town
- 860 Commission pursuant to site plan approval procedures.
- 861 (45) Temporary political signs: To be set back at least five feet from any right-of-way
- 862 or property line.
- 863 (56) In addition, no more than two of the following temporary signs, including any
- 864 exempt temporary signs, shall be permitted on any single plot at the same time:
- 865
- 866 a. Temporary contractor signs: one sign per plot to be set back at least five
- 867 feet from any right-of-way or property line.
- 868 b. ~~Temporary garage sale or moving sale signs: one sign per plot, no larger~~
- 869 ~~than four square feet in size and displayed on the premises for no more~~
- 870 ~~than two days and no more than twice per year to be set back at least five~~
- 871 ~~feet from any right-of-way or property line.~~
- 872 be. Temporary real estate signs: To be set back at least five feet from any
- 873 right-of-way or property line.
- 874 cd. Temporary special event signs: two signs per neighborhood to be set back
- 875 at least five feet from any right-of-way or property line.

876

877 (b) *RM-25 and RM-50 districts.* Single-family and duplex residences and plots located in the

878 RM-25 district shall be subject to the sign regulations as listed for the RS-5 and RD-10

879 districts listed above.

880

881 Only the following types of signs are permitted within the RM-25 and RM-50 districts,

882 subject to the limitations and requirements contained in the definitions and restrictions by

883 sign type and the general design standards sections of these regulations, and subject to the

884 additional limitations stated below:

- 885 ~~(1) No more than four bona fide flags at a hotel or motel, not exceeding 15 square~~
- 886 ~~feet in size each.~~
- 887 (12) Private informational, directional and traffic control signs.
- 888 (23) Name and address signs: One resident name sign per dwelling unit, including any
- 889 exempt name sign, to be placed on the dwelling unit and not to exceed two square
- 890 feet in sign area. One occupant address sign per address, including any exempt
- 891 address sign, to be placed on the building or mail box and not to exceed two
- 892 square feet in sign area. One building address sign per building to be placed on
- 893 the building and not to exceed a total of six square feet of sign area. Every
- 894 building shall display an address sign that is clearly visible from the street.
- 895 Buildings that have rear door access to an alley or parking lot shall also display an
- 896 address sign that is clearly visible from the alley or parking lot.

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- 897 (4) ~~Public service signs: Only if approved by the Town Commission.~~  
898 (35) Subdivision and residential development identification signs: Only if approved by  
899 the Town Commission pursuant to site plan approval procedures.  
900 (46) Vacancy/no vacancy signs: one sign per licensed motel or hotel, not exceeding  
901 two square feet of sign area.  
902 (57) Temporary political signs: to be set back at least five feet from any right-of-way  
903 or property line.  
904 (68) In addition, each multifamily or hotel, ~~motel, apartment building, condominium,~~  
905 ~~group home, church, school or other~~ non-residential use may display no more than  
906 two of the following permanent signs, with a combined total sign area of not more  
907 than 32 square feet, per street frontage, and the total sign area of all signs attached  
908 to the wall, canopy and/or awnings of a building face shall not exceed 15 percent  
909 of the area of the building facade. In the case of a building with a flat roof, the  
910 area of the building face shall be measured from the elevation of the nearest  
911 sidewalk or crown of the road to either the deck of a flat roof or top of the parapet  
912 wall, whichever is higher. In the case of a building with a sloped roof, the area of  
913 the building face shall be measured from elevation of the nearest sidewalk or  
914 crown of the road to the midpoint of a sloped roof. If a hotel or motel takes over  
915 an adjoining hotel or motel, then the combined hotel or motel is entitled to 16  
916 additional square feet of separate wall or awning sign area; the existing signs shall  
917 not be increased in size by this additional footage.  
918  
919 a. Building or development identification signs: one sign per building per  
920 street frontage, with a sign height no greater than 35 feet.  
921 b. Canopy or awning signs: With a sign height no greater than 18 feet.  
922 c. Hanging sign: one sign per building per street frontage, with a sign height  
923 no greater than 18 feet.  
924 d. Changeable copy signs: one sign per street frontage, with a sign height no  
925 greater than 18 feet.  
926 e. Monument signs: one sign with one or two faces per street frontage, only  
927 on a plot with 200 or more feet of continuous frontage on the same street.  
928 f. Pole or pylon signs: Limited to hotels, motels, apartment buildings and  
929 condominiums only and to one sign per street frontage per property.  
930 g. Wall signs: With a sign height no greater than 35 feet.  
931  
932 (89) In addition, no more than two of the following temporary signs, including any  
933 exempt temporary signs, shall be permitted on any single business or plot at the  
934 same time:  
935  
936 a. Temporary announcing sign: one sign per plot to be set back at least five  
937 feet from any right-of-way or property line.  
938 b. Temporary contractor signs: one sign per plot to be set back at least five  
939 feet from any right-of-way or property line.  
940 c. ~~Temporary garage sale or moving sale signs: one sign per plot, no larger~~  
941 ~~than four square feet in size and displayed on the premises for no more~~

