



AGENDA ITEM REQUEST FORM

Town Attorney

Susan L. Trevarthen

Department Submitting Request

Dept Head's Signature B

REG COMMISSION
Meeting Dates 7:00PM

DEADLINE TO
Town Clerk's Office

ROUNDTABLE
Meeting Dates 7:00PM

DEADLINE TO
Town Clerk's Office

- Oct 12, 2010
- Nov 9, 2010*
- Dec 14, 2010
- Jan 11, 2011
- Feb 8, 2011
- Mar 8, 2011

- Oct 1 (5:00 pm)
- Nov 12 (5:00 pm)
- Dec 3 (5:00 pm)
- Dec 31 (5:00 pm)
- Jan 28 (5:00 pm)
- Feb 25 (5:00 pm)

- Oct 26, 2010
- Nov 23, 2010*
- Dec 28, 2010*
- Jan 25, 2011
- Feb 22, 2011
- Mar 22, 2011

- Oct 15 (5:00 pm)
- Nov 12 (5:00 pm)
- Dec 17 (5:00 pm)
- Jan 14 (5:00 pm)
- Feb 11 (5:00 pm)
- Mar 11 (5:00 pm)

*Subject to Change

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

SUBJECT TITLE: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE VIII. SIGN REGULATIONS, TO REVISE PROVISIONS AND CLARIFY TERMS, REQUIREMENTS AND STANDARDS REGARDING SIGN REGULATIONS; FURTHER CREATING A NEW SECTION 30-510, SEVERABILITY REGARDING SIGN REGULATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE (Exhibit 2)

EXPLANATION:

History: At its July 27, 2010 meeting, the Town Commission approved Resolution 2010-16 (Exhibit 1) adopting a Notice of Intent to move forward with amending Chapter 30, Article VIII, Sign Regulations, of the Town's Code of Ordinances. These revisions to the sign code enhance severability provisions, resolve internal conflicts, and enhance defensibility in light of recent case law. Several minor changes have also been made to address inconsistencies and implementation issues identified by Town staff. These additional changes were drafted to reflect current interpretation and practice as provided by Town staff, and do not revisit the approach to sign regulation in the Town.

Summary Of Changes: A number of changes have been implemented in the proposed Ordinance in order to enhance the defensibility of the Code. Most of these changes are technical in nature, and many alter the format or presentation of the regulation in ways that make the Code less susceptible to challenge without major changes to the impact of the regulation. All changes are noted in the Ordinance in strike-through and underline font; plain text sections are already a part of the Code. The following changes are highlighted for the Town Commission's review:

- Permit review procedures and timeframes were added to protect against constitutional challenges.
- Working with staff, we identified several types of signs which present legal concerns, are not utilized in the Town, are addressed inconsistently, or appear in multiple areas of the Town's Code. Defunct, unused sign types, color palette and other requirements were deleted, and inconsistencies and duplications were resolved.



AGENDA ITEM REQUEST FORM

Town Attorney

Susan L. Trevarthen

Department Submitting Request

Dept Head's Signature

- Severability provisions were added, and the substitution clause was updated to enhance defensibility.
- Protections were added for protected non-commercial speech.
- Flag regulations have been revised to eliminate constitutional concerns and, based on the concerns and direction of staff, to implement standards which reflect the current usage, size and development of flags in the Town.
- The regulations for pole and pylon signs were conflicting. The regulations made them legal non-conforming signs, though they were not labeled as such. These signs have now been addressed separately according to their legal, non-conforming status. At staff's direction, the removal and replacement criteria were expanded to provide for removal and replacement upon damage greater than 50% of the replacement value, or upon abandonment of the legal, non-conforming pole or pylon sign for a period of six months or more.
- The definition of canopy and awning signs was amended to clarify procedures to enhance defensibility and at the direction of staff, to reflect recent right-of-way encroachment legislation approved by the Town Commission.
- A number of other technical changes were made which help create a more consistent and defensible Code with clearer implementation procedures and reduce interpretation issues.

RECOMMENDATION: The Planning and Zoning Board reviewed this Ordinance at their September 15, 2010 meeting, and recommended its approval. Minutes attached (Exhibit 3)

- EXHIBITS:**
1. Notice of Intent
 2. Ordinance
 3. Minutes of the Planning and Zoning Board's Discussion of this Ordinance

FISCAL IMPACT AND APPROPRIATION OF FUNDS:

Amount \$ _____ Acct # _____

Transfer of funds required From Acct # _____

Town Attorney review required
 Yes No

Town Manager Initials CA

Exhibit 1

RESOLUTION NO. 2010-16

**A RESOLUTION OF THE TOWN COMMISSION OF THE
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT
CONCERNING PENDING AMENDMENTS TO CHAPTER
30 OF THE CODE OF ORDINANCES**

WHEREAS, Section 30-531 of the Code of Ordinances of the Town of Lauderdale-By-The-Sea (the "Code") provides for a procedure for the public and the development community to be notified of changes to the Town's land development regulations through the issuance of a notice of intent of pending land development regulations; and

WHEREAS, pursuant to Section 30-531(c) of the Code, the Town Commission shall authorize the investigation, study, development, drafting and consideration of all proposed amendments to the Town's land development regulations; and

WHEREAS, proposed amendments to Section 30-313(31) of the land development regulations of Chapter 30 of the Code regarding sheds, storage buildings and accessory structures were considered by the Town Commission on June 9, 2010, requiring issuance of a notice of intent pursuant to Section 30-531(h) of the Code; and

WHEREAS, proposed amendments to list of permitted uses in the B-1 and B-1-A zoning districts of Chapter 30 of the Code were considered by the Town Commission on July 14, 2010, requiring issuance of a notice of intent pursuant to Section 30-531(h) of the Code; and

WHEREAS, Town staff and the Town Attorney have identified changes to the Town's sign regulations in Chapter 30 of the Code which will enhance their legal defensibility, requiring issuance of a notice of intent pursuant to Section 30-531(h) of the Code; and

WHEREAS, Town staff and the Town Attorney have identified the need to create a zoning relief process in Chapter 30 of the Code to enhance the defensibility of this Chapter, requiring issuance of a notice of intent pursuant to Section 30-531(h) of the Code; and

27 **WHEREAS**, Section 30-531(e) of the Code provides for posted and written notice of the
28 pending amendments to the land development regulations; and

29 **WHEREAS**, pursuant to Section 30-531(c) of the Code, the Town Commission shall
30 hold a public hearing at the next Commission meeting following issuance of a notice of intent,
31 and by majority vote shall either approve or disapprove the further processing of the proposed
32 land development regulations.

33 **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF**
34 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA:**

35 **SECTION 1. Authorization.** Pursuant to Section 30-531 of the Code of Ordinances,
36 the Town Commission authorizes the investigation, study, development, drafting and
37 the Town Commission authorizes the investigation, study, development, drafting and
38 consideration of the proposed amendments to Chapter 30, as described in the Notice of Intent of
39 Pending Land Development Regulations attached hereto as Exhibit "A."

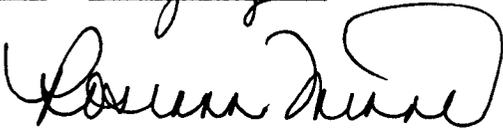
40 **SECTION 2. Effective date of notice.** The Town Commission hereby finds that the
41 effective date of the Notice of Intent of Pending Land Development Regulations shall be July 27,
42 2010.

43 **SECTION 3. Public hearing.** The Town Commission shall hold a public hearing
44 concerning the Notice of Intent of Pending Land Development Regulations on August 25, 2010,
45 and approve or disapprove of the further processing of the proposed regulations.

46 **SECTION 4. Effective date of resolution.** This Resolution shall become effective
47 immediately upon passage and adoption.

48 **PASSED AND ADOPTED** this 27 of July, 2010.

