

ORDINANCE NO. 09-2022

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, PERTAINING TO SIGNS; PROVIDING FOR THE REPEAL OF SECTION 70-5; PROVIDING FOR AMENDMENTS TO SECTION 70-32 REGRADING SIGN PERMITS; PROVIDING FOR THE AMENDMENT OF SECTION 70-101 PERTAINING TO EXEMPT SIGNS; PROVIDING FOR AMENDMENTS TO SECTION 70-102 REGARDING PROHIBITED SIGNS, PROVIDING FOR AMENDMENTS TO SECTION 70-103 REGARDING PERMITTED SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Chapter 70 of the Town Code establishes signage regulations, including permitted and prohibited signs and sign regulations; and

WHEREAS, as part of the revisions to the Park Avenue Downtown District, the Community Development Department has prepared revisions to Chapter 70 for signage specific to the Park Avenue Downtown District and other minor text corrections;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as the legislative findings of the Town Commission.

Section 2. Chapter 70, Article I, Sec. 70-5. Is hereby repealed in its entirety.

Section 3. Chapter 70, Article II, Sec. 70-32., entitled "Sign permit required" is hereby amended to read as follows:

Sec. 70-32. Sign permit required.

- (a) *Sign permit required.* Except as otherwise provided for herein, it shall be unlawful for any person to erect, operate, use, post, display, maintain, or cause to be erected, operated used, posted, displayed, maintained, or installed, any sign, advertising structure, or high voltage tube lighting, in the town without first obtaining a permit for the sign, advertising structure, or high voltage tube lighting, from the town and paying

the fee as established by resolution of the town commission. The following signs and other signs identified as "exempt" pursuant to section 70-101, are hereby declared as exempt from the requirement that a sign permit be obtained under the provisions of this chapter, but all such signs are required to comply with the provisions of article II:

- (1) Signs owned by the town or a county located on the premises of the town or the county which display information regarding government services, activities, events, or entertainment. For purposes of this section, the following types of messages shall not be considered information regarding government services, activities, events, or entertainment:
 - a. Messages which specifically reference any commercial enterprise.
 - b. Messages which reference a commercial sponsor of any event.
 - c. Personal messages.
 - d. Political campaign messages.
- (2) Temporary residential real estate signs as more specifically provided for in this article and subject to supplemental regulations, which are posted or displayed on real property by the owner or by the authority of the owner, stating that the real property is for sale or rent. If the sign contains any message not pertaining to the sale or rental of that real property, then it is not exempt under this section.
- (3) Official notices or advertisements posted or displayed on private property by or under the direction of any public or court officer in the performance of her or his official or directed duties, or by trustees under deeds of trust or deeds of assignment or other similar instruments, and construction and building permit signs.
- (4) Danger or precautionary signs relating to the premises on which they are located; forest fire warning signs erected under the authority of the Division of Forestry of the Department of Agriculture and Consumer Services and signs, notices, or symbols erected by the United States Government under the direction of the United States Forestry Service.
- (5) Notices of any railroad, bridge, ferry, or other transportation or transmission company necessary for the direction or safety of the public.
- (6) Directional signs, and other official signs and notices.
- (7) Signs or notices erected or maintained upon property stating only the name of the owner, lessee, or occupant of the premises and not exceeding 8 square feet in area.
- (8) Historical markers erected by duly constituted and authorized public authorities.

(9) Official traffic control signs and markers erected, caused to be erected, or approved by the town or the state department of transportation.

(10) Signs erected upon property warning the public against hunting and fishing or trespassing thereon.

(11) Signs not in excess of 8 square feet that are owned by and relate to the facilities and activities of churches, civic organizations, fraternal organizations, charitable organizations, or units or agencies of government.

(12) Signs relating exclusively to political campaigns.

