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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: January 6, 2011

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 were also been made to address inconsistencies and implementation issues identified by Town staff. The Planning and Zoning Board reviewed the proposed ordinance amendments and recommended approval at its September 15, 2010 meeting. At the October 12, 2010 Town Commission meeting the Commission sent the item back to the Planning and Zoning Board to consider a comprehensive rewrite of the sign code involving the business community's input. On November 9, 2010 a new Notice of Intent was issued to provide for a comprehensive review and revision of the sign regulations. On November 17, 2010 the Planning and Zoning Board tabled this item to their December 15, 2010 meeting. At its December 15, 2010 meeting, the Planning and Zoning Board directed staff to code the proposed changes according to purpose and origin, revise the treatment of pole and sandwich signs, and designate pylon signs as prohibited.

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. Changes are color coded to identify the purpose or source of the change as follows:

-  LEGAL
-  HOUSEKEEPING
-  BOARD
-  LEGAL WITH STAFF POLICY RECOMMENDATION
-  LEGAL SUBJECT TO REVISION IF RECEIVE DIFFERENT POLICY DIRECTION
-  STAFF RECOMMENDATION

In addition, the following changes are highlighted for the Board's review:

- The regulations for pole and pylon signs were conflicting. The regulations have been revised to reflect the Planning and Zoning Board's direction at its December 15, 2010 meeting and to resolve the conflicting language. Pole signs have been identified as permitted signs for hotels and motels in the RM-25 and RM-50 zoning districts, subject to the previously existing placement criteria. As directed by the Board, pylon signs are not permitted and have been clearly identified as legal non-conforming signs.
- All pylon signs, and pole signs outside the RM-25 and RM-50 zoning districts are prohibited signs and existing signs which were legally built under the Code's criteria are legal non-conforming signs. We recommend the Board review the pole and pylon sign non-conforming provisions, relocated in Section 30-501(f). The replacement criteria, as it existed, allows all non-conforming pole and pylon signs to be replaced as long as they were legal signs for the two years prior to March 27, 2001. At staff's direction, the removal and replacement criteria were expanded to provide for removal and replacement with a conforming sign 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.
- As directed by the Board, sandwich signs have been permitted subject to certain criteria, within the B-1 zoning district. Valet signs have been created and are permitted for hotels and motels in the RM-25 and RM-50 zoning districts during operation of a valet service based on the existing language.
- Sections 30-313(10), (11), and (12), have been deleted to address constitutional concerns and duplicative regulations and procedures. Section 30-313(9) was amended to provide the criteria set out in deleted subsection 30-313(12).
- 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 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 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.

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

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

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

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

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

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

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

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

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

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

49 **WHEREAS**, the Town Commission reiterates its desire that there be an ample and
50 unequivocal record of its intention that the severability clauses it has adopted related to its sign

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51 regulations shall be applied to the maximum extent possible, even if less speech would result from a
52 determination that any exceptions, limitations, variances, or other sign provisions are invalid or
53 unconstitutional for any reason whatsoever; and

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

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

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

62 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
63 reviewed this Ordinance at duly noticed hearings on September 15, 2010 and January 19, 2010,
64 and [~~XXrecommendedXX~~] its adoption; and

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

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

72 **SECTION 1. Recitals.** The foregoing “Whereas” clauses are ratified and confirmed as
73 being true, correct and reflective of the legislative intent underlying this Ordinance and are
74 hereby made a specific part of this Ordinance.
75

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~~use or utilization of lands, buildings or areas, public or otherwise, for the purposes set forth and specified in the three paragraphs immediately above written. In the event that such use upon such written application is granted, it shall be granted only on the basis and the specific understanding that such permissive use shall be terminable or cancellable at any time by the Town Commission effective upon 30 days' written prior notice.~~

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

Chapter 30 are hereby amended as follows:

Sec. 30-501. - Administration and permits.

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

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

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

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

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- 160 (1) No application shall be accepted until it is deemed complete by the Department.
161 (2) The Department shall review all of the information submitted to determine
162 conformity with this article and applicable sections of the Florida Building Code,
163 including the location of the proposed sign. The submitted application will be
164 reviewed within twenty (20) business days and any corrections, revisions or
165 deficiencies provided to the applicant within that twenty (20) day period. Upon
166 each re-submittal of corrected plans, the Department shall have ten (10) business
167 days to review the application and provide any corrections, revisions or
168 deficiencies to the applicant. This process shall continue until the applicant has
169 submitted a complete application or demands that the application be reviewed as
170 is, without further revisions.
171 (3) The Department shall approve or deny the sign permit within ten (10) business
172 days of receipt of the complete application or the applicant's demand for review
173 as submitted, based on whether it complies with the requirements of this Article.
174 The Department shall prepare a written notice of the decision, either in the form
175 of an approved sign permit or written notice of denial, describing the applicant's
176 appeal rights, and provide such written notice to the applicant of its decision
177 within the ten (10) day period.
178
179 (ed) *No right to appeal.* Except when Commission approval is required pursuant to the
180 provisions of this article of the Code, the decision of the Development Services Building
181 Department for the issuance or denial of a sign permit shall be final. There shall be no
182 right of appeal to the Town Board of Adjustment or Town Commission of a finding of
183 the Development Services Building Department. The appellant may seek relief in the
184 Circuit Court for Broward County, as provided by law.
185
186 (de) *Non-conforming signs.* Any previously permitted, existing sign that does not conform to
187 the provisions of these regulations shall be removed or brought into conformance with
188 these regulations upon new development or redevelopment as defined in section 30-507
189 or ~~the~~ when the Town has determined that the sign (except a pole or pylon sign meeting
190 the criteria and conditions of subsection (f) below) has been destroyed or damaged such
191 that the cost of alteration, repair or replacement of such sign exceeds 50 percent of the
192 replacement cost thereof.
193
194 (f) *Non-conforming pole and pylon signs.* Except as permitted in the RM-25 and RM-50
195 district, any previously permitted pole or pylon sign legally existing as of March 27,
196 2001, and in existence for the two (2) years prior to that date, shall be considered a legal,
197 non-conforming pole or pylon sign.
198
199 (1) Upon new development or redevelopment of a site, any existing pole or pylon
200 signs must be removed and may not be replaced under subsections (2) or (3)
201 below.
202 (2) If any legal non-conforming pole or pylon sign is removed by the sign owner or
203 property owner, or the sign is damaged by any cause such that the cost of
204 alteration, repair or replacement of such sign exceeds 50 percent of the
205 replacement cost thereof, the sign must be replaced within six months of the

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206 removal or date of damage in compliance with this section (f), or removed in its
207 entirety.

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

210
211 (i) The sign box or panel of a pole or pylon sign shall not exceed 32 square
212 feet in size.

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

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

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

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

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

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

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

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

234
235 a. The proposed pole or pylon sign is replacing an existing pole or
236 pylon sign.

237 b. The design and colors of the proposed sign shall be coordinated
238 with the design and colors of any buildings on the premises.

