



Item No. _____

12.2.a

AGENDA ITEM REQUEST FORM

Town Manager & Development Services

Connie Hoffmann & Jeff Bowman

REGULAR
COMMISSION MTG
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

ROUNDTABLE
MEETING
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

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

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

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

- 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 – Second Reading |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

SUBJECT TITLE: Second Reading of Ordinance 2010-16 (Exhibit 1) Amendments to Chapter 30 Article VIII Sign Regulations

BACKGROUND:

On April 27, 2011 the Town Commission approved on first reading the proposed ordinance amending the sign code. The Commission asked for this item to be included on the May 10, 2011 roundtable for further discussion regarding Argenti Jewelry and Alley Oop's requests and for staff to propose standards regarding sandwich signs for Valet and Paid Private Parking.

At the May 10, 2011 Roundtable meeting, the Commission discussed the proposed amendments to the sign code and the recommendations of staff. The Commission agreed to move forward with the proposed amendments/recommendations for second reading on May 24, 2011 and address the items listed in the TO DO List when we process the second ordinance. The Commission approved criteria for sandwich signs for valets and paid parking has been included in the proposed ordinance (**Exhibit 1**) on page 18.

To Do List

During the processing of this Ordinance several items were identified for study in the next revision to the sign code. At the April 27, 2011, meeting, the Commission approved Resolution No. 2011-07, which extended the NOI for sign code revisions to December 2011 so that work can begin on a second ordinance that will include, but are not limited to, the following issues.

1. The P&Z Board recommended allowing sandwich signs for restaurants, retail, and personal services businesses in B1 and B1A and hotel and motel valet services in the RM-25 and RM-50 districts.
2. The P&Z Board recommended allowing pole signs as permitted signs for hotels and motels in the RM-25 and RM-50 zoning districts, subject to the previously existing placement criteria.
3. The P&Z Board recommended prohibiting the replacement of pylon signs.
4. At the April 12th 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



AGENDA ITEM REQUEST FORM

staff, they raised additional issues regarding non-conforming signs that we agree require further evaluation.

5. Consideration of the extent to which, and manner in which, we should accommodate signs in the Miami Modern style.
6. Explore and evaluate the possibilities of allowing signs on walls that do not front a street and signs/banner signs perpendicular to a wall that protrude more than 6" inches from the structure. (Argenti and Alley Oop requests - May 10, 2011 Roundtable).

STAFF RECOMMENDATION: We recommend approval of the ordinance with the sandwich sign amendment.

EXHIBITS: Exhibit 1: Sign Code Ordinance

Reviewed by Town Attorney

Yes No

Town Manager Initials CA

ORDINANCE 2010-16

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

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

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

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

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

ORDINANCE 2010-16

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

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

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

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

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

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

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

ORDINANCE 2010-16

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

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

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

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

63 **SECTION 2. Amendment.** Section 30-313 of Article V of Chapter 30 is hereby
64 amended¹ as follows:

65 **Sec. 30-313. - General provisions.**

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

* * *

70 (9) *Use, public areas.* It shall be unlawful for any person or group of persons
71 to use any public area, park, street or thoroughfare as the site or location
72 for the construction, erection, or installation of shuffleboard courts, tennis
73 courts, croquet courts, putting greens, outdoor fireplaces, or for any and all
74 similar physical installations of any kind, temporary or otherwise, without
75 express permission upon written application from the Town Commission.
76 Violation or failure to comply with this provision may incur the penalty
77 provided under section 1-12 and/or removal of such installation upon
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¹ Words in ~~strike through~~ type are deletions; words in underlined type are additions. Words in ~~double strikethrough~~ were deleted between first and second reading. Words in double underline were added between first and second reading.

ORDINANCE 2010-16

written prior notice. If approved, such use may be terminated or cancelled at any time by the Town Commission effective upon 30 days' written notice.

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

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

~~(12) *Variancees; 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.