49
50
51
52
53



MAYOR ROSEANN MINNET

54 ATTEST:

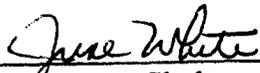
55

56

57

58

59



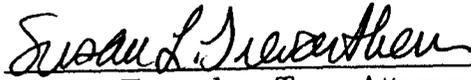
June White, Town Clerk

60 Approved as to form:

61

62

63



Susan L. Trevarthen, Town Attorney

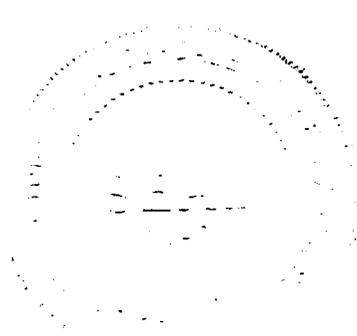


Exhibit "A"

Notice of Intent of Pending Land Development Regulations
Effective July 27, 2010

1. Statement of Purpose: In accordance with Section 30-531 of the Code of Ordinances, the Town hereby issues this **Notice of Intent** to notify the public of proposed changes to the land development regulations of Chapter 30 of the Code of Ordinances ("Code"). Upon Town Commission approval of the further processing of the proposed regulations, the amendments will be included in an ordinance and scheduled for hearing and adoption.

2. Description of Proposed Amendments to Chapter 30 "Unified Land Development Regulations" of the Code of Ordinances:

- a. Amendment to Section 30-313(31) in Article V. "Zoning," Division 2. "Districts," Subdivision L. "Supplemental Regulations," to modify the regulations for accessory buildings and structures, and specify regulations for sheds and storage buildings;
- b. Revising the list of permitted uses in the B-1 and B-1A zoning districts to include pet grooming and possibly other uses in Article V. "Zoning," Division 2. "Districts," Subdivision G. "B-1-A District Regulations" and Subdivision H. "B-1 District Regulations;"
- c. Adopting zoning relief procedures as a new Section 30-22 of Article I. "In General," to address possible unintended violations of federal and state laws in the implementation of this code or its related rules, policies, and procedures; and
- d. Revising the sign code, Article VIII. "Sign Regulations" to include additional severability provisions and possibly other amendments to enhance defensibility.

3. Projected Time Frame for Adoption of Regulations:

- a. Public Hearing and Town Commission Approval of Processing of Proposed Regulatory Changes: August 25, 2010
- b. Planning and Zoning Board Hearing on Ordinance: September 15, 2010
- c. First Reading of Ordinance By Town Commission: October 12, 2010
- d. Second Reading of Ordinance By Town Commission: November 9, 2010

4. Application of Pending Regulations:

The proposed regulations shall become effective and applicable to development within the Town following second reading and adoption by ordinance.

Exhibit 2

ORDINANCE 2010-16

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

11
12 **WHEREAS,** the Town Commission finds and determines that the Town's land
13 development regulations are required to regulate signs as provided by Section 163.3202(2)(f),
14 Florida Statutes; and

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

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

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

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

ORDINANCE 2010-16

30 **WHEREAS**, in *Metro Lights, LLC v. City of Los Angeles*, 551 F.3d 898, 910 (9th Cir.
31 2009), *cert. denied*, 130 S. Ct. 1014 (2009), the United States Court of Appeals for the Ninth Circuit
32 considered a First Amendment challenge to the City of Los Angeles’ sign regulation scheme, and
33 upheld that city’s ordinance with a finding that “the proliferation of offsite advertising by numerous
34 and disparate private parties creates more distracting ugliness than a single, controlled series of
35 advertisements on city property over which the City wields contractual control;” and

36 **WHEREAS**, in *Clear Channel Outdoor, Inc. v. City of New York*, 594 F.3d 94, 110 (2d Cir.
37 2010), the United States Court of Appeals for the Second Circuit upheld New York City’s sign
38 regulations, holding that the City’s ordinance advanced the legitimate governmental goal of
39 protecting safety and aesthetics (stating that “[t]he City may legitimately allow limited and
40 controlled advertising on street furniture, while also reducing clutter on City sidewalks . . .
41 [a]llowing some signs does not constitutionally require the City to allow all similar signs”; and

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

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

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

ORDINANCE 2010-16

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

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

59 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
60 reviewed this Ordinance at a duly noticed hearing on September 15, 2010, and recommended its
61 adoption; and

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

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

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

72 **SECTION 2. Amendment.** Sections 30-501 through 30-509 of Article VIII of
73 Chapter 30 are hereby amended¹ as follows:

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

75 (a) **Applicability.** These sign regulations shall be administered by the ~~Building Development~~
76 ~~Services~~ Department. No sign of any kind (except exempt signs) shall be erected,
77
78

¹ Words in ~~strike through~~ type are deletions; words in underlined type are additions.

ORDINANCE 2010-16

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

83
84 (b) Permits. Sign applications shall be on forms promulgated by the Town and shall include
85 sufficient information to ensure complete review of the application. Rules regarding sign
86 application information shall be promulgated by the Town Manager or
87 designee Administration. The application for a permit for a sign shall be accompanied by
88 three copies of the following:

- 89
90 (1) Address and legal description of the property upon which the sign is to be placed;
91 (2) Name and address of the owner of the property upon which the sign is to be
92 placed;
93 (3) Written permission of the owner of the property to erect or place the proposed
94 sign;
95 (4) A drawing or sample of the proposed sign, to scale, showing the dimensions,
96 letter size, colors, materials, structural support, and lighting, if any;
97 (5) If lighting is proposed, information regarding the type and intensity of the
98 proposed illumination to document compliance with the sign illumination
99 restrictions of these regulations;
100 (6) A plan showing the proposed location on the ground or building and the mounting
101 height of the proposed sign, along with a color photograph of the proposed
102 location;
103 (7) The cost or value of the proposed sign; and
104 (8) Any other plans or information required by the Development Services Building
105 Department for any related structural permit or electrical permit.

106
107 (c) Application Review. Upon submission of an application, the Development Services
108 Department shall review and evaluate the application as follows:

- 109
110 (1) No application shall be accepted until it is deemed complete by the Department.
111 (2) The Department shall review all of the information submitted to determine
112 conformity with this article and applicable sections of the Florida Building Code,
113 including the location of the proposed sign. The submitted application will be
114 reviewed within twenty (20) business days and any corrections, revisions or
115 deficiencies provided to the applicant within that twenty (20) day period. Upon
116 each re-submittal of corrected plans, the Department shall have ten business (10)
117 days to review the application and provide any corrections, revisions or
118 deficiencies to the applicant. This process shall continue until the applicant has
119 submitted a complete application or demands that the application be reviewed as
120 is, without further revisions.
121 (3) The Department shall approve or deny the sign permit within ten (10) business
122 days of receipt of the complete application or the applicant's demand for review
123 as submitted, based on whether it complies with the requirements of this Article.
124 The Department shall prepare a written notice of the decision, either in the form

ORDINANCE 2010-16

125 of an approved sign permit or written notice of denial, describing the applicant's
126 appeal rights, and provide such written notice to the applicant of its decision
127 within the ten (10) day period.

128
129 (ed) No right to appeal. Except when Commission approval is required pursuant to the
130 provisions of this article of the Code, the decision of the Development Services Building
131 Department for the issuance or denial of a sign permit shall be final. There shall be no
132 right of appeal to the Town Board of Adjustment or Town Commission of a finding of
133 the Development Services Building Department. The appellant may seek relief in the
134 Circuit Court for Broward County, as provided by law.

135
136 (de) Non-conforming signs. Any previously permitted, existing sign that does not conform to
137 the provisions of these regulations shall be removed or brought into conformance with
138 these regulations upon new development or redevelopment as defined in section 30-507
139 or ~~the~~ when the Town has determined that the sign (except a pole or pylon sign meeting
140 the criteria and conditions of subsection (e) below) has been destroyed or damaged such
141 that the cost of alteration, repair or replacement of such sign exceeds 50 percent of the
142 replacement cost thereof.

143
144 (f) Non-conforming pole and pylon signs. Any previously permitted pole or pylon sign
145 legally existing as of March 27, 2001, and in existence for the two (2) years prior to that
146 date, shall be considered a legal, non-conforming pole or pylon sign.

147
148 (1) Upon new development or redevelopment of a site, any existing pole or pylon
149 signs must be removed and may not be replaced under subsections (2) or (3)
150 below.

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

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

159
160 (i) The sign box or panel of a pole or pylon sign shall not exceed 32 square
161 feet in size.

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

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

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

ORDINANCE 2010-16

170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214

- (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.

Sec. 30-502. - Exempt signs.