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- 942 ~~than two days and no more than twice per year to be set back at least five~~
- 943 ~~feet from any right-of-way or property line.~~
- 944 d. Temporary portable advertising signs for businesses adjoining a roadway
- 945 under construction: one sign per frontage of a street under construction,
- 946 not exceeding 16 square feet in sign size, to be posted adjacent to the road
- 947 right-of-way during the period of road construction.
- 948 e. Temporary real estate signs: To be set back at least five feet from any
- 949 right-of-way or property line.
- 950 f. Temporary special event signs: two signs per block to be set back at least
- 951 five feet from any right-of-way or property line.
- 952

(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:

- 953
- 954
- 955
- 956
- 957
- 958 ~~(1) One dive flag at a bona fide dive shop and three bona fide flags at a travel agency~~
- 959 ~~or foreign cuisine restaurant, not exceeding 15 square feet in size each.~~
- 960 (12) Building or development identification signs: one sign per building per street
- 961 frontage with a sign area of no more than 32 square feet and with a sign height no
- 962 greater than 35 feet.
- 963 (23) Private informational, directional and traffic control signs.
- 964 (34) Menu board sign: one sign per licensed restaurant per street frontage.
- 965 (45) Name and address signs: One occupant name sign per dwelling unit or business,
- 966 excluding any exempt rear door name sign, to be placed on the dwelling unit or
- 967 business and not to exceed two square feet in sign area; one occupant address sign
- 968 per address, excluding any exempt rear door address sign, to be placed on the
- 969 building or mail box and not to exceed two square feet in sign area; one building
- 970 address sign per building to be placed on the building and not to exceed a total of
- 971 six square feet of sign area. Every building, and every business with a separate,
- 972 ground floor, street-side entrance, shall display an address sign that is clearly
- 973 visible from the street. Buildings that have rear door access to an alley or parking
- 974 lot shall also display an address sign that is clearly visible from the alley or
- 975 parking lot.
- 976 ~~(6) Public service signs: Only if approved by the Town Commission.~~
- 977 (57) Window signs: No more than three window signs per window, placed in first floor
- 978 windows; in second floor windows, only one window sign for each business
- 979 which has its entrance from the second floor or a stairway only.
- 980 (68) Temporary political signs.
- 981 (79) In addition, each office building, separate storefront business, or other non-
- 982 residential use ~~restaurant, church, assembly hall, school or other building~~ may
- 983 display no more than two of the following permanent signs, with a combined total
- 984 sign area of not more than 32 square feet per street frontage, and the total sign
- 985 area of all signs attached to a building shall not exceed 15 percent of the area of
- 986 the building facade. In the case of a building with a flat roof, the area of the
- 987 building face shall be measured from the elevation of the nearest sidewalk or

