



AGENDA ITEM MEMORADUM

Development Services

Linda Connors *lc*

Department

Town Planner

AB

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> Feb 28, 2012	Feb 17 th

*Subject to Change

- Presentation Reports Consent **Ordinance**
 Resolution **Quasi-Judicial** Old Business New Business

FY2011 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

SUBJECT TITLE: **Proposed Amendments to the Sign Code.**

EXPLANATION: The Commission authorized JC Consulting to proceed with Planning Priority #3 regarding the Town's sign code at its June 21, 2011 budget workshop and approved Resolution 2011-42 providing the public notice of the Town's intent to amend the sign code on November 29, 2011.

The proposed ordinance (**Exhibit 1**) incorporates a comprehensive reorganization of the existing Sign Code and adds definitions, diagrams and clarifying language to ensure that the code is clear, concise and a more user friendly document. Because the revisions to the sign code were extensive, the proposed ordinance (**Exhibit 1**) repeals the existing sign code and replaces it with the proposed code. However, to ensure the Town Commission and community can track the changes from the existing code, we have included a redlined version of the ordinance (**Exhibit 2**) for review purposes.

The amendments include two instances in which regulations have been changed for existing permitted signs. In the first instance, we increased the clearance requirement for hanging signs from 7' to 8' to more closely mirror current urban design standards; and in the second, we removed a provision allowing the increase of a capital letter up to 20% provided that the lowercase letter is decreased by 20%. The other amendments and additions we are proposing are outlined in a Summary Sign Code Amendment Table (**Exhibit 3**).

Since any change to the sign code is of great interest to the community, on January 12th we held two meetings specifically targeted to the business community to review the proposed amendments, hear the community comments and collect recommendations. About 25 people attended these meetings and their recommendations and staff's responses are outlined in **Exhibit 4**. Staff then presented the proposed code revisions (**Exhibit 5**) to the Planning and Zoning Board at its January 18th meeting. The Board passed a recommendation for approval (5-0) of the proposed sign code amendments with several suggested amendments that are outlined in the Summary Sign Code Amendment Table (**Exhibit 3**). Minutes from this meeting are attached (**Exhibit 6**). Planning staff agreed with all but two of the Planning and Zoning Board suggested changes. Those two changes that staff did not concur with the Board were:

1. To eliminate the criteria proposed to limit holiday lighting to 30 days before and two weeks after a holiday. (Currently holiday lighting is allowed, but it is not regulated in any manner.) Staff does feel it is desirable to have holiday lights up endlessly. After the P&Z Board's discussion, staff revised the proposed holiday lighting restrictions to a specific time period from November 15 through February 15th.
2. To conduct a study of electronic signage technology. Staff is opposed to electronic signage as we feel that this specific type of signage is not consistent with the small town, neighborly commercial characteristics of our business district.

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ORDINANCE NO. 2012-04

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE V. ZONING, TO DELETE AND REPLACE ARTICLE VIII. SIGN REGULATIONS IN ITS ENTIRETY, IN ORDER TO REORGANIZE THE EXISTING SIGN REGULATIONS FOR EASE OF USE AND INTERPRETATION AND TO REVISE AND CLARIFY DEFINITIONS, REQUIREMENTS AND STANDARDS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

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

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

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

WHEREAS, as long ago as 1954, the U.S. Supreme Court recognized that “the concept of the public welfare is broad and inclusive,” that the values it represents are “spiritual as well as physical, aesthetic as well as monetary,” and that it is within the power of the Town Commission to determine that the community should be beautiful as well as healthy, spacious as well as clean,

28 well-balanced as well as carefully patrolled,” in *Berman v. Parker*, 348 U.S. 26, 33 (1954), which
29 was followed by *State v. Miami Beach Redevelopment Agency*, 392 So. 2d 875 (Fla. 1980); and

30 **WHEREAS**, sign regulations have been held to advance these aesthetic purposes and
31 advance the public welfare in *City of Lake Wales v. Lamar Advertising Ass'n of Lakeland, Florida*,
32 414 So. 2d 1030 (Fla. 1982); and

33 **WHEREAS**, the Town Commission finds that portable moving signs create distractions for
34 drivers impacting the safety and welfare of pedestrians and drivers and further create an
35 aesthetically unpleasant atmosphere; and

36 **WHEREAS**, the courts have upheld regulations and bans on portable advertising. *Don's*
37 *Porta Signs, Inc. v. City of Clearwater*, 829 F.2d 1051 (11th Cir.1987) (upholding ban on display of
38 portable signs based on deposition testimony and photographs in record “confirming an unsightly
39 visual cluster”); *Harnish v. Manatee County*, 783 F.2d 1535, 1539 (11th Cir.1986) (finding ban on
40 portable signs satisfied the Central Hudson test, emphasizing that the governmental entity charged
41 with the responsibility of making determinations about aesthetics must be given discretion in
42 determining both the best method of achieving that goal and the degree of protection necessary; and

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

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

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

54 **WHEREAS**, Section 30-531 of the Code requires issuance of a Notice of Intent prior to
55 the processing of any amendment to the land development regulations in Chapter 30 of the Code,
56 and such notice was given of this amendment on November 29, 2011; and

57 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
58 reviewed this Ordinance at a duly noticed hearing on January 18, 2012, and recommended its
59 adoption with amendments; and

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

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

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68 **SECTION 1. Recitals.** The foregoing "Whereas" clauses are ratified and confirmed as
69 being true, correct and reflective of the legislative intent underlying this Ordinance and are
70 hereby made a specific part of this Ordinance.

107 below and are otherwise in conformance with this Article. Under certain circumstances these signs may
108 require a building permit or right-of-way encroachment permit. Contact the Town's Development
109 Services Department for permitting requirements prior to installing any of the signs listed below. Any
110 sign which does not meet the criteria of this section and is not specifically permitted elsewhere in this
111 Article, is prohibited.

112 **(1)** Any sign not visible from any street, property (other than the subject site), beach or water body;

113 **(2)** Any sign contained within a building and set back from any window at least ten feet;

114 **(3)** Customary price tags and labels not exceeding 15 square inches in size on merchandise in
115 display windows;

116 **(4)** Date/time and temperature indicator: one per plot, no larger than four square feet in size;

117 **(5)** Flags:

118 (a) On residential property up to a cumulative maximum of 40 square feet; and

119 (b) Up to four flags on non-residential property, up to a cumulative maximum not to exceed
120 one square foot of flag per linear foot of the front lot line.

121 **(6)** Seasonal lighting may be installed from November 15 of one year until February 15 of the
122 following year.

123 **(7)** Informational, wayfinding, directional, hazard and traffic control and similar signs installed by a
124 government agency;

125 **(8)** Legal notices required to be posted by law or ordinance;

126 **(9)** Name and address signs:

127 (a) Letters or numerals shall be no more than six inches in height;

128 (b) Each name and address sign shall not to exceed two square feet in sign area;

129 (c) Every building shall display an address sign that is clearly visible from the street;

130 (d) Buildings that have rear door access to an alley or parking lot shall also display an address
131 sign that is clearly visible from the alley or parking lot; and

132 (e) See additional regulations per zoning district, as provided in Sec. 30-508 Sign regulations by
133 zoning districts.

134 **(10)** "No admittance," "exit only" and similar signs applied onto or next to rear or emergency doors
135 with letters no more than six inches in height;

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137 **(11)** Noncommercial signs not to exceed a cumulative total area of sixteen (16) square feet per
138 property (residential or non-residential) or business establishment;

139 **(12)** "No parking," "no trespassing" and similar signs, and warning or danger signs, no larger than
140 four square feet in size, up to a cumulative maximum of four signs per property;

141 **(13)** Political Candidate and Election Issue signs:

- 142 (a) May not be erected upon public right-of-way or government-owned or leased property
143 except that political candidate and election issue signs may be placed on property at the
144 Town Municipal Complex on election day, subject to all state and federal restrictions;
145 (b) Shall be of a temporary nature and shall not exceed an overall size of two feet by three feet;
146 (c) The candidate, or in the case of the election issue sign the property owner, shall be
147 responsible for removing the signs within seven days after the date of the election;
148 (d) May not be erected or placed upon parkways, utility poles, or trees; and
149 (e) Must be set back at least five feet from any right-of-way or property line except in the B-1 or
150 B-1-A or B-1 Zoning Districts, no setback is required.

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152 **(14)** Real estate sign:

- 153 (a) The name and phone number of the person or company responsible for placing and
154 removing the sign shall be listed on the sign;
155 (b) Real estate signs located in residential zoning districts shall be no larger than 24 inches wide
156 by 18 inches high;
157 (c) When mounted upon the ground, with a frame or holder and post, the height of the frame
158 or holder and post shall not exceed 36 inches in height;
159 (d) Properties shall be limited to one real estate sign per street frontage and waterway;
160 (e) No real estate sign may be placed on public property or public right-of-way;
161 (f) Real estate signs placed on or for property which is for sale or lease, during a period of open
162 viewing ("open house" signs) may only be posted during the hours of the open house and
163 may only be posted on private property with the permission of the property owner;
164 (g) Shall be set back at least five feet from any right-of-way or property line; and
165 (h) "Handmade" or stenciled real estate signs are prohibited.

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167 **(15)** "Reserved," or similar lettering or numbers applied to parking space wheel stops;

168 **(16)** Signs required to be posted by a government regulation or law enforcement agency; and

169 **(17)** Temporary Special Event signs of any type used as part of a special community event or fair,
170 which has been specifically authorized by the Town Commission.

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

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

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176 **(1)** Automated Teller Machine (ATM) Signs;
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178 **(2)** Building or development identification signs;
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180 **(3)** Cabinet signs;
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181 **(4)** Canopy and awning signs;
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182 **(5)** Changeable copy signs;

- 183 (6) Directory sign;
- 184 (7) Hanging signs;
- 185 (8) Informational, wayfinding, directional and traffic control signs;
- 186 (9) Menu board signs;
- 187 (10) Monument signs;
- 188 (11) Multi-modal transportation information signs for Town-licensed multi-modal transportation
- 189 facilities located in rights of way;
- 190 (12) Name and address signs, not otherwise exempt;
- 191 (13) Neon signs,
- 192 (14) Painted signs;
- 193 (15) Pole signs;
- 194 (16) Pylon signs;
- 195 (17) Roof signs;
- 196 (18) Subdivision and residential development identification signs;
- 197 (19) Valet and paid private parking sandwich signs;
- 198 (20) Wall signs; and
- 199 (21) Window signs.

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

201 The following types of signs may be permitted within the Town as temporary signs, only in conformance
 202 with these regulations and after issuance of a temporary sign permit by the Development Services
 203 Department.

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 205 Unless otherwise addressed by this article, temporary signs shall be removed within seven days after the
 206 event to which they relate.

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- 208 (1) Announcing signs:
 - 209 (a) An announcing sign shall not exceed 32 square feet in size;
 - 210 (b) An announcing sign for a new business may be displayed from the date of issuance of a business
 - 211 tax receipt for a period not exceeding 30 consecutive days;
 - 212 (c) An announcing sign for a future development may be displayed from the date of approval of a
 - 213 site plan by the Town Commission or the issuance of a building permit when no site plan
 - 214 approval is required, until the issuance of the certificate of occupancy;

- 215 (d) An announcing sign for an upcoming event may be posted from 14 days prior to the event until
216 the day after the event;
217 (e) A temporary sign permit for an announcing sign shall not be issued more than twice per year for
218 the same business;
219 (f) Shall be setback at least five feet from any right-of-way or property line; and
220 (g) "Handmade" or stenciled announcing signs are prohibited.

221 **(2) Banner signs:**

- 222 (a) A banner sign shall not exceed 32 square feet in sign area;
223 (b) A temporary sign permit for one banner sign may be issued for a period not to exceed 14 days to
224 announce the opening of a business, a change of business name or an annual church event; and
225 (c) A temporary sign permit for use of banner signs shall not be required for a special community
226 event specifically authorized by the Town Commission.
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228 **(3) Contractor signs;**

- 229 (a) A contractor sign shall not exceed 16 square feet in size;
230 (b) Shall be set back at least five feet from any right-of-way or property line; and
231 (c) "Handmade" or stenciled contractor signs are prohibited.

232 **(4) Garage sale signs as provided in chapter 14.5, article I;**

233 **(5) Portable identification signs for a use fronting a roadway under construction:**

- 234 (a) Only allowed when associated with a non-residential use, to be posted adjacent to the road
235 right-of-way that is under construction during the period of road construction and must be
236 removed immediately upon completion of the road construction;
237 (b) The sign shall not exceed 16 square feet in area;
238 (c) The sign must have its own support structure;

239 **(6) Special event signs:**

- 240 (a) A special event sign shall not exceed 32 square feet in size;
241 (b) A special event sign shall not be posted for more than 14 days without the approval of the
242 Town Commission;
243 (c) A temporary sign permit for a special event sign shall not be issued for the same property or
244 location more than four times per year without the approval of the Town Commission;
245 (d) Shall be set back at least five feet from any right-of-way or property line; and
246 (e) A special event sign that is a banner sign shall also be subject to regulations for banners as
247 provided in this section.

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

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

250 **(1)** Animated or flashing signs,
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252 **(2)** Any sign not listed elsewhere in these regulations as an exempt, permitted or temporary sign;
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- 254 (3) Permanent balloon signs;
- 255 (4) Billboards/off-premises signs;
- 256 (5) Electronic signs;
- 257 (6) Internally illuminated, Transparent or Translucent Awnings or Canopies Used as Signs;
- 258 (7) Murals;
- 259 (8) Permanent banner signs;
- 260 (9) Portable moving signs;
- 261 (10) Private signs of any type placed upon Town property or upon public right-of-way unrelated to a
262 licensed use of the right-of-way;
- 263 (11) Signs placed upon benches, trash receptacles, newsracks or posted on a tree;
- 264 (12) Signs placed on any portion of the public beach, except regulatory or warning signs;
- 265 (13) Signs that do not meet the design, material and fabrication requirements of this article;
- 266 (14) Signs that produce or emit any type of sound or odor;
- 267 (15) Signs that could possibly be mistaken as traffic control signs/devices;
- 268 (16) Signs which no longer advertise or identify a business conducted, a service rendered or product
269 sold on the premises;
- 270 (17) Signs with unshielded lighting elements, except neon signs;
- 271 (18) Snipe signs;
- 272 (19) Stationary vehicle or trailer signs;
- 273 (20) Streamers, spinners, and feather signs; and
- 274 (21) Strip of string lighting in or around windows.

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276 **Sec. 30-506. - General design standards.** Illustrations are shown to provide interpretative assistance. In
277 the event of a conflict between the text and an illustration, the text shall prevail.

278 **(1) Area and Height Measurements:**

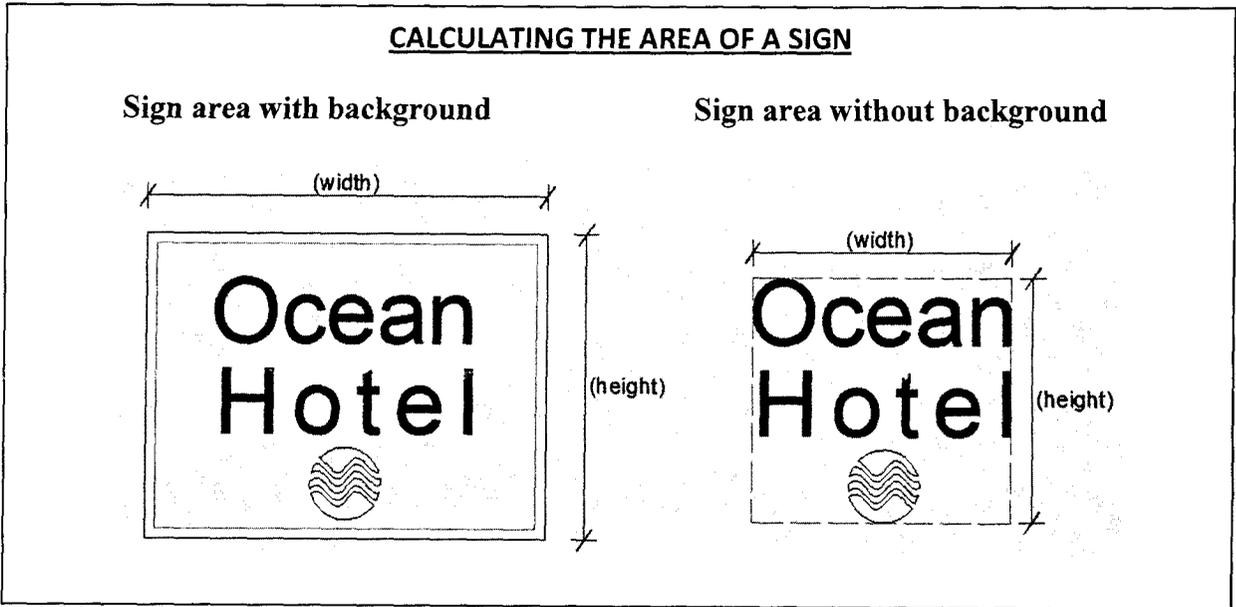
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280 (a) **Calculating the area of a sign when the sign contains a defined background:** The sign area is
281 calculated by determining the total number of square feet, including the surface of the sign,
282 which may include text, copy, symbols and logos, and any framing, trim or molding that is
283 definable as the sign background, but not including the supporting structure.

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(b) Calculating the area of a sign when the sign does not contain a defined background:

The sign area is calculated by determining the total number of square feet of the smallest area of a square or rectangle encompassing all of the text, copy, symbols and logos displayed on a sign.

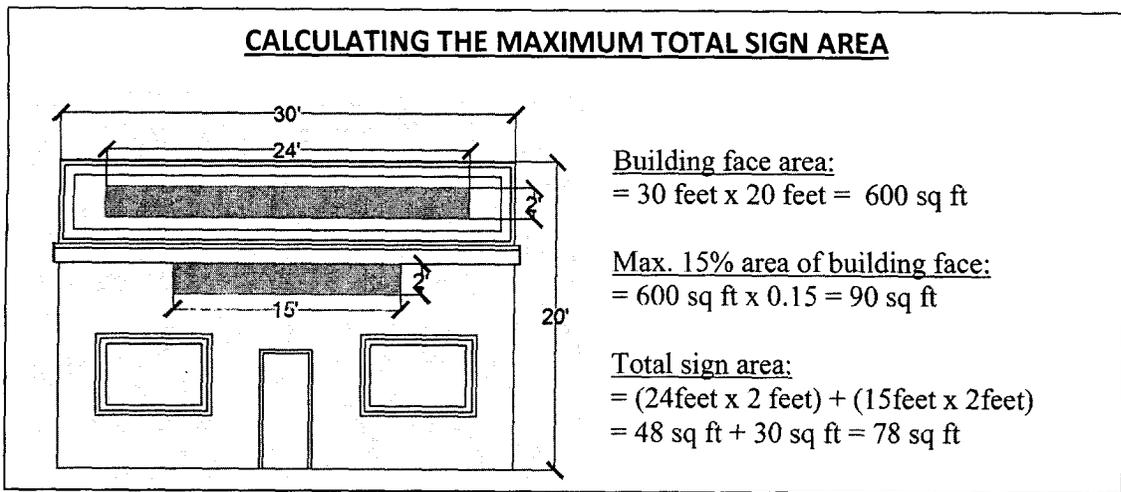


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(c) Supplemental Sign Area Regulations:

1. In no case shall the total sign area of all signs attached to the wall, canopy and/or awnings of a building face exceed 15 percent of the area of that building face.

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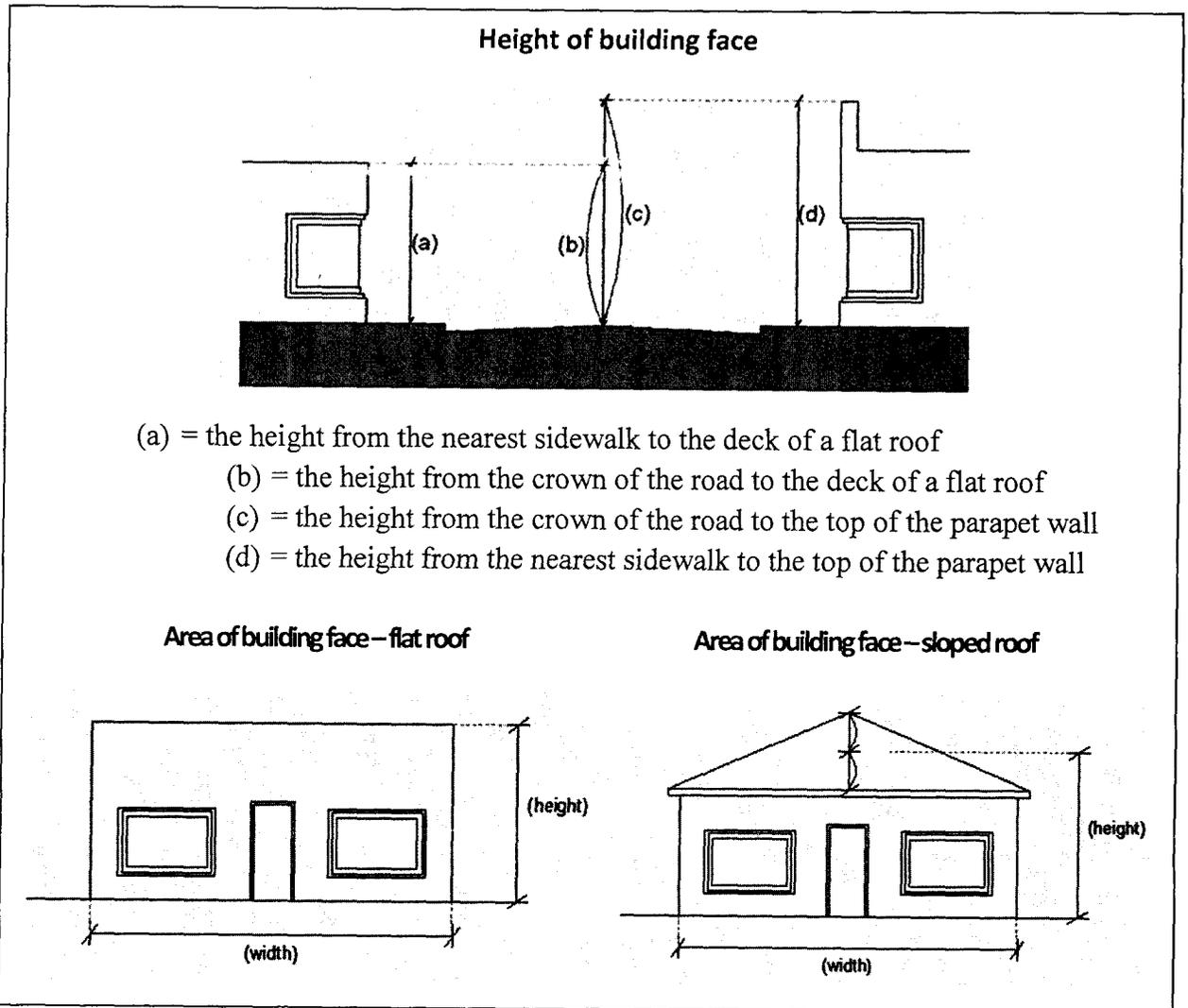
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2. In determining the sign area of a double-faced sign, which is a sign with identical faces mounted on opposite and parallel sides of the same sign, only one of the two identical faces shall be used to calculate the sign area.
3. The maximum area of a sign shall also be subject to the regulations as specified in Sec. 30-507, Restrictions and Standards by Sign Type, and Sec. 30-508, Sign Regulations by Zoning District.

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(d) Calculating the Area of a Building Face: The area of a building face shall be determined by multiplying the height of the building face by the width of the building face. In order to determine the area of a building face, the height of the building face shall be measured as follows:

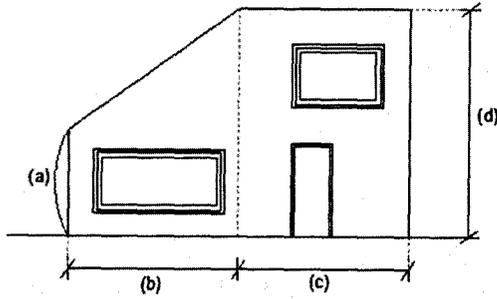
1. In the case of a building with a flat roof, the height of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road, whichever is higher, to either the deck of a flat roof or the top of the parapet wall, whichever is higher.
2. In the case of a building with a sloped roof, the height of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road, whichever is higher, to the midpoint of a sloped roof.