239 c. The pole(s) of the proposed pole sign and the pylon of the
240 proposed pylon sign shall have architectural treatment or be
241 screened by lattice-work and/or landscaping that will, to the
242 satisfaction of the Town Commission, ensure that the proposed
243 sign is aesthetically compatible with adjoining development.

244
245 **Sec. 30-502. - Exempt signs.**

246
247 The following types of signs are exempt from the provisions of this Article ~~these regulations~~:

- 248
249 (1) Any sign not visible from any adjoining street, property or water body;
250 (2) Any sign contained within a building and set back from any windows at least ten feet;

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- 251 (3) Customary price tags and labels not exceeding 15 square inches in size on merchandise in
252 display windows;
- 253 (4) One (1) ~~clock or~~ date/time and temperature indicator no larger than four square feet in
254 size per plot;
- 255 (5) Historical signs, except that a permit shall be required for reconstruction or major repair;
- 256 (6) Legal notices required to be posted by law or ordinance;
- 257 (7) Name and address signs with letters or numerals no more than six inches in height;
- 258 (8) "No admittance", "exit only" and similar signs applied onto or next to rear or emergency
259 doors with letters no more than six inches in height;
- 260 (9) "No parking", and "no trespassing" and similar signs, and warning or danger signs, no
261 larger than four square feet in size;
- 262 (10) "Reserved", or similar lettering or numbers applied to parking space wheel stops;
- 263 (11) Signs required to be posted by a government regulation or law enforcement agency;
- 264 (12) Temporary signs of any type used as part of a special community event or fair, which has
265 been specifically authorized by the Town Commission;
- 266 (13) Informational, directional, hazard and traffic control and similar signs installed by a
267 government agency; ~~and~~
- 268 (14) Noncommercial signs of four (4) square feet or less per property (residential or non-
269 residential) or business establishment;
- 270 (15) Flags on residential property up to a cumulative maximum of 40 square feet with no
271 individual flag to exceed 27 square feet in size; and
- 272 (16) Up to four flags on non-residential property, each flag not to exceed 27 square feet in
273 size.
- 274 ~~(14) Private warning or danger signs for a bona fide hazard only, no larger than four square~~
275 ~~feet in size.~~

276
277 **Sec. 30-503. - Permitted signs.**

278
279 The following types of permanent signs may be erected, installed, repaired or replaced within the
280 Town, only in conformance with these regulations and after issuance of a permit by the
281 Development Services Building Department:

- 282
- 283 (1) Box signs;
- 284 (2) Building or development identification signs;
- 285 (3) Cabinet signs;
- 286 (4) Canopy and awning signs;
- 287 (5) Directory sign;
- 288 (6) Hanging signs;
- 289 (7) Informational, directional and traffic control signs;
- 290 (8) Changeable copy signs;
- 291 (9) Menu board signs;
- 292 (10) Monument signs;
- 293 (11) Name and address signs;
- 294 (12) Neon signs;
- 295 (13) Painted signs;
- 296 (14) Pole signs;

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- 297 ~~(15) Public service signs;~~
- 298 ~~(16) Pylon signs;~~
- 299 (157) Roof signs;
- 300 ~~(18) Sandwich signs;~~
- 301 (169) Subdivision and residential development identification signs;
- 302 (1720) Wall signs; and
- 303 (1821) Window signs.

304

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

306

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

310

311

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

330

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

332

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

334

- 335 (1) Animated or flashing signs;
- 336 (2) Any sign not listed elsewhere in these regulations as an exempt, permitted or temporary
337 sign;
- 338 (3) Balloon signs;
- 339 (4) Permanent bBanner and pennant signs, except specifically permitted flags or temporary
340 signs;
- 341 (5) Billboards/off-premises signs;

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- 342 (6) ~~Paper signs, except as a window or interior sign, menu board sign or as a specifically~~
343 ~~permitted temporary sign; Pylon signs;~~
- 344 (7) Private signs of any type placed upon Town property or upon public right-of-way;
- 345 ~~(8) Sandwich sign;~~
- 346 (98) Signs placed upon benches, trash receptacles or newsracks;
- 347 (910) Signs placed on any beach or part thereof, except regulatory or warning signs;
- 348 (101) Signs with unshielded lighting elements, except neon signs;
- 349 (112) Snipe signs;
- 350 (123) Stationary vehicle or trailer signs;
- 351 (134) Strip of string lighting in or around windows, ~~other than temporary holiday lighting;~~
- 352 (145) Signs which no longer advertise or identify a business conducted, a service rendered or
353 product sold; and
- 354 ~~(16) Any other type of sign not listed as a permitted sign or temporary sign;~~
- 355 (15) Signs that produce or emit any type of sound or odor.
- 356 (16) Signs that do not meet the design, material and fabrication requirements of this Article.
- 357

358 Sec. 30-506. - General design standards.

359

- 360 (a) *Construction:* All permanent signs shall be constructed of durable, weather-resistant and
361 fade-resistant materials. All permanent signs shall be professionally constructed or
362 manufactured. All permanent signs, except those on single-family and duplex lots, shall
363 be installed by a licensed contractor. All permanent signs shall be constructed and
364 installed to conform to the requirements of the building code. All temporary signs shall
365 be constructed and installed in a workman-like manner, shall not pose any safety hazard,
366 and shall be removed upon the expiration of the temporary sign permit or upon the
367 issuance of a severe weather warning. A separate electrical permit is required for any
368 illuminated sign.
- 369
- 370 (b) *Colors:* No florescent, phosphorescent, iridescent or reflective colors or paint may be
371 used in any sign, except governmental informational, directional, traffic control or
372 warning signs. ~~The Building Department shall maintain a color sample palate of~~
373 ~~acceptable sign colors.~~ Sign copy letters and numerals within the same sign shall be
374 limited to no more than three colors. White shall not be counted as a color when used as
375 the background of the sign. All permanent signs on the same building shall use the same
376 color scheme. Sign color(s) shall be compatible with the color(s) of any building or wall
377 upon which the sign is mounted. The sign wall of a monument or pylon sign and the box
378 of a box, pole or pylon sign shall match the color of the building to which it is related.
379 The actual color samples to be used, as well as written authority from the landlord or
380 agent (unless applicant is owner) to use the submitted colors and layout, must accompany
381 all permit applications.
- 382
- 383 (c) *Layout:* The size, location, and style of permanent signs shall be compatible with the
384 buildings or locations where they are placed. Multiple signs of the same type for the same
385 business shall be consistent in terms of location, style, size and letter size. New hotel,
386 motel, business and institutional buildings shall be designed to incorporate locations for

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387 wall signage meeting the requirements of these regulations as part of the overall design of
388 the building.