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988 crown of the road to either the deck of a flat roof or top of the parapet wall,  
989 whichever is higher. In the case of a building with a sloped roof, the area of the  
990 building face shall be measured from elevation of the nearest sidewalk or crown  
991 of the road to the midpoint of a sloped roof. (Multiple businesses occupying a  
992 single storefront bay must share the permitted total number and sign area of  
993 signs.) If a store front business takes over the entire adjoining store front space  
994 vacated by another business, then that new business is entitled to either 16  
995 additional square feet of wall or awning sign area, or if the store front business is  
996 taking over an entire adjoining store front space vacated by another business, the  
997 new business may use the existing roof signage that the old business used  
998 provided that the structure of the roof sign is not altered:  
999

- 1000 a. Canopy or awning signs: With a sign height no greater than 18 feet.
- 1001 b. Directory signs: one sign per street frontage for a multi-tenant office,  
1002 multi-tenant retail or governmental building only.
- 1003 c. Hanging: With a sign height no greater than 18 feet.
- 1004 d. Changeable copy signs: With a sign height no greater than 18 feet.
- 1005 e. Monument signs: one sign with one or two faces per street frontage, only  
1006 on a plot with 200 or more feet of continuous frontage on the same street.
- 1007 f. Pole or pylon signs (if legal non-conforming signs): No new pole or pylon  
1008 sign may be erected after ~~the effective date of this article~~ March 27, 2001  
1009 unless it is a replacement sign meeting the requirements of this article.
- 1010 g. Roof signs: Only when wall or awning signs are not feasible, and not if a  
1011 legal non-conforming pole or pylon sign exists ~~is placed~~ on the same  
1012 property.
- 1013 h. Wall signs: With a sign height no greater than 35 feet. A single tenant  
1014 building may combine a permitted wall sign and building identification  
1015 sign into a single wall sign not exceeding 48 square feet in sign area.

1016  
1017 (812) In addition, no more than two of the following temporary signs, including any  
1018 exempt temporary signs, shall be permitted on any single business or plot at the  
1019 same time:

- 1020
- 1021 a. Temporary announcing signs: one sign per plot;
- 1022 b. Temporary contractor signs: one sign per plot;
- 1023 c. Temporary portable advertising signs for businesses adjoining a roadway  
1024 under construction: one sign per frontage of a street under construction,  
1025 not exceeding 16 square feet in sign size, allowed in the business and  
1026 motel districts, to be posted adjacent to the road right-of-way during the  
1027 period of road construction;
- 1028 d. Temporary real estate signs;
- 1029 e. Temporary special event signs: two signs per block;
- 1030 f. Temporary banner ~~and pennant~~ sign;
- 1031 ~~g. Temporary off premises signs;~~
- 1032