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3. In the case of a building with a combination of flat roof and sloped roofs, the height of the building face shall be measured for each area of roof type as described in d(1) and d(2) above, and the area of the building face shall be the combined sum as calculated for each portion of the building face.

Area of building face – combination of flat and sloped roof



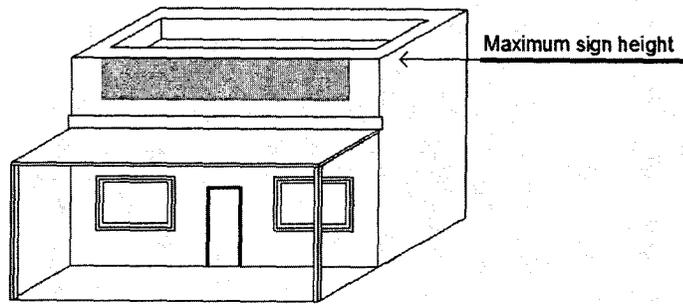
Area of building face:
 $= \left[\frac{(a) + (d)}{2} \times (b) \right] + [(c) \times (d)]$

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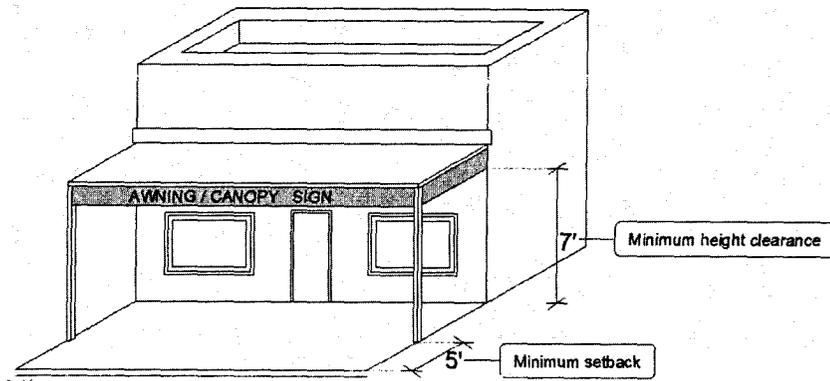
(e) Sign Height and Sign Height Clearance:

1. The height of a sign shall be measured from the elevation of the nearest sidewalk or crown of the road, whichever is higher, to the highest point of the sign area.
2. The maximum height of a sign and the minimum height clearance of a sign shall be as specified in Sec. 30-507, Restrictions and Standards by Sign Type, and Sec. 30-508, Sign Regulations by Zoning District.

SIGN HEIGHT



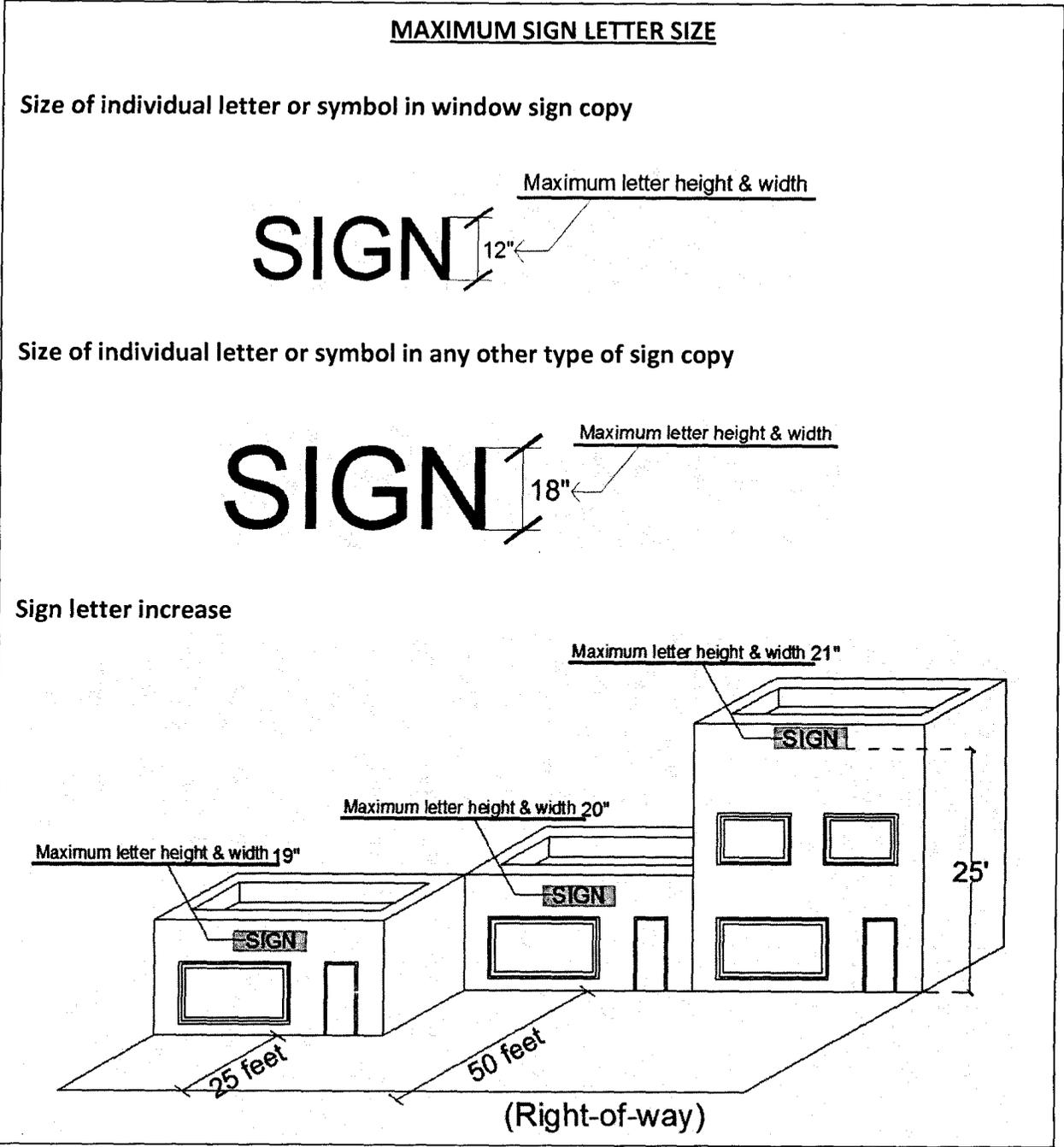
Example of sign height clearance - Canopy and Awning Sign



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(f) Maximum Sign letter size:

1. The size of an individual letter or symbol in any window sign shall not exceed 12 inches in height or width.
2. The size of an individual letter or symbol in any other type of sign copy shall not exceed 18 inches in height or width, except that:
 - a. The sign letter size may be increased by one inch for each 25 feet that the sign is setback from nearest street right-of-way; and
 - b. The sign letter size may be increased by one inch for each 25 feet above the elevation of the nearest sidewalk or crown of the road, whichever is higher, that the sign is mounted.



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352 **(2) Construction:**

- 353 (a) All permanent signs shall be constructed of durable, weather-resistant and fade-resistant
354 materials. All permanent signs shall be professionally constructed or manufactured.
355 (b) All permanent signs, except those on single-family and duplex lots, shall be installed by a
356 licensed contractor.
357 (c) All permanent signs shall be constructed and installed to conform to the requirements of the
358 building code.
359 (d) All temporary signs shall be constructed and installed in a workman-like manner, shall not pose
360 any safety hazard, and shall be removed upon the expiration of the temporary sign permit or
361 upon the issuance of a severe weather warning.
362 (e) A separate electrical permit is required for any illuminated sign.
363 (f) Stenciled signs are permitted for use as permanent signs.
364 (g) Professionally painted signs that are applied directly to the wall of a building face are permitted.

365 **(3) Colors:**

- 366 (a) No florescent, phosphorescent, iridescent or reflective colors or paint may be used in any sign,
367 except governmental informational, directional, traffic control or warning signs.
368 (b) Letters and numerals contained within the sign area of each individual sign shall be limited to
369 no more than three colors.
370 (c) White shall not be counted as a color when used as the background of the sign.
371 (d) All permanent signs on the same building shall use the same color scheme.
372 (e) Sign color(s) shall be compatible with the color(s) of any building or wall upon which the sign is
373 mounted.
374 (f) Any freestanding sign shall utilize the same color scheme of the building to which it is related.
375 (g) The actual color samples to be used, as well as written authority from the landlord or agent
376 (unless applicant is owner) to use the submitted colors and layout, must accompany all permit
377 applications.

378 **(4) Layout:**

- 379 (a) The size, location, and style of permanent signs shall be compatible with the buildings or
380 locations where they are placed
381 (b) Multiple signs of the same type for the same business shall be consistent in terms of location,
382 style, size and letter size.
383 (c) New hotel, motel, business, apartment buildings, condominiums and institutional buildings shall
384 be designed to incorporate locations for wall signage meeting the requirements of these
385 regulations as part of the overall design of the building.

386 **(5) Items of information:** The items of identification on permanent signs for the uses listed below shall
387 be limited to the following:

- 388 (a) Hotels and motels (no more than three of the following items of information on any one
389 permanent sign):

- 390 (b) Hotel or motel name, type of accommodation (i.e. suites, efficiencies, apartments, bed and
391 breakfast, resort or spa), telephone number, chain and travel club affiliations.
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- 393 (c) Address and vacancy/no vacancy information shall be permitted, in addition to the three
394 allowable items.
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- 396 (d) Retail, office and service businesses (no more than a cumulative total of three of the following
397 items of information on any one permanent sign): Business name, type of business, address,
398 telephone number and up to two of the products or services offered.
399
- 400 (e) Restaurants and lounges (no more than a cumulative total of three of the following items of
401 information on any one permanent sign): Business name, type of business, type of food or
402 beverage served, address, and telephone number.
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- 404 (f) Apartment buildings and condominiums (no more than a cumulative total of three of the
405 following items of information on any one permanent sign): Name of complex, telephone
406 number, and type of accommodations. Address and rental availability information shall be
407 permitted, in addition to the two allowable items.

408 **(6) Substitution clause:** It is not the purpose of this article to regulate or control the copy, content or
409 viewpoint of signs. Nor is it the intent of this article to afford greater protection to commercial speech
410 than to noncommercial speech. Any sign, display or device allowed under this article may contain, in lieu
411 of any other copy, any otherwise lawful noncommercial message that complies with all other
412 requirements of this article. The noncommercial message may occupy the entire sign area or any
413 portion thereof, and may substitute for or be combined with the commercial message. The sign message
414 may be changed from commercial to noncommercial, or from one noncommercial message to another,
415 as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign
416 continues to comply with all requirements of this article.

417 **(7) Sign illumination:**

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- 419 (a) Illuminated signs may be indirectly or internally illuminated.
- 420 (b) All lighting elements or bulbs must be fully recessed or shielded within opaque or translucent
421 covers.
- 422 (c) Wooden signs shall not be internally illuminated nor have electrical fixtures attached directly to
423 the sign panel.
- 424 (d) The intensity of illumination shall be limited to no more than 90 foot lamberts or ten foot-
425 candles within residential districts or if visible within 200 feet from first floor residential
426 property.
- 427 (e) The intensity of illumination shall be limited to no more than 150 foot lamberts or 25 foot-
428 candles if visible within 200 to 500 feet from first floor residential property.
- 429 (f) The intensity of illumination shall be limited to a maximum of 250 foot lamberts or 50 foot-
430 candles within nonresidential districts.

- 431 (g) All transformer boxes, outlets and conduits relating to sign illumination shall be screened from
- 432 exterior view.
- 433 (h) A separate electrical permit is required for any sign illumination.
- 434 (i) Architectural lighting designed to illuminate building walls, architectural features or landscaping
- 435 is a not regulated as a sign.

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437 **(8) Prohibiting Location of Signs in Sight Visibility Triangles and in Utility or Drainage Easements:** No

438 sign shall be located within any utility or drainage easement, or within any sight visibility triangle or safe

439 recovery area for a street.

440 **(9) Compliance with Section 17-9 Code of Ordinances Regulations:**

- 441 (a) All signs must comply with all other Town Code Regulations and permitting requirements.
- 442 (b) Any sign that extends over or is located within the public right-of-way must comply with Section
- 443 17-9 of the Code of Ordinances and must obtain a right-of-way encroachment permit approval
- 444 prior to applying for a sign permit.
- 445 (c) Any awning or canopy which extends over the right-of-way must comply with the requirements
- 446 of Section 30-326 of the Town Code.

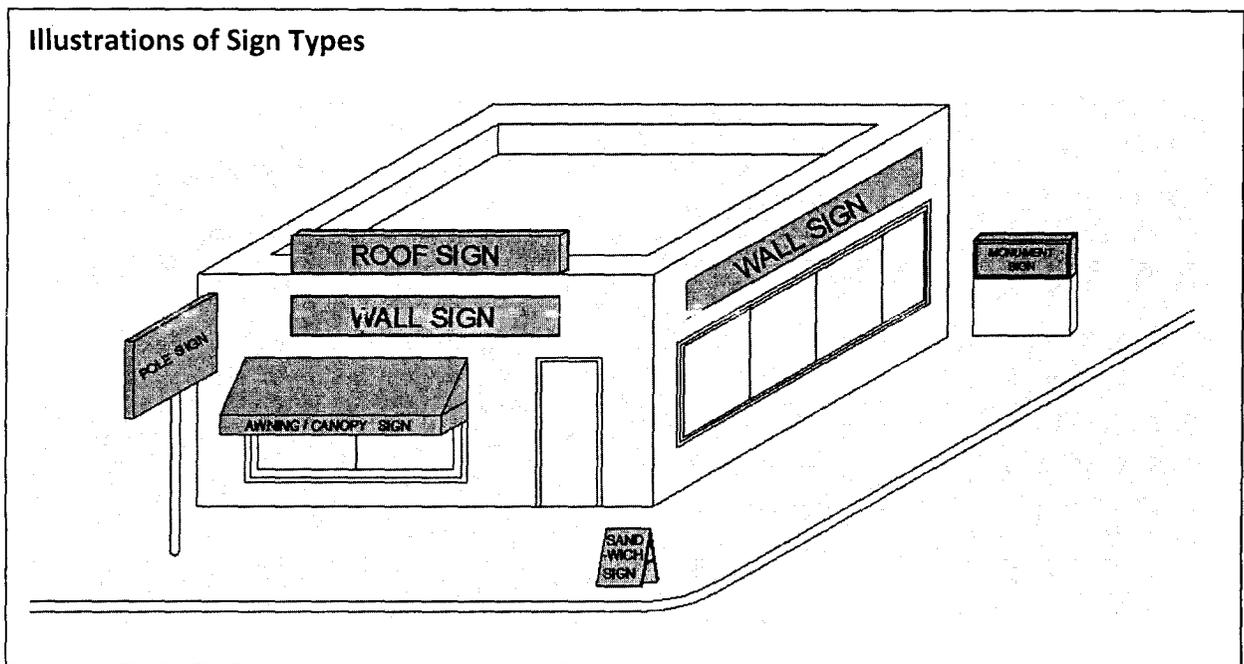
447

448 **Sec. 30-507. - Restrictions and Standards by Sign Type.** Illustrations are shown to provide interpretative

449 assistance. In the event of a conflict between the text and an illustration, the text shall prevail.

450 This section is intended to be used in conjunction with all of the applicable sign regulations and

451 standards provided in this Article VIII- Sign Regulations.



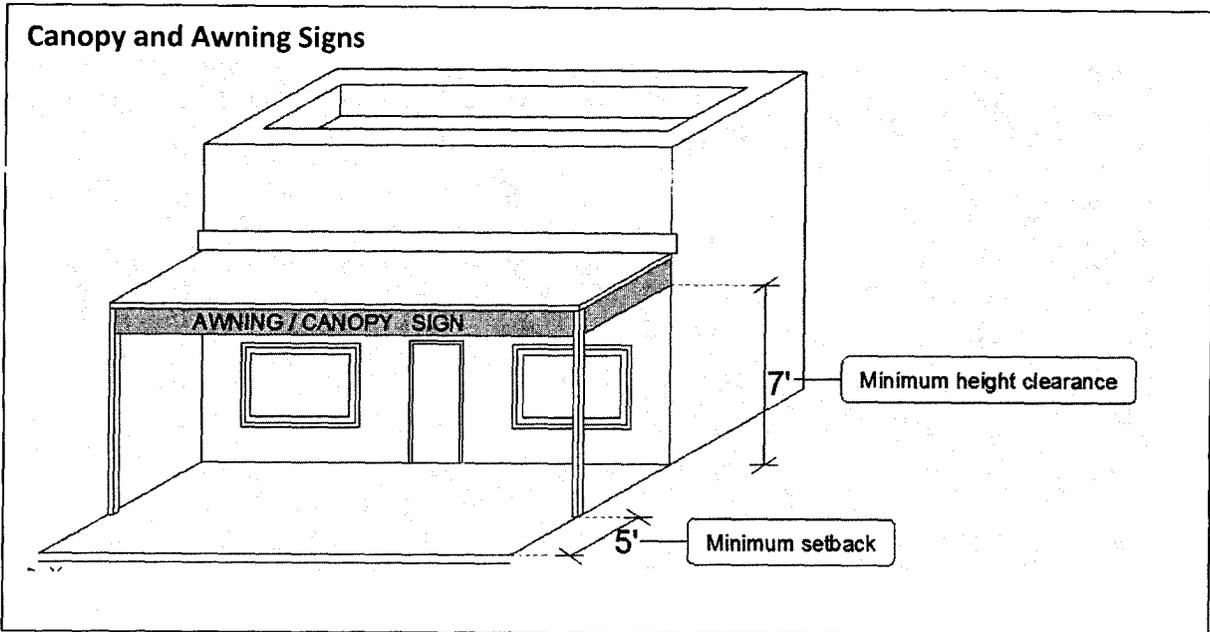
452

453 **(1) Automated Teller Machine (ATM) Sign:**

- 454 (a) When an ATM sign is attached to an ATM device and where such ATM device is located outside
- 455 of a building:

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1. One identification sign shall be allowed on each ATM device which sign must be architecturally integrated into the ATM device and shall not exceed two (2) square feet in area;
 2. The ATM sign height shall not extend more than 2 feet above the highest point of the ATM device;
 3. Advertising and instruction signs may be decals, but must be integrated into the design of the ATM device and cannot exceed one (1) square foot in area; and
 4. Shall be setback at least five feet from any right-of-way or property line.
- (b) When an ATM sign is not attached to an ATM device, an ATM sign shall comply with the standards of the applicable sign type as provided in this Article. For example, a neon ATM sign located in a window shall comply with the window neon sign standards of this Article VIII- Sign Regulations.
- (2) Awning sign:** See "canopy and awning sign."
- (3) Canopy and awning sign:**
- (a) Signs placed upon awnings may consist of fabric, or thermally applied letters, the copy of which shall not exceed the permitted wall sign area;
 - (b) Internally illuminated, transparent or translucent canopies and awnings used as signs are prohibited;
 - (c) Any canopy or awning must be fire-proofed;
 - (d) Any canopy or awning shall have at least seven feet of clearance above the sidewalk;
 - (e) Any canopy or awning shall be setback at least five feet from the edge of pavement of the adjoining street; and
 - (f) Any canopy or awning must comply with Section 30-326 of the Code of Ordinances prior to applying for a sign permit.



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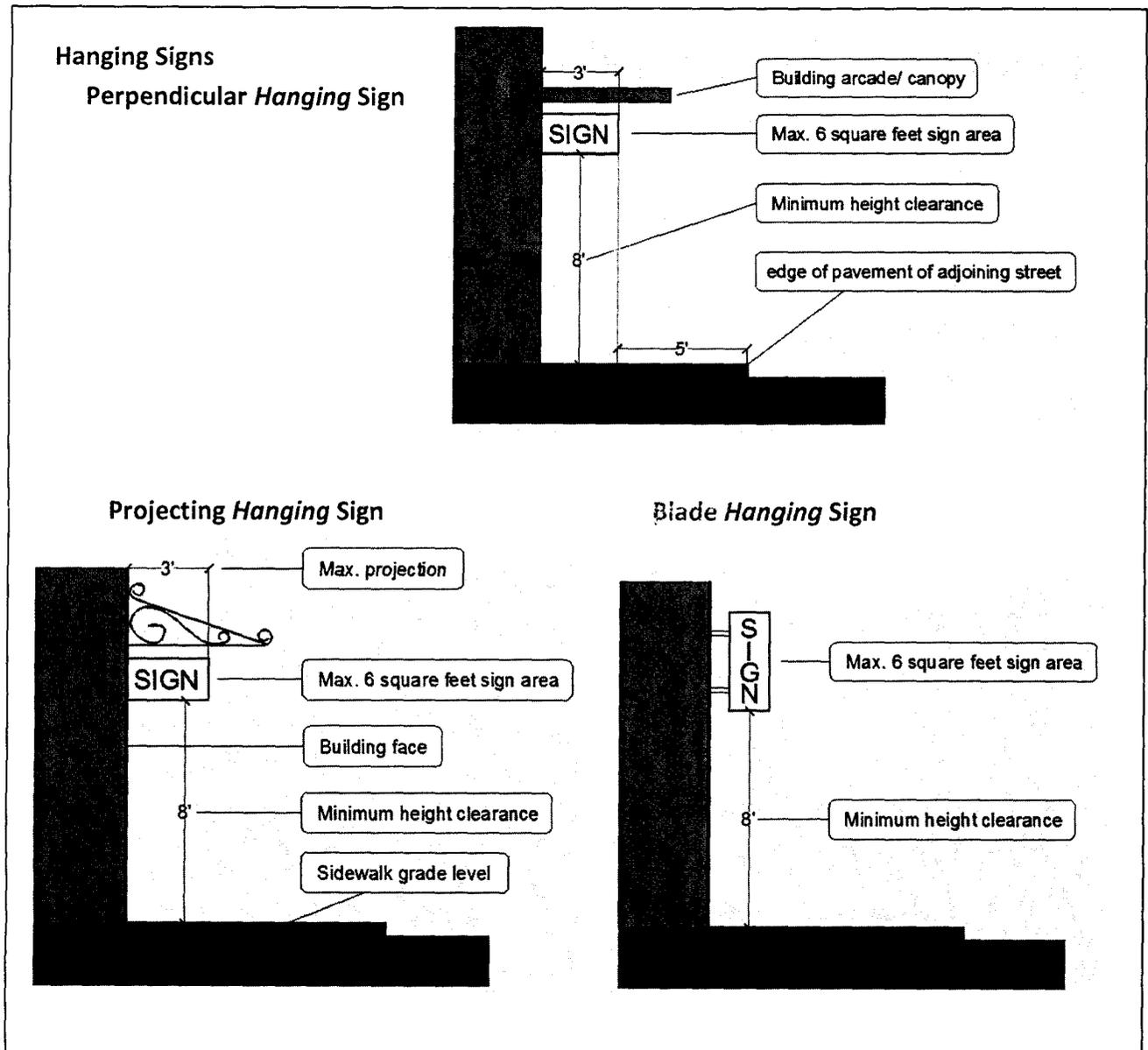
483 (4) **Development:** See "new development and redevelopment."

484 (5) **Directory sign:**

- 485 (a) A directory sign may use changeable copy;
- 486 (b) Free-standing directory signs erected after March 27, 2001 shall not exceed six feet in height,
487 including the support structure;
- 488 (c) Any directory sign shall not exceed 32 square feet in size; and
- 489 (d) A freestanding directory sign shall be set back at least five feet from any street right-of-way.

490 (6) **Hanging sign:**

- 491 (a) One hanging sign is permitted for each business use located in a multitenant building;
- 492 (b) One hanging sign is permitted for each nonresidential use in a freestanding building;
- 493 (c) A hanging sign may be attached to any portion of a building, however, in no case shall the
494 hanging sign project greater than three (3) feet from the building face that it is attached
495 perpendicular to;
- 496 (d) A hanging sign that extends over a public sidewalk shall have at least eight (8) feet of vertical
497 clearance above the sidewalk and must comply with Section 17-9 of the Code of Ordinances and
498 obtain a right-of-way encroachment permit approval prior to applying for a sign permit;
- 499 (e) Any hanging sign shall be setback at least five feet from the edge of pavement of the adjoining
500 street;
- 501 (f) A hanging sign shall not be located in such a manner that the highest point of the sign area
502 exceeds 18 feet as measured from the nearest sidewalk or crown of the road, whichever is
503 higher;
- 504 (g) A hanging sign that is double-faced shall have two identical sign faces;
- 505 (h) The sign area of a hanging sign shall be a maximum of six (6) square feet; and
- 506 (i) Perpendicular signs, projecting signs, and blade signs are subject to the regulations for hanging
507 signs.