ORDINANCE 2010-16

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:
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- 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:
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- 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.
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ORDINANCE 2010-16

- 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.

ORDINANCE 2010-16

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

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

Sec. 30-502. - Exempt signs.

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

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

ORDINANCE 2010-16

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

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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:

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- 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 (156) Pylon signs;
- 280 ~~(167) Roof signs;~~
- 281 (18) Sandwich signs for valet parking services and for paid private parking;
- 282 ~~(179) Subdivision and residential development identification signs;~~
- 283 ~~(1820) Wall signs; and~~
- 284 ~~(1924) Window signs.~~

285

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

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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:

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- 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~~

ORDINANCE 2010-16

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;

309 (11) Window neon signs.

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

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

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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.

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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.

ORDINANCE 2010-16

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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~~

ORDINANCE 2010-16

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

ORDINANCE 2010-16

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

ORDINANCE 2010-16

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:*

ORDINANCE 2010-16

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

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

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

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

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

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

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

ORDINANCE 2010-16

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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.

ORDINANCE 2010-16

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

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

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

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

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

ORDINANCE 2010-16

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.~~

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ORDINANCE 2010-16

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 28” by 36”~~ 16 square feet in size ~~and shall be no taller than four feet in height~~. The
730 sandwich sign may only be utilized for a licensed valet establishment and for paid private
731 parking but for no other purpose. ~~A sandwich sign shall not be placed in a right of way, but may~~
732 ~~be placed on private property. A sandwich sign may be erected only during the hours of~~
733 ~~operation of the establishment.~~ Sandwich signs shall also comply with the following.

734

735 1) The sign and letters shall be manufactured. Hand written signs are prohibited.

736

737 2) The sign shall be constructed of weather resistant and fade resistant materials and
738 shall not contain foil, mirrors, bare metal or other reflective materials that could
739 create hazardous conditions to motorists.

740

741 3) The sign shall not contain lights of any kind or streamers, balloons, ribbons,
742 pennants, wind socks or other similar devices designed to move in the wind.

743

744 4) The sign shall be placed on private property only. If the sign is placed in an area
745 open to pedestrians, the sign shall be located such that a clear pedestrian walkway
746 or path of at least four (4) feet is maintained, free of obstruction.

747

748 5) The sign shall not be placed so as to obstruct vehicular traffic sight distance triangle
749 requirements.

750

751 6) The sign may be erected only during the hours of operation of the establishment
752 when the business or service is open to the public.

753

754 7) The sign shall be removed when winds are strong enough to move the sign.

755

756

757 *Sign:* Any device, fixture, placard, or structure that uses any color, form, graphic, illumination,
758 symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or
759 entity, or to communicate information to the public. ~~The flag of the United States of America is~~

ORDINANCE 2010-16

760 entity, or to communicate information to the public. ~~The flag of the United States of America is~~
761 ~~not a sign in any context. Non-commercial flags are not signs. Other flags or pennants shall be~~
762 ~~regulated as signs.~~ Non-commercial pPaintings or murals displayed for purely decorative,
763 historical or architectural purposes are not signs. A mural containing advertising, text or logo's,
764 or copyrighted, trademarked or service marked characters, objects or products advertised in print
765 or media advertising is a sign. Architectural lighting designed to illuminate building walls,
766 architectural features or landscaping is not a sign. Strip or string lighting placed in or around
767 windows is a prohibited sign.

768

769 *Sign area:* The area of a square or rectangle encompassing all of the text, copy, symbols and
770 logos displayed on a sign. The total sign area of all signs attached to the wall, canopy and/or
771 awnings of a building face shall not exceed 15 percent of the area of that building face. In the
772 case of a building with a flat roof, the area of the building face shall be measured from the
773 elevation of the nearest sidewalk or crown of the road to either the deck of a flat roof or the top
774 of the parapet wall, whichever is higher. In the case of a building with a sloped roof, the area of
775 the building face shall be measured from the elevation of the nearest sidewalk or crown of the
776 road to the midpoint of a sloped roof. The sign area of a double-faced sign, with identical faces
777 mounted on opposite sides of the same sign panel or box, is the area of only one of the two
778 identical faces.