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

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

ORDINANCE 2010-16

- 215 (13) Informational, directional, hazard and traffic control and similar signs installed by a
216 government agency; ~~and~~
217 (14) Noncommercial signs of four (4) square feet or less per property (residential or non-
218 residential) or business establishment;
219 (15) Flags on residential property up to a cumulative maximum of 40 square feet with no
220 individual flag to exceed 27 square feet in size; and
221 (16) Up to four flags on non-residential property, each flag not to exceed 27 square feet in
222 size.
223 ~~(14) Private warning or danger signs for a bona fide hazard only, no larger than four square~~
224 ~~feet in size.~~
225

226 **Sec. 30-503. - Permitted signs.**
227

228 The following types of permanent signs may be erected, installed, repaired or replaced within the
229 Town, only in conformance with these regulations and after issuance of a permit by the
230 Development Services Building Department:
231

- 232 (1) Box signs;
233 (2) Building or development identification signs;
234 (3) Cabinet signs;
235 (4) Canopy and awning signs;
236 (5) Directory sign;
237 (6) Hanging signs;
238 (7) Informational, directional and traffic control signs;
239 (8) Changeable copy signs;
240 (9) Menu board signs;
241 (10) Monument signs;
242 (11) Name and address signs;
243 (12) Neon signs;
244 (13) Painted signs;
245 ~~(14) Pole signs;~~
246 ~~(15) Public service signs;~~
247 ~~(16) Pylon signs;~~
248 ~~(167) Roof signs;~~
249 ~~(18) Sandwich signs;~~
250 ~~(179) Subdivision and residential development identification signs;~~
251 ~~(1820) Wall signs; and~~
252 ~~(219) Window signs.~~
253

254 **Sec. 30-504. - Temporary signs.**
255

256 The following types of signs may be permitted within the Town as temporary signs, only in
257 conformance with these regulations and, except for political signs and real estate signs, after
258 issuance of a temporary sign permit by the Development Services Building Department:
259
260

ORDINANCE 2010-16

- 261 (1) Announcing signs;
262 (2) Banner and pennant signs;
263 (3) Contractor signs;
264 (4) Garage sale signs as provided in Chapter 14.5, Article I or moving sale sign no larger
265 than four square feet in sign size, limited to one sign per plot and displayed on the
266 premises for no more than two days and no more than twice per year;
267 (5) Holiday lighting (no permit required);
268 ~~(5) Off-premises signs;~~
269 (6) Political signs (no permit required)(Note: Unlike other temporary signs, political signs do
270 not require the issuance of a permit, however, the person in charge of the campaign or the
271 company erecting the sign shall be responsible for removing the signs within seven days
272 after the date of the election.);
273 (7) Portable advertising signs for businesses adjoining a roadway under construction;
274 (8) Real estate signs (no permit required);
275 (9) Special event signs;
276 (10) Valet signs;
277 ~~(11) Window neon signs.~~

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

279 The following types of signs are expressly prohibited within the Town:
280

- 281
282
283 (1) Animated or flashing signs;
284 (2) Any sign not listed elsewhere in these regulations as an exempt, permitted or temporary
285 sign;
286 (3) Balloon signs;
287 (4) Permanent bBanner and pennant signs, except specifically permitted flags or temporary
288 signs;
289 (5) Billboards/off-premises signs;
290 (6) Paper signs, except as a window or interior sign, menu board sign or as a specifically
291 permitted temporary sign; Pole signs;
292 (7) Private signs of any type placed upon Town property or upon public right-of-way;
293 ~~(8) Pylon signs;~~
294 ~~(89) Sandwich sign;~~
295 ~~(910) Signs placed upon benches, trash receptacles or newsracks;~~
296 ~~(110) Signs placed on any beach or part thereof, except regulatory or warning signs;~~
297 ~~(121) Signs with unshielded lighting elements, except neon signs;~~
298 ~~(132) Snipe signs;~~
299 ~~(143) Stationary vehicle or trailer signs;~~
300 ~~(154) Strip of string lighting in or around windows, other than temporary holiday lighting;~~
301 ~~(165) Signs which no longer advertise or identify a business conducted, a service rendered or~~
302 ~~product sold; and~~
303 ~~(16) Any other type of sign not listed as a permitted sign or temporary sign;~~
304 (17) Signs that produce or emit any type of sound or odor.
305 (18) Signs that do not meet the design, material and fabrication requirements of this Article.
306

ORDINANCE 2010-16

307 **Sec. 30-506. - General design standards.**
308

- 309 (a) *Construction:* All permanent signs shall be constructed of durable, weather-resistant and
310 fade-resistant materials. All permanent signs shall be professionally constructed or
311 manufactured. All permanent signs, except those on single-family and duplex lots, shall
312 be installed by a licensed contractor. All permanent signs shall be constructed and
313 installed to conform to the requirements of the building code. All temporary signs shall
314 be constructed and installed in a workman-like manner, shall not pose any safety hazard,
315 and shall be removed upon the expiration of the temporary sign permit or upon the
316 issuance of a severe weather warning. A separate electrical permit is required for any
317 illuminated sign.
318
- 319 (b) *Colors:* No florescent, phosphorescent, iridescent or reflective colors or paint may be
320 used in any sign, except governmental informational, directional, traffic control or
321 warning signs. ~~The Building Department shall maintain a color sample palate of~~
322 ~~aeceptable sign colors.~~ Sign copy letters and numerals within the same sign shall be
323 limited to no more than three colors. White shall not be counted as a color when used as
324 the background of the sign. All permanent signs on the same building shall use the same
325 color scheme. Sign color(s) shall be compatible with the color(s) of any building or wall
326 upon which the sign is mounted. The sign wall of a monument or pylon sign and the box
327 of a box, pole or pylon sign shall match the color of the building to which it is related.
328 The actual color samples to be used, as well as written authority from the landlord or
329 agent (unless applicant is owner) to use the submitted colors and layout, must accompany
330 all permit applications.
331
- 332 (c) *Layout:* The size, location, and style of permanent signs shall be compatible with the
333 buildings or locations where they are placed. Multiple signs of the same type for the same
334 business shall be consistent in terms of location, style, size and letter size. New hotel,
335 motel, business and institutional buildings shall be designed to incorporate locations for
336 wall signage meeting the requirements of these regulations as part of the overall design of
337 the building.
338
- 339 (d) *Items of information:* The items of identification~~information~~ on permanent signs for the
340 uses listed below shall be limited to the following:
341
- 342 (1) Hotels and motels (no more than three of the following items of information on
343 any one permanent sign): Hotel or motel name, type of accommodation (i.e.
344 suites, efficiencies, apartments, bed and breakfast, resort or spa), telephone
345 number, chain and travel club affiliations. Address and vacancy/no vacancy
346 information shall be permitted, in addition to the three allowable items.
 - 347 (2) Retail, office and service businesses (no more than two of the following items of
348 information on any one permanent sign): Business name, type of business,
349 address, telephone number and up to two of the products or services offered.
 - 350 (3) Restaurants and lounges (no more than two of the following items of information
351 on any one permanent sign): Business name, type of business, type of food or
352 beverage served, address, and telephone number.

ORDINANCE 2010-16

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

357
358 (e) ~~Substitution clause: To ensure commercial and non-commercial signage are afforded~~
359 ~~equal protection under this article, any sign authorized in this article may contain either~~
360 ~~commercial or non-commercial copy. It is not the purpose of this article to regulate or~~
361 ~~control the copy, content or viewpoint of signs. Nor is it the intent of this article to afford~~
362 ~~greater protection to commercial speech than to noncommercial speech. Any sign,~~
363 ~~display or device allowed under this article may contain, in lieu of any other copy, any~~
364 ~~otherwise lawful noncommercial message that complies with all other requirements of~~
365 ~~this article. The noncommercial message may occupy the entire sign area or any portion~~
366 ~~thereof, and may substitute for or be combined with the commercial message. The sign~~
367 ~~message may be changed from commercial to noncommercial, or from one~~
368 ~~noncommercial message to another, as frequently as desired by the sign's owner,~~
369 ~~provided that the sign is not prohibited and the sign continues to comply with all~~
370 ~~requirements of this article.~~

371
372 (f) *Sign illumination:* Illuminated signs may be indirectly or internally illuminated. All
373 lighting elements or bulbs must be fully recessed or shielded within opaque or translucent
374 covers. Wooden signs shall not be internally illuminated or have electrical fixtures
375 attached directly to the sign panel. The intensity of illumination shall be limited to no
376 more than 90 foot lamberts or ten foot-candles within residential districts or if visible
377 within 200 feet from first floor residential property. The intensity of illumination shall be
378 limited to no more than 150 foot lamberts or 25 foot-candles if visible within 200 to 500
379 feet from first floor residential property. The intensity of illumination shall be limited to a
380 maximum of 250 foot lamberts or 50 foot-candles within nonresidential districts. All
381 transformer boxes, outlets and conduits relating to sign illumination shall be screened
382 from exterior view. A separate electrical permit is required for any sign illumination.