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509 **(7) Menu Board sign:**

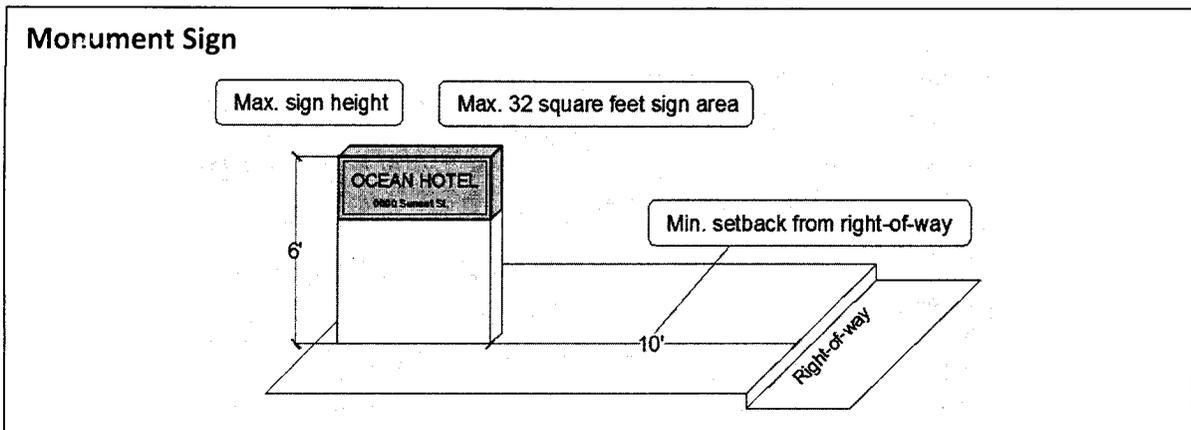
- 510 (a) A menu board sign may be placed on a door, wall or column outside of a restaurant;
- 511 (b) Only one menu board sign per licensed restaurant per street frontage is allowed;
- 512 (c) A menu board may only contain a copy of the menu or daily specials;
- 513 (d) If a paper menu is used, it must be mounted under a protective glass or plastic cover;
- 514 (e) A menu board sign shall not exceed six (6) square feet in size;
- 515 (f) A menu board sign may be attached to a restaurant hostess stand. A menu board sign that is
- 516 attached to a hostess stand shall not exceed two (2) square feet in area and no portion of the
- 517 menu board sign area shall extend beyond the height and width of the hostess stand that it is
- 518 attached to; and
- 519 (g) Menu board signs may not be sandwich signs.

520

521

522 (8) **Monument sign:**

- 523 (a) Only one monument sign that is single sided or one monument sign that is two sided, is
524 permitted per street frontage, and only when located on a plot with 200 feet or greater of
525 continuous frontage on the same street;
- 526 (b) A monument sign shall only list the name and address of the development or business;
- 527 (c) A monument sign shall not exceed six feet in height or 32 square feet in sign area and shall be
528 setback at least ten (10) feet from any public street right-of-way;
- 529 (d) No monument sign may be placed within 30 feet of a street intersection or in any location that
530 would obstruct cross-visibility at a driveway intersection or would obstruct cross-visibility for
531 back-out parking; and
- 532 (e) A monument sign shall be perpendicular to the ground and may be perpendicular or parallel to
533 the primary building facade.



534

535 (9) **Neon signs:** Neon signs shall only be permitted in the B-1-A and B-1 zoning districts, subject to the
536 following restrictions:

- 537 (a) A business shall be allowed to have up to a maximum of three neon signs per street frontage,
538 one of which may be an exterior sign;
- 539 (b) A neon sign that is attached to or placed within ten (10) feet of the inside of a window and
540 oriented toward the window shall be counted toward the total number of window signs
541 permitted by this Article and shall be subject to the regulations for window signs as set forth
542 herein;
- 543 (c) An exterior neon sign may only be used for the purpose of identifying the business or the
544 business' logo;
- 545 (d) The depiction of any part of the human body is prohibited; and
- 546 (e) Neon signs may remain illuminated only during the business hours of the business, or 10:00
547 p.m., whichever is later.
- 548 (f) **Window neon signs** shall also be subject to the following regulations:
- 549 a. No neon window sign may exceed four (4) square feet unless it displays solely the name
550 of the business;
- 551 b. The total area of the neon window signs shall not exceed the lesser of 12 square feet or
552 25 percent of the area of the total window space on the street frontage;

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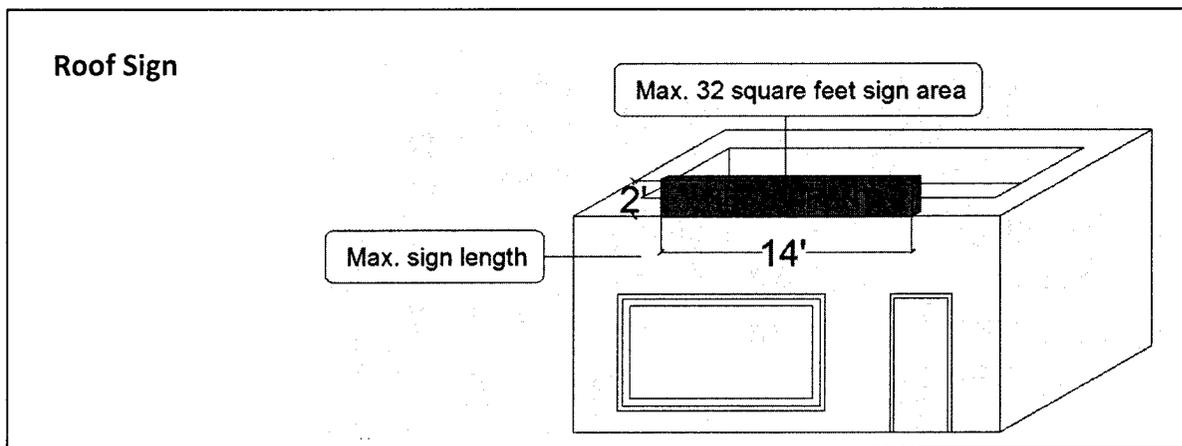
554

555 **(10) Pole sign or Pylon sign:**

- 556 (a) Any new pole or pylon sign permitted within the RM-25 and RM 50 zoning districts, shall meet
557 the criteria for pole or pylon signs as provided below:
558 1. The sign area of a pole or pylon sign shall not exceed 32 square feet in size;
559 2. There shall be no more than one pole or pylon sign per street frontage per property;
560 3. All pole and pylon signs shall be set back at least five(5) feet from any property line or right-
561 of-way;
562 4. The setback required for a pole or pylon sign shall be measured from whichever portion of
563 the pole, pylon, or sign area is closest to the property line;
564 5. Any pole sign located within 30 feet of a street intersection or within 15 feet of the
565 intersection of a parking space and a driveway or street shall maintain seven (7) feet of
566 clearance between the ground and the bottom of the sign area;
567 6. No pylon sign may be placed within 30 feet of a street intersection or in any location that
568 would obstruct cross-visibility at a driveway intersection or would obstruct cross-visibility
569 for back-out parking;
570 7. The support poles of pole signs shall not exceed a width or diameter of 18 inches;
571 8. Pylon signs shall be limited to one (1) pylon with a width or diameter not to exceed four (4)
572 feet; and
573 9. The height of the top of a pole or pylon sign shall not exceed 15 feet above the crown of the
574 nearest street.
575 (b) Replacement of legal, nonconforming pole and pylon signs in any district shall be in
576 conformance with Section 30-510, Nonconforming signs.

577 **(11) Roof sign:**

- 578 (a) Roof signs shall not be permitted if either wall or awning signs can be placed upon a building;
579 (b) New development and redevelopment shall not be permitted to erect or maintain roof signs. No
580 roof signs are permitted on any property with a pole or pylon sign;
581 (c) No roof sign shall exceed 32 square feet in size, four (4) feet in height vertically or 14 feet in
582 length;
583 (d) Roof signs shall be mounted on the parapet wall of a flat roof or on a solid supporting panel on a
584 sloped roof;
585 (e) Roof signs shall not be mounted on visible poles or brackets; and
586 (f) Multiple roof signs on the same building shall be the same design, size, shape and color.



587

- 588 **(12) Sandwich sign:** See Valet Parking and/or Paid Private Parking Sandwich sign standards.
589
- 590 **(13) Subdivision and residential development identification sign:**
591 (a) Subdivision and residential development identification signs shall not exceed six (6) feet in
592 height or 32 square feet in sign area per sign face;
593 (b) One (1) two-face sign may be permitted in the median of a divided entrance or one (1) single-
594 face sign shall be permitted on each side of a street entrance to a named residential
595 neighborhood or of a street-type driveway entrance to a multi-family development;
596 (c) The sign shall not be located within any utility or drainage easements; and
597 (d) All proposed subdivision and residential development identification signs shall be subject to site
598 plan approval pursuant to article IV of the Land Development Code.
599
- 600 **(14) Vacancy/no vacancy /rental availability sign:**
601 (a) A vacancy/no vacancy /rental availability sign shall not exceed two (2) square feet in sign area;
602 and
603 (b) A vacancy/ no vacancy /rental availability sign may be directly or indirectly illuminated and may
604 contain changeable copy.
605
- 606 **(15) Valet Parking or Paid Private Parking Sandwich sign:**
607 (a) A sandwich sign may only be utilized for a licensed valet establishment and/or for paid private
608 parking; and
609 (b) Sandwich signs shall also comply with the following:
610 1. The sign and letters of a sandwich sign posted for a licensed valet establishment and for
611 paid private parking shall be manufactured;
612 2. Handwritten signs are prohibited;
613 3. The sign shall be constructed of weather resistant materials and shall not contain, foil,
614 mirrors, bare metal or other reflective materials that could create hazardous conditions to
615 motorists;
616 4. The sign shall not contain lights of any kind or streamers, balloons, ribbons, pennants, wind
617 socks or other similar devices designed to move in the wind;
618 5. The sign shall be placed on private property only. If the sign is placed in an area open to
619 pedestrians, the sign shall be located such that a clear pedestrian walkway or path of at
620 least four feet is maintained, free of obstruction;
621 6. The sign may be erected only during the hours of operation of the establishment when the
622 business or service is open to the public and shall be removed at the end of the business
623 day;
624 7. The sign shall be removed when winds are strong enough to move the sign; and
625 8. The sign panels of a sandwich sign shall not exceed 28 inches by 36 inches in size.
- 626 **(16) Wall sign:**
627 (a) In districts where permitted, each principal building shall be allowed one (1) wall sign on each
628 wall facing a public vehicular use area;
629 (b) A commercial building located within the B-1-A or B-1 zoning district that has a building wall
630 facing a private vehicular use area located on a side of the building other than its primary lot

631 frontage, may be allowed up to three additional wall signs (“end signs”) (no more than one per
632 tenant) provided the building wall is not facing a single or multifamily residential use. End
633 Signs must be for uses within the building. The cumulative total of the End Signs shall not
634 exceed 16 square feet which sign area shall not be included in the total building signage.
635 (c) A single tenant commercial use building located in the B-1-A or B-1 zoning districts may combine
636 a permitted wall sign and building identification sign into a single wall sign not exceeding 48
637 square feet in sign area;
638 (d) All wall signs shall be within six inches off the wall or façade upon which it is mounted.
639 (e) The wall sign shall be an integral part of the façade composition and be consistent with the
640 building’s architecture;
641 (f) Consistency of wall signs in a single building is encouraged;
642 (g) The building wall may serve as the sign background; and
643 (h) A building wall sign may be front lit, back lit, or internally lit.

644

645 **(17) Window sign:**

646 (a) Window signs may be applied to the interior surface of glass only;
647 (b) No more than three (3) window signs of any type shall be displayed in any single window;
648 (c) A bulletin board, displayed inside a window, and upon which notices, advertisements, specials,
649 listings and the like are posted, shall be considered a single window sign;
650 (d) A window sign shall not exceed 15 square feet in sign area;
651 (e) Window signs shall not obstruct more than 25 percent of the total area of the window within
652 which the window signage is placed;
653 (f) Merchandise in display windows shall not be considered window signs;
654 (g) Customary price tags and labels not exceeding 15 square inches each in size on merchandise in
655 display windows shall not be considered window signs;
656 (h) Strip or string lighting placed in or around windows is a prohibited window sign;
657 (i) Neon window signs shall be counted toward the total number, square feet and total area
658 permitted for window signs, and subject to the regulations for window signs as provided herein;
659 and
660 (j) When located in the CF or P zoning district, window signs shall be restricted to one window sign
661 per street frontage, and shall be placed in first floor windows only.

662 **Sec. 30-508. - Sign regulations by zoning district.**

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

667 **(a)** Private informational, directional and traffic control signs.

668 **(b)** Name and address signs:

669 1. One (1) resident name sign per dwelling unit, including any exempt name sign, to be placed
670 on the building and not to exceed two square feet in sign area.

- 671 2. One (1) address sign per address, including any exempt address sign, shall be placed on the
672 building, fence, wall or mail box, be visible from the street and shall not exceed two square
673 feet in sign area.
674
- 675 (c) Subdivision and residential development identification signs: Only if location and other aspects
676 of such signs have been previously approved by the Town Commission pursuant to site plan
677 approval procedures.
678
- 679 (d) In addition, no more than two (2) of the following temporary signs, including any exempt
680 temporary signs, shall be permitted on any single plot at the same time:
681 1. *Temporary contractor signs*: One (1) sign per plot to be set back at least five (5) feet from
682 any right-of-way or property line.
683
- 684 2. *Temporary real estate signs*: To be set back at least five (5) feet from any right-of-way or
685 property line.
686
- 687 3. *Temporary special event signs*: Two signs per neighborhood to be set back at least five (5)
688 feet from any right-of-way or property line.
689
- 690 **(2) RM-25 and RM-50 districts.** Single-family and duplex residences and plots located in the RM-25
691 district shall be subject to the sign regulations as listed for the RS-5 and RD-10 districts listed above.
- 692 Only the following types of signs are permitted within the RM-25 and RM-50 districts, subject to the
693 limitations and requirements contained in the definitions and restrictions and standards by sign type
694 and the general design standards sections of these regulations, and subject to the additional limitations
695 stated below:
- 696 (a) Private informational, wayfinding, directional and traffic control signs.
- 697 (b) Name and address signs:
698 1. One (1) resident name sign per dwelling unit, including any exempt name sign, to be placed
699 on the dwelling unit and not to exceed two (2) square feet in sign area.
700 2. One (1) occupant address sign per address, including any exempt address sign, to be placed
701 on the building or mail box and not to exceed two (2) square feet in sign area.
702 3. One (1) building address sign per building to be placed on the building and not to exceed a
703 total of six (6) square feet of sign area.
704 4. Every building shall display an address sign that is clearly visible from the street. Buildings
705 that have rear door access to an alley or parking lot shall also display an address sign that is
706 clearly visible from the alley or parking lot.
- 707 (c) Subdivision and residential development identification signs: Only if the location and other
708 aspects of such signs have been previously approved by the Town Commission pursuant to site
709 plan approval procedures.

- 710 (d) Vacancy/no vacancy signs/rental availability: One (1) sign per licensed motel or hotel, or multi-
711 family residential use not exceeding two (2) square feet of sign area.
- 712 (e) In addition, each multi-family or non-residential use:
713 1. May display no more than two (2) of the following permanent signs, with a combined total
714 sign area of not more than 32 square feet, per street frontage, and the total sign area of all
715 signs attached to the wall, canopy and/or awnings of a building face shall not exceed 15
716 percent of the area of the building facade.
717 2. If a hotel or motel takes over an adjoining hotel or motel, then the combined hotel or motel
718 is entitled to 16 additional square feet of separate wall or awning sign area; the existing
719 signs shall not be increased in size by this additional footage.
- 720 a. *Building or development identification signs*: One (1) sign per building per street
721 frontage, with a sign height no greater than 35 feet.
- 722 b. *Canopy or awning signs*: With a sign height no greater than 18 feet.
- 723 c. *Hanging sign*: One (1) sign per building per street frontage, with a sign height no greater
724 than 18 feet.
- 725 d. *Changeable copy signs*: One (1) sign per street frontage, with a sign height no greater
726 than 18 feet.
- 727 e. *Monument signs*: One (1) sign with one (1) or two (2) faces per street frontage, only on a
728 plot with 200 or more feet of continuous frontage on the same street.
- 729 f. *Pole or pylon signs*: Limited to hotels, motels, apartment buildings and condominiums
730 only and to one (1) sign per street frontage per property.
- 731 g. *Wall signs*: With a sign height no greater than 35 feet.
- 732 (f) In addition, no more than two (2) of the following temporary signs, including any exempt
733 temporary signs, shall be permitted on any single business or plot at the same time:
- 734 1. *Temporary announcing sign*: One (1) sign per plot to be set back at least five (5) feet from
735 any right-of-way or property line.
- 736 2. *Temporary contractor signs*: One (1) sign per plot to be set back at least five (5) feet from
737 any right-of-way or property line.
- 738 3. *Temporary portable advertising signs for a use adjoining a roadway under construction*: One
739 (1) sign per frontage of a street under construction, not exceeding 16 square feet in sign
740 area, to be posted adjacent to the road right-of-way during the period of road construction.
- 741 4. *Temporary real estate signs*: To be set back at least five (5) feet from any right-of-way or
742 property line.

- 743 5. *Temporary special event signs*: Two (2) signs per block to be set back at least five (5) feet
744 from any right-of-way or property line.
- 745 **(3) B-1 and B-1-A districts.** Only the following types of signs are permitted within the B1, and B1A
746 districts, subject to the limitations and requirements contained in the definitions and restrictions and
747 standards by sign type and the general design standards sections of these regulations, and subject to the
748 additional limitations stated below:
- 749 **(a)** Building or development identification signs: One (1) sign per building per street frontage with a
750 sign area of no more than 32 square feet and with a sign height no greater than 35 feet.
- 751 **(b)** Private informational, wayfinding, directional and traffic control signs.
- 752 **(c)** Menu board sign: One (1) sign per licensed restaurant per street frontage.
- 753 **(d)** Name and address signs:
- 754 1. One (1) occupant name sign per dwelling unit or business, excluding any exempt rear door
755 name sign, to be placed on the dwelling unit or business and not to exceed two (2) square
756 feet in sign area;
- 757 2. One (1) occupant address sign per address, excluding any exempt rear door address sign, to
758 be placed on the building or mail box and not to exceed two (2) square feet in sign area;
- 759 3. One (1) building address sign per building to be placed on the building and not to exceed a
760 total of six (6) square feet of sign area. Every building, and every business with a separate,
761 ground floor, street-side entrance, shall display an address sign that is clearly visible from
762 the street.
- 763 4. Buildings that have rear door access to an alley or parking lot shall also display an address
764 sign that is clearly visible from the alley or parking lot.
- 765
- 766 **(e)** Window signs: No more than three (3) window signs per window, placed in first floor windows;
767 in second floor windows, only one (1) window sign for each business which has its entrance
768 from the second floor or a stairway only.
- 769 **(f)** In addition, each office building, separate storefront business, or other non-residential use:
- 770 1. May display no more than two (2) of the following permanent signs, with a combined total
771 sign area of not more than 32 square feet per street frontage, and the total sign area of all
772 signs attached to the wall, canopy and/or awnings of a building shall not exceed 15 percent
773 of the area of the building facade, except as otherwise permitted for wall signs as provided
774 herein.
- 775 2. Multiple businesses occupying a single storefront bay must share the permitted total
776 number and sign area of signs.
- 777 3. If a store front business takes over the entire adjoining store front space vacated by another
778 business, then that new business is entitled to either 16 additional square feet of wall or
779 awning sign area, or if the store front business is taking over an entire adjoining store front
780 space vacated by another business, the new business may use the existing roof signage that
781 the old business used provided that the structure of the roof sign is not altered.

- 782
- 783 a. *Canopy or awning signs*: With a sign height no greater than 18 feet.
- 784 b. *Directory signs*: One (1) sign per street frontage for a multi-tenant office, multi-tenant
- 785 retail or governmental building only.
- 786 c. *Hanging signs*: With a sign height no greater than 18 feet.
- 787 d. *Changeable copy signs*: With a sign height no greater than 18 feet.
- 788 e. *Monument signs*: One (1) sign with one (1) or two (2) faces per street frontage, only on a
- 789 plot with 200 or more feet of continuous frontage on the same street.
- 790 f. *Roof signs*: Only when wall or awning signs are not feasible, and not if a legal
- 791 nonconforming pole or pylon sign exists on the same property.
- 792 g. *Wall signs*:
- 793 i. With a sign height no greater than 35 feet.
- 794 ii. A commercial building located within the B-1-A or B-1 zoning district that has a
- 795 building wall facing a private vehicular use area located on a side of the building
- 796 other than its primary lot frontage, may be allowed up to three (3) additional wall
- 797 signs ("end signs") (no more than one per tenant) provided the building wall is not
- 798 facing a single or multifamily residential use. End Signs must be for uses within the
- 799 building. The cumulative total of the End Signs shall not exceed 16 square feet
- 800 which sign area shall not be included in the total building signage.
- 801 iii. A single tenant building may combine a permitted wall sign and building
- 802 identification sign into a single wall sign not exceeding 48 square feet in sign area.
- 803
- 804 (g) In addition, no more than two (2) of the following temporary signs, including any exempt
- 805 temporary signs, shall be permitted on any single business or plot at the same time:
- 806 a. *Temporary announcing signs*: One (1) sign per plot;
- 807 b. *Temporary contractor signs*: One (1) sign per plot;
- 808 c. *Temporary portable advertising signs for a use adjoining a roadway under construction*:
- 809 One (1) sign per frontage of a street under construction, not exceeding 16 square feet in
- 810 sign area, allowed in the business and motel districts, to be posted adjacent to the road
- 811 right-of-way during the period of road construction;
- 812 d. *Temporary real estate signs*;
- 813 e. *Temporary special event signs*: Two (2) signs per block;
- 814 f. *Temporary banner sign*.
- 815 (4) *CF and P districts*. Only the following types of signs are permitted within the CF and P districts,
- 816 subject to the limitations and requirements contained in the definitions and restrictions by sign type and

817 the general design standards sections of these regulations, and subject to the additional limitations
818 stated below:

819 (a) Informational, wayfinding, directional and traffic control signs.

820 (b) Name and address signs:

821 a. One (1) occupant name sign per building, excluding any exempt rear door name sign, to
822 be placed on the building and not to exceed two (2) square feet in sign area.

823 b. One (1) occupant address sign per address, excluding any exempt rear door address
824 sign, to be placed on the building or mail box and not to exceed two (2) square feet in
825 sign area.

826 c. One (1) building address sign per building to be placed on the building and not to
827 exceed a total of six (6) square feet of sign area. Every building shall display an address
828 sign that is clearly visible from the street.

829 d. Buildings that have rear door access to an alley or parking lot shall also display an
830 address sign that is clearly visible from the alley or parking lot.

831

832 (c) Window signs: One (1) window sign per street frontage, placed in first floor windows only.

833 (d) In addition, each building may display no more than two (2) of the following permanent signs,
834 with a combined total sign area of not more than 32 square feet per street frontage, and the
835 total sign area of all signs attached to the wall, canopy and/or awnings of a building shall not
836 exceed 15 percent of the area of the building facade.

837 a. *Building or development identification signs*: With a sign height no greater than 35 feet.

838 b. *Canopy or awning signs*: With a sign height no greater than 18 feet.

839 c. *Directory signs*: For a multi-tenant building only, and with a sign height no greater than
840 12 feet.

841 d. *Hanging signs*: With a sign height no greater than 18 feet.

842 e. *Changeable copy signs*: With a sign height no greater than 18 feet.