- (b) *Applications.* A person or entity may not apply for a permit unless he or she has first obtained the written permission of the owner or other person in lawful possession or control of the site designated as the location of the sign in the application for the permit. An application for a sign permit must be made on a form prescribed by the town, and a separate application must be submitted for each permit requested. A permit is required for each sign facing. As part of the application, the applicant or his or her authorized representative, must certify in a notarized signed statement that all information provided in the application is true and correct and that he or she has obtained the written permission of the owner or other person in lawful possession of the site designated as the location of the sign in the permit application. Every permit application must be accompanied by the appropriate permit fee; a signed statement by the owner or other person in lawful control of the site on which the sign is located or will be erected, authorizing the placement of the sign on that site.
- (c) *Sign plan requirements.* Sign permits shall be issued only for signs which conform to requirements of this chapter including, where applicable, an approved sign plan for the real property on which the sign is to be located. Sign plans may be submitted and approved concurrently with an application for a site development plan or other land development order. Sign plans shall be reviewed by the town for compliance with the provisions of this chapter, including but not limited to, the coordination of the graphic style, materials, placement and other characteristics of all signs on the parcel, and the proximity of other signs in the immediate area.
- (d) *Issuance.* Provided the terms and provisions of this chapter and/or any other applicable laws or ordinances have been complied with, the community development director shall issue a permit for each sign and/or advertising structure. Permits shall be numbered in the order of their issuance and shall disclose:
- (1) Kind and size in square feet, and the height and width of the sign, advertising structure or high voltage tube lighting authorized by the permit;
 - (2) The street address of the property on which the sign, advertising structure or high voltage tube lighting are permitted to be located and name of the owner or lessee of such property;

- (3) The location upon the property where the sign, advertising structure or high voltage tube lighting is permitted;
 - (4) The name of the person, firm, corporation or association installing structure;
 - (5) The estimated value of the sign;
 - (6) The amount of the fee paid for such permit; and
 - (7) The date of issuance.
- (e) *Inspections.* The contractor or owner securing the permit for any sign shall call the community development department to request a final inspection, which shall be required upon completion.
- (f) *Revocations.* The community development director may deny or revoke a permit requested or granted under the provisions of this chapter in any case where it is determined that the application for the permit contains false or misleading information or that the permittee has violated any of the provisions of this chapter, unless the permittee, within 30 days after the receipt of notice by the community development department, corrects the false or misleading information or complies with the provisions of this chapter. Any person aggrieved by any action of the department in denying or revoking a license under this chapter may, within 30 days from the receipt of the notice, appeal the decision of the director to the circuit court in accordance with the rules of appellate procedure. A sign shall be removed by the permittee within 30 days after the date of revocation of the permit for the sign. If the permittee fails to remove the sign within the 30-day period, the town may remove the sign without further notice and without incurring any liability as a result of such removal.
- (g) *Permit tag.* If a permit tag program is initiated by the community development department then for each permit issued, the town shall provide the applicant with a serially numbered permanent metal permit tag. The permittee is responsible for maintaining a valid permit tag on each permitted sign facing at all times. The tag shall be securely attached to the sign facing or, if there is no facing, on the pole nearest the highway; and it shall be attached in such a manner as to be plainly visible from the main-traveled way. The permit will become void unless the permit tag is properly and permanently displayed at the permitted site within 30 days after the date of permit issuance. If the permittee fails to erect a completed sign on the permitted site within 270 days after the date on which the permit was issued, the permit will be void, and the town may not issue a new permit to that permittee for the same location for 270 days after the date on which the permit became void. If a permit tag is lost, stolen, or destroyed, the permittee to whom the tag was issued must apply to the town's community development department for a replacement tag. Upon receipt of the application accompanied by a service fee established by resolution of the town commission, the community development department shall issue a replacement permit tag. A permit is valid only for the location specified in the permit. Valid permits may be transferred from one sign owner to another upon written acknowledgment

from the current permittee and submittal of a transfer fee established by resolution of the town commission for each permit to be transferred. A permittee shall at all times maintain the permission of the owner or other person in lawful control of the sign site to have and maintain a sign at such site. All permit tags must be visible from ground level.

(Ord. No. 11-1990, § 2, 6-20-1990; Ord. No. 22-1990, § 2, 10-31-1990; Ord. No. 11-2008, § 3, 8-6-2008; Code 1978, § 24-22)

State law reference(s)—State sign permits, F.S. § 479.07.

Section 4. Chapter 70, Article IV, Sec. 70-101, entitled “Exempt signs” is hereby amended to read as follows:

Sec. 70-101. Exempt signs.