389
390 (d) *Items of information:* The items of identification information on permanent signs for the
391 uses listed below shall be limited to the following:

- 392
393 (1) Hotels and motels (no more than three of the following items of information on
394 any one permanent sign): Hotel or motel name, type of accommodation (i.e.
395 suites, efficiencies, apartments, bed and breakfast, resort or spa), telephone
396 number, chain and travel club affiliations. Address and vacancy/no vacancy
397 information shall be permitted, in addition to the three allowable items.
- 398 (2) Retail, office and service businesses (no more than two of the following items of
399 information on any one permanent sign): Business name, type of business,
400 address, telephone number and up to two of the products or services offered.
- 401 (3) Restaurants and lounges (no more than two of the following items of information
402 on any one permanent sign): Business name, type of business, type of food or
403 beverage served, address, and telephone number.
- 404 (4) Apartment buildings and condominiums (no more than two of the following items
405 of information on any one permanent sign): Name of complex, telephone number,
406 and type of accommodations. Address and vacancy/no vacancy information shall
407 be permitted, in addition to the two allowable items.

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

422
423 (f) *Sign illumination:* Illuminated signs may be indirectly or internally illuminated. All
424 lighting elements or bulbs must be fully recessed or shielded within opaque or translucent
425 covers. Wooden signs shall not be internally illuminated or have electrical fixtures
426 attached directly to the sign panel. The intensity of illumination shall be limited to no
427 more than 90 foot lamberts or ten foot-candles within residential districts or if visible
428 within 200 feet from first floor residential property. The intensity of illumination shall be
429 limited to no more than 150 foot lamberts or 25 foot-candles if visible within 200 to 500
430 feet from first floor residential property. The intensity of illumination shall be limited to a
431 maximum of 250 foot lamberts or 50 foot-candles within nonresidential districts. All

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432 transformer boxes, outlets and conduits relating to sign illumination shall be screened
433 from exterior view. A separate electrical permit is required for any sign illumination.
434

435 **Sec. 30-507. - Definitions and restrictions by sign type.** 436

437 *Address sign:* A sign displaying only the numerical address and unit number or letter of the
438 premises upon which the sign is located. An address sign with numerals or letters no more than
439 six inches in height is allowed. Every building shall display an address sign that is clearly visible
440 from the street. Buildings that have rear door access to an alley or parking lot shall also display
441 an address sign that is clearly visible from the alley or parking lot.
442

443 *Animated or ~~flashing~~ sign:* Any sign including electronic, laser, video, digital or similar
444 displays, with elements, images, text, or colors that move, rotate, or flash, change or similar
445 movement is prohibited. A clock, thermometer, date/time and temperature indicator or barber
446 pole is not an animated sign. Temporary animated or flashing signs attached to amusement rides,
447 vending carts, and sideshow equipment used in a special community event specifically
448 authorized by the Town Commission shall not be prohibited by these regulations.
449

450 *Announcing sign:* A temporary sign announcing the opening of a business, the future
451 development of property or an upcoming event or activity. An announcing sign shall not exceed
452 32 square feet in size. An announcing sign for a new business may be displayed from the date of
453 issuance of a business tax receipt for a business until 30 days after the opening of the business.
454 An announcing sign for a future development may be displayed from the date of approval of a
455 site plan by the Town Commission, or the issuance of a building permit when no site plan
456 approval is required, until the issuance of the certificate of occupancy. An announcing sign for
457 an upcoming event may be posted from 14 days prior to the event until the day after the event. A
458 temporary sign permit for an event announcing sign shall not be issued more than twice per year
459 for the same business.
460

461 *Awning sign:* See "canopy and awning sign."
462

463 *Balloon sign:* Any type of inflatable sign or sign suspended from a balloon is a prohibited sign.
464 Temporary balloon signs used in a special community event specifically authorized by the Town
465 Commission shall not be prohibited by these regulations.
466

467 *Banner sign:* A sign with or without any text, composed of fabric or plastic, and suspended from
468 or attached to a pole or structure by wire, string, brackets or grommets. Pennants are included
469 within this definition of a banner sign. A banner sign shall not exceed 32 square feet in sign
470 area. A temporary sign permit for one banner sign may be issued for a period not to exceed 14
471 days to announce the opening of a business, a change of business name or an annual church
472 event. A temporary sign permit for use of banner signs shall not be required for a special
473 community event specifically authorized by the Town Commission.
474

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

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478
479 *Box sign:* A sign, constructed like a box, with sign copy carved or routed into an opaque plastic,
480 metal, stone or masonry face. A box sign with sign copy painted on to or applied to a plastic or
481 glass face is a cabinet sign. Routed sign letters may be back-faced with translucent plastic or
482 glass to protect the inside of the sign and to shield lighting elements. A box sign shall not exceed
483 32 square feet in sign area. A box sign may be used as a monument sign, hanging sign, name and
484 address sign, building identification sign, directory sign, informational, directional or traffic
485 control sign wall sign, window sign, pole or pylon sign or roof sign.

486
487 *Building or development identification sign:* A sign displaying only the name and/or address of a
488 building or development.

489
490 *Cabinet sign:* A sign, constructed like a box, with sign copy painted on or applied to a
491 translucent plastic or glass face.

492
493 *Canopy and awning sign:* A sign that is part of, or attached to a canopy or awning or other
494 similar protective cover. Signs placed upon awnings may consist of fabric, or thermally applied
495 letters, the copy of which shall not exceed the permitted wall sign area. Internally illuminated,
496 transparent or translucent awnings used as signs are prohibited. Any canopy or awning that
497 extends over a public sidewalk must be fire-proofed, shall have at least seven feet of clearance
498 above the sidewalk, shall be setback at least five feet from the edge of pavement of the adjoining
499 street and must comply with section 17-9 of the Code of Ordinances and obtain a right-of-way
500 encroachment permit approval be approved by the Town Commission prior to applying for a sign
501 permit. , along with an indemnification agreement providing for removal upon request of the
502 Town Commission and proof of insurance in the amount of \$1,000,000.00 with the Town named
503 as an additional insured party.

504
505
506 *Changeable copy sign:* A sign or portion thereof with characters, letters or illustrations that can
507 be changed or rearranged by manually removing or rearranging the characters, letters or
508 illustrations on the physical sign.

509
510 *Commercial message:* Any wording, logo, emblem, character, pictograph, trademark, or symbol
511 used to represent a firm, organization, entity, product, or service, or other representation that,
512 directly or indirectly, names, advertises, or calls attention to a product or service. For purposes
513 of this article, terms such as sale, special, clearance, or other words which relate to commercial
514 activity shall be deemed to be commercial messages. Items of identification shall not be
515 considered to be commercial messages.

516
517 *Contractor sign:* A temporary sign, posted upon property or a building with an active building
518 permit, listing only the name and/or type of development and/or the name and phone number of
519 the developer, contractor, architect, engineer, landscape architect, planner and/or realtor. A
520 contractor sign shall not exceed 16 square feet in size.

521
522 *Development:* See "new development and redevelopment."
523

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524 *Directory sign:* A single or double face sign, consisting of the name of the building or
525 development and the names and unit numbers of tenants in a multiple tenant building or
526 development. A directory sign may use a changeable copy. Directory signs erected after the
527 effective date of this article shall not exceed six feet in height. Directory signs shall not exceed
528 32 square feet in size and a ground-mounted directory sign shall be set back at least five feet
529 from any street right-of-way.