383
384 **Sec. 30-507. - Definitions and restrictions by sign type.**

385
386 *Address sign:* A sign displaying only the numerical address and unit number or letter of the
387 premises upon which the sign is located. An address sign with numerals or letters no more than
388 six inches in height is allowed. Every building shall display an address sign that is clearly visible
389 from the street. Buildings that have rear door access to an alley or parking lot shall also display
390 an address sign that is clearly visible from the alley or parking lot.

391
392 *Animated or ~~flashing~~ sign:* Any sign including electronic, laser, video, digital or similar
393 displays, with elements, images, text, or colors that move, rotate, or flash, change or similar
394 movement is prohibited. A ~~clock, thermometer, date/time~~ and temperature indicator or barber
395 pole is not an animated sign. Temporary animated or flashing signs attached to amusement rides,
396 vending carts, and sideshow equipment used in a special community event specifically
397 authorized by the Town Commission shall not be prohibited by these regulations.

398

ORDINANCE 2010-16

399 *Announcing sign:* A temporary sign announcing the opening of a business, the future
400 development of property or an upcoming event or activity. An announcing sign shall not exceed
401 32 square feet in size. An announcing sign for a new business may be displayed from the date of
402 issuance of a business tax receipt for a business until 30 days after the opening of the business.
403 An announcing sign for a future development may be displayed from the date of approval of a
404 site plan by the Town Commission, or the issuance of a building permit when no site plan
405 approval is required, until the issuance of the certificate of occupancy. An announcing sign for
406 an upcoming event may be posted from 14 days prior to the event until the day after the event. A
407 temporary sign permit for an ~~event~~ announcing sign shall not be issued more than twice per year
408 for the same business.

409
410 *Awning sign:* See "canopy and awning sign."
411

412 *Balloon sign:* Any type of inflatable sign or sign suspended from a balloon is a prohibited sign.
413 Temporary balloon signs used in a special community event specifically authorized by the Town
414 Commission shall not be prohibited by these regulations.
415

416 *Banner sign:* A sign with or without any text, composed of fabric or plastic, and suspended from
417 or attached to a pole or structure by wire, string, brackets or grommets. Pennants are included
418 within this definition of a banner sign. A banner sign shall not exceed 32 square feet in sign
419 area. A temporary sign permit for one banner sign may be issued for a period not to exceed 14
420 days to announce the opening of a business, a change of business name or an annual church
421 event. A temporary sign permit for use of banner signs shall not be required for a special
422 community event specifically authorized by the Town Commission.
423

424 *Billboard:* A permanent, free-standing or building-mounted sign, advertising products or services
425 not related to the premises upon which the sign is located, is prohibited. Also referred to as off-
426 premise sign.
427

428 *Box sign:* A sign, constructed like a box, with sign copy carved or routed into an opaque plastic,
429 metal, stone or masonry face. A box sign with sign copy painted on to or applied to a plastic or
430 glass face is a cabinet sign. Routed sign letters may be back-faced with translucent plastic or
431 glass to protect the inside of the sign and to shield lighting elements. A box sign shall not exceed
432 32 square feet in sign area. A box sign may be used as a monument sign, hanging sign, name and
433 address sign, building identification sign, directory sign, informational, directional or traffic
434 control sign wall sign, window sign, pole or pylon sign or roof sign.
435

436 *Building or development identification sign:* A sign displaying only the name and/or address of a
437 building or development.
438

439 *Cabinet sign:* A sign, constructed like a box, with sign copy painted on or applied to a
440 translucent plastic or glass face.
441

442 *Canopy and awning sign:* A sign that is part of, or attached to a canopy or awning or other
443 similar protective cover. Signs placed upon awnings may consist of fabric, or thermally applied
444 letters, the copy of which shall not exceed the permitted wall sign area. Internally illuminated,

ORDINANCE 2010-16

445 transparent or translucent awnings used as signs are prohibited. Any canopy or awning that
446 extends over a public sidewalk must be fire-proofed, shall have at least seven feet of clearance
447 above the sidewalk, shall be setback at least five feet from the edge of pavement of the adjoining
448 street and must comply with section 17-9 of the Code of Ordinances and obtain a right-of-way
449 encroachment permit approval ~~be approved by the Town Commission prior to applying for a sign~~
450 permit. , along with an indemnification agreement providing for removal upon request of the
451 ~~Town Commission and proof of insurance in the amount of \$1,000,000.00 with the Town named~~
452 ~~as an additional insured party.~~

453
454

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

458

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

465

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

470

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

472

473 *Directory sign:* A single or double face sign, consisting of the name of the building or
474 development and the names and unit numbers of tenants in a multiple tenant building or
475 development. A directory sign may use a changeable copy. Directory signs erected after the
476 effective date of this article shall not exceed six feet in height. Directory signs shall not exceed
477 32 square feet in size and a ground-mounted directory sign shall be set back at least five feet
478 from any street right-of-way.

479

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

484

485 *Hanging sign:* A double face sign hanging from a canopy, awning, or roof overhang and oriented
486 perpendicular to the nearest building wall. A hanging sign shall have two identical sign faces.
487 Any hanging sign that extends over a public sidewalk shall have at least seven feet of vertical
488 clearance above the sidewalk, shall be setback at least five feet from the edge of pavement of the
489 adjoining street and must be approved by the Town Commission, along with an indemnification

ORDINANCE 2010-16

490 agreement providing for removal upon request of the Town Commission and proof of insurance
491 in the amount of \$1,000,000.00 with the Town named as an additional insured party.
492

493 *Historical sign:* A sign of historical or architectural significance to the Town may be designated
494 as an historical sign by resolution of the Town Commission and shall thereafter be exempt from
495 all provisions of these regulations except for the requirements for maintenance and permit for
496 reconstruction or major repair.
497

498 *Informational, directional or traffic control sign:*
499

- 500 a. A noncommercial sign permanently erected and maintained by the Town, County or
501 State, or any agency thereof, to denote the name of any thoroughfare, route directions,
502 educational institution, public building, park, recreational facility or hospital; to direct
503 and regulate traffic; to denote any transportation or transmission company for the
504 direction or safety of the public; or to provide any other governmental information.
505 b. A noncommercial sign located on and relating to an activity on the premises upon which
506 the sign is located, providing information to pedestrian and vehicular traffic, e.g.,
507 "entrance," "exit," "caution" and "no trespassing."
508 c. A sign within a development, or at the entrances thereto, showing the name(s) and
509 directions to the locations of the subdivisions comprising the development, a sales office,
510 etc.
511

512 *Length:* The horizontal dimension of a sign as measured in feet and inches.
513

514 *Menu board sign:* A sign placed on a door, wall or column outside of a restaurant and containing
515 only a copy of the menu or daily specials. If a paper menu is used, it must be mounted under a
516 protective glass or plastic cover. A menu board sign shall not exceed four square feet in size.
517

518 *Monument sign:* A free-standing stone, masonry or metal ground sign or a sign placed upon a
519 free standing masonry wall section not exceeding six feet in height and listing only the name and
520 address of the development or business. A monument sign shall not exceed six feet in height or
521 32 square feet in sign area and shall be setback at least ten feet from any public street right-of-
522 way. No monument sign may be placed within 30 feet of a street intersection or in any location
523 that would obstruct cross-visibility at a driveway intersection or would obstruct cross-visibility
524 for back-out parking.
525

526 *Name sign:* A sign containing only the name and unit number or letter of the person, entity or
527 business occupying the premises.
528