The sign permit requirements of this chapter shall not apply to the following signs:

- (1) Any sign which is located completely within an enclosed building and which is not visible from outside the building, and any sign which is so located that it is not visible beyond the boundaries of the lot or parcel on which it is located or from any public thoroughfare, except, however, that signs within a shopping center shall be subject to review and approval pursuant to site plan review;
- (2) Traffic signs of any public or governmental agency;
- (3) Any identification of any official public office, notices thereof, or any flag, emblem or insignia of the nation, a unit of government or public school;
- (4) Any identification or way finding signs installed by the Town within the public right-of-way identifying specific districts, landmarks, points of interest and directing the public to the area where they are located.
- ~~(4)~~(5) Any grave marker, headstone, memorial statue or other similar remembrances that are noncommercial in nature;
- ~~(5)~~(6) Works of art, ornamental figurines and the like, both two-dimensional and three-dimensional, used for decorative purposes and not related to the operation of a commercial enterprise with a commercial enterprise;
- ~~(6)~~(7) Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays and limited to 90 days, refer to section 70-107(f);
- ~~(7)~~(8) Signs on a truck, bus, trailer or other vehicle which is maintained and operated for normal business purposes other than the display of such a sign on a lot;

~~(8)~~(9) Names and addresses on postal boxes;

~~(9)~~(10) Residential address numbers;

~~(10)~~(11) Names of newspapers and similar publications on their respective delivery boxes;

~~(11)~~(12) The posting of privately owned land and/or buildings or structures against trespass, hunting, fishing, swimming or any other activity, and/or the warning of any person against any danger, hazard or condition pertaining to such land and/or buildings and structures;

~~(12)~~(13) The flying of individual national, state or town flags attached to permitted freestanding poles mounted on the ground, limited to one flag of each type and a total of three, provided that such flags shall not be used for commercial promotion;

~~(13)~~(14) Cornerstones, memorial tablets and similar markers made of masonry, bronze and other noncombustible and durable material and used to indicate, without advertising matter, information relating to the development of the facility on which they are located such as those involved in planning, financing and construction of buildings;

~~(14)~~(15) Historical signs and markers designating places of historical significance, or nostalgic signs. The community development department may approve certain signs with historic or nostalgic significance provided the sign is historically designated and a special certificate of appropriateness is processed and approved, as required per the Town's Historic Preservation guidelines. The owner of a property with a historic or nostalgic sign may apply for designation and a special certificate of appropriateness as may be required.

~~(15)~~(16) Directional markings, entrance and exit locators, traffic warnings, lane and stall markings, parking and loading area reservations and restrictions, and similar information when painted on or otherwise affixed to pavement, curbs or wheelstops;

~~(16)~~(17) Any informational sign, not exceeding six square feet, identifying an institutional use. Such sign may be located in public right-of-way subject to engineering approval;

~~(17)~~(18) Legal notices and official instruments;

~~(18)~~(19) Merchandise displays behind storefront windows so long as no part of the display moves or contains flashing lights;

~~(19)~~(20) Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps;

~~(20)~~(21) Advertising and identifying signs located on taxicabs, buses, trailers, trucks or other vehicles;

~~(21)~~(22) Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards;

~~(22)~~(23) Signs with a commercial or noncommercial message carried by a person;

~~(23)~~(24) Religious displays as permitted by law;

~~(24)~~(25) Land-based nautical flags, shapes or pennants used in conjunction with water dependent uses;

~~(25)~~(26) "For Sale" signs on personal vehicles provided such signs are not larger than four square feet in size and limited to one such sign and one vehicle per lot.

~~(26)~~(27) Off-premises signs on town property subject to prior written approval by the town manager or the town manager's designee and subject to any rules adopted by resolution of the town commission which rules may address such matters as time, place, size, fees, maintenance and, to the extent permitted by law, the content and message and other matters appropriate to the location and purposes of the sign.

~~(27)~~(28) Event banners on town property and banners on private property; provided banners on private property must be in conjunction with town-sponsored events; provided further that all banners are subject to prior written approval by the community development director and subject to any rules adopted by resolution of the town commission which rules may address such matters as time, place, size, fees, maintenance and to the extent permitted by law, the content and message and other matters appropriate to the location and purposes of the banner.