530
531 Flag: Any fabric, plastic, canvas, material or bunting containing distinctive color(s), pattern(s),
532 symbol(s), emblem(s) or insignia(s) containing non-commercial speech or used as a symbol of a
533 government, political subdivision or other governmental entity or of any business or institutional
534 entity or idea.

535
536 *Hanging sign:* A double face sign hanging from a canopy, awning, or roof overhang and oriented
537 perpendicular to the nearest building wall. A hanging sign shall have two identical sign faces.
538 Any hanging sign that extends over a public sidewalk shall have at least seven feet of vertical
539 clearance above the sidewalk, shall be setback at least five feet from the edge of pavement of the
540 adjoining street and must comply with section 17-9 of the Code of Ordinances and obtain a right-
541 of-way encroachment permit approval prior to applying for a sign permit. ~~be approved by the~~
542 ~~Town Commission, along with an indemnification agreement providing for removal upon~~
543 ~~request of the Town Commission and proof of insurance in the amount of \$1,000,000.00 with the~~
544 ~~Town named as an additional insured party.~~

545
546 *Historical sign:* A sign of historical or architectural significance to the Town may be designated
547 as an historical sign by resolution of the Town Commission and shall thereafter be exempt from
548 all provisions of these regulations except for the requirements for maintenance and permit for
549 reconstruction or major repair.

550
551 *Informational, directional or traffic control sign:*

- 552
- 553 a. A noncommercial sign permanently erected and maintained by the Town, County or
554 State, or any agency thereof, to denote the name of any thoroughfare, route directions,
555 educational institution, public building, park, recreational facility or hospital; to direct
556 and regulate traffic; to denote any transportation or transmission company for the
557 direction or safety of the public; or to provide any other governmental information.
 - 558 b. A noncommercial sign located on and relating to an activity on the premises upon which
559 the sign is located, providing information to pedestrian and vehicular traffic, e.g.,
560 "entrance," "exit," "caution" and "no trespassing."
 - 561 c. A noncommercial sign within a development, or at the entrances thereto, showing the
562 name(s) and directions to the locations of the subdivisions comprising the development, a
563 sales office, etc.

564
565 *Length:* The horizontal dimension of a sign as measured in feet and inches.

566
567 *Menu board sign:* A sign placed on a door, wall or column outside of a restaurant and containing
568 only a copy of the menu or daily specials. If a paper menu is used, it must be mounted under a
569 protective glass or plastic cover. A menu board sign shall not exceed four six square feet in size.

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570
571 *Monument sign:* A free-standing stone, masonry or metal ground sign or a sign placed upon a
572 free standing masonry wall section not exceeding six feet in height and listing only the name and
573 address of the development or business. A monument sign shall not exceed six feet in height or
574 32 square feet in sign area and shall be setback at least ten feet from any public street right-of-
575 way. No monument sign may be placed within 30 feet of a street intersection or in any location
576 that would obstruct cross-visibility at a driveway intersection or would obstruct cross-visibility
577 for back-out parking.

578
579 *Name sign:* A sign containing only the name and unit number or letter of the person, entity or
580 business occupying the premises.

581
582 *Neon sign:* Any type of sign that utilizes exposed neon, argon or any other gaseous or liquid
583 element or compound as a direct means of illumination. Neon, argon or other gaseous or liquid
584 element or compound utilized for illumination that is covered by a translucent material, or
585 otherwise concealed from direct view, shall not be considered to be a neon sign. Exposed neon,
586 argon or any other gaseous or liquid element or compound utilized for illumination used solely to
587 accent or illuminate architectural features of a building shall not be considered a sign, if
588 authorized by the Town Commission as part of the site plan approval for the development.
589 Window neon signs are subject to special regulations as hereinafter set forth:

590
591 *Window neon signs* shall be considered temporary signs and shall require an annual
592 license from the Town. All licenses for window neon signs shall expire on the thirtieth
593 day of September of each year. Each window neon sign shall require a separate license.
594 ~~The Town Commission reserves the right to prohibit the use or display of window neon~~
595 ~~signs. Commission prohibition of window neon signs shall be enacted by ordinance~~
596 ~~amending this article of the Code, effective at the expiration of the then most current~~
597 ~~licensure period.~~

598
599 *Neon signs* shall be permitted in the B1, and B1A and B2 districts, provided:

- 600
601 (1) A business shall be allowed to have up to three neon signs per street frontage, one
602 of which may be an exterior sign;
603 (2) No neon window sign may exceed four square feet unless it displays solely the
604 name of the business;
605 (3) The total area of the neon window signs shall not exceed the lesser of 12 square
606 feet or 25 percent of the area of the total window space on the street frontage;
607 (4) An exterior neon sign may only display the name of the business or the business'
608 logo;
609 (5) The depiction of any part of the human body is prohibited; and
610 (6) Signs may remain illuminated only during the business hours of the business, or
611 10:00 p.m., whichever is later.

612
613 *New development and redevelopment:* For the purposes of Article VI. Sign Regulations, the
614 terms new development and redevelopment shall have the following meanings:
615

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

618
619 *Redevelopment* means: (1) any reconstruction or remodeling exceeding 25 percent of the
620 assessed valuation of a building; or (2) any substantial alteration of the street facade of a
621 building.

622
623 *Non-commercial:* Containing no commercial message.

624
625 ~~*Off-premises sign:* A temporary sign advertising or providing notice of products, services or~~
626 ~~activities being offered or conducted at a location different from where the sign is located. Off-~~
627 ~~premises signs include “open house”, “garage sale” and similar signs. An off-premises sign shall~~
628 ~~not exceed four square feet in size. An off-premises sign permit must contain the name and~~
629 ~~phone number of the person responsible for placing and removing the sign. An off-premises sign~~
630 ~~shall not be placed upon public property or right-of-way. A temporary sign permit for an off-~~
631 ~~premises sign shall not be issued for a period of more than two days nor for the same location~~
632 ~~more than four times per year. A \$25.00 refundable removal deposit shall be posted with the~~
633 ~~Town for each permitted off-premises sign.~~

634
635 *Painted sign:* Any exterior sign or window sign with text or message that is only painted or
636 applied upon a surface. Decals, plastic film, mosaic, photocopied and printed text or messages
637 are also considered to be “painted”. All painted signs shall be professionally applied.
638 “Handmade” or stenciled signs are prohibited for use as permanent signs, real estate signs,
639 announcing signs, contractor signs or window signs.

640
641 *Paper sign:* A sign drawn, painted or printed on paper, cardboard, or similar water-absorbing
642 material. Paper or cardboard signs may be used only inside of a building or mounted within a
643 weatherproof cover.

644
645 *Permanent sign:* A permanent sign is any one of the types of signs specifically listed within these
646 regulations as an allowed sign, and which ismay be installed and maintained in a fixed location
647 for an indefinite period of time.