529 *Neon sign:* Any type of sign that utilizes exposed neon, argon or any other gaseous or liquid
530 element or compound as a direct means of illumination. Neon, argon or other gaseous or liquid
531 element or compound utilized for illumination that is covered by a translucent material, or
532 otherwise concealed from direct view, shall not be considered to be a neon sign. Exposed neon,
533 argon or any other gaseous or liquid element or compound utilized for illumination used solely to
534 accent or illuminate architectural features of a building shall not be considered a sign, if

ORDINANCE 2010-16

535 authorized by the Town Commission as part of the site plan approval for the development.
536 Window neon signs are subject to special regulations as hereinafter set forth:

537
538 *Window neon signs* shall be considered temporary signs and shall require an annual
539 license from the Town. All licenses for window neon signs shall expire on the thirtieth
540 day of September of each year. Each window neon sign shall require a separate license.
541 ~~The Town Commission reserves the right to prohibit the use or display of window neon~~
542 ~~signs. Commission prohibition of window neon signs shall be enacted by ordinance~~
543 ~~amending this article of the Code, effective at the expiration of the then most current~~
544 ~~licensure period.~~

545
546 *Neon signs* shall be permitted in the B1, B1A and B2 districts, provided:

- 547
548 (1) A business shall be allowed to have up to three neon signs per street frontage, one
549 of which may be an exterior sign;
550 (2) No neon window sign may exceed four square feet unless it displays solely the
551 name of the business;
552 (3) The total area of the neon window signs shall not exceed the lesser of 12 square
553 feet or 25 percent of the area of the total window space on the street frontage;
554 (4) An exterior neon sign may only display the name of the business or the business’
555 logo;
556 (5) The depiction of any part of the human body is prohibited; and
557 (6) Signs may remain illuminated only during the business hours of the business, or
558 10:00 p.m., whichever is later.
559

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

562
563 *New development* means the construction of a building or parking lot upon a vacant or
564 cleared plot.
565

566 *Redevelopment* means: (1) any reconstruction or remodeling exceeding 25 percent of the
567 assessed valuation of a building; or (2) any substantial alteration of the street facade of a
568 building.
569

570 *Non-commercial:* Containing no commercial message.

571
572 ~~*Off premises sign:* A temporary sign advertising or providing notice of products, services or~~
573 ~~activities being offered or conducted at a location different from where the sign is located. Off-~~
574 ~~premises signs include “open house”, “garage sale” and similar signs. An off premises sign shall~~
575 ~~not exceed four square feet in size. An off premises sign permit must contain the name and~~
576 ~~phone number of the person responsible for placing and removing the sign. An off premises sign~~
577 ~~shall not be placed upon public property or right-of-way. A temporary sign permit for an off-~~
578 ~~premises sign shall not be issued for a period of more than two days nor for the same location~~
579 ~~more than four times per year. A \$25.00 refundable removal deposit shall be posted with the~~
580 ~~Town for each permitted off premises sign.~~

ORDINANCE 2010-16

581
582 *Painted sign:* Any exterior sign or window sign with text or message that is only painted or
583 applied upon a surface. Decals, plastic film, mosaic, photocopied and printed text or messages
584 are also considered to be “painted”. All painted signs shall be professionally applied.
585 “Handmade” or stenciled signs are prohibited for use as permanent signs, real estate signs,
586 announcing signs, contractor signs or window signs.

587
588 *Paper sign:* A sign drawn, painted or printed on paper, cardboard, or similar water-absorbing
589 material. Paper or cardboard signs may be used only inside of a building or mounted within a
590 weatherproof cover.

591
592 *Permanent sign:* A permanent sign is any one of the types of signs specifically listed within these
593 regulations as an allowed sign, and which ~~is~~ may be installed and maintained in a fixed location
594 for an indefinite period of time.

595
596 *Pole sign:* A sign mounted upon one or two vertical poles, either free-standing or extending
597 above another structure. ~~Pole signs are permitted but are not encouraged.~~ Properties that do not
598 have pole signs at time of adoption of these regulations (March 27, 2001) and have not had them
599 within the two years preceding adoption shall not be permitted to erect or maintain pole signs.
600 New development and redevelopment shall not be permitted to erect or maintain pole signs.
601 Traffic control and directional signs mounted on poles are not considered to be pole signs. The
602 ~~sign box or panel of a pole sign shall not exceed 32 square feet in size. There shall be no more~~
603 ~~than one pole or pylon sign per street frontage per property. All pole signs shall be setback at~~
604 ~~least five feet from any property line or right of way. Any pole sign located within 30 feet of a~~
605 ~~street intersection or within 15 feet of the intersection of a parking space and a driveway or street~~
606 ~~shall maintain seven feet of clearance between the ground and the bottom of the sign box or~~
607 ~~panel. The support poles of pole signs shall not exceed a width or diameter of 18 inches. The~~
608 ~~height of the top of a pole sign shall not exceed 15 feet above the crown of the nearest street.~~
609 Pole signs require site plan review and approval by the Town Commission prior to issuance of a
610 sign permit. The following additional requirements and conditions must be met in order for a
611 proposed pole sign to receive site plan approval:

- 612
613 (1) ~~The proposed pole sign is replacing an existing pole or pylon sign.~~
614 (2) ~~The design and colors of the proposed pole sign shall be coordinated with the~~
615 ~~design and colors of any buildings on the premises.~~
616 (3) ~~The pole(s) of the proposed pole sign shall have architectural treatment or be~~
617 ~~screened by lattice work and/or landscaping that will, to the satisfaction of the~~
618 ~~Town Commission, ensure that the proposed sign is aesthetically compatible with~~
619 ~~adjoining development.~~

620
621 *Political sign:* A sign which sets forth the name, cause, or affiliation of a person seeking office or
622 a proposed referendum or ballot proposition, the date of the election and/or the office sought or
623 which sets forth any issue for which, or pertaining to, a public election is scheduled to be held.
624 Political signs may not be erected upon government-owned or leased property. The sign shall be
625 of a temporary nature and shall not exceed an overall size of two feet by three feet. No permit
626 shall be required for such sign; however, the person in charge of the campaign or the company

ORDINANCE 2010-16

627 erecting the sign shall be responsible for removing the signs within seven days after the date of
628 the election. No political signs or placards shall be permitted to be erected or placed upon
629 parkways, utility poles, or trees.

630

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

634

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

639

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

656

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

664

665 *Real estate sign:* A temporary sign announcing an "open house" or "model home" ~~on the
666 premises or the availability of the premises for sale or for lease. The name and phone number of
667 the person or company responsible for placing and removing the sign shall be listed on the sign.
668 Real estate signs located in residential zoning districts shall be no larger than 24 inches wide by
669 18 inches high mounted upon the ground, and shall not exceed three feet in height and shall be
670 mounted with a frame or holder and post. Real estate signs located in nonresidential zoning
671 districts shall be no larger than six square feet in size and, if mounted upon the ground, such sign
672 shall not exceed six feet in height and shall be mounted with a frame or holder and post, or if~~

ORDINANCE 2010-16

673 mounted upon a wall or within a window, such sign shall not be placed higher than 24 feet above
674 the ground. Properties shall be limited to one real estate sign per street frontage. Waterfront
675 properties may display one additional sign facing the water. No real estate sign may be placed on
676 public property or right-of-way. Real estate signs placed on or for property which is for sale or
677 lease, during a period of open viewing (“open house” signs) may only be posted during the hours
678 of the open house and may only be posted on private property with the permission of the
679 property owner. All real estate signs must be removed upon closing or leasing of a property
680 which had been for sale or lease.

681

682 *Redevelopment:* See “new development and redevelopment.”

683

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

694

695 *Sandwich sign:* A movable, portable, free-standing sign not secured or attached to the ground
696 that can be folded and carried by an individual. Sandwich signs are prohibited. The sign panels
697 of a sandwich sign shall exceed not 16 square feet in size and shall be no taller than four feet in
698 height. The sandwich sign may only be utilized for a licensed valet establishment and for no
699 other purpose. A sandwich sign shall not be placed in a right of way, but may be placed on
700 private property. A sandwich sign may be erected only during the hours of operation of the
701 establishment.