843 f. *Monument signs*: One (1) sign with one (1) or two (2) faces per street frontage, only on a
844 plot with 200 or more feet of continuous frontage on the same street.

845 g. *Wall signs*: With a sign height no greater than 35 feet.

846 (e) In addition, no more than two (2) of the following temporary signs, including any exempt
847 temporary signs, shall be permitted on any single plot at the same time:

848 a. *Temporary announcing signs*: One (1) sign per plot to be set back at least five (5) feet
849 from any right-of-way or property line.

850 b. *Temporary contractor signs*: One (1) sign per plot to be set back at least five (5) feet
851 from any right-of-way or property line.

- 852 c. *Temporary real estate signs*: To be set back at least five (5) feet from any right-of-way or
- 853 property line.
- 854 d. *Temporary special event signs*: Two (2) signs per block to be set back at least five (5) feet
- 855 from any right-of-way or property line.
- 856 e. *Temporary banner signs*.

857 **Sec. 30-509. - Administration and permits.**

858 **(1)** These sign regulations shall be administered by the Development Services Department. No sign of
 859 any kind (except exempt signs) shall be erected, installed, repaired or replaced within the Town until a
 860 permit for such sign or work has been issued by the Development Services Department. Prior to the
 861 issuance of a sign permit for any sign, the application for a sign permit shall be reviewed and approved
 862 by the Development Services Department.

863 **(2) Permits.** Sign applications shall be on forms promulgated by the Town and shall include sufficient
 864 information to ensure complete review of the application. Rules regarding sign application information
 865 shall be promulgated by the Town Manager or designee. The application for a permit for a sign shall be
 866 accompanied by three copies of the following:

- 867 (a) Address and legal description of the property upon which the sign is to be placed;
- 868 (b) Name and address of the owner of the property upon which the sign is to be placed;
- 869 (c) Written permission of the owner of the property to erect or place the proposed sign;
- 870 (d) A drawing or sample of the proposed sign, to scale, showing the dimensions, letter size, colors,
- 871 materials, structural support, and lighting, if any;
- 872 (e) If lighting is proposed, information regarding the type and intensity of the proposed illumination
- 873 to document compliance with the sign illumination restrictions of these regulations;
- 874 (f) A plan showing the proposed location on the ground or building and the mounting height of the
- 875 proposed sign, along with a color photograph of the proposed location;
- 876 (g) The cost or value of the proposed sign; and
- 877 (h) Any other plans or information required by the Development Services Department for any
- 878 related structural permit or electrical permit.

879 **(3) Application review.** Upon submission of an application, the Development Services Department shall
 880 review and evaluate the application as follows:

- 881 (a) No application shall be accepted until it is deemed complete by the Department.
- 882 (b) The Department shall review all of the information submitted to determine conformity with this
- 883 article and applicable sections of the Florida Building Code, including the location of the
- 884 proposed sign.

- 885 (c) The submitted application will be reviewed within 20 business days and any corrections,
886 revisions or deficiencies provided to the applicant within that 20-day period.
- 887 (d) Upon each re-submittal of corrected plans, the Department shall have ten business days to
888 review the application and provide any corrections, revisions or deficiencies to the applicant.
889 This process shall continue until the applicant has submitted a complete application or demands
890 that the application be reviewed as is, without further revisions.
- 891 (e) If an applicant fails to provide additional information as requested by the Department within
892 two (2) months of the request or respond to the Department with a time when the information
893 will be submitted, the application shall be deemed to be withdrawn by the applicant.
- 894 (f) The Department shall approve or deny the sign permit within ten business days of receipt of the
895 complete application or the applicant's demand for review as submitted, based on whether it
896 complies with the requirements of this article. The Department shall prepare a written notice of
897 the decision, either in the form of an approved sign permit or written notice of denial,
898 describing the applicant's appeal rights, and provide such written notice to the applicant of its
899 decision within the ten-day period.

900 (4) *No right to appeal.* Except when Commission approval is required pursuant to the Code, the decision
901 of the Development Services Department for the issuance or denial of a sign permit shall be final. There
902 shall be no right of appeal to the Town Board of Adjustment or Town Commission of a finding of the
903 Development Services Department. The appellant may seek relief in the Circuit Court for Broward
904 County, as provided by law.

905 **Sec. 30 – 510. Nonconforming Signs.**

906

907 (1) *Nonconforming signs.* Except a pole or pylon sign meeting the criteria and conditions of subsection
908 (b) below, any previously permitted, existing sign that does not conform to the provisions of these
909 regulations shall be removed or brought into conformance with these regulations upon new
910 development or redevelopment as defined in Section 30-513.

911

912 (2) *Nonconforming pole and pylon signs.* Except as permitted in the RM-25 and RM-50 district, any
913 previously permitted pole or pylon sign legally existing as of March 27, 2001, and in existence for the
914 two years prior to that date, shall be considered a legal, nonconforming pole or pylon sign.

915 (a) Upon new development or redevelopment of a site, any existing pole or pylon signs must be
916 removed and may not be replaced under subsection (b) or (c), below.

917 (b) Legal, nonconforming pole or pylon signs meeting the criteria of this Section may be replaced
918 only under the following conditions:

- 919 1. The sign area of a pole or pylon sign shall not exceed 32 square feet in size;
- 920 2. There shall be no more than one pole or pylon sign per street frontage per property;
- 921 3. All pole and pylon signs shall be set back at least five (5) feet from any property line or
922 right-of-way;

- 923 4. The setback required for a pole or pylon sign shall be measured from whichever portion
 924 of the pole, pylon or sign area is closest to the property line;
 925 5. Any pole sign located within 30 feet of a street intersection or within 15 feet of the
 926 intersection of a parking space and a driveway or street shall maintain seven (7) feet of
 927 clearance between the ground and the bottom of the sign area;
 928 6. No pylon sign may be placed within 30 feet of a street intersection or in any location
 929 that would obstruct cross-visibility at a driveway intersection or would obstruct cross-
 930 visibility for back-out parking.
 931 7. The support poles of pole signs shall not exceed a width or diameter of 18 inches;
 932 8. Pylon signs shall be limited to one pylon with a width or diameter not to exceed four (4)
 933 feet; and
 934 9. The height of the top of a pole or pylon sign shall not exceed 15 feet above the crown of
 935 the nearest street.
- 936 (c) Replacement of legal, nonconforming pole signs and pylon signs require site plan review and
 937 approval by the Town Commission prior to issuance of a sign permit. The following additional
 938 requirements and conditions must be met in order for a proposed pole or pylon sign to receive
 939 site plan approval:
- 940 1. The proposed pole or pylon sign is replacing an existing legal, nonconforming pole or
 941 pylon sign;
 942 2. The design and colors of the proposed sign shall be coordinated with the design and
 943 colors of any buildings on the premises; and
 944 3. The pole(s) of the proposed pole sign and the pylon of the proposed pylon sign shall
 945 have architectural treatment or be screened by lattice-work and/or landscaping that
 946 will, to the satisfaction of the Town Commission, ensure that the proposed sign is
 947 aesthetically compatible with adjoining development.

948 **Sec. 30-511. - Fee schedule.**

949 The fee schedule for sign permits shall be established by resolution of the Town Commission and shall
 950 be posted in the Building Department.

951 **Sec. 30-512. - Severability.**

952 (1) The sections, paragraphs, sentences, clauses and phrases of this article are severable, and if any
 953 phrase, clause, sentence, paragraph or section of this article shall be declared unconstitutional or void or
 954 unenforceable by the valid judgment or decree of a court of competent jurisdiction, such
 955 unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences,
 956 paragraphs and sections of this article.

957 (2) This subsection shall not be interpreted to limit the effect of subsection (1) above, or any other
 958 applicable severability provision in this Code or any adopting ordinance. The Town Commission
 959 specifically intends that severability shall be applied to sign regulations even if the result would be to
 960 allow less speech in the Town, whether by subjecting currently exempt signs to permitting or by some
 961 other means.

962 (3) This subsection shall not be interpreted to limit the effect of subsections (1) or (2) above, or any
963 other applicable severability provision in this Code or any adopting ordinance. The Town Commission
964 specifically intends that severability shall be applied to prohibited signs so that each of the prohibited
965 sign types listed in the Town Code in Section 30-505 shall continue to be prohibited irrespective of
966 whether another or any sign prohibition is declared unconstitutional or invalid.

967 (4) This subsection shall not be interpreted to limit the effect of subsections (1), (2) or (3) above, or any
968 other applicable severability provision in this Code or any adopting ordinance. The Town Commission
969 specifically intends that severability shall be applied to Section 30-505 of the sign regulations so that if
970 all or any of such provisions are declared unconstitutional or invalid by the final and valid judgment of
971 any court of competent jurisdiction, the Town Commission intends that such declaration shall not affect
972 any other prohibition on animated, flashing or billboard signs in the aforesaid sections.

973 **Sec. 30-513. - DEFINITIONS:**

974 The terms and phrases used in this Article shall have the following indicated meanings:

975

976 **Address sign:** A sign displaying only the numerical address and unit number or letter of the premises
977 upon which the sign is located.

978

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

985

986 **Announcing sign:** A temporary sign used for the opening of a business, the future development of
987 property or an upcoming event or activity.

988

989 **Adjoining:** Located next to, bordering or contiguous.

990

991 **Automated Teller Machine (ATM) sign:** A sign that is located on, or attached to, an automated teller
992 machine (ATM) that identifies the ATM, name of the machine or the business entity that owns an ATM
993 and that identifies the financial services networks that are accepted at that ATM. For the purpose of
994 this section, an ATM is defined as a computerized telecommunications device that provides the clients
995 of a financial institution with access to financial transactions in a public space without the need for a
996 cashier, human clerk or bank teller.

997

998 **Awning sign:** See "canopy and awning sign."

999

1000 **Balloon sign:** Any type of inflatable sign or sign suspended from a balloon.

1001 **Banner sign:** A sign with or without any text, composed of fabric or plastic, affixed to a permanent pole
1002 or permanent structure by wire, string, brackets or grommets and which is suspended in the air over a

1003 public right-of-way. A hanging sign is not included within the definition of a banner sign. Pennants are
1004 included within this definition of a banner sign.
1005
1006 **Billboard:** A permanent, free-standing or building-mounted sign, advertising products or services not
1007 related to the premises upon which the sign is located, is prohibited. Also referred to as off-premise
1008 sign.

1009 **Building or development identification sign:** A sign used only for the name and/or address of a building
1010 or development.
1011
1012 **Cabinet sign:** A sign, constructed like a box, with sign copy painted on or applied to a translucent plastic
1013 or glass face.
1014
1015 **Canopy or awning sign:** A sign that is part of, or attached to a canopy or awning or other similar
1016 protective cover.
1017
1018 **Changeable copy sign:** A sign or portion thereof with characters, letters or illustrations that can be
1019 changed or rearranged by manually removing or rearranging the characters, letters or illustrations on
1020 the physical sign.

1021 **Commercial message:** Any wording, logo, emblem, character, pictograph, trademark, or symbol used to
1022 represent a firm, organization, entity, product, or service, or other representation that, directly or
1023 indirectly, names, advertises, or calls attention to a product or service. For purposes of this article, terms
1024 such as sale, special, clearance, or other words which relate to commercial activity shall be deemed to
1025 be commercial messages. Items of identification shall not be considered to be commercial messages.

1026 **Contractor sign:** A temporary sign, posted upon property or a building with an active building permit,
1027 used to identify the name and/or type of development and/or the name and phone number of the
1028 developer, contractor, architect, engineer, landscape architect, planner and/or realtor.
1029
1030 **Development:** See "new development and redevelopment."

1031 **Directory sign:** A single or double face sign, used to identify the name of the building or development
1032 and the names and unit numbers of tenants in a multiple tenant building or development.
1033
1034 **Electronic sign:** Any type of electronic display board, electronic message board, digital, LED,
1035 programmable ink or other sign capable of displaying words, pictures, symbols, video or images
1036 including, but not limited to, any electronic, laser, digital, or projected images display that can be
1037 changed electronically or mechanically by remote or automatic means. Architectural lighting designed
1038 to illuminate building walls, architectural features or landscaping is a not a sign.
1039
1040 **Feather sign:** A professionally produced temporary lightweight sign comprised of nylon, canvas, vinyl,
1041 or polyester fabric that may or may not contain language for advertisement, greeting or similar
1042 messaging purposes and that is affixed to support structure, such as a metal pole, in such a manner that
1043 allows movement of the banner and where such sign is located outdoors. Such signs may be referred to
1044 as "flutter", "tear drop", "flying", "wing", "bow" signs.

1045 **Flag:** Any fabric, plastic, canvas, material or bunting containing distinctive color(s), pattern(s),
1046 symbol(s), emblem(s) or insignia(s) containing noncommercial speech or used as a symbol of a
1047 government, political subdivision or other governmental entity or of any business or institutional entity
1048 or idea.

1049 **Freestanding sign:** Any type of sign that is not affixed to a building.

1050 **Hanging sign:** A hanging sign that is attached perpendicular to any portion of the primary building
1051 facade or attached to the underside of a building arcade or building canopy, which sign is attached by
1052 brackets, cantilevered, or suspended in some similar manner. A hanging sign may be vertical or
1053 horizontal in its orientation. Perpendicular signs, projecting signs, and blade signs are also included in
1054 the definition of a hanging sign.

1055 **Informational, wayfinding, directional or traffic control sign:** An informational, wayfinding, directional
1056 or traffic control sign is:

- 1057 (a) A noncommercial sign erected and maintained by the Town, County or State, or any agency
1058 thereof, or specifically provided for a facility licensed with the Town, to denote the name of any
1059 thoroughfare, route directions, educational institution, public building, park, recreational facility
1060 or hospital; to provide multi-modal transportation facility ownership and operational
1061 directional; to direct and regulate traffic; to denote any transportation or transmission company
1062 for the direction or safety of the public; or to provide any other governmental information.
- 1063 (b) A noncommercial sign located on and relating to an activity on the premises upon which the sign
1064 is located, providing information to pedestrian and vehicular traffic, e.g., "entrance," "exit,"
1065 "caution" and "no trespassing."
- 1066 (c) A noncommercial sign within a development, or at the entrances thereto, showing the name(s)
1067 and directions to the locations of the subdivisions comprising the development, a sales office,
1068 etc.

1069
1070 **Length:** The horizontal dimension of a sign as measured in feet and inches.

1071 **Menu Board sign:** A sign outside of a restaurant and containing only a copy of the menu or daily
1072 specials.

1073

1074 **Monument sign:** A permanent free-standing stone, masonry or metal sign where the entire bottom of
1075 the sign is affixed to the ground or where the sign is placed upon a permanent free standing masonry
1076 wall section.

1077

1078 **Multi-modal transportation facility:** A facility approved through license by the Town, used for the
1079 storage of vehicles which are utilized in a Town-wide rental and sharing system for such vehicles.

1080

1081 **Multi-modal transportation information sign:** A sign, specifically provided for as part of a license with
1082 the Town for a designated multi-modal transportation facility, which is attached to said facility for the
1083 purpose of providing maps, directional and instructional information, and identifying the owner or
1084 manufacturer of the facility, for users of the system. Said signs shall not be illuminated or include any

1085 flashing, moving, digital, video display or electronic changeable copy features. A single informational
1086 sign not to exceed 30" by 30", per facility, may identify sponsors of the facility and program on the
1087 opposite side of the information sign. In addition, each pay station may contain up to four signs to
1088 identify facility sponsors, one per pay station side, not to exceed one (1) sq. ft. All sign faces shall be
1089 oriented towards users of the multi-modal transportation facility and not toward the motorized vehicle
1090 traffic.

1091
1092 **Mural:** A picture, painting or graphic, not otherwise meeting the criteria for a wall sign, applied directly
1093 to an otherwise blank wall containing advertising, text or logos, or copyrighted, trademarked or service
1094 marked characters, objects or products advertised in print or media advertising. Noncommercial
1095 pictures, paintings or graphics which contain no text except for identification of the artist and date in
1096 letters not exceeding six (6) inches in height, are not murals.

1097
1098 **Name sign:** A sign used only for the name and unit number or letter of the person, entity or business
1099 occupying the premises.

1100
1101 **Neon sign:** Any type of sign that utilizes exposed neon, argon or any other gaseous or liquid element or
1102 compound as a direct means of illumination. Neon, argon or other gaseous or liquid element or
1103 compound utilized for illumination that is covered by a translucent material, or otherwise concealed
1104 from direct view, shall not be considered to be a neon sign. Exposed neon, argon or any other gaseous
1105 or liquid element or compound utilized for illumination used solely to accent or illuminate architectural
1106 features of a building shall not be considered a sign, if authorized by the Town Commission as part of
1107 the site plan approval for the development.

1108
1109 **New development and redevelopment:** For the purposes of this Article, the terms new development
1110 and redevelopment shall have the following meanings:

1111 (a) **New development:** The construction of a building or parking lot upon a vacant or cleared plot.

1112 (b) **Redevelopment:** (1) any reconstruction or remodeling exceeding 25 percent of the assessed
1113 valuation of a building; or (2) any substantial alteration of the street facade of a building.

1114
1115 **Noncommercial:** Containing no commercial message.

1116 **Painted sign:** Any exterior sign or window sign with text or message that is only painted or applied upon
1117 a surface. Decals, plastic film, mosaic, photocopied and printed text or messages are also considered to
1118 be "painted." Painted signs do not include murals.

1119
1120 **Paper sign:** A sign drawn, painted or printed on paper, cardboard, or similar water-absorbing material.
1121 Paper or cardboard signs may be used only inside of a building or mounted within a weatherproof cover.

1122 **Permanent sign:** A permanent sign is any one of the types of signs specifically listed within these
1123 regulations as an allowed sign, and which is installed and maintained in a fixed location for an indefinite
1124 period of time.

1125 **Pole sign:** A sign mounted upon one or two vertical poles, either free-standing or extending above
1126 another structure. Traffic control and directional signs mounted on poles are not considered to be pole
1127 signs.
1128

1129 **Political sign:** A sign which sets forth the name, cause, or affiliation of a person seeking office or a
1130 proposed referendum or ballot proposition, the date of the election and/or the office sought or which
1131 sets forth any issue for which, or pertaining to, a public election is scheduled to be held.
1132

1133 **Portable identification signs for a use adjoining a roadway under construction:** A sign that is used for
1134 the purpose of identifying a business, hotel or motel, or other non-residential use during the period of
1135 construction of an adjacent roadway.
1136

1137 **Portable moving sign.** A sign not permanently attached to the ground or other permanent structure,
1138 and designed to be worn or carried for display by a person or transported by means of wheels. The term
1139 "portable moving sign" includes, but is not limited to, a human sign or a sign mounted on a bike trailer
1140 or vehicle trailer or truck bed that is used to advertise any business or product that is not the business or
1141 principal purpose of the vehicle. This definition is not to be construed to include those signs on a
1142 vehicle that identify its business, purpose or principal products or such advertising devices as may be
1143 attached to or displayed on and within the normal unaltered lines of the vehicle of a licensed transit
1144 carrier, when and during that period of time such vehicle is regularly and customarily used to traverse
1145 the public highways during the normal course of business. A sandwich sign, as otherwise defined in this
1146 Chapter, is not included in this definition.
1147

1148 **Pylon sign:** A sign mounted upon or on top of a vertical wall or other support structure, wherein such
1149 wall or structure exceeds six feet in height. A pylon sign that is supported by a pole shall be considered
1150 a pole sign. A pylon sign may be either a free-standing sign or attached to and extending above another
1151 structure.
1152

1153 **Real estate sign:** A temporary sign announcing an "open house" or "model home" or the availability of
1154 the premises for sale or for lease.
1155

1156 **Redevelopment:** See "new development and redevelopment."

1157 **Roof sign:** A sign mounted above the fascia of a sloped roof or above the deck of a flat roof. A sign
1158 placed upon a bona fide tower extending above the principal roof-line of the building or upon a dormer
1159 or recessed wall within a sloped roof shall not be considered a roof sign.
1160

1161 **Sandwich sign:** A movable, portable, free-standing, A-frame board construction sign not secured or
1162 attached to the ground that can be folded and carried by an individual.
1163

1164 **Sign:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol,
1165 or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to
1166 communicate information to the public.
1167

1168 **Snipe sign:** A sign, which is tacked, nailed, taped, glued or otherwise attached to a tree, pole, fence,
1169 newsrack, trash receptacle, building wall or door or other object. Legal notices required by law are not
1170 signs. Legal notices required by law are exempted.

1171 **Special event sign:** A temporary sign placed by the Town, a community service organization,
1172 homeowners association or condominium association announcing an upcoming community event,
1173 special meeting or election.

1174 **Stationary Vehicle or trailer sign:** A sign advertising a business or product, mounted on, or attached to a
1175 motor vehicle or trailer which is parked for more than 12 hours at the same location or parked on more
1176 than three consecutive days at the same location as the business or product which is being advertised. A
1177 vehicle parked inside a garage, parked behind the building, or a passenger vehicle displaying a name and
1178 telephone number with letters no more than four inches in height is not a vehicle sign as described
1179 above.

1180
1181 **Subdivision and residential development identification sign:** A sign erected at the entrance to a
1182 neighborhood or residential development used only for the official name and address of the
1183 neighborhood or residential development.

1184
1185 **Temporary sign:** A temporary sign is any one of the types of signs specifically listed within these
1186 regulations as an allowed temporary sign and which may be displayed for a limited, specified amount of
1187 time.

1188 **Vacancy/no vacancy/rental availability sign:** A sign or portion of a sign located at a motel, hotel,
1189 apartment building or condominium indicating whether or not there are rooms/units available.

1190 **Vehicular Use Area [VUA]:** For the purpose of this section, vehicular use areas are areas used for
1191 parking of vehicles, and all land upon which vehicles traverse. A private VUA is a VUA area that is
1192 privately owned and not public property.

1193 **Wall sign:** A sign attached to, or parallel a wall, or erected and confined within the limits of an outside
1194 wall of any building or structure, which is supported by such wall or building, and which displays only
1195 one sign surface.

1196
1197 **Warning or danger sign:** A sign warning of a hazardous condition or dangerous object or animal in the
1198 immediate vicinity. Warning or danger signs not exceeding four square feet in size are exempt from
1199 these regulations.

1200 **Window:** For the purpose of these regulations, a window shall be defined as that portion of a first or
1201 second floor facade consisting of a transparent, glass-like material designed to provide viewing of the
1202 interior from the exterior of the building and which shall be:

- 1203 (a) No less than 75 percent transparent from the exterior;
1204 (b) The area of a single window includes contiguous window panels separated by dividers less than
1205 six inches in width;
1206 (c) Contiguous window panels separated by dividers greater than six inches in width, separated by a
1207 doorway or separated by the corner of a building shall be considered separate windows; and

1208 (d) A glass door or pair of doors shall be considered a separate window.

1209

1210 **Window sign:** A sign attached to or placed on storefront windows and glass doors and that are placed
1211 within ten feet of the inside of a window and oriented toward the window. A bulletin board, displayed
1212 inside a window, and upon which notices, advertisements, specials, listings and the like are posted, shall
1213 be considered a single window sign.

1214 **Sec. 30-514 - 30-530. - Reserved.**

1215 **SECTION 3. Codification.** This Ordinance shall be codified in accordance with the
1216 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall
1217 become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the
1218 sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be
1219 changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such
1220 intentions.

1221 **SECTION 4. Severability.** If any section, sentence, clause, or phrase of this Ordinance is
1222 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
1223 in no way affect the validity of the remaining portions of this Ordinance.

1224 **SECTION 5. Conflicting Ordinances.** All prior ordinances or resolutions or parts
1225 thereof in conflict herewith are hereby repealed to the extent of such conflict.

1226 **SECTION 6. Effective Date.** This Ordinance shall become effective immediately
1227 upon passage on second reading.

1228 Passed on the first reading, this ____ day of _____, 2012.

1229 Passed on the second reading, this ____ day of _____, 2012.

1230

1231 _____
1232 Mayor Roseann Minnet
1233

	First Reading	Second Reading
1234		
1235	_____	_____
1236	_____	_____
1237	_____	_____
1238	_____	_____
1239	_____	_____
1240		
1241	Attest:	
1242		
1243		
1244	_____	
1245	Town Clerk, June White	
1246	(CORPORATE SEAL)	
1247		
1248		
1249	Approved as to form:	
1250		
1251		
1252	_____	
1253	Town Attorney, Susan L. Trevarthen	
1254		

ARTICLE VIII - SIGN REGULATIONS

Sec. 30-482—30-500. – 499 Reserved.