779

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

782

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

786

- 787 (1) The sign letter size may be increased by one inch for each 25 feet that the sign is
788 setback from nearest street right-of-way;
- 789 (2) The sign letter size may be increased by one inch for each 25 feet above the
790 elevation of the nearest sidewalk or roadway that the sign is mounted; and
- 791 (3) In a sign with both upper and lower case letters, the maximum letter size of one
792 upper case letter in each word may be increased 20 percent provided that the letter
793 size of the lower case letters is reduced 20 percent.

794

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

797

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

801

802 *Special event sign:* A temporary sign placed by the Town, a community service organization,
803 homeowners association or condominium association announcing an upcoming community
804 event, special meeting or election. A special event sign shall not exceed 32 square feet in size,
805 shall not be posted for more than 14 days. A temporary sign permit for a special event sign shall

ORDINANCE 2010-16

806 not be issued for the same property or location more than four times per year without the
807 approval of the Town Commission.

808

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

819

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

826

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

831

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

838

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

842

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

846

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

848

849 *Window:* For the purpose of these regulations, a window shall be defined as that portion of a first
850 or second floor facade consisting of a transparent, glass-like material designed to provide
851 viewing of the interior from the exterior of the building and which shall be no less than 75

ORDINANCE 2010-16

852 percent transparent from the exterior. The area of a single window includes contiguous window
853 panels separated by dividers less than six inches in width. Contiguous window panels separated
854 by dividers greater than six inches in width, separated by a doorway or separated by the corner of
855 a building shall be considered separate windows. A glass door or pair of doors shall be
856 considered a separate window.

857
858 *Window sign:* A sign attached to or placed within ten feet of the inside of a window and oriented
859 toward the window. No more than three window signs of any type shall be displayed in any
860 single window. A bulletin board, displayed inside a window, and upon which notices,
861 advertisements, specials, listings and the like are posted, shall be considered a single window
862 sign. A window sign shall not exceed 15 square feet in sign size. Window signs shall not obstruct
863 more than 25 percent of the total area of the window within which it is placed. Merchandise in
864 display windows shall not be considered window signs. Customary price tags and labels not
865 exceeding 15 square inches each in size on merchandise in display windows shall not be
866 considered window signs.

867
868 **Sec. 30-508. – Sign regulations by zoning district.**

869
870 (a) *RS-5 and RD-10 districts.* Only the following types of signs are permitted within the RS-
871 5 and RD-10 zoning districts, subject to the limitations and requirements contained in the
872 definitions and restrictions by sign type and the general design standards sections of these
873 regulations, and subject to the additional limitations stated below:

- 874
875 (1) Private informational, directional and traffic control signs.
876 (2) Name and address signs: one resident name sign per dwelling unit, including any
877 exempt name sign, to be placed on the building and not to exceed two square feet
878 in sign area. One address sign per address, including any exempt address sign,
879 shall be placed on the building, fence, wall or mail box, be visible from the street
880 and shall not exceed two square feet in sign area.
881 ~~(3) Public service signs: Only if approved by the Town Commission.~~
882 (34) Subdivision and residential development identification signs: Only if location and
883 other aspects of such signs has been previously approved by the Town
884 Commission pursuant to site plan approval procedures.
885 (45) Temporary political signs: To be set back at least five feet from any right-of-way
886 or property line.
887 (56) In addition, no more than two of the following temporary signs, including any
888 exempt temporary signs, shall be permitted on any single plot at the same time:
889
890 a. Temporary contractor signs: one sign per plot to be set back at least five
891 feet from any right-of-way or property line.
892 ~~b. Temporary garage sale or moving sale signs: one sign per plot, no larger~~
893 ~~than four square feet in size and displayed on the premises for no more~~
894 ~~than two days and no more than twice per year to be set back at least five~~
895 ~~feet from any right-of-way or property line.~~
896 be. Temporary real estate signs: To be set back at least five feet from any
897 right-of-way or property line.