648
649 *Pole sign:* A sign mounted upon one or two vertical poles, either free-standing or extending
650 above another structure. Pole signs are permitted but are not encouraged. Except as provided in
651 the RM-25 and RM-50 Districts, pProperties that did not have pole signs onat time of adoption
652 of these regulations March 27, 2001 and didhave not had them within the two years preceding
653 adoption shall not be permitted to erect or maintain pole signs. New development and
654 redevelopment shall not be permitted to erect or maintain pole signs. Traffic control and
655 directional signs mounted on poles are not considered to be pole signs. The sign box or panel of
656 a pole sign shall not exceed 32 square feet in size. There shall be no more than one pole or pylon
657 sign per street frontage per property. All pole signs shall be setback at least five feet from any
658 property line or right-of-way. Any pole sign located within 30 feet of a street intersection or
659 within 15 feet of the intersection of a parking space and a driveway or street shall maintain seven
660 feet of clearance between the ground and the bottom of the sign box or panel. The support poles
661 of pole signs shall not exceed a width or diameter of 18 inches. The height of the top of a pole

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662 sign shall not exceed 15 feet above the crown of the nearest street. Pole signs require site plan
663 review and approval by the Town Commission prior to issuance of a sign permit. The following
664 additional requirements and conditions must be met in order for a proposed pole sign to receive
665 site plan approval:

- 666
- 667 (1) The proposed pole sign is replacing an existing pole or pylon sign.
 - 668 (2) The design and colors of the proposed pole sign shall be coordinated with the
669 design and colors of any buildings on the premises.
 - 670 (3) The pole(s) of the proposed pole sign shall have architectural treatment or be
671 screened by lattice work and/or landscaping that will, to the satisfaction of the
672 Town Commission, ensure that the proposed sign is aesthetically compatible with
673 adjoining development.
- 674

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

684
685 *Portable advertising signs for businesses adjoining a roadway under construction:* A temporary
686 sign, not exceeding 16 square feet in area, allowed in the business and motel districts, to be
687 posted adjacent to the road right-of-way during the period of road construction.

688
689 *Public service sign:* A permanent non-commercial sign erected by the Town, a community
690 service organization, or a homeowners or condominium association identifying a permanent
691 community facility, service or program. The type, size and location of such a sign must be
692 approved by the Town Commission.

693
694 *Pylon sign:* A sign, mounted upon or on top of a vertical wall or pylon, that exceeds six feet in
695 height, either free-standing or extending above another structure. Pylon signs are permitted but
696 are not encouraged. New development and redevelopment shall not be permitted to erect or
697 maintain pylon signs. Properties that did not have pylon signs on March 27, 2001 and did not
698 have them within the two years preceding that date shall not be permitted to erect or maintain
699 pylon signs. The sign box or panel of a pylon sign shall not exceed 32 square feet in size. There
700 shall be no more than one pylon or pole sign per street frontage per property. All pylon signs
701 shall be setback at least five feet from any property line or right-of-way. Pylon signs shall be
702 limited to one pylon with a width or diameter not to exceed four feet. The height of the top of a
703 pylon sign shall not exceed 15 feet above the crown of the nearest street. No pylon sign may be
704 placed within 30 feet of a street intersection or in any location that would obstruct cross-visibility
705 at a driveway intersection or would obstruct cross-visibility for back-out parking. Pylon signs
706 require site plan review and approval by the Town Commission prior to issuance of a sign

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707 permit. The following additional requirements and conditions must be met in order for a
708 proposed pylon sign to receive site plan approval:

- 709
- 710 (1) The proposed pylon sign is replacing an existing pole or pylon sign.
- 711 (2) The design and colors of the proposed pylon sign shall be coordinated with the
- 712 design and colors of any buildings on the premises.
- 713 (3) The pylon(s) of the proposed pylon sign shall have architectural treatment or be
- 714 screened by lattice work and/or landscaping that will, to the satisfaction of the
- 715 Town Commission, ensure that the proposed sign is aesthetically compatible with
- 716 adjoining development.
- 717

718 *Real estate sign:* A temporary sign announcing an “open house” or “model home” on the
 719 premises or the availability of the premises for sale or for lease. The name and phone number of
 720 the person or company responsible for placing and removing the sign shall be listed on the sign.
 721 Real estate signs located in residential zoning districts shall be no larger than 24 inches wide by
 722 18 inches high mounted upon the ground, and shall not exceed three feet in height and shall be
 723 mounted with a frame or holder and post. Real estate signs located in nonresidential zoning
 724 districts shall be no larger than six square feet in size and, if mounted upon the ground, such sign
 725 shall not exceed six feet in height and shall be mounted with a frame or holder and post, or if
 726 mounted upon a wall or within a window, such sign shall not be placed higher than 24 feet above
 727 the ground. Properties shall be limited to one real estate sign per street frontage. Waterfront
 728 properties may display one additional sign facing the water. No real estate sign may be placed on
 729 public property or right-of-way. Real estate signs placed on or for property which is for sale or
 730 lease, during a period of open viewing (“open house” signs) may only be posted during the hours
 731 of the open house and may only be posted on private property with the permission of the
 732 property owner. All real estate signs must be removed upon closing or leasing of a property
 733 which had been for sale or lease.

734
735 *Redevelopment:* See “new development and redevelopment.”

736
737 *Roof sign:* A sign mounted above the fascia of a sloped roof or above the deck of a flat roof. A
 738 sign placed upon a bona fide tower extending above the principal roof-line of the building or
 739 upon a dormer or recessed wall within a sloped roof shall not be considered a roof sign. Roof
 740 signs are permitted but not encouraged. Roof signs shall not be permitted if either wall or awning
 741 signs can be placed upon a building. New development and redevelopment shall not be permitted
 742 to erect or maintain roof signs. No roof signs are permitted on any property with a pole or pylon
 743 sign. No roof sign shall exceed 32 square feet in size, four feet vertically in width or 14 feet in
 744 length. Roof signs shall be mounted on the parapet wall of a flat roof or on a solid supporting
 745 panel on a sloped roof. Roof signs shall not be mounted on visible poles or brackets. Multiple
 746 roof signs on the same building shall be the same design, size, shape and color.

747
748 *Sandwich sign:* A movable, portable, free-standing sign not secured or attached to the ground
 749 that can be folded and carried by an individual. The sign panels of a sandwich sign shall exceed
 750 not 16 square feet in size and shall be no taller than four feet in height. The sandwich sign may
 751 only be utilized for a licensed valet establishment or in the B1 or B1A district, for a restaurant,
 752 retail, or personal service use, and for no other purpose. A sandwich sign shall not be placed in a

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753 right-of-way, but may be placed on private property. A sandwich sign may be erected only
754 during the hours of operation of the establishment.

755
756 *Sign:* Any device, fixture, placard, or structure that uses any color, form, graphic, illumination,
757 symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or
758 entity, or to communicate information to the public. ~~The flag of the United States of America is~~
759 ~~not a sign in any context. Non-commercial flags are not signs. Other flags or pennants shall be~~
760 ~~regulated as signs.~~ Non-commercial pPaintings or murals displayed for purely decorative,
761 historical or architectural purposes are not signs. A mural containing advertising, text or logo's,
762 or copyrighted, trademarked or service marked characters, objects or products advertised in print
763 or media advertising is a sign. Architectural lighting designed to illuminate building walls,
764 architectural features or landscaping is not a sign. Strip or string lighting placed in or around
765 windows is a prohibited sign.