~~(28)~~(29) Any sign listed in subsection 70-32(a) which is not included in this section.

Section 5. Chapter 70, Article IV, Sec. 70-102., entitled "Prohibited signs and related equipment" is hereby amended to read as follows:

Sec. 70-102. Prohibited signs and related equipment.

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any sign not expressly authorized by, or exempted from this section. The following signs, sign structure, and related equipment shall not be permitted, erected or maintained in the town:

- (1) Signs which incorporate any flashing, intermittent illumination; rotating, revolving, oscillating or moving signs; except that this section shall not be deemed to prohibit

signs which state time and/or temperature information and which incorporate moving or exposed incandescent lightbulbs with a time and/or temperature sequence span of four to eight seconds in commercial and industrial zoning districts;

- (2) Banners, pennants, spinners, balloons and streamers, except as permitted by any of the provisions contained herein. For the purposes of this section, banners, pennants, streamers, spinners and balloons shall be any such objects with or without lettering or other specific identification or advertising information or graphics;
- (3) String lights used on commercial premises except as permitted by these regulations in section 70-107.
- (4) Any sign which has any visible moving parts, visible revolving or rotating parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations or action of normal wind current;
- (5) Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or which is not kept in good repair, or is capable of causing electrical shocks to persons or other living beings that are likely to come into contact with it;
- (6) Any sign, which obstruct free ingress to or egress from a required door, window, fire escape or other required exit way or otherwise presents a life-safety hazard;
- (7) Any sign which uses the words "Stop," "Look," "Danger" or any other words, phrases, symbols or characters in such a manner which presents or implies the need or requirement of stopping or the existence of danger, or which is a copy or imitation of official signs, or otherwise may have the effect of to interfere interfering with, misleading or confusing vehicular and/or pedestrian-traffic;
- (8) Any sign, which was or is unlawfully installed, erected or maintained in violation of the requirements of this article;
- (9) Any portable sign not permanently affixed to the ground, or to a building, or to another structure which is also permanently affixed to the ground so as to withstand the wind load and other requirements of the Florida Building Code, the town Code, and any other applicable rules and regulations of any state, local, or federal government or agency. Portable A-frame signs are only permitted pursuant to Sec. 70-103 4. (f). A sign which is affixed to a truck, bus, trailer or other vehicle which has as a primary purpose the display of such a sign on a lot shall be considered to be a portable sign and shall be prohibited. However, a sign which is affixed to a truck, bus, trailer or other vehicle which such vehicle is maintained and operated primarily for business purposes other than the display of such a sign on a lot, shall not be considered to be a portable sign, but shall be considered to be an exempt sign;
- (10) Any sign attached to or painted on a standpipe, gutter drain, fire escape, television antenna, satellite dish or any similar accessory structure;

- (11) Any sign which is supported by visible angular bracing members, guy wires or cables, or any sign that is served by visible electrical conduit;
- (12) Any sign which would project into any public right-of-way, or other accessory, or a visibility triangle, or is placed in any curve or in any manner that may prevent persons using the streets, roads, highway and other public rights-of-way, from obtaining an unobstructed view of approaching vehicles;
- (13) Any wall-mounted sign located on the exterior of a building which would project more than 18 inches therefrom, except as provided for in section 70-103;
- (14) Any sign located so as to impair access to a roof;
- (15) Any sign, which would project above the height, as, of the building roofline, except that a sign may be mounted on a parapet wall provided that the sign does not extend above the parapet wall;
- (16) Any sign mounted on the roof of a building behind the front facade;
- (17) Any sign, which emits a sound, odor or disturbing effects which creates a nuisance;
- (18) Any sign erected in or on the waters of Lake Worth or South Lake;
- (19) Any signs made of any material (including paper, cardboard, wood and metal) when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to, affixed, fastened, or painted on trees, utility poles, fences or other similar objects;
- (20) Unauthorized signs on property owned by or under the control of the town;
- (21) Any addition and/or enlargement or other alteration of an existing sign unless such addition and/or enlargement or other alteration has been approved by issuance of a new sign permit by the town;
- (22) Any billboard or off-premises sign;
- (23) Signs that are in violation of F.S. Chapter 479, as amended from time to time, the Florida Building Code, the electrical code, and any other technical codes adopted by the Town;
- (24) Any sign, which the director, has reasonably determined does or may constitute a safety hazard, or which is insecurely erected or fastened, or which is in an unsightly condition;
- (25) Blank temporary signs;
- (26) Pole signs;
- (27) Any other sign not specifically authorized by this chapter.