Sec. 30-500. – Purpose

This Article establishes comprehensive regulations for the control of Signs in order to preserve, protect, and promote the public health, safety and general welfare. More specifically, this Article is intended to assist in achieving the following objectives:

- (1) To authorize the use of Signs that:
 - (a) Are compatible with their surroundings and the zoning district in which they are located;
 - (b) Projects the image, character and style the Town desires to promote;
 - (c) Are appropriate to the type of establishment or activity to which they pertain;
 - (d) Are legible in the circumstances in which they are seen; and
 - (e) Are not distracting or cluttered in a manner that disturbs the safe and free flow of vehicular and pedestrian movement.
- (2) To enhance the economic vitality of existing businesses and foster quality redevelopment by promoting the reasonable, orderly, and effective display of Signs.
- (3) To encourage sound Sign display practices, and to mitigate the objectionable effects of competition in respect to the size and placement of Signs;
- (4) To enhance the physical appearance of the Town by protecting the man-made and natural beauty of the area;
- (5) To preserve the value of private property by assuring the compatibility of Signs with nearby land uses; and
- (6) To enable fair and consistent enforcement of these Sign regulations.

~~(a)~~ Sec. 30-501. Applicability.

This article shall apply to all property and land within the jurisdiction of the Town of Lauderdale-By-The-Sea. It is unlawful for any person, firm, or corporation that owns, occupies, or controls property in the Town of Lauderdale-By-The-Sea to construct, maintain, display or alter or cause to be constructed, maintained, displayed or altered, a sign within the City except in conformance with this Article.

1 Blue Text has been deleted from one section and moved to another location(s).
 Red Text has been added or deleted for clarification or to address issues.
 Black Text is current language in its current location.
 Green Text has been added subsequent to the Planning and Zoning Board Meeting.

Sec. 30-501. – Administration and permits.

These sign regulations shall be administered by the 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 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 Department.

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

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

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

- ~~(1) No application shall be accepted until it is deemed complete by the Department.~~
- ~~(2) The Department shall review all of the information submitted to determine conformity with this article and applicable sections of the Florida Building Code, including the location of the proposed sign.~~
- ~~(3) The submitted application will be reviewed within 20 business days and any corrections, revisions or deficiencies provided to the applicant within that 20-day period.~~

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~~(4)~~ Upon each re-submittal of corrected plans, the Department shall have ten business days to review the application and provide any corrections, revisions or deficiencies to the applicant. This process shall continue until the applicant has submitted a complete application or demands that the application be reviewed as is, without further revisions.

~~(3)~~ ~~(6)~~ The Department shall approve or deny the sign permit within ten business days of receipt of the complete application or the applicant's demand for review as submitted, based on whether it complies with the requirements of this article. The Department shall prepare a written notice of the decision, either in the form of an approved sign permit or written notice of denial, describing the applicant's appeal rights, and provide such written notice to the applicant of its decision within the ten-day period.

~~(d)~~ *No right to appeal.* Except when Commission approval is required pursuant to the Code, the decision of the Development Services Department for the issuance or denial of a sign permit shall be final. There shall be no right of appeal to the Town Board of Adjustment or Town Commission of a finding of the Development Services Department. The appellant may seek relief in the Circuit Court for Broward County, as provided by law.

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

~~(f)~~ *Nonconforming pole and pylon signs.* Except as permitted in the RM-25 and RM-50 district, any previously permitted pole or pylon sign legally existing as of March 27, 2001, and in existence for the two years prior to that date, shall be considered a legal, nonconforming pole or pylon sign.

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

~~(2)~~ Legal, nonconforming pole or pylon signs meeting the criteria of this section may be replaced only under the following conditions:

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

~~(ii)~~ There shall be no more than one pole or pylon sign per street frontage per property.

~~(iii)~~ All pole and pylon signs shall be set back at least five feet from any property line or right-of-way.

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~~(iv) Any pole sign located within 30 feet of a street intersection or within 15 feet of the intersection of a parking space and a driveway or street shall maintain seven feet of clearance between the ground and the bottom of the sign box or panel.~~

~~(v) No pylon sign may be placed within 30 feet of a street intersection or in any location that would obstruct cross-visibility at a driveway intersection or would obstruct cross-visibility for back-out parking.~~

~~(vi) The support poles of pole signs shall not exceed a width or diameter of 18 inches.~~

~~(vii) Pylon signs shall be limited to one pylon with a width or diameter not to exceed four feet.~~

~~(viii) The height of the top of a pole or pylon sign shall not exceed 15 feet above the crown of the nearest street.~~

~~(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.~~

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Sec. 30-502. - Exempt signs.

A. The Town has a compelling interest in allowing ~~permitting~~ the following signs in order to comply with state and local laws and to promote public safety on Town property and/or in the street right-of-way. The following signs may be installed without a sign permit, provided they meet the requirements listed below and are otherwise in conformance with this article. Under certain circumstances these signs may require a building permit or right-of-way encroachment permit. Contact the Town's Development Services Department for permitting requirements prior to installing any of the signs listed below. Any sign which does not meet the criteria of this section and is not specifically permitted elsewhere in this Article, is prohibited.

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

- (1) Any sign not visible from any ~~adjoining~~ street, property (~~other than the subject site~~), beach 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 of~~ Date/time and temperature indicator: one per plot, 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;
- ~~(15)~~ (5) Flags:
 - (a) ~~e~~ On residential property up to a cumulative maximum of 40 square feet; ~~and~~
 - (b) ~~(16)~~ Up to four flags on non-residential property, up to a cumulative maximum not to exceed one square foot of flag per linear foot of the front lot line.
- ~~(6)~~ (6) Holiday Seasonal lighting may be installed from November 15 of one year until February 15 of the following year. up to 30 days prior to the date of a holiday and must be removed within two weeks following the date of the holiday.
- ~~(13)~~ (7) Informational, wayfinding, directional, hazard and traffic control and similar signs installed by a government agency;
- ~~(6)~~ (8) Legal notices required to be posted by law or ordinance;
- ~~(7)~~ (9) Name and address signs;
 - (a) ~~with~~ Letters or numerals shall be no more than six inches in height.
 - (b) Each name and address sign shall not exceed two square feet in sign area.
 - (c) Every building shall display an address sign that is clearly visible from the street.
 - (d) Buildings that have rear door access to an alley or parking lot shall also display an address sign that is clearly visible from the alley or parking lot.

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(e) See additional regulations per zoning district, as provided in Sec. 30-508 Sign regulations by zoning districts.

~~(8)~~ (10) "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;

~~(14)~~ (11) Noncommercial signs ~~of four square feet or less~~ not to exceed a cumulative total area of 16 square feet per property (residential or non-residential) or business establishment;

~~(9)~~ (12) "No parking," "no trespassing" and similar signs, and warning or danger signs, no larger than four square feet in size, up to a cumulative maximum of four signs per property;

(13) Political Candidate and Election Issue signs:

(a) May not be erected upon public right-of-way or government-owned or leased property except that political candidate and election issue signs may be placed on property at the Town Municipal Complex on election day, subject to all state and federal restrictions;

(b) Shall be of a temporary nature and shall not exceed an overall size of two feet by three feet.

(c) ~~No permit shall be required for such sign; however, the candidate, or in the case of the election issue sign the property owner, 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.~~

(d) ~~No political signs or placards shall be permitted to~~ May not be erected or placed upon parkways, utility poles, or trees.

(e) Must be set back at least five feet from any right-of-way or property line except in the B-1 or B-1-A or B-1 Zoning Districts, no setback is required.

~~(e) Only one sign per candidate or election issue shall be permitted per street frontage per property.~~

(14) Real estate sign;

(a) The name and phone number of the person or company responsible for placing and removing the sign shall be listed on the sign.

(b) Real estate signs located in residential zoning districts shall be no larger than 24 inches wide by 18 inches high.

(c) When mounted upon the ground, and shall not exceed three feet in height and shall be mounted with a frame or holder and post, the height of the frame or holder and post shall not exceed 36 inches in height.

(d) Properties shall be limited to one real estate sign per street frontage and waterway.

(e) ~~Waterfront properties may display one additional sign facing the water.~~

(f) No real estate sign may be placed on public property or public right-of-way.

(g) Real estate signs placed on or for property which is for sale or lease, during a period of open viewing ("open house" signs) may only be posted during the hours of the open house and may only be posted on private property with the permission of the property owner.

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(h) Shall be set back at least five feet from any right-of-way or property line.

(i) "Handmade" or stenciled real estate signs are prohibited.

~~(10)~~ (15) "Reserved," or similar lettering or numbers applied to parking space wheel stops;

~~(11)~~ (16) Signs required to be posted by a government regulation or law enforcement agency;

~~(12)~~ (17) Temporary Special Event signs of any type used as part of a special community event or fair, which has been specifically authorized by the Town Commission;

~~B. In addition to the above, signs that are owned and erected, constructed, posted, painted, modified, relocated or maintained by the Town shall be exempted from the provisions of this Article.~~

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Sec. 30-503. - Permitted signs.

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

- (1) Automated Teller Machine (ATM) Signs;
- ~~(1)~~ ~~Box signs;~~
- (2) Building or development identification signs;
- (3) Cabinet signs;
- (4) Canopy and awning signs;
- ~~(8)~~ (5) Changeable copy signs;
- ~~(5)~~ (6) Directory sign;
- ~~(6)~~ (7) Hanging signs;
- ~~(7)~~ (8) Informational, wayfinding, directional and traffic control signs;
- (9) Menu board signs;
- (10) Monument signs;
- (11) Multi-modal transportation information signs for Town-licensed multi-modal transportation facilities located in rights of way;
- (12) Name and address signs, not otherwise exempt;
- (13) Neon signs,
- (14) Painted signs;
- (15) Pole signs;
- (16) Pylon signs;
- (17) Roof signs;
- ~~(18)~~ ~~Sandwich signs for valet parking services for paid private;~~
- ~~(19)~~ (18) Subdivision and residential development identification signs;
- (19) Valet and paid private parking sandwich signs;
- (20) Wall signs; and

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(21) Window signs;

Sec. 30-504. - Temporary signs.

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

~~Temporary signs may be constructed of wood, metal and/or plastic, and may use flat, painted or printed text and designs.~~

Unless otherwise addressed by this article, temporary signs shall be removed within seven days after the event to which they relate.

(1) Announcing signs;

- (a) An announcing sign shall not exceed 32 square feet in size.
- (b) An announcing sign for a new business may be displayed from the date of issuance of a business tax receipt for a ~~business until period not exceeding 30 consecutive days after the opening of the business.~~
- (c) An announcing sign for a future development may be displayed from the date of approval of a site plan by the Town Commission, or the issuance of a building permit when no site plan approval is required, until the issuance of the certificate of occupancy.
- (d) An announcing sign for an upcoming event may be posted from 14 days prior to the event until the day after the event.
- (e) A temporary sign permit for an announcing sign shall not be issued more than twice per year for the same business.
- (f) Shall be setback at least five feet from any right-of-way or property line.
- (g) "Handmade" or stenciled announcing signs are prohibited.

(2) Banner signs;

- (a) A banner sign shall not exceed 32 square feet in sign area.
- (b) A temporary sign permit for one banner sign may be issued for a period not to exceed 14 days to announce the opening of a business, a change of business name or an annual church event.
- (c) A temporary sign permit for use of banner signs shall not be required for a special community event specifically authorized by the Town Commission.

(3) Contractor signs:

- (a) A contractor sign shall not exceed 16 square feet in size
- (b) Shall be set back at least five feet from any right-of-way or property line.
- (c) "Handmade" or stenciled contractor signs are prohibited.

(4) Garage sale signs as provided in chapter 14.5, article I;

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~~(5) Holiday lighting (no permit required);~~

~~(6) Political signs (no permit required);~~

~~(7) (5) Portable advertising identification signs for businesses a use adjoining fronting a roadway under construction;~~

- ~~(a) Only allowed in business and motel districts when associated with a non-residential use, to be posted adjacent to the road right-of-way that is under construction during the period of road construction and must be removed immediately upon completion of the road construction.~~
- ~~(b) The sign shall not exceed 16 square feet in area.~~
- ~~(c) The sign must be of professional quality and must have its own support structure.~~
- ~~(d) The sign may not be designed to possibly be mistaken as a traffic control signs/devices.~~
- ~~(e) In the interest of legibility and not creating undue distraction, sign content is limited to name of the business(s).~~
- ~~(f) The sign must be placed in the ground and may not be placed upon or attached to utility poles, street signs, vegetation, traffic control devices or any other element located within the right-of-way.~~
- ~~(g) The sign shall not be placed so as to obstruct vehicular traffic sight distance triangle.~~

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

~~(9) (6) Special event signs;~~

- ~~(a) A special event sign shall not exceed 32 square feet in size.~~
- ~~(b) A special event sign shall not be posted for more than 14 days without the approval of the Town Commission.~~
- ~~(c) A temporary sign permit for a special event sign shall not be issued for the same property or location more than four times per year without the approval of the Town Commission.~~
- ~~(d) Shall be set back at least five feet from any right-of-way or property line.~~
- ~~(e) A special event sign that is a banner sign shall also be subject to regulations for banners as provided in this section.~~

~~(10) Valet signs;~~

~~(11) Window neon signs.~~

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Sec. 30-505. Prohibited signs.

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

- (1) Animated or flashing signs,
- (2) Any sign not listed elsewhere in these regulations as an exempt, permitted or temporary sign;
- (3) Permanent Balloon signs;
- ~~(5)~~ (4) Billboards/off-premises signs;
- (5) Electronic signs;
- (6) Internally illuminated, Transparent or Translucent Awnings or Canopies Used as Signs;
- (7) Murals;
- ~~(4)~~ (8) Permanent banner signs;
- ~~(7)~~ (9) Portable Moving signs;
- (10) Private signs of any type placed upon Town property or upon public right-of-way unrelated to a licensed use of the right of way;
- ~~(8)~~ (11) Signs placed upon benches, trash receptacles, ~~or~~ newsracks or posted on a tree;
- ~~(9)~~ (12) Signs placed on any portion of the public beach ~~or part thereof~~, except regulatory or warning signs;
- ~~(16)~~ (13) Signs that do not meet the design, material and fabrication requirements of this article;
- ~~(15)~~ (14) Signs that produce or emit any type of sound or odor;
- (15) Signs that could possibly be mistaken as traffic control signs/devices;
- ~~(14)~~ (16) Signs which no longer advertise or identify a business conducted, a service rendered or product sold on the premises; ~~and~~
- ~~(10)~~ (17) Signs with unshielded lighting elements, except neon signs;
- ~~(11)~~ (18) Snipe signs;
- ~~(12)~~ (19) Stationary vehicle or trailer signs;
- (20) Streamers, spinners, and feather signs; and
- ~~(13)~~ (21) Strip of string lighting in or around windows;

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Sec. 30-506. - General design standards.

A. Area and Height Measurements

1. Calculating the area of a sign when the sign contains a defined background: The sign area is calculated by determining the total number of square feet, including the advertising surface of the sign, which may include text, copy, symbols and logos, and any framing, trim or molding that is definable as the sign background, but not including the supporting structure.

2. Calculating the area of a sign when the sign does not contain a defined background: The sign area is calculated by determining the total number of square feet of the smallest area of a square or rectangle encompassing all of the text, copy, symbols and logos displayed on a sign.

3. Supplemental Sign Area Regulations:

(a) In no case shall the total sign area of all signs attached to the wall, canopy and/or awnings of a building face ~~shall not~~ exceed 15 percent of the area of that building face.

(b) In determining the sign area of a double-faced sign, which is a sign ~~The sign area of a double-faced sign, with identical faces mounted on opposite and parallel sides of the same sign, panel or box, is the area of only one of the two identical faces-~~ only one sign face shall be used to calculate the sign area.

(c) The maximum area of a sign shall also be subject to the regulations as specified in Sec. 30-507, Restrictions and Standards by Sign Type, and Sec. 30-508, Sign Regulations by Zoning District.

4. Calculating the Area of a Building Face: The area of a building face shall be determined by multiplying the height of the building face by the width of the building face. In order to determine the area of a building face, the height of the building face shall be measured as follows:

(a) In the case of a building with a flat roof, the ~~area height~~ of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road, ~~whichever is higher~~, to either the deck of a flat roof or the top of the parapet wall, whichever is higher.

(b) In the case of a building with a sloped roof, the ~~area height~~ of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road, ~~whichever is higher~~, to the midpoint of a sloped roof.

(c) In the case of a building with a combination of flat roof and sloped roofs, the height of the building face shall be measured for each area of roof type as described in 2(a) and 2(b) above, and the area of the building face shall be the combined sum as calculated for each portion of the building face.

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5. Sign Height and Sign Height Clearance:

- (a) The height of a sign shall be measured from ~~the~~ the elevation of the nearest sidewalk or crown of the road, whichever is higher, to the highest point of the sign area ~~above the nearest~~
- (b) The maximum height of a sign and the minimum height clearance of a sign shall be as specified in Sec. 30-507, Restrictions and Standards by Sign Type, and Sec. 30-508, Sign Regulations by Zoning District.

6. Maximum Sign letter size:

- (a) The size of an individual letter or symbol in any window sign ~~copy~~ shall not exceed 12 inches in height or width.
- (b) ~~and~~ The size of an individual letter or symbol in any other type of sign copy shall not exceed 18 inches in height or width, except that:
 - (1) The sign letter size may be increased by one inch for each 25 feet that the sign is setback from nearest street right-of-way; and
 - (2) The sign letter size may be increased by one inch for each 25 feet above the elevation of the nearest sidewalk or ~~roadway~~ crown of the road, whichever is higher, that the sign is mounted; and
 - (3) ~~In a sign with both upper and lower case letters, the maximum letter size of one upper case letter in each word may be increased 20 percent provided that the letter size of the lower case letters is reduced 20 percent.~~

(a) B. Construction:

- (1) All permanent signs shall be constructed of durable, weather-resistant and fade-resistant materials. All permanent signs shall be professionally constructed or manufactured.
- (2) All permanent signs, except those on single-family and duplex lots, shall be installed by a licensed contractor.
- (3) All permanent signs shall be constructed and installed to conform to the requirements of the building code.
- (4) All temporary signs shall be constructed and installed in a workman-like manner, shall not pose any safety hazard, and shall be removed upon the expiration of the temporary sign permit or upon the issuance of a severe weather warning.
- (5) A separate electrical permit is required for any illuminated sign.
- (6) sStenciled signs are ~~prohibited~~ permitted for use as permanent signs.
- (7) Professionally painted signs that are applied directly to the wall of a building face are permitted.

(b) C. Colors:

- (1) No florescent, phosphorescent, iridescent or reflective colors or paint may be used in any sign, except governmental informational, directional, traffic control or warning signs.

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- (2) ~~Sign copy~~ Letters and numerals contained within the ~~same~~ sign area of each individual sign shall be limited to no more than three colors.
- (3) White shall not be counted as a color when used as the background of the sign.
- (4) All permanent signs on the same building shall use the same color scheme.
- (5) Sign color(s) shall be compatible with the color(s) of any building or wall upon which the sign is mounted.
- (6) ~~The sign wall of a monument or pylon sign and the box of a box, pole or pylon~~ Any freestanding sign shall ~~match the~~ utilize the same color scheme of the building to which it is related.
- (7) 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.

(d) D. Layout:

- (1) The size, location, and style of permanent signs shall be compatible with the buildings or locations where they are placed
- (2) Multiple signs of the same type for the same business shall be consistent in terms of location, style, size and letter size.
- (3) New hotel, motel, business, apartment buildings, condominiums 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) E. Items of information: The items of identification 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):

- (a) 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.
- (b) 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~~ a cumulative total of three 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~~ a cumulative total of three 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~~ a cumulative total of three of the following items of information on any one permanent sign): Name of complex, telephone number,

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and type of accommodations. Address and ~~vacancy/no-vacancy~~ rental availability information shall be permitted, in addition to the two allowable items.

(e) F. Substitution clause: 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 otherwise lawful noncommercial message that complies with all other requirements of this article. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this article.

(f) G. Sign illumination:

- (1) Illuminated signs may be indirectly or internally illuminated.
- (2) All lighting elements or bulbs must be fully recessed or shielded within opaque or translucent covers.
- (3) Wooden signs shall not be internally illuminated or have electrical fixtures attached directly to the sign panel.
- (4) The intensity of illumination shall be limited to no more than 90 foot lamberts or ten foot-candles within residential districts or if visible within 200 feet from first floor residential property.
- (5) The intensity of illumination shall be limited to no more than 150 foot lamberts or 25 foot-candles if visible within 200 to 500 feet from first floor residential property.
- (6) The intensity of illumination shall be limited to a maximum of 250 foot lamberts or 50 foot-candles within nonresidential districts.
- (7) All transformer boxes, outlets and conduits relating to sign illumination shall be screened from exterior view.
- (8) A separate electrical permit is required for any sign illumination.
- (9) Architectural lighting designed to illuminate building walls, architectural features or landscaping is not regulated as a sign.

H. Prohibiting Location of Signs in Sight Visibility Triangles and in Utility or Drainage Easements:

- (1) ~~The sign~~ No sign shall not be located within any utility or drainage easements, or within any cross- sight visibility triangle or safe recovery area for a street.

I. Compliance with Other Town Code Regulations:

- (1) All signs must comply with all other Town Code Regulations and permitting requirements.
- (2) Any sign that extends over or is located within the public right-of-way must comply with section 17-9 of the Code of Ordinances and must obtain a right-of-way encroachment permit approval prior to applying for a sign permit.

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- (3) Any awning or canopy which extends over the right of way must comply with the requirements of Section 30-326 of the Town Code.

Sec. 30-507. - Definitions and Restrictions and Standards by sSign tType.

This section is intended to be used in conjunction with all of the applicable sign regulations and standards provided in this Article VIII- Sign Regulations.

Address sign: A sign displaying only the numerical address and unit number or letter of the premises upon which the sign is located.

An address sign with numerals or letters no more than six inches in height is allowed. Every building shall display an address sign that is clearly visible from the street.

Buildings that have rear door access to an alley or parking lot shall also display an address sign that is clearly visible from the alley or parking lot.

Animated or flashing sign: Any sign including electronic, laser, video, digital or similar displays, with elements, images, text, or colors that move, rotate, flash, change or similar movement is prohibited.

A date/time and temperature indicator or barber pole is not an animated sign.

Temporary animated or flashing signs attached to amusement rides, vending carts, and sideshow equipment used in a special community event specifically authorized by the Town Commission shall not be prohibited by these regulations.

Announcing sign: A temporary sign announcing the opening of a business, the future development of property or an upcoming event or activity.

An announcing sign shall not exceed 32 square feet in size.

An announcing sign for a new business may be displayed from the date of issuance of a business tax receipt for a business until 30 days after the opening of the business.

An announcing sign for a future development may be displayed from the date of approval of a site plan by the Town Commission, or the issuance of a building permit when no site plan approval is required, until the issuance of the certificate of occupancy.

An announcing sign for an upcoming event may be posted from 14 days prior to the event until the day after the event.

A temporary sign permit for an announcing sign shall not be issued more than twice per year for the same business.

Automated Teller Machine (ATM) Sign:

- (a) When an ATM sign is attached to an ATM device and where such ATM device is located outside of a building:

(1) ~~Only one sign shall be allowed to be displayed on each ATM device;~~

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- (2) The One identification sign shall be allowed on each ATM device which sign must be architecturally integrated into the ATM sign and shall not exceed 2 square feet;
 - (3) The ATM sign height shall not extend more than 2 feet above the highest point of ATM device;
 - (4) Advertising and instruction signs may be decals, but must be integrated into the design of the ATM device and cannot exceed one (1) square foot in area; and
 - (5) Shall be setback at least five feet from any right-of-way or property line.
- (b) When an ATM sign is not attached to an ATM device, an ATM sign shall comply with the standards of the applicable sign type as provided in this Article. For example, a neon ATM sign located in a window shall comply with the window neon sign standards of this Article VIII- Sign Regulations.

Awning sign: See "canopy and awning sign."