766
767 *Sign area:* The area of a square or rectangle encompassing all of the text, copy, symbols and
768 logos displayed on a sign. The total sign area of all signs attached to the wall, canopy and/or
769 awnings of a building face shall not exceed 15 percent of the area of that building face. In the
770 case of a building with a flat roof, the area of the building face shall be measured from the
771 elevation of the nearest sidewalk or crown of the road to either the deck of a flat roof or the top
772 of the parapet wall, whichever is higher. In the case of a building with a sloped roof, the area of
773 the building face shall be measured from the elevation of the nearest sidewalk or crown of the
774 road to the midpoint of a sloped roof. The sign area of a double-faced sign, with identical faces
775 mounted on opposite sides of the same sign panel or box, is the area of only one of the two
776 identical faces.

777
778 *Sign height:* The elevation above of the highest point of the sign area above the nearest sidewalk
779 or roadway crown.

780
781 *Sign letter size:* The size of an individual letter or symbol in any window sign copy shall not
782 exceed 12 inches in height or width and the size of an individual letter or symbol in any other
783 type of sign copy shall not exceed 18 inches in height or width, except that:

- 784
- 785 (1) The sign letter size may be increased by one inch for each 25 feet that the sign is
786 setback from nearest street right-of-way;
 - 787 (2) The sign letter size may be increased by one inch for each 25 feet above the
788 elevation of the nearest sidewalk or roadway that the sign is mounted; and
 - 789 (3) In a sign with both upper and lower case letters, the maximum letter size of one
790 upper case letter in each word may be increased 20 percent provided that the letter
791 size of the lower case letters is reduced 20 percent.

792
793 *Sign size:* The overall size of the sign box or panel of a pole, box, cabinet, roof, hanging or
794 window sign.

795
796 *Snipe sign:* A prohibited sign, not otherwise permitted by these regulations, which is tacked,
797 nailed, taped, glued or otherwise attached to a tree, pole, fence, newsrack, trash receptacle,
798 building wall or door or other object. Legal notices required by law are not signs.

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799
800 *Special event sign:* A temporary sign placed by the Town, a community service organization,
801 homeowners association or condominium association announcing an upcoming community
802 event, special meeting or election. A special event sign shall not exceed 32 square feet in size,
803 shall not be posted for more than 14 days. A temporary sign permit for a special event sign shall
804 not be issued for the same property or location more than four times per year without the
805 approval of the Town Commission.

806
807 *Subdivision and residential development identification sign:* A sign erected at the entrance to a
808 neighborhood or residential development displaying only the official name and address of the
809 neighborhood or residential development. Subdivision and residential development identification
810 signs shall not exceed six feet in height or 32 square feet in sign area per sign face. One two-face
811 sign may be permitted in the median of a divided entrance or one single-face sign shall be
812 permitted on each side of a street entrance to a named residential neighborhood or of a street-
813 type driveway entrance to a multi-family development. The sign shall not be located within any
814 utility or drainage easements, or within any cross visibility triangle or safe recovery area for a
815 street. All proposed subdivision and residential development identification signs shall be subject
816 to site plan approval pursuant to Article IV of the Land Development Code.

817
818 *Temporary sign:* A temporary sign is any one of the types of signs specifically listed within these
819 regulations as an allowed temporary sign and which may be displayed for a limited, specified
820 amount of time. Temporary signs may be constructed of wood, metal and/or plastic, and may use
821 flat, painted or printed text and designs. Window neon signs shall be considered temporary signs,
822 regardless of the material used in their construction. Unless otherwise addressed by this Article,
823 temporary signs shall be removed within seven days after the event to which they relate.

824
825 *Vacancy/no vacancy sign:* A sign or portion of a sign located at a motel, hotel, apartment
826 building or condominium indicating whether or not there are rooms available. A vacancy/no
827 vacancy sign shall not exceed two square feet in sign area, and may be directly or indirectly
828 illuminated or changeable copy.

829
830 *Vehicle or trailer sign:* A prohibited sign advertising a business or product, mounted on, or
831 attached to a motor vehicle or trailer which is parked for more than 12 hours at the same location
832 or parked on more than three consecutive days at the same location as the business or product
833 which is being advertised, unless the A vehicle is parked inside a garage, or is parked behind the
834 building, or- Aa passenger vehicle displaying a name and telephone number with letters no more
835 than four inches in height is not a vehicle sign as described above.

836
837 *Wall sign:* A sign attached to, or parallel to but within six inches of, a wall, or erected and
838 confined within the limits of an outside wall of any building or structure, which is supported by
839 such wall or building, and which displays only one sign surface.

840
841 *Warning or danger sign:* A sign warning of a hazardous condition or dangerous object or animal
842 in the immediate vicinity. Warning or danger signs not exceeding four square feet in size are
843 exempt from these regulations.

844

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

346
847 *Window:* For the purpose of these regulations, a window shall be defined as that portion of a first
848 or second floor facade consisting of a transparent, glass-like material designed to provide
849 viewing of the interior from the exterior of the building and which shall be no less than 75
850 percent transparent from the exterior. The area of a single window includes contiguous window
851 panels separated by dividers less than six inches in width. Contiguous window panels separated
852 by dividers greater than six inches in width, separated by a doorway or separated by the corner of
853 a building shall be considered separate windows. A glass door or pair of doors shall be
854 considered a separate window.

855
856 *Window sign:* A sign attached to or placed within ten feet of the inside of a window and oriented
857 toward the window. No more than three window signs of any type shall be displayed in any
858 single window. A bulletin board, displayed inside a window, and upon which notices,
859 advertisements, specials, listings and the like are posted, shall be considered a single window
860 sign. A window sign shall not exceed 15 square feet in sign size. Window signs shall not obstruct
861 more than 25 percent of the total area of the window within which it is placed. Merchandise in
862 display windows shall not be considered window signs. Customary price tags and labels not
863 exceeding 15 square inches each in size on merchandise in display windows shall not be
864 considered window signs.

865
866 **Sec. 30-508. – Sign regulations by zoning district.**

867
368 (a) *RS-5 and RD-10 districts.* Only the following types of signs are permitted within the RS-
869 5 and RD-10 zoning districts, subject to the limitations and requirements contained in the
870 definitions and restrictions by sign type and the general design standards sections of these
871 regulations, and subject to the additional limitations stated below:

- 872
873 (1) Private informational, directional and traffic control signs.
874 (2) Name and address signs: one resident name sign per dwelling unit, including any
875 exempt name sign, to be placed on the building and not to exceed two square feet
876 in sign area. One address sign per address, including any exempt address sign,
877 shall be placed on the building, fence, wall or mail box, be visible from the street
878 and shall not exceed two square feet in sign area.

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

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

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

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

- 887
888 a. Temporary contractor signs: one sign per plot to be set back at least five
889 feet from any right-of-way or property line.