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- 1033 (d) *CF and SP districts*. Only the following types of signs are permitted within the CF and  
1034 SP districts, subject to the limitations and requirements contained in the definitions and  
1035 restrictions by sign type and the general design standards sections of these regulations,  
1036 and subject to the additional limitations stated below:  
1037
- 1038 (1) Informational, directional and traffic control signs.  
1039 (2) Name and address signs: One occupant name sign per building, excluding any  
1040 exempt rear door name sign, to be placed on the building and not to exceed two  
1041 square feet in sign area. One occupant address sign per address, excluding any  
1042 exempt rear door address sign, to be placed on the building or mail box and not to  
1043 exceed two square feet in sign area. One building address sign per building to be  
1044 placed on the building and not to exceed a total of six square feet of sign area.  
1045 Every building shall display an address sign that is clearly visible from the street.  
1046 Buildings that have rear door access to an alley or parking lot shall also display an  
1047 address sign that is clearly visible from the alley or parking lot.
- 1048 ~~(3) Public service signs: Only if approved by the Town Commission.~~  
1049 (4) Window signs: one window sign per street frontage, placed in first floor windows  
1050 only.  
1051 (5) In addition, each building may display no more than two of the following  
1052 permanent signs, with a combined total sign area of not more than 32 square feet  
1053 per street frontage, and the total sign area of all signs attached to a building shall  
1054 not exceed 15 percent of the area of the building facade. In the case of a building  
1055 with a flat roof, the area of the building face shall be measured from the elevation  
1056 of the nearest sidewalk or crown of the road to either the deck of a flat roof or top  
1057 of the parapet wall, whichever is higher. In the case of a building with a sloped  
1058 roof, the area of the building fact shall be measured from elevation of the nearest  
1059 sidewalk or crown of the road to the midpoint of a sloped roof:  
1060
- 1061 a. Building or development identification signs: With a sign height no  
1062 greater than 35 feet.
  - 1063 b. Canopy or awning signs: With a sign height no greater than 18 feet.
  - 1064 c. Directory signs: For a multi-tenant building only, and with a sign height  
1065 no greater than 12 feet.
  - 1066 d. Hanging signs: With a sign height no greater than 18 feet.
  - 1067 e. Changeable copy signs: With a sign height no greater than 18 feet.
  - 1068 f. Monument signs: one sign with one or two faces per street frontage, only  
1069 on a plot with 200 or more feet of continuous frontage on the same street.
  - 1070 g. Wall signs: With a sign height no greater than 35 feet.
- 1071
- 1072 (6) In addition, no more than two of the following temporary signs, including any  
1073 exempt temporary signs, shall be permitted on any single plot at the same time:  
1074
- 1075 a. Temporary announcing signs: one sign per plot to be set back at least five  
1076 feet from any right-of-way or property line.
  - 1077 b. Temporary contractor signs: one sign per plot to be set back at least five  
1078 feet from any right-of-way or property line.

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- 1079 c. Temporary real estate signs: To be set back at least five feet from any
- 1080 right-of-way or property line.
- 1081 d. Temporary special event signs: two signs per block to be set back at least
- 1082 five feet from any right-of-way or property line.
- 1083 e. Temporary banner ~~and pennant~~ signs.
- 1084 f. ~~Temporary off premises signs.~~

\* \* \* \*

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

1088 created as follows:

\* \* \* \*

**Sec. 30-510. Severability**

1089  
1090  
1091  
1092 (a) The sections, paragraphs, sentences, clauses and phrases of this Article are severable, and  
1093 if any phrase, clause, sentence, paragraph or section of this Article shall be declared  
1094 unconstitutional or void or unenforceable by the valid judgment or decree of a court of  
1095 competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the  
1096 remaining phrases, clauses, sentences, paragraphs and sections of this Article.

1097  
1098 (b) This subsection shall not be interpreted to limit the effect of subsection (a) above, or any  
1099 other applicable severability provision in this Code or any adopting ordinance. The  
1100 Town Commission specifically intends that severability shall be applied to sign  
1101 regulations even if the result would be to allow less speech in the Town, whether by  
1102 subjecting currently exempt signs to permitting or by some other means.

1103  
1104 (c) This subsection shall not be interpreted to limit the effect of subsections (a) or (b) above, or  
1105 any other applicable severability provision in this Code or any adopting ordinance. The  
1106 Town Commission specifically intends that severability shall be applied to prohibited signs  
1107 so that each of the prohibited sign types listed in the Town Code in Section 30-505 and  
1108 Section 30-507 shall continue to be prohibited irrespective of whether another or any sign  
1109 prohibition is declared unconstitutional or invalid.

1110  
1111 (d) This subsection shall not be interpreted to limit the effect of subsections (a), (b) or (c) above,  
1112 or any other applicable severability provision in this Code or any adopting ordinance. The  
1113 Town Commission specifically intends that severability shall be applied to Section 30-505  
1114 and Section 30-507 of the sign regulations so that if all or any of such provisions are  
1115 declared unconstitutional or invalid by the final and valid judgment of any court of  
1116 competent jurisdiction, the Town Commission intends that such declaration shall not affect  
1117 any other prohibition on animated, flashing or billboard signs in the aforesaid sections.

\* \* \* \*

**ORDINANCE 2010-16**

1121           **SECTION 5. Codification.** This Ordinance shall be codified in accordance with the  
1122 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall  
1123 become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the  
1124 sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be  
1125 changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such  
1126 intentions.