(Code 1978, § 24-52; Ord. No. 11-1990, § 2, 6-20-1990; Ord. No. 22-1990, § 2, 10-31-1990; Ord. No. 8-1993, § VII, 3-3-1993; Ord. No. 11-2008, § 4, 8-6-2008)

State law reference(s)—Specified signs prohibited, F.S. § 479.11.

Section 6. Chapter 70, Article IV, Sec. 70-103, entitled “Permitted signs” is hereby amended to read as follows:

Sec. 70-103. Permitted signs.

All permanent signs shall be part of the architectural concept and character of the site. Lighting, materials, size color, lettering, location and arrangement shall be harmonious with the building design.

1. *Residential signage.*

(a) *Residential nameplate signs.* Signs with one or two faces and wall-mounted signs with one face that identify a house, apartment, or individual buildings in a multifamily complex shall be permitted subject to the following restrictions:

(1) Permitted content: The name of the occupant or the building name, and the address of the residential unit to which the sign is accessory. In addition, signs permitted pursuant to this section may contain any noncommercial message which has not been declared by a court of competent jurisdiction to be obscene, defamatory or otherwise contrary to law.

(2) Maximum area: One square foot per face.

(3) Maximum number: One per individual dwelling unit. Building units may have up to four such signs if needed to be identified from separate entrances or parking lots for the buildings as determined by the community development director

(4) Location: On the same lot as the residential unit or building which the sign identifies.

(5) Maximum height:

a. Freestanding, four feet;

b. If wall-mounted, no higher than the wall on which it is mounted.

(b) *Residential development permanent identification signs.* Signs with one or two faces that identify the development or complex shall be permitted subject to the following restrictions:

(1) Permitted content: The name, logo, and address (if applicable) of the residential development may be identified. Types of residential developments, which may be so identified, include subdivisions, condominiums, cooperatives, planned unit developments, and apartments. In addition, signs permitted pursuant to this section may contain any

noncommercial message which has not been declared by a court of competent jurisdiction to be obscene, defamatory or otherwise contrary to law.

(2) Maximum area: Sixteen square feet per face or 32 square feet if only one sign face per entrance is displayed.

(3) Maximum number: One double faced sign per entrance to the development or two single faced signs if the sign faces are detached and are positioned on each side of the entrance as determined necessary by the community development director.

(4) Location: Within 100 feet of the entrance of the development which it identifies.

(5) Minimum setbacks:

- a. Twenty feet from the lot line of any property located outside the development;
- b. Five feet from a public right-of-way, if all sign faces placed parallel to street and five feet if one or more sign faces not placed parallel to street;
- c. In an intersection of a street with other streets and with access drive, as required by subsection 70-61(d).

(6) Maximum height:

- a. If freestanding, four feet;
- b. If wall-mounted, no higher than the wall on which it is mounted.

(7) The town's code compliance division shall regularly inspect signage on residential development for compliance with the requirements of this section, and may take appropriate enforcement action to obtain compliance. It shall be the responsibility of the developer, property owner. The owner of the sign, the community association, or any other person or entity responsible for the maintenance of the particular residential property on which the signage is located such as a property maintenance company to ensure compliance with the requirements of this section. If the signage is in violation of this section and is not corrected upon notification by the town, the town may remove and dispose of the illegal signage in accordance with the provisions of section 70-64.