~~*Balloon sign:* Any type of inflatable sign or sign suspended from a balloon is a prohibited sign.~~

~~Temporary balloon signs used in a special community event specifically authorized by the Town Commission shall not be prohibited by these regulations.~~

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

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

Box sign: A sign, constructed like a box, with sign copy carved or routed into an opaque plastic, metal, stone or masonry face.

~~A box sign with sign copy painted on to or applied to a plastic or glass face is a cabinet sign. Routed sign letters may be back-faced with translucent plastic or glass to protect the inside of the sign and to shield lighting elements.~~

~~A box sign shall not exceed 32 square feet in sign area.~~

~~A box sign may be used as a monument sign, hanging sign, name and address sign, building identification sign, directory sign, informational, directional or traffic control sign wall sign, window sign, pole or pylon sign or roof sign.~~

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

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

Canopy and awning sign: A sign that is part of, or attached to a canopy or awning or other similar protective cover.

- (a) Signs placed upon awnings may consist of fabric, or thermally applied letters, the copy of which shall not exceed the permitted wall sign area.
- (b) Internally illuminated, transparent or translucent canopies and awnings used as signs are prohibited.
- (c) Any canopy or awning that extends over a public sidewalk must be fire-proofed, and
- (d) Any canopy or awning shall have at least seven feet of clearance above the sidewalk, and
- (e) Any canopy or awning shall be setback at least five feet from the edge of pavement of the adjoining street, and
- (f) Any canopy or awning must comply with section 30-326 of the Code of Ordinances prior to applying for a sign permit.

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

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

Contractor sign: A temporary sign, posted upon property or a building with an active building permit, listing only the name and/or type of development and/or the name and phone number of the developer, contractor, architect, engineer, landscape architect, planner and/or realtor.

A contractor sign shall not exceed 16 square feet in size.

Development: See "new development and redevelopment."

Directory sign: A single or double face sign, consisting of the name of the building or development and the names and unit numbers of tenants in a multiple tenant building or development.

- (a) A directory sign may use a changeable copy.
- (b) Free-standing ~~and~~ directory signs erected after March 7, 2001 ~~the effective date of this article~~ shall not exceed six feet in height, including the support structure.

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- (c) Any ~~Δ~~ directory signs shall not exceed 32 square feet in size. ~~and~~
~~(d) a ground-mounted~~ A freestanding directory sign shall be set back at least five feet from any street right-of-way.

~~Flag: Any fabric, plastic, canvas, material or bunting containing distinctive color(s), pattern(s), symbol(s), emblem(s) or insignia(s) containing noncommercial speech or used as a symbol of a government, political subdivision or other governmental entity or of any business or institutional entity or idea.~~

~~hanging sign: A double face sign hanging from a canopy, awning, or roof overhang and oriented perpendicular to the nearest building wall.~~

- (a) One hanging sign is permitted for each business use located in a multitenant building.
 (b) One hanging sign is permitted for each nonresidential use in a freestanding building.
 (c) A hanging sign may be attached to any portion of a building, however, in no case shall the hanging sign project greater than three (3) feet from the building face that it is attached perpendicular to.
 (d) Any A hanging sign that extends over a public sidewalk shall have at least seven eight feet of vertical clearance above the sidewalk and must comply with section 17-9 of the Code of Ordinances and obtain a right-of-way encroachment permit approval prior to applying for a sign permit.
 (e) Any hanging sign shall be setback at least five feet from the edge of pavement of the adjoining street.
 (f) A hanging sign shall not be located in such a manner that the highest point of the sign area exceeds 18 feet as measured from the nearest sidewalk or crown of the road, whichever is higher.
 (g) A hanging sign that is double-faced shall have two identical sign faces.
 (h) The sign area of a hanging sign shall be a maximum of six square feet. In determining the sign area of a double-faced hanging sign, the single sign face shall be used.
 (i) Perpendicular signs, projecting signs, and blade signs are subject to the regulations for hanging signs.

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

Informational, directional or traffic control sign:

~~A noncommercial sign erected and maintained by the Town, County or State, or any agency thereof, or specifically provided for a facility licensed with the Town, to denote the name of any thoroughfare, route directions, educational institution, public building, park, recreational facility or hospital; to provide multi-modal transportation facility ownership and operational directions; to~~

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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.

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."

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.

- (a) A menu board sign may be placed on a door, wall or column outside of a restaurant;
- (b) Only one menu board sign per licensed restaurant per street frontage is allowed;
- (c) A menu board may only contain a copy of the menu or daily specials;
- (d) If a paper menu is used, it must be mounted under a protective glass or plastic cover;
- (e) A menu board sign shall not exceed six square feet in size;
- (f) A menu board sign may be attached to a restaurant hostess stand. A menu board sign that is attached to a hostess stand shall not exceed 2 square feet in area and no portion of the menu board sign area shall extend beyond the height and width of the hostess stand that it is attached to;
- (g) Menu board signs may not be Sandwich Signs.

Monument sign: A permanent free-standing stone, masonry or metal ground sign where the entire bottom of the sign is affixed to the ground or where the sign is placed upon a permanent free-standing masonry wall section not exceeding six feet in height and

- (a) Only one monument sign with one or two faces that is single sided or one monument sign that is two sided, is permitted per street frontage, and only when located on a plot with 200 or more feet or greater of continuous frontage on the same street.
- (b) A monument sign shall only list listing only the name and address of the development or business.
- (c) 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.
- (d) 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.
- (e) A monument sign shall be perpendicular to the ground and may be perpendicular or parallel to the primary building facade.

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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.

Neon signs shall only be permitted in the B1 and B1A districts, provided subject to the following restrictions:

- (1)
 - (a) A business shall be allowed to have up to a maximum of three neon signs per street frontage, one of which may be an exterior sign;
 - (b) A neon sign that is attached to or placed within ten feet of the inside of a window and oriented toward the window shall be counted toward the total number of window signs permitted by this Article VIII - Sign Regulations, and shall be subject to the regulations for window signs as set forth herein.
- (4) (c) An exterior neon sign may only be used for the purpose of identifying ~~display the name of the~~ business or the business' logo;
- (5) (d) The depiction of any part of the human body is prohibited; and
- (6) (e) Signs may remain illuminated only during the business hours of the business, or 10:00 p.m., whichever is later.
- (f) Window neon signs shall also 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. be subject to the following regulations:
 - 1) ~~Window signs shall require an annual license from the Town.~~
Each window neon sign shall require a separate license.

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All licenses for window neon signs shall expire on the thirtieth day of September of each year.

- 1) No neon window sign may exceed four square feet unless it displays solely the name of the business;
- 2) 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;

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 ~~t~~ 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.

Noncommercial: Containing no commercial message.

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."

(a) All painted signs shall be professionally applied.

(b) ~~"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.

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 installed and maintained in a fixed location for an indefinite period of time.

Pole sign or Pylon sign:

- (1) Any new pole or pylon sign permitted within the RM-25 and RM 50 zoning districts, shall meet the criteria for pole or pylon signs as provided below:
 - i. The sign ~~area box or panel~~ of a pole or pylon sign shall not exceed 32 square feet in size.
 - ii. There shall be no more than one pole or pylon sign per street frontage per property.
 - iii. All pole and pylon signs shall be set back at least five feet from any property line or right-of-way.
 - iv. The setback required for a pole or pylon sign shall be measured from whichever portion of the pole, pylon, or sign area is closest to the property line.
 - v. 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 ~~area box or panel~~.

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- vi. No pylon sign may be placed within 30 feet of a street intersection or in any location that would obstruct cross-visibility at a driveway intersection or would obstruct cross-visibility for back-out parking.
- vii. The support poles of pole signs shall not exceed a width or diameter of 18 inches.
- viii. Pylon signs shall be limited to one pylon with a width or diameter not to exceed four feet.
- ix. The height of the top of a pole or pylon sign shall not exceed 15 feet above the crown of the nearest street.

(2) Replacement of legal, nonconforming pole and pylon signs in any district shall be in conformance with Sec 30-510, Nonconforming signs.

~~A sign mounted upon one or two vertical poles, either free-standing or extending above another structure.~~

~~Except as provided in the RM-25 and RM-50 districts, properties that did not have pole signs on March 27, 2001 and did not have them within the two years preceding that date shall not be permitted to erect or maintain pole signs.~~

~~Traffic control and directional signs mounted on poles are not considered to be pole signs.~~

~~**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.~~

~~**Pylon sign:** A sign, mounted upon or on top of a vertical wall or pylon, that exceeds six feet in height, either free-standing or extending above another structure.~~

~~Except as provided in the RM-25 and RM-50 districts, properties that did not have pylon signs on March 27, 2001 and did not have them within the two years preceding that date shall not be permitted to erect or maintain pylon signs.~~

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Real estate sign: A temporary sign announcing an "open house" or "model home" or the availability of the premises for sale or for lease.

The name and phone number of the person or company responsible for placing and removing the sign shall be listed on the sign.

Real estate signs located in residential zoning districts shall be no larger than 24 inches wide by 18 inches high mounted upon the ground, and shall not exceed three feet in height and shall be mounted with a frame or holder and post.

Real estate signs located in nonresidential zoning districts shall be no larger than six square feet in size and, if mounted upon the ground, such sign shall not exceed six feet in height and shall be mounted with a frame or holder and post, or if mounted upon a wall or within a window, such sign shall not be placed higher than 24 feet above the ground.

Properties shall be limited to one real estate sign per street frontage.

Waterfront properties may display one additional sign facing the water.

No real estate sign may be placed on public property or right-of-way.

Real estate signs placed on or for property which is for sale or lease, during a period of open viewing ("open house" signs) may only be posted during the hours of the open house and may only be posted on private property with the permission of the property owner.

All real estate signs must be removed upon closing or leasing of a property which had been for sale or lease.

Redevelopment: See "new development and redevelopment."

Roof sign: A sign mounted above the fascia of a sloped roof or above the deck of a flat roof.

~~(a)~~ A sign placed upon a bona fide tower extending above the principal roof line of the building or upon a dormer or recessed wall within a sloped roof shall not be considered a roof sign.

~~(b)~~ Roof signs are permitted but not encouraged.

~~(c)~~ (a) Roof signs shall not be permitted if either wall or awning signs can be placed upon a building.

~~(d)~~ (b) New development and redevelopment shall not be permitted to erect or maintain roof signs. No roof signs are permitted on any property with a pole or pylon sign.

~~(e)~~ (c) No roof sign shall exceed 32 square feet in size, four feet in height vertically or 14 feet in length.

~~(f)~~ (d) Roof signs shall be mounted on the parapet wall of a flat roof or on a solid supporting panel on a sloped roof.

~~(g)~~ (e) Roof signs shall not be mounted on visible poles or brackets.

~~(h)~~ (f) Multiple roof signs on the same building shall be the same design, size, shape and color.

Sandwich sign: ~~See Valet Parking and or Paid Private Parking Sandwich Sign standards.~~ A movable, portable, free-standing sign not secured or attached to the ground that can be folded and carried by an individual. The sign panels of a sandwich sign shall not exceed 28 inches by 36 inches in size. The

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sandwich sign may only be utilized for a licensed valet establishment and for paid private parking but for no other purpose.— Sandwich signs shall also comply with the following:

- ~~(1)~~ The sign and letters shall be manufactured.— Handwritten signs are prohibited.
- ~~(2)~~ The sign shall be constructed of weather resistant materials and shall not contain, foil, mirrors, bare metal or other reflective materials that could create hazardous conditions to motorists.
- ~~(3)~~ The sign shall not contain lights of any kind or streamers, balloons, ribbons, pennants, wind socks or other similar devices designed to move in the wind.
- ~~(4)~~ The sign shall be placed on private property only. If the sign is placed in an area open to pedestrians, the sign shall be located such that a clear pedestrian walkway or path or at least four feet is maintained, free of obstruction.
- ~~(5)~~ The sign shall not be placed so as to obstruct vehicular traffic sight distance triangle requirements.
- ~~(6)~~ The sign may be erected only during the hours of operation of the establishment when the business or service is open to the public.
- ~~(7)~~ The sign shall be removed when winds are strong enough to move the sign.

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information to the public.

Noncommercial paintings or murals displayed for purely decorative, historical or architectural purposes are not signs.

A mural containing advertising, text or logos, or copyrighted, trademarked or service marked characters, objects or products advertised in print or media advertising is a sign.

Architectural lighting designed to illuminate building walls, architectural features or landscaping is not a sign.

Strip or string lighting placed in or around windows is a prohibited sign.

Sign area: The area of a square or rectangle encompassing all of the text, copy, symbols and logos displayed on a sign.

The total sign area of all signs attached to the wall, canopy and/or awnings of a building face shall not exceed 15 percent of the area of that building face.

In the case of a building with a flat roof, the area of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road to either the deck of a flat roof or the top of the parapet wall, whichever is higher.

In the case of a building with a sloped roof, the area of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road to the midpoint of a sloped roof.

The sign area of a double faced sign, with identical faces mounted on opposite sides of the same sign panel or box, is the area of only one of the two identical faces.

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

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

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

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

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

Special event sign: A temporary sign placed by the Town, a community service organization, homeowners association or condominium association announcing an upcoming community event, special meeting or election.

A special event sign shall not exceed 32 square feet in size, shall not be posted for more than 14 days.

A temporary sign permit for a special event sign shall not be issued for the same property or location more than four times per year without the approval of the Town Commission.

Subdivision and residential development identification sign: A sign erected at the entrance to a neighborhood or residential development displaying only the official name and address of the neighborhood or residential development.

- (a) Subdivision and residential development identification signs shall not exceed six feet in height or 32 square feet in sign area per sign face.
- (b) One two-face sign may be permitted in the median of a divided entrance or one single-face sign shall be permitted on each side of a street entrance to a named residential neighborhood or of a street-type driveway entrance to a multi-family development.
- (c) The sign shall not be located within any utility or drainage easements, ~~or within any cross-a sight visibility triangle or safe recovery area for a street.~~
- (d) All proposed subdivision and residential development identification signs shall be subject to site plan approval pursuant to article IV of the Land Development Code.

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Temporary sign: A temporary sign is any one of the types of signs specifically listed within these regulations as an allowed temporary sign and which may be displayed for a limited, specified amount of time.

Temporary signs may be constructed of wood, metal and/or plastic, and may use flat, painted or printed text and designs.

~~Window neon signs shall be considered temporary signs, regardless of the material used in their construction.~~

~~Unless otherwise addressed by this article, temporary signs shall be removed within seven days after the event to which they relate.~~

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

(a) A vacancy/no vacancy **rental availability** sign shall not exceed two square feet in sign area, ~~and~~

(b) **A vacancy/ no vacancy/rental availability sign** may be directly or indirectly illuminated and may contain ~~or~~ changeable copy.

Valet Parking or Paid Private Parking Sandwich sign: A movable, portable, free-standing sign not secured or attached to the ground that can be folded and carried by an individual. The sign panels of a sandwich sign shall not exceed 28 inches by 36 inches in size.

(a) A sandwich sign may only be utilized for a licensed valet establishment and/or for paid private parking.

(b) Sandwich signs shall also comply with the following:

(1) The sign and letters of a sandwich sign posted for a licensed valet establishment and for paid private parking shall be manufactured.

(2) Handwritten signs are prohibited.

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

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

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

(6) The sign shall not be placed so as to obstruct vehicular traffic sight distance triangle requirements.

(7) The sign may be erected only during the hours of operation of the establishment when the business or service is open to the public and shall be removed at the end of the business day.

(8) The sign shall be removed when winds are strong enough to move the sign.

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(9) The sign panels of a sandwich sign shall not exceed 28 inches by 36 inches in size.

Vehicle or trailer sign: A prohibited sign advertising a business or product, mounted on, or attached to a motor vehicle or trailer which is parked for more than 12 hours at the same location or parked on more than three consecutive days at the same location as the business or product which is being advertised.

A vehicle parked inside a garage, parked behind the building, or a passenger vehicle displaying a name and telephone number with letters no more than four inches in height is not a vehicle sign as described above.

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

- (a) In districts where permitted, each principal building shall be allowed one wall sign on each wall facing a public vehicular use area.
- (b) A commercial building located within the B-1-A or B-1 zoning district that has a building wall facing a private vehicular use area located on a side of the building other than its primary lot frontage, may be allowed up to three additional wall signs ("end signs") (no more than one per tenant) provided the building wall is not facing a single or multifamily residential use. End Signs must be for uses within the building. The cumulative total of the End Signs shall not exceed 16 square feet which sign area shall not be included in the total building signage.
- (c) A single tenant commercial use building located in the B-1-A or B-1 zoning districts may combine a permitted wall sign and building identification sign into a single wall sign not exceeding 48 square feet in sign area.
- (d) All wall signs shall be within six inches off the wall or façade upon which it is mounted.
- (e) The wall sign shall be an integral part of the façade composition and be consistent with the building's architecture.
- (f) Consistency of wall signs in a single building is encouraged.
- (g) The building wall may serve as the sign background.
- (h) A building wall sign may be front lit, back lit, or internally lit.

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

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

The area of a single window includes contiguous window panels separated by dividers less than six inches in width.

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Contiguous window panels separated by dividers greater than six inches in width, separated by a doorway or separated by the corner of a building shall be considered separate windows. A glass door or pair of doors shall be considered a separate window.

Window sign: A sign attached to or placed within ten feet of the inside of a window and oriented toward the window.

- (a) Window signs may be applied to the interior surface of glass only.
- (b) No more than three window signs of any type shall be displayed in any single window.
- (c) A bulletin board, displayed inside a window, and upon which notices, advertisements, specials, listings and the like are posted, shall be considered a single window sign.
- (d) A window sign shall not exceed 15 square feet in sign size area.
- (e) Window signs shall not obstruct more than 25 percent of the total area of the window within which the window signage is placed.
- (f) Merchandise in display windows shall not be considered window signs.
- (g) Customary price tags and labels not exceeding 15 square inches each in size on merchandise in display windows shall not be considered window signs.
- (h) Strip or string lighting placed in or around windows is a prohibited window sign.
- (i) Neon window signs shall be counted toward the total number, square feet and total area permitted for window signs, and subject to the regulations for window signs as provided herein.
- (j) When located in the CF or P zoning district, window signs shall be restricted to one window sign per street frontage, and shall be placed in first floor windows only.

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

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

(1) Private informational, directional and traffic control signs.

(2) Name and address signs:

- a. One resident name sign per dwelling unit, including any exempt name sign, to be placed on the building and not to exceed two square feet in sign area.
- b. One address sign per address, including any exempt address sign, shall be placed on the building, fence, wall or mail box, be visible from the street and shall not exceed two square feet in sign area.

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

~~(4) Temporary political signs: To be set back at least five feet from any right-of-way or property line.~~

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

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

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

c. *Temporary special event signs*: Two signs per neighborhood to be set back at least five feet from any right-of-way or property line.

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

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

(1) Private informational, wayfinding, directional and traffic control signs.

(2) Name and address signs:

a. One resident name sign per dwelling unit, including any exempt name sign, to be placed on the dwelling unit and not to exceed two square feet in sign area.

b. One occupant address sign per address, including any exempt address sign, to be placed on the building or mail box and not to exceed two square feet in sign area.

c. One building address sign per building to be placed on the building and not to exceed a total of six square feet of sign area.

d. Every building shall display an address sign that is clearly visible from the street. Buildings that have rear door access to an alley or parking lot shall also display an address sign that is clearly visible from the alley or parking lot.

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

(4) Vacancy/no vacancy/rental availability signs: One sign per licensed motel or hotel, or multi-family residential use not exceeding two square feet of sign area.

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~~(5) Temporary political signs: to be set back at least five feet from any right-of-way or property line.~~

(6) In addition, each multi-family or non-residential use:

- ~~i. May~~ ~~display no more than two of the following permanent signs, with a combined total sign area of not more than 32 square feet, per street frontage, and the total sign area of all signs attached to the wall, canopy and/or awnings of a building face shall not exceed 15 percent of the area of the building facade. In the case of a building with a flat roof, the area of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road to either the deck of a flat roof or top of the parapet wall, whichever is higher. In the case of a building with a sloped roof, the area of the building face shall be measured from elevation of the nearest sidewalk or crown of the road to the midpoint of a sloped roof.~~
- ii. If a hotel or motel takes over an adjoining hotel or motel, then the combined hotel or motel is entitled to 16 additional square feet of separate wall or awning sign area; the existing signs shall not be increased in size by this additional footage.

a. *Building or development identification signs:* One sign per building per street frontage, with a sign height no greater than 35 feet.

b. *Canopy or awning signs:* With a sign height no greater than 18 feet.

c. *Hanging sign:* One sign per building per street frontage, with a sign height no greater than 18 feet.

d. *Changeable copy signs:* One sign per street frontage, with a sign height no greater than 18 feet.

e. *Monument signs:* One sign with one or two faces per street frontage, only on a plot with 200 or more feet of continuous frontage on the same street.

f. *Pole or pylon signs:* Limited to hotels, motels, apartment buildings and condominiums only and to one sign per street frontage per property.

g. *Wall signs:* With a sign height no greater than 35 feet.

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

a. *Temporary announcing sign:* One sign per plot to be set back at least five feet from any right-of-way or property line.

b. *Temporary contractor signs:* One sign per plot to be set back at least five feet from any right-of-way or property line.

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c. *Reserved.*

d. *Temporary portable advertising signs for a use businesses adjoining a roadway under construction:* One sign per frontage of a street under construction, not exceeding 16 square feet in sign size area, to be posted adjacent to the road right-of-way during the period of road construction.

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

f. *Temporary special event signs:* Two signs per block to be set back at least five feet from any right-of-way or property line.

(c) *B-1, and B-1-A districts.* Only the following types of signs are permitted within the B1, and B1A districts, subject to the limitations and requirements contained in the definitions and restrictions and standards by sign type and the general design standards sections of these regulations, and subject to the additional limitations stated below:

(1) *Building or development identification signs:* One sign per building per street frontage with a sign area of no more than 32 square feet and with a sign height no greater than 35 feet.

(2) *Private informational, wayfinding, directional and traffic control signs.*

(3) *Menu board sign:* One sign per licensed restaurant per street frontage.

(4) *Name and address signs:*

a. One occupant name sign per dwelling unit or business, excluding any exempt rear door name sign, to be placed on the dwelling unit or business and not to exceed two square feet in sign area;

b. ~~One~~ One occupant address sign per address, excluding any exempt rear door address sign, to be placed on the building or mail box and not to exceed two square feet in sign area;

c. ~~One~~ One building address sign per building to be placed on the building and not to exceed a total of six square feet of sign area. Every building, and every business with a separate, ground floor, street-side entrance, shall display an address sign that is clearly visible from the street.

d. Buildings that have rear door access to an alley or parking lot shall also display an address sign that is clearly visible from the alley or parking lot.

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

~~(6) Temporary political signs.~~

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(7) In addition, each office building, separate storefront business, or other non-residential use:

- i. ~~May~~ display no more than two of the following permanent signs, with a combined total sign area of not more than 32 square feet per street frontage, and the total sign area of all signs attached to the wall, canopy and/or awnings of a building shall not exceed 15 percent of the area of the building facade, except as otherwise permitted for wall signs as provided herein. ~~In the case of a building with a flat roof, the area of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road to either the deck of a flat roof or top of the parapet wall, whichever is higher. In the case of a building with a sloped roof, the area of the building face shall be measured from elevation of the nearest sidewalk or crown of the road to the midpoint of a sloped roof.~~
- ii. Multiple businesses occupying a single storefront bay must share the permitted total number and sign area of signs.
- iii. If a store front business takes over the entire adjoining store front space vacated by another business, then that new business is entitled to either 16 additional square feet of wall or awning sign area, or if the store front business is taking over an entire adjoining store front space vacated by another business, the new business may use the existing roof signage that the old business used provided that the structure of the roof sign is not altered:.

a. *Canopy or awning signs:* With a sign height no greater than 18 feet.

b. *Directory signs:* One sign per street frontage for a multi-tenant office, multi-tenant retail or governmental building only.

c. *Hanging signs:* With a sign height no greater than 18 feet.

d. *Changeable copy signs:* With a sign height no greater than 18 feet.

e. *Monument signs:* One sign with one or two faces per street frontage, only on a plot with 200 or more feet of continuous frontage on the same street.