702

703 *Sign:* Any device, fixture, placard, or structure that uses any color, form, graphic, illumination,
704 symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or
705 entity, or to communicate information to the public. ~~The flag of the United States of America is~~
706 ~~not a sign in any context. Non-commercial flags are not signs. Other flags or pennants shall be~~
707 ~~regulated as signs. Non-commercial p~~Paintings or murals displayed for purely decorative,
708 historical or architectural purposes are not signs. A mural containing advertising, text or logo’s,
709 or copyrighted, trademarked or service marked characters, objects or products advertised in print
710 or media advertising is a sign. Architectural lighting designed to illuminate building walls,
711 architectural features or landscaping is not a sign. Strip or string lighting placed in or around
712 windows is a prohibited sign.

713

714 *Sign area:* The area of a square or rectangle encompassing all of the text, copy, symbols and
715 logos displayed on a sign. The total sign area of all signs attached to the wall, canopy and/or
716 awnings of a building face shall not exceed 15 percent of the area of that building face. In the
717 case of a building with a flat roof, the area of the building face shall be measured from the
718 elevation of the nearest sidewalk or crown of the road to either the deck of a flat roof or the top

ORDINANCE 2010-16

719 of the parapet wall, whichever is higher. In the case of a building with a sloped roof, the area of
720 the building face shall be measured from the elevation of the nearest sidewalk or crown of the
721 road to the midpoint of a sloped roof. The sign area of a double-faced sign, with identical faces
722 mounted on opposite sides of the same sign panel or box, is the area of only one of the two
723 identical faces.

724
725 *Sign height:* The elevation ~~above~~ of the highest point of the sign area above the nearest sidewalk
726 or roadway crown.

727
728 *Sign letter size:* The size of an individual letter or symbol in any window sign copy shall not
729 exceed 12 inches in height or width and the size of an individual letter or symbol in any other
730 type of sign copy shall not exceed 18 inches in height or width, except that:

- 731
- 732 (1) The sign letter size may be increased by one inch for each 25 feet that the sign is
733 setback from nearest street right-of-way;
 - 734 (2) The sign letter size may be increased by one inch for each 25 feet above the
735 elevation of the nearest sidewalk or roadway that the sign is mounted; and
 - 736 (3) In a sign with both upper and lower case letters, the maximum letter size of one
737 upper case letter in each word may be increased 20 percent provided that the letter
738 size of the lower case letters is reduced 20 percent.

739
740 *Sign size:* The overall size of the sign box or panel of a pole, box, cabinet, roof, hanging or
741 window sign.

742
743 *Snipe sign:* A prohibited sign, not otherwise permitted by these regulations, which is tacked,
744 nailed, taped, glued or otherwise attached to a tree, pole, fence, newsrack, trash receptacle,
745 building wall or door or other object. Legal notices required by law are not signs.

746
747 *Special event sign:* A temporary sign placed by the Town, a community service organization,
748 homeowners association or condominium association announcing an upcoming community
749 event, special meeting or election. A special event sign shall not exceed 32 square feet in size,
750 shall not be posted for more than 14 days. A temporary sign permit for a special event sign shall
751 not be issued for the same property or location more than four times per year without the
752 approval of the Town Commission.

753
754 *Subdivision and residential development identification sign:* A sign erected at the entrance to a
755 neighborhood or residential development displaying only the official name and address of the
756 neighborhood or residential development. Subdivision and residential development identification
757 signs shall not exceed six feet in height or 32 square feet in sign area per sign face. One two-face
758 sign may be permitted in the median of a divided entrance or one single-face sign shall be
759 permitted on each side of a street entrance to a named residential neighborhood or of a street-
760 type driveway entrance to a multi-family development. The sign shall not be located within any
761 utility or drainage easements, or within any cross visibility triangle or safe recovery area for a
762 street. All proposed subdivision and residential development identification signs shall be subject
763 to site plan approval pursuant to Article IV of the Land Development Code.

764

ORDINANCE 2010-16

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

771
772 *Vacancy/no vacancy sign:* A sign or portion of a sign located at a motel, hotel, apartment
773 building or condominium indicating whether or not there are rooms available. A vacancy/no
774 vacancy sign shall not exceed two square feet in sign area, and may be directly or indirectly
775 illuminated or changeable copy.

776
777 *Valet sign:* A temporary two paneled, A-frame sign with panels not exceeding 16 square feet in
778 size and no taller than four feet in height. The valet sign may only be utilized for properties
779 offering valet service and only during the hours of operation of the valet service. A valet sign
780 shall not be placed in a right-of-way, except in conjunction with a use authorized by a right-of-
781 way license granted by the Town Commission, but may be placed on private property.

782
783 *Vehicle or trailer sign:* A prohibited sign advertising a business or product, mounted on, or
784 attached to a motor vehicle or trailer which is parked for more than 12 hours at the same location
785 or parked on more than three consecutive days at the same location as the business or product
786 which is being advertised, unless the A vehicle is parked inside a garage, or is parked behind the
787 building, or Aa passenger vehicle displaying a name and telephone number with letters no more
788 than four inches in height is not a vehicle sign as described above.

789
790 *Wall sign:* A sign attached to, or parallel to but within six inches of, a wall, or erected and
791 confined within the limits of an outside wall of any building or structure, which is supported by
792 such wall or building, and which displays only one sign surface.

793
794 *Warning or danger sign:* A sign warning of a hazardous condition or dangerous object or animal
795 in the immediate vicinity. Warning or danger signs not exceeding four square feet in size are
796 exempt from these regulations.

797
798 ~~*Width:* The vertical dimension of a sign as measured in feet and inches.~~

799
800 *Window:* For the purpose of these regulations, a window shall be defined as that portion of a first
801 or second floor facade consisting of a transparent, glass-like material designed to provide
802 viewing of the interior from the exterior of the building and which shall be no less than 75
803 percent transparent from the exterior. The area of a single window includes contiguous window
804 panels separated by dividers less than six inches in width. Contiguous window panels separated
805 by dividers greater than six inches in width, separated by a doorway or separated by the corner of
806 a building shall be considered separate windows. A glass door or pair of doors shall be
807 considered a separate window.

808
809 *Window sign:* A sign attached to or placed within ten feet of the inside of a window and oriented
810 toward the window. No more than three window signs of any type shall be displayed in any

ORDINANCE 2010-16

811 single window. A bulletin board, displayed inside a window, and upon which notices,
812 advertisements, specials, listings and the like are posted, shall be considered a single window
813 sign. A window sign shall not exceed 15 square feet in sign size. Window signs shall not obstruct
814 more than 25 percent of the total area of the window within which it is placed. Merchandise in
815 display windows shall not be considered window signs. Customary price tags and labels not
816 exceeding 15 square inches each in size on merchandise in display windows shall not be
817 considered window signs.

818

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

820

821 (a) *RS-5 and RD-10 districts.* Only the following types of signs are permitted within the RS-
822 5 and RD-10 zoning districts, subject to the limitations and requirements contained in the
823 definitions and restrictions by sign type and the general design standards sections of these
824 regulations, and subject to the additional limitations stated below:

825

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

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

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

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

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

840

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

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

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

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

851

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

855

ORDINANCE 2010-16

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

- 860 ~~(1) No more than four bona fide flags at a hotel or motel, not exceeding 15 square~~
861 ~~feet in size each.~~
- 862 (12) Private informational, directional and traffic control signs.
- 863 ~~(23)~~ Name and address signs: One resident name sign per dwelling unit, including any
864 exempt name sign, to be placed on the dwelling unit and not to exceed two square
865 feet in sign area. One occupant address sign per address, including any exempt
866 address sign, to be placed on the building or mail box and not to exceed two
867 square feet in sign area. One building address sign per building to be placed on
868 the building and not to exceed a total of six square feet of sign area. Every
869 building shall display an address sign that is clearly visible from the street.
870 Buildings that have rear door access to an alley or parking lot shall also display an
871 address sign that is clearly visible from the alley or parking lot.
- 872 ~~(4) Public service signs: Only if approved by the Town Commission.~~
- 873 ~~(35)~~ Subdivision and residential development identification signs: Only if approved by
874 the Town Commission pursuant to site plan approval procedures.
- 875 ~~(46)~~ Vacancy/no vacancy signs: one sign per licensed motel or hotel, not exceeding
876 two square feet of sign area.
- 877 ~~(57)~~ Temporary political signs: to be set back at least five feet from any right-of-way
878 or property line.
- 879 ~~(68)~~ In addition, each multifamily or hotel, motel, apartment building, condominium,
880 group home, church, school or other non-residential use may display no more than
881 two of the following permanent signs, with a combined total sign area of not more
882 than 32 square feet, per street frontage, and the total sign area of all signs attached
883 to the wall, canopy and/or awnings of a building face shall not exceed 15 percent
884 of the area of the building facade. In the case of a building with a flat roof, the
885 area of the building face shall be measured from the elevation of the nearest
886 sidewalk or crown of the road to either the deck of a flat roof or top of the parapet
887 wall, whichever is higher. In the case of a building with a sloped roof, the area of
888 the building face shall be measured from elevation of the nearest sidewalk or
889 crown of the road to the midpoint of a sloped roof. If a hotel or motel takes over
890 an adjoining hotel or motel, then the combined hotel or motel is entitled to 16
891 additional square feet of separate wall or awning sign area; the existing signs shall
892 not be increased in size by this additional footage.
- 893
- 894 a. Building or development identification signs: one sign per building per
895 street frontage, with a sign height no greater than 35 feet.
- 896 b. Canopy or awning signs: With a sign height no greater than 18 feet.
- 897 c. Hanging sign: one sign per building per street frontage, with a sign height
898 no greater than 18 feet.
- 899 d. Changeable copy signs: one sign per street frontage, with a sign height no
900 greater than 18 feet.

ORDINANCE 2010-16

- 901 e. Monument signs: one sign with one or two faces per street frontage, only
- 902 on a plot with 200 or more feet of continuous frontage on the same street.
- 903 ~~f. Pole or pylon signs: Limited to hotels, motels, apartment buildings and~~
- 904 ~~condominiums only and to one sign per street frontage per property.~~
- 905 ~~fg.~~ Wall signs: With a sign height no greater than 35 feet.
- 906
- 907 (79) In addition, no more than two of the following temporary signs, including any
- 908 exempt temporary signs, shall be permitted on any single business or plot at the
- 909 same time:
- 910
- 911 a. Temporary announcing sign: one sign per plot to be set back at least five
- 912 feet from any right-of-way or property line.
- 913 b. Temporary contractor signs: one sign per plot to be set back at least five
- 914 feet from any right-of-way or property line.
- 915 ~~e. Temporary garage sale or moving sale signs: one sign per plot, no larger~~
- 916 ~~than four square feet in size and displayed on the premises for no more~~
- 917 ~~than two days and no more than twice per year to be set back at least five~~
- 918 ~~feet from any right-of-way or property line.~~
- 919 cd. Temporary portable advertising signs for businesses adjoining a roadway
- 920 under construction: one sign per frontage of a street under construction,
- 921 not exceeding 16 square feet in sign size, to be posted adjacent to the road
- 922 right-of-way during the period of road construction.
- 923 de. Temporary real estate signs: To be set back at least five feet from any
- 924 right-of-way or property line.
- 925 ef. Temporary special event signs: two signs per block to be set back at least
- 926 five feet from any right-of-way or property line.
- 927
- 928 (c) *B1, B1A and B2 districts.* Only the following types of signs are permitted within the B1,
- 929 B1A and B2 districts, subject to the limitations and requirements contained in the
- 930 definitions and restrictions by sign type and the general design standards sections of these
- 931 regulations, and subject to the additional limitations stated below:
- 932
- 933 ~~(1) One dive flag at a bona fide dive shop and three bona fide flags at a travel agency~~
- 934 ~~or foreign cuisine restaurant, not exceeding 15 square feet in size each.~~
- 935 (12) Building or development identification signs: one sign per building per street
- 936 frontage with a sign area of no more than 32 square feet and with a sign height no
- 937 greater than 35 feet.
- 938 (23) Private informational, directional and traffic control signs.
- 939 (34) Menu board sign: one sign per licensed restaurant per street frontage.
- 940 (45) Name and address signs: One occupant name sign per dwelling unit or business,
- 941 excluding any exempt rear door name sign, to be placed on the dwelling unit or
- 942 business and not to exceed two square feet in sign area; one occupant address sign
- 943 per address, excluding any exempt rear door address sign, to be placed on the
- 944 building or mail box and not to exceed two square feet in sign area; one building
- 945 address sign per building to be placed on the building and not to exceed a total of
- 946 six square feet of sign area. Every building, and every business with a separate,

ORDINANCE 2010-16

947 ground floor, street-side entrance, shall display an address sign that is clearly
948 visible from the street. Buildings that have rear door access to an alley or parking
949 lot shall also display an address sign that is clearly visible from the alley or
950 parking lot.

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

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

955 (68) Temporary political signs.

956 (79) In addition, each office building, separate storefront business, or other non-
957 residential use restaurant, church, assembly hall, school or other building may
958 display no more than two of the following permanent signs, with a combined total
959 sign area of not more than 32 square feet per street frontage, and the total sign
960 area of all signs attached to a building shall not exceed 15 percent of the area of
961 the building facade. In the case of a building with a flat roof, the area of the
962 building face shall be measured from the elevation of the nearest sidewalk or
963 crown of the road to either the deck of a flat roof or top of the parapet wall,
964 whichever is higher. In the case of a building with a sloped roof, the area of the
965 building face shall be measured from elevation of the nearest sidewalk or crown
966 of the road to the midpoint of a sloped roof. (Multiple businesses occupying a
967 single storefront bay must share the permitted total number and sign area of
968 signs.) If a store front business takes over the entire adjoining store front space
969 vacated by another business, then that new business is entitled to either 16
970 additional square feet of wall or awning sign area, or if the store front business is
971 taking over an entire adjoining store front space vacated by another business, the
972 new business may use the existing roof signage that the old business used
973 provided that the structure of the roof sign is not altered:

- 974 a. Canopy or awning signs: With a sign height no greater than 18 feet.
- 975 b. Directory signs: one sign per street frontage for a multi-tenant office,
976 multi-tenant retail or governmental building only.
- 977 c. Hanging: With a sign height no greater than 18 feet.
- 978 d. Changeable copy signs: With a sign height no greater than 18 feet.
- 979 e. Monument signs: one sign with one or two faces per street frontage, only
980 on a plot with 200 or more feet of continuous frontage on the same street.
- 981 f. Pole or pylon signs (if legal non-conforming signs): No new pole or pylon
982 sign may be erected after the effective date of this article (March 27, 2001)
983 unless it is a replacement sign meeting the requirements of this article.
- 984 g. Roof signs: Only when wall or awning signs are not feasible, and not if a
985 legal non-conforming pole or pylon sign exists is placed on the same
986 property.
- 987 h. Wall signs: With a sign height no greater than 35 feet. A single tenant
988 building may combine a permitted wall sign and building identification
989 sign into a single wall sign not exceeding 48 square feet in sign area.
990
991