1127           **SECTION 6. Severability.** If any section, sentence, clause, or phrase of this Ordinance is  
1128 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall  
1129 in no way affect the validity of the remaining portions of this Ordinance.

1130           **SECTION 7. Conflicting Ordinances.** All prior ordinances or resolutions or parts  
1131 thereof in conflict herewith are hereby repealed to the extent of such conflict.

1132           **SECTION 8. Effective Date.** This Ordinance shall become effective immediately  
1133 upon passage on second reading.

1134 Passed on the first reading, this \_\_\_\_ day of \_\_\_\_\_, 2011.

1135 Passed on the second reading, this \_\_\_\_ day of \_\_\_\_\_, 2011.

1136  
1137  
1138  
1139

\_\_\_\_\_  
Mayor Roseann Minnet

	First Reading	Second Reading
1140		
1141 Mayor Minnet	_____	_____
1142 Vice-Mayor Dodd	_____	_____
1143 Commissioner Clotney	_____	_____
1144 Commissioner Sasser	_____	_____
1145 Commissioner Vincent	_____	_____
1146		

1147 Attest:

1148 \_\_\_\_\_

**ORDINANCE 2010-16**

1149 Town Clerk, June White

1150 (CORPORATE SEAL)

1151 Approved as to form:

1152

1153

1154 Town Attorney, Susan L. Trevarthen

1155

## Exhibit 2

## 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.

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. Freney 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 Mehaffey 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. Freeney 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. Freeney'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. Freeney 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 permit 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. Freeney 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. Freney 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.

Mr. Freeney felt business looking to alter or create a new sign would first consult Town staff to determine what the parameters were with respect to designing the sign. He agreed the code should not be changed to accommodate a single applicant.

Vice Chair Brandt found it hard to differentiate white as a background color and when it was not used as one. He preferred to see the Board's views reflected as a redline strikeout in the draft for a vote.

Mr. Freeney recommended whatever color was used for the background should not be counted.

Mr. Wick concurred, stating the language could reflect the background color would not be counted as one of the three colors.

Vice Chair Brandt pointed out the language was being changed to permitting four-color signs, when white might not be one of them. He wished to either see striking the language that said "white should not count as a color" whether it was background or not, as from his perspective, all plastics began as white and the rest contained graphics.

Mr. Wick suggested taking out the language about white not being a color that was counted and replacing it with the following language: the background color of the sign would not be considered one of the three colors.

Town Attorney Mehaffey questioned what would happen if there were multiple colors in the background.

Mr. Wick responded one of the colors would be considered as the background color, and the others viewed as constituting the three allowable colors.

Mr. Freeney suggested the background color would be whichever of the colors took up the most space.

Vice Chair Brandt thought it better for the Board to leave the code pertaining to sign colors as is for the present and do a strikeout in the draft if so desired.

Mr. Wick mentioned, with regard to bench signs, Town staff should determine where the benches were throughout the Town.

Vice Chair Brandt wished to know if the sign ordinance was aimed at public signs and not government signs.

Mr. Bowman stated it went to line 339 where items of information were discussed.

Vice Chair Brandt sought clarification if Mr. Wick believed an entity should be allowed to install a bench and a sign and, if so, under what circumstances.

Mr. Wick suggested first looking at the bus stop signs and learning if Broward Transit or Lauderdale-By-The-Sea could earn revenue from the signs to help pay for its upkeep. If someone wished to put benches out, they probably had to get a variance and, at that point, the Board could review the matter.

Mr. Bowman referred the Board to line 498 where it discussed informational signs with governmental agencies being exempt from the regulations. The benches along Commercial Blvd. might be private, and there could be benches at County bus stops.

Vice Chair Brandt noted the Town or the County were welcome to examine bench signs as a source of revenue.

Mr. Yankwitt sought an example of what constituted a noncommercial bench sign.

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 Boards 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)