(c) *Garage sale and yard sale signs.* Signs established pursuant to this section shall not be subject to the prohibition of portable signs set forth in subsections 70-102(9), (22). Signs with one or two faces, and wall-mounted signs with one face shall be permitted subject to the following restrictions:

- (1) Permitted content: Type of sale, the address, dates and hours of the sale, directional information and other related information.
- (2) Required content: The property owner shall provide the address of the site of the garage or yard sale and the date of same. Any sign posted without an address or date shall be subject to immediate removal by the town's coed compliance officers.
- (3) Maximum area: Four square feet per face.
- (4) Maximum number: No limit.
- (5) Placement of signs:
 - a. An offsite garage sale or yard sale sign may be placed in the public swale.
 - b. No sign shall be placed on private property without the owner's permission.
 - c. No sign shall be posted on any utility pole or column, fence, or similar structure or object. Such signs will be subject to immediate removal and a fine of \$50.00 will be assessed.
- (6) Maximum height:
 - a. If freestanding, four feet;
 - b. If wall-mounted, no higher than the wall on which it is mounted.
- (7) Sign removal:
 - a. Weekend sales. All approved signs shall be removed by 8:00 a.m. on the Monday following the sale.
 - b. Weekday sales. All approved signs shall be removed by 8:00 a.m. on the day immediately following the date of the sale.

Signs not removed by the required time shall be subject to immediate removal and a fine of \$50.00 may be assessed to the person or property owner responsible for the permit for the garage or yard sale.
- (8) The town may remove signs not in compliance with this section in accordance with the provisions of section 70-64.

2. *Parking and directional signage.*

- (a) *Parking area identification signs.* Signs with one or two faces and wall-mounted signs with one face shall be permitted subject to the following restrictions:
 - (1) Permitted content: Designation of entrance and exit points, including directional arrows.
 - (2) Maximum area: Four square feet per sign face.

(3) Maximum number: As determined to be reasonably necessary by the community development director.

(4) Location: On the same lot as the parking area to which it is accessory.

(5) Minimum setbacks:

- a. Two feet from lot line of another lot;
- b. Five feet from a public right-of-way;
- c. Placement within the clear visibility triangle is strictly prohibited.

(6) Maximum height:

- a. Low freestanding, four feet;
- b. Twelve feet if wall-mounted.

(b) *Parking area instructional and related signs.* Signs with one or two faces and wall-mounted signs with one face shall be permitted subject to the following restrictions.

(1) Permitted content: The direction of traffic flow within a parking or loading area, areas where no parking is permitted, identification of parking spaces reserved for other specific groups or for individuals, and other similar information.

(2) Maximum area: Not larger than is necessary to be visible to motorists on the site where they are located and subject to site plan approval.

(3) Maximum number: As determined to be reasonably necessary by the community development director in order to regulate traffic flow, parking, loading, handicapped and reserved parking, and subject to site plan approval.

(4) Location: On the same lot as the parking and other vehicular circulation areas to which the sign is accessory.

(5) Minimum setbacks:

- a. From the lot line of another lot subject to development approval;
- b. From the public right-of-way is subject to development approval;

(6) Maximum height:

- a. If wall-mounted, no higher than the wall on which is mounted;
- b. If freestanding, six feet.

(c) *Directional signs.* Directional signs are limited to four feet in height and four square feet, giving directions to motorists regarding the location of parking areas and access drives shall be permitted as permanent accessory signs on all parcels and shall not be counted as part of an occupancy's allowable sign area.

3. *Temporary signage.*

(a) Temporary signs erected during the development stage of residential and nonresidential uses. Signs with one or two faces and wall-mounted signs with one face are permitted subject to the following restrictions:

(1) Identification: Identification of homes or home sites, condominiums, apartments, for sale, rent, or lease in a residential development under construction, and/or identification of nonresidential development under construction. Signs may include identification of developers, contractors, architects, engineers, real estate agents and other related information.

(2) Maximum area: Three hundred square feet per face is permitted for approved wall-mounted, freestanding signs, or signs on development fences (fence wrap). If the temporary sign is in the form of a fence wrap and the property is located on more than one street frontage, the total per street frontage may be combined into selected frontages that propose signage.

(3) Maximum number: One per 500 feet or fraction thereof of each street frontage for wall-mounted or freestanding signs. For fence wraps, this is regulated by maximum area above.

(4) Location: On walls, freestanding, or as a fence wrap.

(5) Minimum setbacks: Pursuant to the visibility triangles set forth in section 78-253(c)(9).