ORDINANCE 2010-16

898 cd. Temporary special event signs: two signs per neighborhood to be set back
899 at least five feet from any right-of-way or property line.
900

901 (b) *RM-25 and RM-50 districts.* Single-family and duplex residences and plots located in the
902 RM-25 district shall be subject to the sign regulations as listed for the RS-5 and RD-10
903 districts listed above.
904

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

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

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

912 (23) Name and address signs: One resident name sign per dwelling unit, including any
913 exempt name sign, to be placed on the dwelling unit and not to exceed two square
914 feet in sign area. One occupant address sign per address, including any exempt
915 address sign, to be placed on the building or mail box and not to exceed two
916 square feet in sign area. One building address sign per building to be placed on
917 the building and not to exceed a total of six square feet of sign area. Every
918 building shall display an address sign that is clearly visible from the street.
919 Buildings that have rear door access to an alley or parking lot shall also display an
920 address sign that is clearly visible from the alley or parking lot.

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

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

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

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

928 (68) In addition, each multifamily or hotel, motel, apartment building, condominium,
929 group home, church, school or other non-residential use may display no more than
930 two of the following permanent signs, with a combined total sign area of not more
931 than 32 square feet, per street frontage, and the total sign area of all signs attached
932 to the wall, canopy and/or awnings of a building face shall not exceed 15 percent
933 of the area of the building facade. In the case of a building with a flat roof, the
934 area of the building face shall be measured from the elevation of the nearest
935 sidewalk or crown of the road to either the deck of a flat roof or top of the parapet
936 wall, whichever is higher. In the case of a building with a sloped roof, the area of
937 the building face shall be measured from elevation of the nearest sidewalk or
938 crown of the road to the midpoint of a sloped roof. If a hotel or motel takes over
939 an adjoining hotel or motel, then the combined hotel or motel is entitled to 16
940 additional square feet of separate wall or awning sign area; the existing signs shall
941 not be increased in size by this additional footage.
942

ORDINANCE 2010-16

- 943 a. Building or development identification signs: one sign per building per
- 944 street frontage, with a sign height no greater than 35 feet.
- 945 b. Canopy or awning signs: With a sign height no greater than 18 feet.
- 946 c. Hanging sign: one sign per building per street frontage, with a sign height
- 947 no greater than 18 feet.
- 948 d. Changeable copy signs: one sign per street frontage, with a sign height no
- 949 greater than 18 feet.
- 950 e. Monument signs: one sign with one or two faces per street frontage, only
- 951 on a plot with 200 or more feet of continuous frontage on the same street.
- 952 f. Pole or pylon signs: Limited to hotels, motels, apartment buildings and
- 953 condominiums only and to one sign per street frontage per property.
- 954 g. Wall signs: With a sign height no greater than 35 feet.
- 955

956 (89) In addition, no more than two of the following temporary signs, including any
 957 exempt temporary signs, shall be permitted on any single business or plot at the
 958 same time:

- 960 a. Temporary announcing sign: one sign per plot to be set back at least five
- 961 feet from any right-of-way or property line.
- 962 b. Temporary contractor signs: one sign per plot to be set back at least five
- 963 feet from any right-of-way or property line.
- 964 c. ~~Temporary garage sale or moving sale signs: one sign per plot, no larger~~
- 965 ~~than four square feet in size and displayed on the premises for no more~~
- 966 ~~than two days and no more than twice per year to be set back at least five~~
- 967 ~~feet from any right-of-way or property line.~~
- 968 d. Temporary portable advertising signs for businesses adjoining a roadway
- 969 under construction: one sign per frontage of a street under construction,
- 970 not exceeding 16 square feet in sign size, to be posted adjacent to the road
- 971 right-of-way during the period of road construction.
- 972 e. Temporary real estate signs: To be set back at least five feet from any
- 973 right-of-way or property line.
- 974 f. Temporary special event signs: two signs per block to be set back at least
- 975 five feet from any right-of-way or property line.
- 976