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- 890 ~~b. Temporary garage sale or moving sale signs: one sign per plot, no larger~~
- 891 ~~than four square feet in size and displayed on the premises for no more~~
- 892 ~~than two days and no more than twice per year to be set back at least five~~
- 893 ~~feet from any right-of-way or property line.~~
- 894 be. Temporary real estate signs: To be set back at least five feet from any
- 895 right-of-way or property line.
- 896 cd. Temporary special event signs: two signs per neighborhood to be set back
- 897 at least five feet from any right-of-way or property line.
- 898

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

902
 903 Only the following types of signs are permitted within the RM-25 and RM-50 districts,
 904 subject to the limitations and requirements contained in the definitions and restrictions by
 905 sign type and the general design standards sections of these regulations, and subject to the
 906 additional limitations stated below:

- 907 ~~(1) No more than four bona fide flags at a hotel or motel, not exceeding 15 square~~
- 908 ~~feet in size each.~~
- 909 (12) Private informational, directional and traffic control signs.
- 910 (23) Name and address signs: One resident name sign per dwelling unit, including any
- 911 exempt name sign, to be placed on the dwelling unit and not to exceed two square
- 912 feet in sign area. One occupant address sign per address, including any exempt
- 913 address sign, to be placed on the building or mail box and not to exceed two
- 914 square feet in sign area. One building address sign per building to be placed on
- 915 the building and not to exceed a total of six square feet of sign area. Every
- 916 building shall display an address sign that is clearly visible from the street.
- 917 Buildings that have rear door access to an alley or parking lot shall also display an
- 918 address sign that is clearly visible from the alley or parking lot.
- 919 ~~(4) Public service signs: Only if approved by the Town Commission.~~
- 920 ~~(35) Subdivision and residential development identification signs: Only if approved by~~
- 921 ~~the Town Commission pursuant to site plan approval procedures.~~
- 922 (46) Vacancy/no vacancy signs: one sign per licensed motel or hotel, not exceeding
- 923 two square feet of sign area.
- 924 ~~(57) Temporary political signs: to be set back at least five feet from any right-of-way~~
- 925 ~~or property line.~~
- 926 (68) In addition, each ~~multifamily or hotel, motel, apartment building, condominium,~~
- 927 ~~group home, church, school or other~~ non-residential use may display no more than
- 928 two of the following permanent signs, with a combined total sign area of not more
- 929 than 32 square feet, per street frontage, and the total sign area of all signs attached
- 930 to the wall, canopy and/or awnings of a building face shall not exceed 15 percent
- 931 of the area of the building facade. In the case of a building with a flat roof, the
- 932 area of the building face shall be measured from the elevation of the nearest
- 933 sidewalk or crown of the road to either the deck of a flat roof or top of the parapet
- 934 wall, whichever is higher. In the case of a building with a sloped roof, the area of
- 935 the building face shall be measured from elevation of the nearest sidewalk or

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936 crown of the road to the midpoint of a sloped roof. If a hotel or motel takes over
937 an adjoining hotel or motel, then the combined hotel or motel is entitled to 16
938 additional square feet of separate wall or awning sign area; the existing signs shall
939 not be increased in size by this additional footage.

- 940
- 941 a. Building or development identification signs: one sign per building per
- 942 street frontage, with a sign height no greater than 35 feet.
- 943 b. Canopy or awning signs: With a sign height no greater than 18 feet.
- 944 c. Hanging sign: one sign per building per street frontage, with a sign height
- 945 no greater than 18 feet.
- 946 d. Changeable copy signs: one sign per street frontage, with a sign height no
- 947 greater than 18 feet.
- 948 e. Monument signs: one sign with one or two faces per street frontage, only
- 949 on a plot with 200 or more feet of continuous frontage on the same street.
- 950 f. ~~Pole or pylon signs: Limited to hotels, and motels, apartment buildings~~
- 951 ~~and condominiums only and to one sign per street frontage per property,~~
- 952 ~~subject to the following:~~
- 953 (i) The sign box or panel of a pole sign shall not exceed 32 square feet
- 954 in size.
- 955 (ii) There shall be no more than one pole sign per street frontage per
- 956 property.
- 957 (iii) All pole signs shall be setback at least five feet from any property
- 958 line or right-of-way.
- 959 (iv) Any pole sign located within 30 feet of a street intersection or
- 960 within 15 feet of the intersection of a parking space and a driveway
- 961 or street shall maintain seven feet of clearance between the ground
- 962 and the bottom of the sign box or panel.
- 963 (v) The support poles of pole signs shall not exceed a width or
- 964 diameter of 18 inches.
- 965 (vi) The height of the top of a pole sign shall not exceed 15 feet above
- 966 the crown of the nearest street.
- 967 (vii) Pole signs require site plan review and approval by the Town
- 968 Commission prior to issuance of a sign permit. The following
- 969 additional requirements and conditions must be met in order for a
- 970 proposed pole sign to receive site plan approval:
- 971
- 972 a. The design and colors of the proposed sign shall be
- 973 coordinated with the design and colors of any buildings on
- 974 the premises.
- 975 b. The pole(s) of the proposed pole sign shall have
- 976 architectural treatment or be screened by lattice-work
- 977 and/or landscaping that will, to the satisfaction of the Town
- 978 Commission, ensure that the proposed sign is aesthetically
- 979 compatible with adjoining development.
- 980 g. Wall signs: With a sign height no greater than 35 feet.
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(89) In addition, no more than two of the following temporary signs, including any exempt temporary signs, shall be permitted on any single business or plot at the same time:

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

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

- ~~(1) One dive flag at a bona fide dive shop and three bona fide flags at a travel agency or foreign cuisine restaurant, not exceeding 15 square feet in size each.~~
- (12) Building or development identification signs: one sign per building per street frontage with a sign area of no more than 32 square feet and with a sign height no greater than 35 feet.
- ~~(23)~~ Private informational, directional and traffic control signs.
- (34) Menu board sign: one sign per licensed restaurant per street frontage.
- ~~(45)~~ Name and address signs: One occupant name sign per dwelling unit or business, excluding any exempt rear door name sign, to be placed on the dwelling unit or business and not to exceed two square feet in sign area; one occupant address sign per address, excluding any exempt rear door address sign, to be placed on the building or mail box and not to exceed two square feet in sign area; one building address sign per building to be placed on the building and not to exceed a total of six square feet of sign area. Every building, and every business with a separate, ground floor, street-side entrance, shall display an address sign that is clearly visible from the street. Buildings that have rear door access to an alley or parking lot shall also display an address sign that is clearly visible from the alley or parking lot.
- ~~(6) Public service signs: Only if approved by the Town Commission.~~

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

(68) Temporary political signs.