(6) Maximum height: Twelve feet if freestanding or wall-mounted. Eight feet if used as a fence wrap.

(7) Prior to the issuance of the first certificate of occupancy or completion of a completed residential or nonresidential structure, all such signs shall be removed.

(8) Illegally placed temporary signs shall be removed by the town at the sole expense of the property owner, and/or sign owner, and/or the individual responsible for the illegal placement. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine, together with an assessment of the town's administrative costs.

(9) Maximum height of 12 feet and minimum of 20 feet from the public right-of-way. Such distance and height may be altered if unique physical conditions exist as determined by the community development director.

(b) *Temporary real estate signs.* Signs with one or two faces and wall-mounted signs with one face shall be permitted only for the purpose of advertising the land or building for sale, rent or lease, and shall relate only to the premises upon which the sign is located. No sign permit shall be required for temporary residential real estate signs that do not exceed six square feet. However, such signs shall be subject to the following restrictions:

(1) Permitted content: The name, logo, address and telephone number of the real estate agent or owner, offering the property on which it is located for sale, lease, or rent and other related information.

(2) Maximum area:

- a. For residential uses, 6 square feet per sign;
- b. For nonresidential uses, 16 square feet per sign face.
- c. For uses in the Park Avenue Downtown District: 9 square feet per sign face.

(3) Maximum number:

- a. One residential sign per lot. In addition, during an open house one additional open house sign may be displayed during the hours of the open house only. In no case may an open house sign be displayed for more than two days in any given week.
- b. One nonresidential real estate sign per 500 feet or fraction thereof of each street frontage.

(4) Location:

On the lot advertised for sale. In the Park Avenue Downtown District: mounted on a wall or window of the building advertised for sale.

(5) Minimum setbacks:

- a. Twenty feet from the lot line of another lot and five feet from a public right-of-way;
- b. In the Park Avenue Downtown District, setbacks shall conform to the building setbacks established under section 78-70.
- c. In an intersection of a street with other streets and with access drives, as required by subsection 70-61(d).

(6) Maximum height: Six feet.

(7) Time limit: Signs advertising the sale, lease or rental of vacant land shall be removed immediately upon the sale, lease or rental of the property, or within six months from the issuance of a temporary sign permit unless such sign permit is properly renewed.

(8) Real estate signs shall not be placed within public right-of-way.

(9) Illegally placed temporary signs shall be removed by the town or at the sole expense of the property owner, sign owner, and/or the individual responsible for the illegal placement. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine, together with an assessment of the town's administrative costs.

(10) Temporary real estate signs are not permitted for businesses engaged in the rental or lease of facilities on an ongoing basis.

(c) *Temporary political signs pertaining to specific elections.*

(1) Permitted content: Any message urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, advertising a candidate, or stating a position regarding an issue upon which the voters of the town will vote.

(2) Maximum area: The maximum area for a temporary political sign shall be four square feet.

(3) Maximum number: One sign on each street side of any residential or commercial property for each candidate or ballot item; for a total of no more than four such signs per property.

(4) Location: Only on lots where the property owner has given permission. The placing of temporary political signs anywhere on public property is prohibited. Temporary political signs located on public property shall be deemed to be public property and shall be summarily removed by the town.

(5) Maximum height:
a. If freestanding, three feet;
b. If wall-mounted, no higher than the building wall on which it is mounted.

(6) Time limit: Signs permitted pursuant to this section shall be installed no sooner than 30 days prior to an election and shall be removed within 48 hours after the day of the election to which the sign may apply.

(7) Permit requirements: No permit required.

(8) A temporary political sign shall not be placed within a public right-of-way.

(9) Candidates shall be held responsible for the size and placement of political signs. An illegally sized or placed temporary political sign may be removed by or at the expense of the political candidate responsible for the illegal placement. An attempt to notify such candidate by phone to remove the sign may be made. A notice shall be posted on or near the noncomplying sign which advises as to the manner of noncompliance and shall allow one day to comply. If said sign is not removed within that time, the town may utilize the provisions of section 9-71, alternative code enforcement procedures and standards, and issue a citation if the sign is not removed within the 24 hours. For purposes of this section, the citation shall be issued to the candidate whose sign is deemed illegally sized or placed. Further, for purposes of the notice requirements of section 9-71, 24 hours-notice as provided above shall be considered reasonable.