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

- 982 (1) ~~One dive flag at a bona fide dive shop and three bona fide flags at a travel agency~~
- 983 ~~or foreign cuisine restaurant, not exceeding 15 square feet in size each.~~
- 984 (12) Building or development identification signs: one sign per building per street
- 985 frontage with a sign area of no more than 32 square feet and with a sign height no
- 986 greater than 35 feet.
- 987 (23) Private informational, directional and traffic control signs.
- 988 (34) Menu board sign: one sign per licensed restaurant per street frontage.

ORDINANCE 2010-16

- 989 (45) Name and address signs: One occupant name sign per dwelling unit or business,
990 excluding any exempt rear door name sign, to be placed on the dwelling unit or
991 business and not to exceed two square feet in sign area; one occupant address sign
992 per address, excluding any exempt rear door address sign, to be placed on the
993 building or mail box and not to exceed two square feet in sign area; one building
994 address sign per building to be placed on the building and not to exceed a total of
995 six square feet of sign area. Every building, and every business with a separate,
996 ground floor, street-side entrance, shall display an address sign that is clearly
997 visible from the street. Buildings that have rear door access to an alley or parking
998 lot shall also display an address sign that is clearly visible from the alley or
999 parking lot.
- 1000 ~~(6) Public service signs: Only if approved by the Town Commission.~~
- 1001 (57) Window signs: No more than three window signs per window, placed in first floor
1002 windows; in second floor windows, only one window sign for each business
1003 which has its entrance from the second floor or a stairway only.
- 1004 (68) Temporary political signs.
- 1005 (79) In addition, each office building, separate storefront business, or other non-
1006 residential use restaurant, church, assembly hall, school or other building may
1007 display no more than two of the following permanent signs, with a combined total
1008 sign area of not more than 32 square feet per street frontage, and the total sign
1009 area of all signs attached to a building shall not exceed 15 percent of the area of
1010 the building facade. In the case of a building with a flat roof, the area of the
1011 building face shall be measured from the elevation of the nearest sidewalk or
1012 crown of the road to either the deck of a flat roof or top of the parapet wall,
1013 whichever is higher. In the case of a building with a sloped roof, the area of the
1014 building face shall be measured from elevation of the nearest sidewalk or crown
1015 of the road to the midpoint of a sloped roof. (Multiple businesses occupying a
1016 single storefront bay must share the permitted total number and sign area of
1017 signs.) If a store front business takes over the entire adjoining store front space
1018 vacated by another business, then that new business is entitled to either 16
1019 additional square feet of wall or awning sign area, or if the store front business is
1020 taking over an entire adjoining store front space vacated by another business, the
1021 new business may use the existing roof signage that the old business used
1022 provided that the structure of the roof sign is not altered:
- 1023
- 1024 a. Canopy or awning signs: With a sign height no greater than 18 feet.
 - 1025 b. Directory signs: one sign per street frontage for a multi-tenant office,
1026 multi-tenant retail or governmental building only.
 - 1027 c. Hanging: With a sign height no greater than 18 feet.
 - 1028 d. Changeable copy signs: With a sign height no greater than 18 feet.
 - 1029 e. Monument signs: one sign with one or two faces per street frontage, only
1030 on a plot with 200 or more feet of continuous frontage on the same street.
 - 1031 f. Pole or pylon signs (if legal non-conforming signs): No new pole or pylon
1032 sign may be erected after the effective date of this article March 27, 2001
1033 unless it is a replacement sign meeting the requirements of this article.