~~f. Pole or pylon signs (if legal nonconforming signs): No new pole or pylon sign may be erected after March 27, 2001 unless it is a replacement sign meeting the requirements of this article.~~

fg. *Roof signs:* Only when wall or awning signs are not feasible, and not if a legal nonconforming pole or pylon sign exists on the same property.

gh. *Wall signs:*

- i. With a sign height no greater than 35 feet.
- ii. A commercial building located within the B-1-A or B-1 zoning district that has a building wall facing a private vehicular use area located on a side of the building other than its primary lot frontage, may be allowed up to three additional wall signs ("end signs") (no more than one per tenant) provided the building wall is not facing a single or multifamily residential use. End Signs must be for uses within the building. The cumulative total of the End Signs shall not exceed 16 square feet which sign area shall not be included in the total building signage.

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- iii. A single tenant building may combine a permitted wall sign and building identification sign into a single wall sign not exceeding 48 square feet in sign area.

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

- a. *Temporary announcing signs*: One sign per plot;
- b. *Temporary contractor signs*: One sign per plot;
- c. *Temporary portable advertising signs for a use businesses adjoining a roadway under construction*: One sign per frontage of a street under construction, not exceeding 16 square feet in sign sign **size area**, allowed in the business and motel districts, to be posted adjacent to the road right-of-way during the period of road construction;
- d. *Temporary real estate signs*;
- e. *Temporary special event signs*: Two signs per block;
- f. *Temporary banner sign*.

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

(1) Informational, **wayfinding**, directional and traffic control signs.

(2) Name and address signs:

- a. One occupant name sign per building, excluding any exempt rear door name sign, to be placed on the building and not to exceed two square feet in sign area.
- b. One occupant address sign per address, excluding any exempt rear door address sign, to be placed on the building or mail box and not to exceed two square feet in sign area.
- c. One building address sign per building to be placed on the building and not to exceed a total of six square feet of sign area. Every building shall display an address sign that is clearly visible from the street.
- d. Buildings that have rear door access to an alley or parking lot shall also display an address sign that is clearly visible from the alley or parking lot.

~~(3) Reserved.~~

(3) Window signs: One window sign per street frontage, placed in first floor windows only.

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(45) In addition, each building may display no more than two of the following permanent signs, with a combined total sign area of not more than 32 square feet per street frontage, and the total sign area of all signs attached to the wall, canopy and/or awnings of a building shall not exceed 15 percent of the area of the building facade. ~~In the case of a building with a flat roof, the area of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road to either the deck of a flat roof or top of the parapet wall, whichever is higher. In the case of a building with a sloped roof, the area of the building fact shall be measured from elevation of the nearest sidewalk or crown of the road to the midpoint of a sloped roof:~~

- a. *Building or development identification signs:* With a sign height no greater than 35 feet.
- b. *Canopy or awning signs:* With a sign height no greater than 18 feet.
- c. *Directory signs:* For a multi-tenant building only, and with a sign height no greater than 12 feet.
- d. *Hanging signs:* With a sign height no greater than 18 feet.
- e. *Changeable copy signs:* With a sign height no greater than 18 feet.
- f. *Monument signs:* One sign with one or two faces per street frontage, only on a plot with 200 or more feet of continuous frontage on the same street.
- g. *Wall signs:* With a sign height no greater than 35 feet.

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

- a. *Temporary announcing signs:* One sign per plot to be set back at least five feet from any right-of-way or property line.
- b. *Temporary contractor signs:* One sign per plot to be set back at least five feet from any right-of-way or property line.
- c. *Temporary real estate signs:* To be set back at least five feet from any right-of-way or property line.
- d. *Temporary special event signs:* Two signs per block to be set back at least five feet from any right-of-way or property line.
- e. *Temporary banner signs.*

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Sec. 30-501--509 Administration and permits.

These sign regulations shall be administered by the 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 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 Department.

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

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

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

- (1) No application shall be accepted until it is deemed complete by the Department.
- (2) The Department shall review all of the information submitted to determine conformity with this article and applicable sections of the Florida Building Code, including the location of the proposed sign.
- (3) The submitted application will be reviewed within 20 business days and any corrections, revisions or deficiencies provided to the applicant within that 20-day period.

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(4) Upon each re-submittal of corrected plans, the Department shall have ten business days to review the application and provide any corrections, revisions or deficiencies to the applicant. This process shall continue until the applicant has submitted a complete application or demands that the application be reviewed as is, without further revisions.

(5) If an applicant fails to provide additional information as requested by the Department within two (2) months of the request or respond to the Department with a time when the information will be submitted, the application shall be deemed to be withdrawn by the applicant.

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

(d) No right to appeal. Except when Commission approval is required pursuant to the Code, the decision of the Development Services Department for the issuance or denial of a sign permit shall be final. There shall be no right of appeal to the Town Board of Adjustment or Town Commission of a finding of the Development Services Department. The appellant may seek relief in the Circuit Court for Broward County, as provided by law.

Sec. 30 - 510 Nonconforming Signs.

~~(e)~~

(a) Nonconforming signs. Except a pole or pylon sign meeting the criteria and conditions of subsection (b) below, any previously permitted, existing sign that does not conform to the provisions of these regulations shall be removed or brought into conformance with these regulations upon new development or redevelopment as defined in Sec. 30-513; or
within ten (10) years of _____ 2012 [the effective date of this article; whichever occurs earlier.

(f) (b) Nonconforming pole and pylon signs. Except as permitted in the RM-25 and RM-50 district, any previously permitted pole or pylon sign legally existing as of March 27, 2001, and in existence for the two years prior to that date, shall be considered a legal, nonconforming pole or pylon sign.

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

(2) Legal, nonconforming pole or pylon signs meeting the criteria of this section may be replaced only under the following conditions:

- i. The sign ~~area box or panel~~ of a pole or pylon sign shall not exceed 32 square feet in size.

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- ii. There shall be no more than one pole or pylon sign per street frontage per property.
- iii. All pole and pylon signs shall be set back at least five feet from any property line or right-of-way.
- iv. The setback required for a pole or pylon sign shall be measured from whichever portion of the pole, pylon, or sign area is closest to the property line.
- v. 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 ~~area box or panel.~~
- vi. No pylon sign may be placed within 30 feet of a street intersection or in any location that would obstruct cross-visibility at a driveway intersection or would obstruct cross-visibility for back-out parking.
- vii. The support poles of pole signs shall not exceed a width or diameter of 18 inches.
- viii. Pylon signs shall be limited to one pylon with a width or diameter not to exceed four feet.
- ix. The height of the top of a pole or pylon sign shall not exceed 15 feet above the crown of the nearest street

(3) Replacement of legal, nonconforming 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:

- i. The proposed pole or pylon sign is replacing an existing legal, nonconforming pole or pylon sign.
- ii. The design and colors of the proposed sign shall be coordinated with the design and colors of any buildings on the premises.
- iii. 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.

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Sec. 30-509-511. - Fee schedule.

The fee schedule for sign permits shall be established by resolution of the Town Commission and shall be posted in the Building Department.

Sec. 30-510 512. - Severability.

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

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

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

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

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Sec. 30- 513. DEFINITIONS:

The terms and phrases used in this Article shall have the following indicated meanings:

Address sign: A sign displaying only the numerical address and unit number or letter of the premises upon which the sign is located.

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

Announcing sign: A temporary sign ~~announcing~~ used for the opening of a business, the future development of property or an upcoming event or activity.

Adjoining: Located next to, bordering or contiguous.

Automated Teller Machine (ATM) sign. A sign that is located on, or attached to, an automated teller machine (ATM) that identifies the ATM, name of the machine or the business entity that owns an ATM and that identifies the financial services networks that are accepted at that ATM. For the purpose of this section, an ATM is defined as a computerized telecommunications device that provides the clients of a financial institution with access to financial transactions in a public space without the need for a cashier, human clerk or bank teller.

Awning sign: See "canopy and awning sign."

Balloon sign: Any type of inflatable sign or sign suspended from a balloon.

Banner sign: A sign with or without any text, composed of fabric or plastic, affixed to a permanent pole or permanent structure by wire, string, brackets or grommets and which is suspended in the air over a public right-of-way. A hanging sign is not included within the definition of a banner sign. Pennants are included within this definition of a banner sign.

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

Building or development identification sign: A sign ~~displaying~~ used only for the name and/or address of a building or development.

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

Canopy and awning sign: A sign that is part of, or attached to a canopy or awning or other similar protective cover.

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

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

Contractor sign: A temporary sign, posted upon property or a building with an active building permit, used to identify ~~listing only~~ the name and/or type of development and/or the name and phone number of the developer, contractor, architect, engineer, landscape architect, planner and/or realtor.

Development: See "new development and redevelopment."

Directory sign: A single or double face sign, used to identify ~~consisting of~~ the name of the building or development and the names and unit numbers of tenants in a multiple tenant building or development.

Electronic sign: Any type of electronic display board, electronic message board, digital, LED, programmable ink or other sign capable of displaying words, pictures, symbols, video or images including, but not limited to, any electronic, laser, digital, or projected images display that can be changed electronically or mechanically by remote or automatic means. Architectural lighting designed to illuminate building walls, architectural features or landscaping is a not a sign.

Feather sign: A professionally produced temporary lightweight sign comprised of nylon, canvas, vinyl, or polyester fabric that may or may not contains language for advertisement, greeting or similar messaging purposes and that is affixed to support structure, such as a metal pole, in such a manner that allows movement of the banner and where such sign is located outdoors. Such signs may be referred to as "flutter", "tear drop", "flying", "wing", "bow" signs.

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

Freestanding sign: Any type of sign that is not affixed to a building.

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Hanging sign: A hanging sign that is attached perpendicular to any portion of the primary building facade or attached to the underside of a building arcade or building canopy, which sign is attached by brackets, cantilevered, or suspended in some similar manner. A hanging sign may be vertical or horizontal in its orientation. Perpendicular signs, projecting signs, and blade signs are also included in the definition of a hanging sign.

Informational, wayfinding, directional or traffic control sign: An informational, wayfinding, directional or traffic control sign is:

- (a) A noncommercial sign erected and maintained by the Town, County or State, or any agency thereof, or specifically provided for a facility licensed with the Town, to denote the name of any thoroughfare, route directions, educational institution, public building, park, recreational facility or hospital; to provide multi-modal transportation facility ownership and operational directions; 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 outside of a restaurant and containing only a copy of the menu or daily specials.

Monument sign: A permanent free-standing stone, masonry or metal ground sign where the entire bottom of the sign is affixed to the ground or where the sign is placed upon a permanent free standing masonry wall section.

Multi-modal transportation facility: A facility approved through license by the Town, used for the storage of vehicles which are utilized in a Town-wide rental and sharing system for such vehicles.

Multi-modal transportation information sign: A sign, specifically provided for as part of a license with the Town for a designated multi-modal transportation facility, which is attached to said facility for the purpose of providing maps, directional and instructional information, and identifying the owner or manufacturer of the facility, for users of the system. Said signs shall not be illuminated or include any flashing, moving, digital, video display or electronic changeable copy features. A single informational sign not to exceed 30" by 30", per facility, may identify sponsors of the facility and program on the opposite side of the information sign. In addition, each pay station may contain up to four signs to identify facility sponsors, one per pay station side, not to exceed one (1) sq. ft. All sign faces shall be

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oriented towards users of the multi-modal transportation facility and not toward the motorized vehicle traffic.

Mural: ~~A large picture, painting or graphic, with or without text, not otherwise meeting the criteria for a wall sign, applied directly to an otherwise blank wall containing advertising, text or logos, or copyrighted, trademarked or service marked characters, objects or products advertised in print or media advertising. Noncommercial pictures, paintings or graphics displayed for purely decorative, historical or architectural purposes which contain no text except for identification of the artist and date in letters not exceeding six (6) inches in height, are not signs.~~ murals.

Name sign: A sign ~~containing~~ used only for 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.

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

- (a) **New development:** ~~means~~ The construction of a building or parking lot upon a vacant or cleared plot.
- (b) **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.

Noncommercial: Containing no commercial message.

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." Painted signs do not include murals.

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.

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 installed and maintained in a fixed location for an indefinite period of time.

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Pole sign: A sign mounted upon one or two vertical poles, either free-standing or extending above another structure. Traffic control and directional signs mounted on poles are not considered to be pole signs.

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.

Portable advertising identification signs for a use businesses adjoining a roadway under construction: A sign that is used for the purpose of identifying advertising a business, hotel or motel, or other non-residential use during the period of construction of an adjacent roadway.

Portable moving sign. A sign not permanently attached to the ground or other permanent structure, and designed to be worn or carried for display by a person or transported by means of wheels. The term "portable moving sign" includes, but is not limited to, a human sign or a sign mounted on a bike trailer or vehicle trailer or truck bed, that is used to advertise any business or product that is not the business or principal purpose of the vehicle. This definition is not to be construed to include those signs on a vehicle that identify its business, purpose or principal products or such advertising devices as may be attached to or displayed on and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that period of time such vehicle is regularly and customarily used to traverse the public highways during the normal course of business. A sandwich sign, as otherwise defined in this Chapter, is not included in this definition.

Pylon sign: A sign mounted upon or on top of a vertical wall or other support structure, wherein such wall or structure exceeds six feet in height. A pylon sign that is supported by a pole shall be considered a pole sign. A pylon sign may be either a free-standing sign or attached to and extending above another structure.

Real estate sign: A temporary sign announcing an "open house", "model home" or the availability of the premises for sale or for lease.

Redevelopment: See "new development and redevelopment."

Roof sign: A sign mounted above the fascia of a sloped roof or above the deck of a flat roof. A sign placed upon a bona fide tower extending above the principal roof-line of the building or upon a dormer or recessed wall within a sloped roof shall not be considered a roof sign.

Sandwich sign: A movable, portable, free-standing, A-frame board construction sign not secured or attached to the ground that can be folded and carried by an individual.

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information to the public. ~~Noncommercial paintings or graphics displayed for purely~~

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decorative, historical or architectural purposes and which contain no text except for identification of the artist and date in letters not exceeding six (6) inches in height, are not signs.

Snipe sign: A sign which is tacked, nailed, taped, glued or otherwise attached to a tree, pole, fence, newsrack, trash receptacle, building wall or door or other object. Legal notices required by law are exempted.

Special event sign: A temporary sign placed by the Town, a community service organization, homeowners association or condominium association announcing an upcoming community event, special meeting or election.

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

Subdivision and residential development identification sign: A sign erected at the entrance to a neighborhood or residential development ~~displaying~~ used only for the official name and address of the neighborhood or residential development.

Temporary sign: A temporary sign is any one of the types of signs specifically listed within these regulations as an allowed temporary sign and which may be displayed for a limited, specified amount of time.

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

Vehicular Use Area [VUA]: For the purpose of this section, vehicular use areas are areas used for parking of vehicles, and all land upon which vehicles traverse. A private VUA is a VUA area that is privately owned and not public property.

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

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

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Window: For the purpose of these regulations, a window shall be defined as that portion of a first or second floor facade consisting of a transparent, glass-like material designed to provide viewing of the interior from the exterior of the building and which shall be:

- (a) No less than 75 percent transparent from the exterior.
- (b) The area of a single window includes contiguous window panels separated by dividers less than six inches in width.
- (c) Contiguous window panels separated by dividers greater than six inches in width, separated by a doorway or separated by the corner of a building shall be considered separate windows.
- (d) A glass door or pair of doors shall be considered a separate window.

Window sign: A sign attached to or placed on storefront windows and glass doors and that are placed within ten feet of the inside of a window and oriented toward the window. A bulletin board, displayed inside a window, and upon which notices, advertisements, specials, listings and the like are posted, shall be considered a single window sign.

Sec. ~~30-511~~ 30-514 - 30-530. - Reserved.

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PROPOSED AMENDMENTS TO ARTICLE VIII SIGN REGULATIONS

INCLUDES PLANNING AND ZONING BOARD RECOMMENDATIONS

User Friendly Code Format Changes

- Renumbering and changing the order of the sign code sections
- Added Purpose and Applicability sections
- Added Definitions section
- Provide for Illustrations of certain sign types and sign regulations
- Clarified language regarding certain sign types
- Clarified language regarding sign design regulations and standards
- Updated lists of exempt signs, temporary signs, permitted and prohibited signs
- Deleted sign types that are not addressed in sign code
- Clarified that signs may not be placed in sight visibility triangles or within utility/ drainage easements
- Corrected scrivener's errors

Table Summarizing Proposed Changes to Article VIII - Sign Code Regulations - Page 1 of 5

ISSUE #	Regulation / Sign Type	Current Code	New Regulation / Proposed Change (Line # from Exhibit 1)	* LR MR N/A	Reason / Basis for Proposed Change	PLANNING & ZONING BOARD RECOMMENDATION	Staff Recommendation
1.	Administration and Permits	Does not provide a time limit as to when an applicant may respond to changes requested by the Town regarding compliance with sign permit regulations.	Provide two-month time period for applicants to respond to required information in conjunction with an application for a sign permit. (Line #891)	N/A	Prevents lingering applications over long periods of time and ensures compliance with sign code that is in effect at the time the application is submitted.	APPROVE	APPROVE
2.	Amortization of Signs	None provided. The code currently requires that any existing, previously permitted legal nonconforming sign - which would be a sign that does not conform to the provisions of the sign code as adopted, is to be removed upon new development or redevelopment.	Proposed amortization period has been included to require existing signs to comply with the sign code regulations within 10 years of the adoption of the sign code.	MR	It is recommended that an amortization period be included in the code to provide for compliance of signs as permitted by the sign code over time and not just when a property is redeveloped or new development occurs, as the provisions under the current code may result in existing legal nonconforming signs never being required to come into compliance with the adopted sign code regulations. Proposed amortization period is to ensure compliance with the sign code regulations over time so as to improve the visual appearance of signs in compliance with the provisions of the code.	DO NOT APPROVE Recommend authorization by the Town Commission to have the current building permit files reviewed to determine the number of legal nonconforming signs prior to determining if the code should be changed to provide for an amortization period. (VOTE 5-0)	Support PZ Board Recommendation
3.	Automated Teller Machine (ATM) signs	Does not address ATM signage that is attached to an ATM device that is located outside.	Add language to provide for regulation of ATM signs that are attached to an ATM device that is located outside. (Line 453)	N/A	To update code to address this issue.	APPROVE	APPROVE
4.	Box signs	This is only a description of the shape of a sign, and is not a sign type.	Delete "box sign".	N/A	To update code to address this issue.	APPROVE	APPROVE

* More Restrictive (MR) Less Restrictive (LR) Not applicable (N/A)

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Table Summarizing Proposed Changes to Article VIII - Sign Regulations - Page 2 of 5

ISSUE #	Regulation / Sign Type	Current Code	New Regulation / Proposed Change (Line # from Exhibit 1)	* LR MR N/A	Reason / Basis for Proposed Change	PLANNING & ZONING BOARD RECOMMENDATION	Staff Recommendation
5.	Definitions	Does not contain certain definitions. Clarified existing definitions.	<p>Add definitions including:</p> <ul style="list-style-type: none"> • Adjoining (Line 989) • Automated Teller Machine (ATM) sign (Line 991) • Electronic sign (Line 1034) • Feather sign (Line 1040) • Freestanding sign (Line 1049) • Mural (Line 1092) • Vehicular Use Area (Line 1190) <p>Modify definitions including:</p> <ul style="list-style-type: none"> • Banner sign (Line 1001) • Hanging sign (Line 1050) • Monument sign (Line 1074) • Painted signs (Line 1116) • Portable advertising signs for uses adjoining a roadway under construction (Line 1133) • Pylon sign (Line 1148) • Sandwich sign (Line 1161) • Vacancy/no vacancy/ rental availability sign (Line 1188) • Window sign (Line 1200) <p>Deleted the following definitions:</p> <ul style="list-style-type: none"> • Sign size - moved criteria for sign size to sign design criteria 	N/A	To update code.	APPROVE <i>(See Issue #23 regarding Electronic Signs)</i>	APPROVE
6.	Hanging signs	Does not address different types of hanging signs, such as projecting signs, and limits the location of signs so that they can only be attached to the underside of a canopy / awning.	<p>Allow different types of hanging signs, including signs that are perpendicular to the building, projecting signs, blade signs, and add to hanging sign definition. Allow these signs to be attached to any portion of the building, with certain standards</p> <p>Allow one hanging sign per business use in a multitenant building and one sign per nonresidential use in a free standing building.</p> <p>Change min. height clearance for such signs from 7 feet to 8 feet.</p> <p>(Line 490/1151)</p>	LR MR	<p>To address issue as requested by business owners.</p> <p>These types of signs are very favorable for pedestrian areas, and will also help in providing alternative commercial signage that can be seen from vehicles traveling east/ west on Commercial Blvd.</p> <p>Such signs are encouraged in urban design/main street areas.</p> <p>In that it is proposed to allow more of these types of signs at various locations on a building - the minimum height clearance of 8 feet is a standard that is supported by urban design principles for such signage.</p>	APPROVE	APPROVE

* More Restrictive (MR) Less Restrictive (LR) Not applicable (N/A)

Table Summarizing Proposed Changes to Article VIII - Sign Regulations -Page 3 of 5

ISSUE #	Regulation / Sign Type	Current Code	New Regulation /Proposed Change (Line # from Exhibit 1)	LR MR N/A	Reason / Basis for Proposed Change	PLANNING & ZONING BOARD RECOMMENDATION	Staff Recommendation
7.	Holiday Lighting	Does not provide for a time period.	Proposed time period limit: Allow up to 30 days prior to date of a holiday and require removal within 2 weeks following date of holiday (Line 121)	MR	To address the potential for visual blight that may otherwise result without the proposed regulation.	DO NOT APPROVE Continue to allow Holiday Lights without a time period limitation. (VOTE 5-0)	Modified Proposed Language Proposed time period for Holiday Seasonal Lighting Allowed annually between 11/15 through 2/15
8.	Maximum letter size	Code allows upper case letters in a sign to be increase in size by 20% and requires in such instances that the lower case lettering be decreased by 20%	Remove the regulation.	MR	The current regulation is not based on a need for such letter size changes and is in opposition to sign letter standards recommended by urban design professionals.	APPROVE	APPROVE
9.	Menu Board signs	Does not address when a menu is attached to a hostess stand.	Added language to address menu board signs attached to a portable hostess stand as a permitted sign, with added criteria. (Line 509)	N/A	To update code to address this issue.	APPROVE	APPROVE
10.	Murals	States that murals are for public art purposes, but allows 5% of mural for commercial content	Remove ability for mural to contain 5% commercial content, thereby any mural with commercial content is a prohibited sign. (Line 258/1093)	MR	To prohibit murals which contain a commercial message of any type.	APPROVE	APPROVE
11.	Neon Window signs	Limits window neon signs as temporary sign and requires annual license.	Murals without commercial content are exempt from the sign code. Change code to allow window neon signs as permitted signs, removing requirement for annual license. (Line 535)	LR	To address current conditions re this sign type.	APPROVE	APPROVE
12.	No parking, no trespassing and similar signs	Does not limit on number of signs	Proposed limit to allow up to four signs per property. (Line 139)	MR	To address the potential for visual blight that may otherwise result without the proposed regulation.	APPROVE	APPROVE
13.	Number of items of information allowed to be contained within a sign	Code restricts 2 items of information for retail, office, restaurants, lounges, apartment buildings and condominium uses.	Allow 3 items of information per such sign. (Line 796)	LR	To be consistent with the number of items of information allowed for hotels and motels, which permits 3 items of information per sign.	APPROVE	APPROVE

* More Restrictive (MR) Less Restrictive (LR) Not applicable (N/A)

Table Summarizing Proposed Changes to Article VIII - Sign Regulations -Page 4 of 5

ISSUE #	Regulation / Sign Type	Current Code	New Regulation /Proposed Change	* LR MR N/A	Reason / Basis for Proposed Change	PLANNING & ZONING BOARD RECOMMENDATION	Staff Recommendation
14.	Political Candidate /Election Issue signs	Does not provide for limit on number of signs.	<u>Clarify that signs can be visible from a right-of-way, including waterways.</u> <u>Clarify that political signs are allowed on a municipal complex on election day.</u> Change code to require candidate or property owner to remove signs as opposed to person in charge of campaign or company erecting the sign. . (Line 141)		To address the potential for visual blight that may otherwise result without the proposed regulation. To address issue regarding who is responsible for removal of such signs.	MODIFY <ul style="list-style-type: none"> Allow per right-of-way frontage instead of per street frontage (to allow to be seen from waterway). Remove proposed maximum number of signs allowed per property. (VOTE 3-2)	Modify Proposed language Allow per right-of-way and waterway Not required since restriction as to number allowed deleted Support PZ Board Recommendations
15.	Portable advertising signs for use adjoining a roadway under construction		Clarify that these signs are allowed when associated with a nonresidential use when adjacent to a roadway that is under construction. (Line 1134)	LR	To update code to address this issue.	APPROVE	APPROVE
16.	Roof signs	Code states that roof signs are permitted but not encouraged.	Delete this statement as it is not enforceable.	N/A	To update code to address this issue.	APPROVE	APPROVE
17.	Stenciled signs, permanent	Code does not allow for stenciled signs.	Allow stenciled signs when used as a permanent sign. (Line 363)	LR	Stenciled signs when used for a permanent sign, can be very attractive, and provide an artistic and unique type of sign. All such signs are required to be professionally applied.	APPROVE	APPROVE
18.	Streamers, spinners and feather signs	Not addressed in code	Add as prohibited sign type and add definition for feather signs. (Line 273)	N/A	To update code to address this issue.	APPROVE	APPROVE
19.	Vacancy, No vacancy signs	Does not address signage for rental availability for apartments.	Add term "rental availability" to this sign type, although they exist throughout the community. . (Line 600/1189)	N/A	To address current conditions re this sign type.	APPROVE	APPROVE

* More Restrictive (MR) Less Restrictive (LR) Not applicable (N/A)

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Table Summarizing Proposed Changes to Article VIII - Sign Code Regulations - Page 5 of 5

ISSUE #	Regulation / Sign Type	Current Code	New Regulation / Proposed Change	* LR MR N/A	Reason / Basis for Proposed Change	PLANNING & ZONING BOARD RECOMMENDATION	Staff Recommendation
20.	Wall signs	In B1A and B1 zoning districts: Does not allow wall sign on the side of a building face adjoining a private parking/private vehicular use area.	Allow additional walls in B-1-A and B-1 zoning districts, as follows: A commercial building located within the B-1-A or B-1 zoning district that has a building wall facing a private vehicular use area located on a side of the building other than its primary lot frontage, may be allowed up to three additional wall signs ("end signs") (no more than one per tenant) provided the building wall is not facing a single or multifamily residential use. End Signs must be for uses within the building. The cumulative total of the End Signs shall not exceed 16 square feet which sign area shall not be included in the total building signage. . (Line 629/795)	LR	To address issue as requested by business owners.	APPROVE	APPROVE
21.	Other changes:		Added language in exempt sign section of the code that signs that are owned, erected, constructed, posted, painted, modified, relocated or maintained by the Town shall be exempt from the provisions of this Article. . (Line 159)	N/A		APPROVE	APPROVE
22.	Real Estate Signs	Current code refers to the number of real estate signs permitted per "street" frontage.	Recommend changing to "per right-of-way" frontage, which would also include waterways. . (Line 256/980/1035)	LR	To allow real estate signs to be visible from a waterway.	APPROVE	APPROVE
23.	ELECTRONIC SIGNS	Current code prohibits electronic signs - allows neon signs.	None	N/A		Recommend authorization of a study to analyze the impact of allowing electronic signs, specifically as it relates to the safety issues regarding the distraction such signs may cause for motorists. (VOTE 4-1)	Recommend no change to sign code regarding electronic signs.