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

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

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

- a. Temporary announcing signs: one sign per plot;
- b. Temporary contractor signs: one sign per plot;

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- 1074 c. Temporary portable advertising signs for businesses adjoining a roadway
- 1075 under construction: one sign per frontage of a street under construction,
- 1076 not exceeding 16 square feet in sign size, allowed in the business and
- 1077 motel districts, to be posted adjacent to the road right-of-way during the
- 1078 period of road construction;
- 1079 d. Temporary real estate signs;
- 1080 e. Temporary special event signs: two signs per block;
- 1081 f. Temporary banner and pennant sign;
- 1082 ~~g. Temporary off premises signs;~~ Temporary sandwich signs: one sign per
- 1083 plot or per ground floor retail, restaurant, personal service, hotel or motel
- 1084 business;
- 1085

1086 (d) *CF and SP districts.* Only the following types of signs are permitted within the CF and

1087 SP districts, subject to the limitations and requirements contained in the definitions and

1088 restrictions by sign type and the general design standards sections of these regulations,

1089 and subject to the additional limitations stated below:

1090

- 1091 (1) Informational, directional and traffic control signs.
- 1092 (2) Name and address signs: One occupant name sign per building, excluding any
- 1093 exempt rear door name sign, to be placed on the building and not to exceed two
- 1094 square feet in sign area. One occupant address sign per address, excluding any
- 1095 exempt rear door address sign, to be placed on the building or mail box and not to
- 1096 exceed two square feet in sign area. One building address sign per building to be
- 1097 placed on the building and not to exceed a total of six square feet of sign area.
- 1098 Every building shall display an address sign that is clearly visible from the street.
- 1099 Buildings that have rear door access to an alley or parking lot shall also display an
- 1100 address sign that is clearly visible from the alley or parking lot.
- 1101 ~~(3) Public service signs: Only if approved by the Town Commission.~~
- 1102 (4) Window signs: one window sign per street frontage, placed in first floor windows
- 1103 only.
- 1104 (5) In addition, each building may display no more than two of the following
- 1105 permanent signs, with a combined total sign area of not more than 32 square feet
- 1106 per street frontage, and the total sign area of all signs attached to a building shall
- 1107 not exceed 15 percent of the area of the building facade. In the case of a building
- 1108 with a flat roof, the area of the building face shall be measured from the elevation
- 1109 of the nearest sidewalk or crown of the road to either the deck of a flat roof or top
- 1110 of the parapet wall, whichever is higher. In the case of a building with a sloped
- 1111 roof, the area of the building fact shall be measured from elevation of the nearest
- 1112 sidewalk or crown of the road to the midpoint of a sloped roof:
- 1113
- 1114 a. Building or development identification signs: With a sign height no
- 1115 greater than 35 feet.
- 1116 b. Canopy or awning signs: With a sign height no greater than 18 feet.
- 1117 c. Directory signs: For a multi-tenant building only, and with a sign height
- 1118 no greater than 12 feet.
- 1119 d. Hanging signs: With a sign height no greater than 18 feet.

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- 1120 e. Changeable copy signs: With a sign height no greater than 18 feet.
- 1121 f. Monument signs: one sign with one or two faces per street frontage, only
- 1122 on a plot with 200 or more feet of continuous frontage on the same street.
- 1123 g. Wall signs: With a sign height no greater than 35 feet.
- 1124

1125 (6) In addition, no more than two of the following temporary signs, including any
1126 exempt temporary signs, shall be permitted on any single plot at the same time:

- 1128 a. Temporary announcing signs: one sign per plot to be set back at least five
- 1129 feet from any right-of-way or property line.
- 1130 b. Temporary contractor signs: one sign per plot to be set back at least five
- 1131 feet from any right-of-way or property line.
- 1132 c. Temporary real estate signs: To be set back at least five feet from any
- 1133 right-of-way or property line.
- 1134 d. Temporary special event signs: two signs per block to be set back at least
- 1135 five feet from any right-of-way or property line.
- 1136 e. Temporary banner and pennant signs.
- 1137 ~~f. Temporary off-premises signs.~~
- 1138

1139 * * * *

1140 **SECTION 4. Amendment.** Section 30-510 of Article VIII of Chapter 30 is hereby

1141 created as follows:

1142 * * * *

1143 **Sec. 30-510. Severability**

1144
1145 (a) The sections, paragraphs, sentences, clauses and phrases of this Article are severable, and
1146 if any phrase, clause, sentence, paragraph or section of this Article shall be declared
1147 unconstitutional or void or unenforceable by the valid judgment or decree of a court of
1148 competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the
1149 remaining phrases, clauses, sentences, paragraphs and sections of this Article.

1150
1151 (b) This subsection shall not be interpreted to limit the effect of subsection (a) above, or any
1152 other applicable severability provision in this Code or any adopting ordinance. The
1153 Town Commission specifically intends that severability shall be applied to sign
1154 regulations even if the result would be to allow less speech in the Town, whether by
1155 subjecting currently exempt signs to permitting or by some other means.

1156
1157 (c) This subsection shall not be interpreted to limit the effect of subsections (a) or (b) above, or
1158 any other applicable severability provision in this Code or any adopting ordinance. The
1159 Town Commission specifically intends that severability shall be applied to prohibited signs
1160 so that each of the prohibited sign types listed in the Town Code in Section 30-505 and
1161 Section 30-507 shall continue to be prohibited irrespective of whether another or any sign
1162 prohibition is declared unconstitutional or invalid.

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1164 (d) This subsection shall not be interpreted to limit the effect of subsections (a), (b) or (c) above,
1165 or any other applicable severability provision in this Code or any adopting ordinance. The
1166 Town Commission specifically intends that severability shall be applied to Section 30-505
1167 and Section 30-507 of the sign regulations so that if all or any of such provisions are
1168 declared unconstitutional or invalid by the final and valid judgment of any court of
1169 competent jurisdiction, the Town Commission intends that such declaration shall not affect
1170 any other prohibition on animated, flashing or billboard signs in the aforesaid sections.

1171 * * * *

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1173
1174 **SECTION 5. Codification.** This Ordinance shall be codified in accordance with the
1175 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall
1176 become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the
1177 sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be
1178 changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such
1179 intentions.

1180 **SECTION 6. Severability.** If any section, sentence, clause, or phrase of this Ordinance is
1181 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
1182 in no way affect the validity of the remaining portions of this Ordinance.

1183 **SECTION 7. Conflicting Ordinances.** All prior ordinances or resolutions or parts
1184 thereof in conflict herewith are hereby repealed to the extent of such conflict.

1185 **SECTION 8. Effective Date.** This Ordinance shall become effective immediately
1186 upon passage on second reading.

1187 Passed on the first reading, this ____ day of _____, 2011.

1188 Passed on the second reading, this ____ day of _____, 2011.

1189
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Mayor Roseann Minnet

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First Reading

Second Reading

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1194 Mayor Minnet _____
1195 Vice-Mayor Dodd _____
1196 Commissioner Clotney _____
1197 Commissioner Sasser _____
1198 Commissioner Vincent _____
1199 _____

1200 Attest:

1201 _____
1202 Town Clerk, June White

1203 (CORPORATE SEAL)

1204 Approved as to form:

1205 _____
1206 _____
1207 Town Attorney, Susan L. Trevarthen

1208

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COLOR TABLE

1209

1210  LEGAL

1211  HOUSEKEEPING

1212  BOARD

1213  LEGAL WITH STAFF POLICY RECOMMENDATION

1214  LEGAL SUBJECT TO REVISION IF RECEIVE DIFFERENT POLICY DIRECTION

1215  STAFF RECOMMENDATION