ORDINANCE 2010-16

1034 g. Roof signs: Only when wall or awning signs are not feasible, and not if a
1035 legal non-conforming pole or pylon sign exists is placed on the same
1036 property.

1037 h. Wall signs: With a sign height no greater than 35 feet. A single tenant
1038 building may combine a permitted wall sign and building identification
1039 sign into a single wall sign not exceeding 48 square feet in sign area.

1040
1041 (812) In addition, no more than two of the following temporary signs, including any
1042 exempt temporary signs, shall be permitted on any single business or plot at the
1043 same time:

1044

1045 a. Temporary announcing signs: one sign per plot;

1046 b. Temporary contractor signs: one sign per plot;

1047 c. Temporary portable advertising signs for businesses adjoining a roadway
1048 under construction: one sign per frontage of a street under construction,
1049 not exceeding 16 square feet in sign size, allowed in the business and
1050 motel districts, to be posted adjacent to the road right-of-way during the
1051 period of road construction;

1052 d. Temporary real estate signs;

1053 e. Temporary special event signs: two signs per block;

1054 f. Temporary banner and pennant sign;

1055 ~~g. Temporary off-premises signs;~~

1056

1057 (d) *CF and SP districts.* Only the following types of signs are permitted within the CF and
1058 SP districts, subject to the limitations and requirements contained in the definitions and
1059 restrictions by sign type and the general design standards sections of these regulations,
1060 and subject to the additional limitations stated below:

1061

1062 (1) Informational, directional and traffic control signs.

1063 (2) Name and address signs: One occupant name sign per building, excluding any
1064 exempt rear door name sign, to be placed on the building and not to exceed two
1065 square feet in sign area. One occupant address sign per address, excluding any
1066 exempt rear door address sign, to be placed on the building or mail box and not to
1067 exceed two square feet in sign area. One building address sign per building to be
1068 placed on the building and not to exceed a total of six square feet of sign area.
1069 Every building shall display an address sign that is clearly visible from the street.
1070 Buildings that have rear door access to an alley or parking lot shall also display an
1071 address sign that is clearly visible from the alley or parking lot.

1072 ~~(3) Public service signs: Only if approved by the Town Commission.~~

1073 (4) Window signs: one window sign per street frontage, placed in first floor windows
1074 only.

1075 (5) In addition, each building may display no more than two of the following
1076 permanent signs, with a combined total sign area of not more than 32 square feet
1077 per street frontage, and the total sign area of all signs attached to a building shall
1078 not exceed 15 percent of the area of the building facade. In the case of a building
1079 with a flat roof, the area of the building face shall be measured from the elevation

ORDINANCE 2010-16

1080 of the nearest sidewalk or crown of the road to either the deck of a flat roof or top
1081 of the parapet wall, whichever is higher. In the case of a building with a sloped
1082 roof, the area of the building fact shall be measured from elevation of the nearest
1083 sidewalk or crown of the road to the midpoint of a sloped roof:

- 1084
- 1085 a. Building or development identification signs: With a sign height no
- 1086 greater than 35 feet.
- 1087 b. Canopy or awning signs: With a sign height no greater than 18 feet.
- 1088 c. Directory signs: For a multi-tenant building only, and with a sign height
- 1089 no greater than 12 feet.
- 1090 d. Hanging signs: With a sign height no greater than 18 feet.
- 1091 e. Changeable copy signs: With a sign height no greater than 18 feet.
- 1092 f. Monument signs: one sign with one or two faces per street frontage, only
- 1093 on a plot with 200 or more feet of continuous frontage on the same street.
- 1094 g. Wall signs: With a sign height no greater than 35 feet.
- 1095

1096 (6) In addition, no more than two of the following temporary signs, including any
1097 exempt temporary signs, shall be permitted on any single plot at the same time:

- 1098
- 1099 a. Temporary announcing signs: one sign per plot to be set back at least five
- 1100 feet from any right-of-way or property line.
- 1101 b. Temporary contractor signs: one sign per plot to be set back at least five
- 1102 feet from any right-of-way or property line.
- 1103 c. Temporary real estate signs: To be set back at least five feet from any
- 1104 right-of-way or property line.
- 1105 d. Temporary special event signs: two signs per block to be set back at least
- 1106 five feet from any right-of-way or property line.
- 1107 e. Temporary banner and pennant signs.
- 1108 ~~f. Temporary off-premises signs.~~
- 1109

1110 * * * *

1111 **SECTION 4. Amendment.** Section 30-510 of Article VIII of Chapter 30 is hereby
1112 created as follows:

1113 * * * *

1114 **Sec. 30-510. Severability**

1115

1116 (a) The sections, paragraphs, sentences, clauses and phrases of this Article are severable, and
1117 if any phrase, clause, sentence, paragraph or section of this Article shall be declared
1118 unconstitutional or void or unenforceable by the valid judgment or decree of a court of
1119 competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the
1120 remaining phrases, clauses, sentences, paragraphs and sections of this Article.

1121

1122 (b) This subsection shall not be interpreted to limit the effect of subsection (a) above, or any
1123 other applicable severability provision in this Code or any adopting ordinance. The

ORDINANCE 2010-16

1124 Town Commission specifically intends that severability shall be applied to sign
1125 regulations even if the result would be to allow less speech in the Town, whether by
1126 subjecting currently exempt signs to permitting or by some other means.

1127
1128 (c) This subsection shall not be interpreted to limit the effect of subsections (a) or (b) above, or
1129 any other applicable severability provision in this Code or any adopting ordinance. The
1130 Town Commission specifically intends that severability shall be applied to prohibited signs
1131 so that each of the prohibited sign types listed in the Town Code in Section 30-505 and
1132 Section 30-507 shall continue to be prohibited irrespective of whether another or any sign
1133 prohibition is declared unconstitutional or invalid.

1134
1135 (d) This subsection shall not be interpreted to limit the effect of subsections (a), (b) or (c) above,
1136 or any other applicable severability provision in this Code or any adopting ordinance. The
1137 Town Commission specifically intends that severability shall be applied to Section 30-505
1138 and Section 30-507 of the sign regulations so that if all or any of such provisions are
1139 declared unconstitutional or invalid by the final and valid judgment of any court of
1140 competent jurisdiction, the Town Commission intends that such declaration shall not affect
1141 any other prohibition on animated, flashing or billboard signs in the aforesaid sections.

1142 * * * *

1143
1144 **SECTION 5. Codification.** This Ordinance shall be codified in accordance with the
1145
1146 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall
1147 become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the
1148 sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be
1149 changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such
1150 intentions.

1151 **SECTION 6. Severability.** If any section, sentence, clause, or phrase of this Ordinance is
1152 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
1153 in no way affect the validity of the remaining portions of this Ordinance.

1154 **SECTION 7. Conflicting Ordinances.** All prior ordinances or resolutions or parts
1155 thereof in conflict herewith are hereby repealed to the extent of such conflict.

1156 **SECTION 8. Effective Date.** This Ordinance shall become effective immediately
1157 upon passage on second reading.

ORDINANCE 2010-16

1158 Passed on the first reading, this ____ day of _____, 2011.

1159 Passed on the second reading, this ____ day of _____, 2011.

1160

1161

1162

1163

Mayor Roseann Minnet

1164

1165

1166

1167

1168

1169

1170

First Reading

Second Reading

Mayor Minnet

Vice-Mayor Dodd

Commissioner Clotey

Commissioner Sasser

Commissioner Vincent

1171 Attest:

1172

1173

Town Clerk, June White

1174

(CORPORATE SEAL)

1175

Approved as to form:

1176

1177

1178

Town Attorney, Susan L. Trevarthen

1179