ORDINANCE 2010-16

- 992 (812) In addition, no more than two of the following temporary signs, including any
993 exempt temporary signs, shall be permitted on any single business or plot at the
994 same time:
995
- 996 a. Temporary announcing signs: one sign per plot;
 - 997 b. Temporary contractor signs: one sign per plot;
 - 998 c. Temporary portable advertising signs for businesses adjoining a roadway
999 under construction: one sign per frontage of a street under construction,
1000 not exceeding 16 square feet in sign size, allowed in the business and
1001 motel districts, to be posted adjacent to the road right-of-way during the
1002 period of road construction;
 - 1003 d. Temporary real estate signs;
 - 1004 e. Temporary special event signs: two signs per block;
 - 1005 f. Temporary banner and pennant sign;
 - 1006 ~~g. Temporary off-premises signs;~~
- 1007
- 1008 (d) *CF and SP districts.* Only the following types of signs are permitted within the CF and
1009 SP districts, subject to the limitations and requirements contained in the definitions and
1010 restrictions by sign type and the general design standards sections of these regulations,
1011 and subject to the additional limitations stated below:
1012
- 1013 (1) Informational, directional and traffic control signs.
 - 1014 (2) Name and address signs: One occupant name sign per building, excluding any
1015 exempt rear door name sign, to be placed on the building and not to exceed two
1016 square feet in sign area. One occupant address sign per address, excluding any
1017 exempt rear door address sign, to be placed on the building or mail box and not to
1018 exceed two square feet in sign area. One building address sign per building to be
1019 placed on the building and not to exceed a total of six square feet of sign area.
1020 Every building shall display an address sign that is clearly visible from the street.
1021 Buildings that have rear door access to an alley or parking lot shall also display an
1022 address sign that is clearly visible from the alley or parking lot.
 - 1023 ~~(3) Public service signs: Only if approved by the Town Commission.~~
 - 1024 (4) Window signs: one window sign per street frontage, placed in first floor windows
1025 only.
 - 1026 (5) In addition, each building may display no more than two of the following
1027 permanent signs, with a combined total sign area of not more than 32 square feet
1028 per street frontage, and the total sign area of all signs attached to a building shall
1029 not exceed 15 percent of the area of the building facade. In the case of a building
1030 with a flat roof, the area of the building face shall be measured from the elevation
1031 of the nearest sidewalk or crown of the road to either the deck of a flat roof or top
1032 of the parapet wall, whichever is higher. In the case of a building with a sloped
1033 roof, the area of the building fact shall be measured from elevation of the nearest
1034 sidewalk or crown of the road to the midpoint of a sloped roof:
1035
 - 1036 a. Building or development identification signs: With a sign height no
1037 greater than 35 feet.

ORDINANCE 2010-16

- 1038 b. Canopy or awning signs: With a sign height no greater than 18 feet.
- 1039 c. Directory signs: For a multi-tenant building only, and with a sign height
- 1040 no greater than 12 feet.
- 1041 d. Hanging signs: With a sign height no greater than 18 feet.
- 1042 e. Changeable copy signs: With a sign height no greater than 18 feet.
- 1043 f. Monument signs: one sign with one or two faces per street frontage, only
- 1044 on a plot with 200 or more feet of continuous frontage on the same street.
- 1045 g. Wall signs: With a sign height no greater than 35 feet.

1046 (6) In addition, no more than two of the following temporary signs, including any
1047 exempt temporary signs, shall be permitted on any single plot at the same time:

- 1050 a. Temporary announcing signs: one sign per plot to be set back at least five
- 1051 feet from any right-of-way or property line.
- 1052 b. Temporary contractor signs: one sign per plot to be set back at least five
- 1053 feet from any right-of-way or property line.
- 1054 c. Temporary real estate signs: To be set back at least five feet from any
- 1055 right-of-way or property line.
- 1056 d. Temporary special event signs: two signs per block to be set back at least
- 1057 five feet from any right-of-way or property line.
- 1058 e. Temporary banner and pennant signs.
- 1059 f. ~~Temporary off-premises signs.~~

1060 * * * *

1061 **SECTION 3. Amendment.** Section 30-510 of Article VIII of Chapter 30 is hereby

1062 created² as follows:

1063 * * * *

1064 **Sec. 30-510. Severability**

1065 (a) The sections, paragraphs, sentences, clauses and phrases of this Article are severable, and
1066 if any phrase, clause, sentence, paragraph or section of this Article shall be declared
1067 unconstitutional or void or unenforceable by the valid judgment or decree of a court of
1068 competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the
1069 remaining phrases, clauses, sentences, paragraphs and sections of this Article.

1070 (b) This subsection shall not be interpreted to limit the effect of subsection (a) above, or any
1071 other applicable severability provision in this Code or any adopting ordinance. The
1072 Town Commission specifically intends that severability shall be applied to sign
1073 regulations even if the result would be to allow less speech in the Town, whether by
1074 subjecting currently exempt signs to permitting or by some other means.

1075 (c) This subsection shall not be interpreted to limit the effect of subsections (a) or (b) above, or
1076 any other applicable severability provision in this Code or any adopting ordinance. The
1077

1078
1079
1080
² Words in ~~strike through~~ type are deletions; words in underlined type are additions.

ORDINANCE 2010-16

1081 Town Commission specifically intends that severability shall be applied to prohibited signs
1082 so that each of the prohibited sign types listed in the Town Code in Section 30-505 and
1083 Section 30-507 shall continue to be prohibited irrespective of whether another or any sign
1084 prohibition is declared unconstitutional or invalid.

1085
1086 (d) This subsection shall not be interpreted to limit the effect of subsections (a), (b) or (c) above,
1087 or any other applicable severability provision in this Code or any adopting ordinance. The
1088 Town Commission specifically intends that severability shall be applied to Section 30-505
1089 and Section 30-507 of the sign regulations so that if all or any of such provisions are
1090 declared unconstitutional or invalid by the final and valid judgment of any court of
1091 competent jurisdiction, the Town Commission intends that such declaration shall not affect
1092 any other prohibition on animated, flashing or billboard signs in the aforesaid sections.

* * * *

1093
1094
1095 **SECTION 4. Codification.** This Ordinance shall be codified in accordance with the
1096
1097 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall
1098 become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the
1099 sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be
1100 changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such
1101 intentions.

1102 **SECTION 5. Severability.** If any section, sentence, clause, or phrase of this Ordinance is
1103 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
1104 in no way affect the validity of the remaining portions of this Ordinance.

1105 **SECTION 6. Conflicting Ordinances.** All prior ordinances or resolutions or parts
1106 thereof in conflict herewith are hereby repealed to the extent of such conflict.

1107 **SECTION 7. Effective Date.** This Ordinance shall become effective immediately
1108 upon passage on second reading.

1109 Passed on the first reading, this ____ day of _____, 2010.

1110 Passed on the second reading, this ____ day of _____, 2010.

1111

ORDINANCE 2010-16

1112
1113
1114

Mayor Roseann Minnet

1115
1116
1117
1118
1119
1120
1121

First Reading

Second Reading

Mayor Minnet

Vice-Mayor Dodd

Commissioner Clotey

Commissioner Sasser

Commissioner Vincent

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

1122 Attest:

1123
1124

Town Clerk, June White

1125 (CORPORATE SEAL)

1126 Approved as to form:

1127
1128
1129

Town Attorney, Susan L. Trevarthen

Exhibit 3

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

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

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

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

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

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

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

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

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

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

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

Mr. Bowman confirmed 20 business days was ample time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Memo

To: Planning and Zoning Board Members

From: Susan Trevarthen, Town Attorney
Kathryn M. Mehaffey, Assistant Town Attorney

Cc: Jeff Bowman, Director of Development Services

Date: September 1, 2010

Re: Proposed Amendments To Article VIII, Sign Regulations

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

SUMMARY OF CHANGES

A number of changes have been implemented in the proposed Ordinance in order to enhance the defensibility of the Code. Most of these changes are technical in nature, and many alter the format or presentation of the regulation in ways that make the Code less susceptible to challenge without major changes to the impact of the regulation. All changes are noted in the Ordinance in strike-through and underline font. The following changes are highlighted for the Board's review:

- Permit review procedures and timeframes were added to protect against constitutional challenges.
- Working with staff, we identified several types of signs which present legal concerns, are not utilized in the Town, are addressed inconsistently, or appear in multiple areas of the Town's Code. Defunct, unused sign types, color palette and other requirements were deleted, and inconsistencies and duplications were resolved.
- Severability provisions were added, and the substitution clause was updated to enhance defensibility.
- Protections were added for protected non-commercial speech.
- Flag regulations have been revised to eliminate constitutional concerns and, based on the concerns and direction of staff, to implement standards which reflect the current usage, size and development of flags in the Town.

- The regulations for pole and pylon signs were conflicting. The regulations made them legal non-conforming signs, though they were not labeled as such. These signs have now been addressed separately according to their legal, non-conforming status. At staff's direction, the removal and replacement criteria were expanded to provide for removal and replacement upon damage greater than 50% of the replacement value, or upon abandonment of the legal, non-conforming pole or pylon sign for a period of six months or more.
- The definition of canopy and awning signs was amended to clarify procedures to enhance defensibility and at the direction of staff, to reflect recent right-of-way encroachment legislation approved by the Town Commission.
- A number of other technical changes were made which help create a more consistent and defensible Code with clearer implementation procedures and a reduction in interpretation issues.