* More Restrictive (MR) Less Restrictive (LR) Not applicable (N/A)

EXHIBIT 4

COMMUNITY RECOMMENDATIONS RE: PROPOSED AMENDMENTS/ UPDATE TO TOWN OF LAUDERDALE-BY-THE-SEA ARTICLE VIII - SIGN REGULATIONS

ISSUE #	Regulation / Sign Type	Proposed Regulation	Community Response	Staff Response
1.	Amortization of Signs	Proposed amortization period has been included to require existing signs to comply with the sign code regulations within 10 years of the adoption of the sign code.	Do not include amortization period.	SUPPORT COMMUNITY RECOMMENDATION Deleted proposed amortization period because there is insufficient staff to research how many businesses would be affected.
2.	Digital Window Signs	Prohibit electronic signs.	Allow digital window signs.	MAINTAIN CURRENT PROHIBITION TO ELECTRONIC SIGNAGE The Legal staff has advised that allowing digital window signs would require the Town to also allow all other types of electronic signage. Staff does not believe electric signage meets the neighborhood commercial character of LBTS and recommends against permitting this type of signage in the Code.
3.	Emergency Contact Information Signage	N/A	Review the regulations regarding this type of signage.	Emergency Contact information is an exempt sign under the current and proposed regulations.
4.	Feather Signage	Prohibit Feather Signs.	Allow feather signs for a certain time frame/number of times per year	MAINTAIN CURRENT PROPOSAL TO PROHIBIT FEATHER SIGNS Research indicates and staff agrees that feather signs are appropriate for wide boulevards that handle traffic at high speeds. LBTS does not have this type of roadway and therefore we believe that these signs are not appropriate for the Town.
5.	Inventory	N/A	Consider categorizing real estate listings in windows as inventory.	MAINTAIN CURRENT CODE The current (and proposed) definition of window sign identifies a bulletin board holding multiple listings or items of information as one sign which cannot exceed 15 square feet or 25% coverage of the window. We believe that this definition allows a sufficient amount of listings in the window while maintaining a proper amount of open area of the window. Papering the entire window would be inconsistent with current urban design standards related to safety.
6.	Political Signage – waterfront	N/A	Consider allowing political signage to be posted on the waterfront.	SUPPORT COMMUNITY RECOMMENDATION
7.	Sandwich Board	N/A	Increase the sandwich board provision to allow sandwich boards for all businesses within the B1A and B1 commercial zoning district.	MAINTAIN CURRENT CODE PROHIBITION Staff believes that the proliferation of sandwich board signs would negatively affect the aesthetics of the community and recommends against this request.

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Town of Lauderdale-by-the-Sea

Development Services
4501 N. Ocean Drive
Lauderdale-by-the-Sea, FL 33308
Phone (954) 776-3611
Fax (954) 776-3431

To: Planning and Zoning Board
Thru: Bud Bentley, Assistant Town Manager
From: Linda Connors, Town Planner
Date: January 13, 2012
Meeting Date: January 18, 2012

Town Planner Report: Commission Priority 3 - Proposed amendments to Chapter 30, Article VIII. Sign Regulations

At the June 2011 budget workshop the Town Commission established several planning priorities and subsequently hired JC Consulting to assist the Town in the analysis of these priorities. The Planning and Zoning Board recently completed its review of the Architectural Standards (Planning Priority #1) and the B1A and B1 zoning districts (Planning Priority #5).

The purpose of this agenda item is to review the proposed amendments (**Exhibits II, III and IV**) to Article VIII. Sign Regulations, which is the Commission's Planning Priority #3.

Background

The following actions have been taken within the last twelve months regarding the analysis of the Town's sign code:

December 2010 The Town retained the services of JC Consulting, Inc., to conduct a comparative analysis of the Town's land use and land development regulations.

March/April 2011 JC Consulting presented their findings to the Town Commission, which included a summary of the guiding principles and goals, objectives and policies within the Town's adopted Comprehensive Plan that are to be implemented through the Town's Land Development Regulations.

June 2011 The Commission established planning priorities at its June 21, 2011 Budget Workshop.

November 2011 The Commission approved Resolution 2011-42, which was the Notice of Intent for the review of the sign code.

Justification

The JC Consulting review of the sign code resulted in the recommendation that the Town should amend the sign regulations consistent with the Goals, Objective and Policies (GOP's) and overall guiding principles as expressed in the Town's adopted Comprehensive Plan. Those GOPs supporting these amendments are as follows:

Future Land Use Guiding Principles:

Irrespective of future redevelopment efforts, the Town Land Use Plan provides for "encouraging quality commercial development along Commercial Boulevard."

Future Land Use

Objective 1.3

To provide for local year round, seasonal and tourist resident needs by maintaining business land uses.

Policy 1.3.2 Continue to evaluate and adopt revisions to planning or regulatory means to improve the appearance of the Town's business areas. Efforts could include local signage regulations, provision or requirement for increased property landscaping and open space.

Objective 1.6

To improve the overall physical appearance of the Town's business and seasonal residential areas.

Policy 1.4.1 Where necessary, modify all zoning and subdivision regulations to be consistent with the Comprehensive Plan

Policy 1.4.4 Develop and implement land use programs to encourage the elimination or reduction of existing and the prevention of future incompatible land uses.

Economic / Redevelopment

Goal 10.0

To promote the continued economic vitality of the Town's seasonal residential and business areas in a manner sensitive to the overall best interests of existing Town residents.

Objective 10.3.

To broaden the tourist market base by encouraging innovation and modernization in the type, character and appearance of local tourist residential and business uses.

Policy 10.3.3 Working with the local business community and based in part on the Design Guidelines study, the Town shall continue to modify the Land Development Regulations and consider enacting 'amortization' ordinances for landscaping, building façade and signage modifications on existing hotel and business properties.

Proposed Amendments

As part of their study, JC Consulting analyzed the existing signage in the community to determine to what extent those signs met the Sign Code. This exercise identified that in several instances, existing signage did not meet current regulations because the Code is in some parts vague, lacks certain desired definitions and over time has become poorly organized. These deficiencies allowed for inconsistencies in the Code's interpretation with a variety of signage not specifically allowed by code being permitted and/or in place.

To address the issues identified in the sign review, we drafted proposed amendments to the Town's sign regulations that include a comprehensive reorganization of the existing Code, including the addition of definitions, diagrams, and clarifying language to ensure the code is clear, concise and a more user friendly document for both the general public and staff. The amendments include two instances in which regulations have been increased regarding permitted signs. These amendments are as follows:

- Increased the clearance requirement from 7' to 8' to more closely mirror current urban design standards; and
- Removed a provision allowing the increase of a capital letter up to 20% provided that the lowercase letter is decreased by 20%

These proposed amendments as well as the remaining amendments to the code are summarized in this report's exhibits in three ways. First, **Exhibit I** summarizes the proposed amendments, how they differ from the current code and identifies the existing code regulations that would either result in regulations being more restrictive or less restrictive. **Exhibit II** is the sign code as it would read if the proposed amendments are approved. **Exhibit III** identifies the changes from the original code to the proposed code language in a strike thru/underline format with red underlined being new language, blue being relocated and black being the language that remained the same. In addition to the language changes, we propose including illustrations that will either be incorporated into the Sign Regulations themselves or utilized as an attachment to the sign permit applications to explain in detail how to interpret the measurement requirements of the Sign Code. The proposed illustrations are attached as **Exhibit IV**. Please note that because of the amount of reorganization necessary to clarify the Sign Code, the Exhibit III, the redline version of the code, can be somewhat overwhelming to read and may give the casual reader the incorrect impression that wholesale changes are being made to the Sign Code.

Procedure

Staff held two public input meetings on January 12, 2010 specifically targeted to the business community to hear their comments and collect their proposed recommendations. Approximately 25 people attended the meetings. After an extensive review of the proposed changes, the attendees suggested the following:

- Change the first reading of the proposed amendments from February 14th to February 28th;
- Increase the sandwich board provision from allowing only for valet and paid for private parking to allowing for uses in the B1A and B1 district;
- Allowing digital window signs;
- Categorizing real estate listings in windows as inventory;
- Review political signage to determine if signs can be posted on the waterfront;
- Review political signage to consider allowing political signs on public property for the election day;
- Consider feather signs for a certain time frame/number of times per year;
- Review regulations regarding emergency contact information signage; and
- Consider eliminating the proposed amortization period.

Based on the recommendations of the Planning and Zoning Board (January 18th meeting), input from the general public meeting (January 12th), and the results of the Town Attorney's ongoing legal review, we will craft a proposed Ordinance to be considered by the Commission at their February 28th meeting (first reading) and March 13th meeting (second reading).

Exhibits: Exhibit 1 – Table Summarizing Proposed Changes to Sign Code Regulations
Exhibit 2 – Strike-thru/Underline Sign Code document
Exhibit 3 – Clean Sign Code as Amended
Exhibit 4 – Sample of the Proposed Illustrations for the Code

TOWN OF LAUDERDALE-BY-THE-SEA
PLANNING AND ZONING
REGULAR MEETING MINUTES
Town Commission Meeting Room
Wednesday, January 18, 2012
6:30 P.M.

I. CALL TO ORDER

Chairman Alfred Oldaker called the meeting to order at 6:40 p.m. Members also present were Vice Chairperson Yann Brandt, Lawrence Wick, Patrick Murphy and first alternate Eric Yankwitt. Also present were Town Planner Linda Connors, Planning Consultant Cecelia Ward, Assistant Town Manager Bud Bentley and Town Attorney Kathryn Mehaffey. Town Clerk June White was present to record the minutes of the meeting.

Vice Chairperson Brandt made a motion to excuse Ben Freeney. Mr. Wick seconded the motion. The motion carried 5-0.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

III. APPROVAL OF MINUTES - Planning and Zoning Meeting of December 21, 2011

Mr. Wick made the following correction: page two, the paragraph beginning with "Mr. Wick...", rather than the term "England" Trust in the first line, and the next to last line, it should read "Anglin" Trust.

There were no other additions, deletions or changes to the above minutes.

Mr. Wick made a motion to accept the minutes of December 21, 2011, as corrected. The motion was seconded by Vice Chairperson Brandt. The motion carried 5-0.

IV. PUBLIC COMMENTS

There were no public comments.

V. TOWN PLANNER REPORT

Town Planner Linda Connors reported on Tuesday, January 24, 2012, Town staff would present the first reading of the ordinance pertaining to the B1 and B1a amendments to the Town Commission.

VI. NEW BUSINESS

Item #1: Proposed amendments to Chapter 30, Article VIII. Sign Regulations.

Town Planner Connors and Cecelia Ward summarized the four proposed amendments:

- 1) No amortization – study required
- 2) Electronic signs
- 3) Row change for political signs
- 4) Real estate signs

Town Planner Connors reminded the Board that Town staff was working diligently to implement the planning priorities the Town Commission established at its budget workshop in 2011; they already went through the architectural standards, the B1 and B1a District, and for the Board's present consideration was Town staff's proposed amendments to Chapter 30, Article 8: Sign Regulations, which was planning priority three. As with the other amendments, staff worked with Cecelia Ward of J.C. Consulting, along with Sandra Lee, the author of all the illustrations included in the Board's packet. Ms. Lee conducted extensive research on existing signs in the Town. She reviewed the subject item as detailed in the backup, the main observation being how poorly organized the sign code was and the need to make it a document that was easily interpreted by both Town staff and the community. The backup included input from the public on their view of the Town's sign code and the changes they wished to see, noting there were two public hearings on January 12, 2012, one in the morning and one in the evening that were attended by some 20 persons, mostly at the morning session. She noted the morning meeting was available for viewing on the Town's website under January 12, 2012, meeting: sign code presentation. Page three of the backup contained most of the public feedback from the public meetings, which covered: changing the February 14 meeting to February 28; sandwich board provisions; being able to post political signage along the waterfront; allowing realtors to post more than three window signs; allow feather signs, used mostly for grand openings, for a certain time frame; review regulations regarding emergency contact information; consider allowing digital signage; and consider eliminating the proposed ten-year amortization period to allow further study of the Town's signage.

Chairperson Oldaker commented the Board's packet was very extensive, and he suggested focusing on Exhibit 1 for the present. Consultant Cecelia Ward reviewed the proposed changes.

Vice Chairperson Brandt asked if Town staff wished the Board to approve anything at the present meeting or were they seeking direction so that they might come back to the Board for later approval.

Town Planner Connors replied Town staff wished the Board to make a recommendation of approval to the Commission on the first reading of the subject amendments to the sign ordinance.

Vice Chairperson Brandt pointed out the next time the Planning & Zoning Board met, its members were likely to be different people.

Town Planner Connors remarked it was very important to move the subject matter forward, and Town staff desired the Board's consideration; staff worked very hard to put together the backup documents for the Board that it might make a recommendation to the Commission. If no recommendation was made, Town staff would have to come back to the Planning and Zoning Board in March, as the new Board would not be appointed by the Commission until the second Commission meeting in February on the 28th.

Mr. Wick suggested the Board recommend Commission approval of the amendments to the sign ordinance in its entirety, and then go through it section by section and make revisions where it was felt they were needed.

Vice Chairperson Brandt thought the Board should focus on the high-level contents of Exhibit 1. He agreed with Mr. Wick's suggestion.

Mr. Wick made a motion to approve the proposed amendments as presented. Mr. Murphy seconded the motion.

Chairperson Oldaker questioned as to item one on page one: the administration permits; were vendors aware the offer in the contract was only good for a set number of days and was this in writing.

Town Planner Connors responded it was a part of the code, and Town staff could add this as a line item on the sign code permit application. However, a copy of the Town's sign code was normally attached to permit applications.

Mr. Wick thought the amortization period should be removed. If signs had been in place many years, they should be left alone unless they were removed by an act of nature, then they could be brought up to code.

- 1) Mr. Wick made a motion to remove the amortization of signs. Chairperson Oldaker seconded the motion. The motion carried 5-0.

Chairperson Oldaker remarked on the Town's changing its building inspection services from Broward County, asking if the Town's records were being transferred to Town staff by County staff.

Town Planner Connors indicated the County was in the process of turning their records over to Town staff, of which the former building official from the County informed her comprised some 75 boxes. County staff had taken steps to ensure the transition went smoothly.

Mr. Wick inquired as to an existing sign at Aruba Beach Café of a sailor holding at fish where visitors took pictures; he wished to know what type of sign it was.

Vice Chairperson Brandt replied the subject sign was a pole sign, as it had no continuous footer, just two poles.

Chairperson Oldaker queried as to the type of sign that was illuminated from the inside.

Town Planner Connors answered an internal illumination sign.

Chairperson Oldaker requested Town staff include an amendment to extent the required 30 days.

Vice Chairperson Brandt pointed out the time limit was useless, as holidays were always within weeks of each other throughout the year. The time limit should be eliminated and people should use their judgment.

Mr. Wick felt if the time limit was eliminated, people might leave holiday lighting up year round, such as around palm trees.

Vice Chairperson Brandt commented the time limit rule was invalid unless there was a definition of what constituted a holiday.

Ms. Ward concurred that the idea behind the time limit was for people not to have up Christmas lighting, for instance, all year.

- 2) Vice Chairperson Brandt made a motion to eliminate the proposed time limit for holiday lighting. Mr. Yankwitt seconded the motion. The motion carried 5-0.

Mr. Wick noted there was a mini board sign with water cascading down at 101; the sign was built into the existing wall and had a menu listed on it. He wondered if the sign code amendment might create a problem for 101.

Ms. Ward stated the menu board rule was not being changed, Town staff was simply clarifying if they were attached to a portable hostess stand they were allowed.

Vice Chairperson Brandt asked how neon window signs differed from fluorescent window signs or were they considered the same.

Town Planner Connors replied the existing signs with custom writing were normally neon signs, and there were no changes to this rule.

Vice Chairperson Brandt recalled some 15 years prior neon/florescent signs were a big issue, and he had no wish to undo something the community advocated. He did not support having neon signs. He wished to make a motion not to bring the change forward and leave it as an annual permit requirement.

Vice Chairperson Brandt made a motion not to bring the change forward. The motion failed for lack of a second.

Mr. Wick questioned as to "No Parking", "No Trespassing" signs, stating the two largest properties along El Mar Drive were currently in a state of disrepair. There was a large parking lot, and he felt more signs should be allowed to alert drivers of the restriction; the existing signage was inadequate.

Ms. Ward remarked the properties were exempt and they could apply for a monument sign permit.

Chairperson Oldaker inquired if three items of information being allowed within a sign was the standard.

Town Planner Connors answered no, as she observed most signs around the Town having more than the two permitted under the code; staff's suggested increase was an effort to make the code more consistent with the existing signage in the Town. In the future, this could be altered, but she did not recommend such action for the present.

Mr. Wick wish to see language added into the code that required election candidates to show written, signed proof that the private property owners were allowing political signs on their property. He wished to eliminate any confusion between the persons posting the signs and the property owners.

Vice Chairperson Brandt asked if there would be a change of support form.

Mr. Wick foresaw no problem in that regard, stating the property owner might support both candidates.

Mr. Wick made a motion to require political candidates to get signed permission from private property owners to place their signs on their property. The motion failed for lack of a second.

Town Planner Connors asked if the Board wished the allowable signage to be changed from the street frontage to the right-of-way frontage.

Vice Chairperson Brandt proposed an amendment to the sign code to remove any restrictions of someone voicing their political choice via signage, as the rule was too restrictive and possibly a violation of the First Amendment.

Mr. Yankwitt disliked limiting anyone's freedom of expression; he did not support being told many signs he should allow to be posted on his property, nor did he want anyone posting signs on his property without his permission.

Chairperson Oldaker foresaw difficulties enforcing such rules.

Town Planner Connors noted the portion of the code Chairperson Brandt wished removed was section 13e.

- 3) Vice Chairperson Brandt made a motion to eliminate section 13e. Mr. Yankwitt seconded the motion. The motion carried 3-2. Mr. Wick and Chairperson Oldaker voted no.

Town Planner Connors informed the Board another recommended change by Town staff pertained to real estate signs to allow language per right of way. The current rule was located in section 14d, where the language would be changed to state properties should be limited to one real estate sign per right of way signage.

Mr. Wick clarified his motion was to allow real estate signs on roadsides as well as along rights of way

- 4) Mr. Wick made a motion to approve allowing real estate signs along roadsides and rights of way. Mr. Yankwitt seconded the motion. The motion carried 5-0.

Mr. Murphy commented there were times when more than one realtor marketed the same property.

Mr. Wick clarified Town staff sought to remove the language "but not encouraged" from the language stating roof signs were permitted.

Town Planner Connors stated the language was being removed, as the requirement could not be enforced.

Chairperson Oldaker opened the meeting to public comments and received none.

Town Attorney Mehaffey clarified the final motion for approval was for the revisions to the Town's sign code as presented, along with the amendments to remove the amortization period for all signs, the deletion of time limits on holiday lighting, the deletion of location and number restrictions of political sign postings under 13e, and additional allowance for real estate signs on right of ways.

Mr. Yankwitt wondered if there was any value in Town staff making people aware of the changes.

Town Planner Connors replied Town staff already made the public aware of such changes in the public hearings. When they presented the package to the Town Commission with the Planning and Zoning Board's recommendations, including a study to look at the Town's existing signs, this would serve as notice to the community as to changes to the sign code. Town staff already began a field inventory of the signs around the Town.

The motion and second to approve the recommended amendments to the Town's Sign Code as presented, along with the four (4) amendments thereafter approved by the Planning & Zoning Board carried 5-0.

100

Mr. Wick recommended that the Commission direct Town staff to conduct a study of the Town's electronic signage.

Mr. Wick made a motion for the Planning & Zoning Board to recommend that the Town Commission direct staff to conduct a study of the Town's electronic signage. Mr. Yankwitt seconded the motion. The motion carried 4-1. Vice Chairperson Brandt voted no.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD MEMBER COMMENTS

Mr. Wick commended Town staff for the comprehensiveness of their presentation. He thanked all the Board members for their service to the Town, as the membership was likely to be different when next the Board met. He encouraged everyone to vote on January 31, 2012.

Chairperson Oldaker echoed commendations to Town Staff for a seamless presentation; he too voiced appreciation for being allowed to serve on the Board as it rendered recommendations to the Town Commission, staff and the general community.

Vice Chairperson Brandt thanked the Commission for appointing the members of the Planning & Zoning Board, as it had been a worthwhile way to spend their time assisting the Commission and being of service to the Town. He reiterated his objection to the enforcement of an amortization period, stating it could create the idea of forcing a change on residents rather than simply establishing a legal nonconforming status; he had no wish to live in an area where such action might be pursued. He too thanked everyone that served on the Board, stating he would not be serving on the new Planning & Zoning Board, having applied to serve on another Town board.

Mr. Yankwitt stated similar commendations to staff, as well as thanks to his fellow Board members.

Town Attorney Mehaffey thanked the Board for the opportunity to work with them, as they tackled very difficult issues over the last few years, putting in extensive time and thought into the process. The same was extended to Town staff.

IX. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:25 p.m., January 18, 2012.

ATTEST:

Town Clerk June White, CMC for
Colleen Tyrrell, Board Secretary

Chairman Alfred Oldaker

Date Accepted: _____