(d) *Temporary signs for special noncommercial events of public interest.* All types of signs announcing and promoting special noncommercial events of public interest may be established pursuant to a special event sign plan submitted by the sponsor of the event and provided that no such signs shall be placed more than 15 days prior to the beginning of the event and provided further that all such signs shall be removed within 48 hours after the event. Special event sign plans shall be approved by the director prior to the issuance of a permit under the provisions of this section.

(e) *Temporary signs for commercial special events.* Temporary signs and displays announcing and promoting a special business event such as a sale, introduction of a new product, store liquidation, outdoor seasonal sale, may be permitted in addition to those permanent signs which have been previously approved provided they are placed on the lot where the business promoting a special event is located. Temporary signs are permitted to be placed on the property for no more than 14 consecutive days prior to the start of the approved special event. Signs established pursuant to this section shall not be subject to the prohibition of portable signs set forth in subsection 70-102(2), (9), (13), (15), (16) and (19). Application for temporary event sign shall be accompanied by a special event application, as applicable.

(1) Permitted content: Any message identifying the event including the type of sale, the address, dates and hours of the sale, directional information and other related event information.

(2) Maximum number: One per 200 feet or fraction thereof of each street frontage.

(3) Location: Only within the boundaries of the event site. The placement of a temporary special event sign on public property is subject to the approval of the recreation director.

(4) Minimum setbacks: Five feet from any property line, provided however that signs are not permitted within visibility triangles as described in subsection 78-253(c)(9).

(5) Maximum height: Twelve feet or five feet below the highest point on the building facade whichever is higher.

(6) Upon completion of the event, such sign shall be removed within 48 hours. In no case shall a temporary event sign stay in place longer than 14 consecutive days ~~preceding the start of the event with the exception of~~ grand opening or business change signage as provided for in subsection 70-103.3(e)(10). The maximum number of special event sign permits that may be issued in a calendar year shall be pursuant to the standards established in Chapter 18.

(7) Illegally placed temporary signs shall be removed by the candidate or by the town failing the timely removal of the sign as required herein at the sole expense of the property owner, sign owner, and/or individual responsible for the illegal placement. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine together an assessment of the town's administrative costs.

(8) Large displays such as inflatable balloons announcing a grand opening or anniversary event may be permitted through the special event application process with the approval of the community development director or designee.

(9) All temporary signage must be professionally produced.

(10) Temporary signs and displays announcing the opening of a new business or the change in ownership of an established business or the change of location of a business with a current Lake Park address to another Lake Park address. Temporary signs and displays announcing the opening of a new business or the change of ownership of an established business shall be permitted in addition to other signs which may be permitted on the lot where located. Temporary signage announcing the change of location of an existing Lake Park business to another local in-town address shall be permitted to be placed at the old address with the property owner's permission. Such signs shall not remain in place for more than 60 days. Signs established pursuant to this section shall not be subject to the prohibition of portable signs set forth in subsections 70-102(2), (9), (13), (15), (16) and shall be exempt from any permit fee, however a signage

application is still required. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine together with an assessment of the town's administrative costs.

(11) Sign permits for outdoor seasonal sales are valid for up to 45 consecutive days. Outdoor seasonal sale special event signs shall be affixed to a structure on the property where the event is being held. Freestanding signs are prohibited.

- (f) *Temporary construction signs.* A construction sign shall be permitted only while construction is actually in progress and shall be removed within 30 days following completion or abandonment of work. Such signs shall not exceed 32 square feet per sign face in area with an aggregate area of 64 square feet. One sign per company is permitted per construction site. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine, together with an assessment of the town's administrative costs.
- (g) *Temporary signs preceding the installation of permanent signage.* In the event that an existing sign needs replacement or repair and a replacement sign or the required repairs are not available at the time the old sign is taken down a temporary sign may be used in place of the old sign for a period not to exceed 45 consecutive days. Any such sign must be approved and permitted by the community development department prior to being erected and must be located in the same area as the sign that was removed.

4. *Miscellaneous signage.*

- (a) *Bulletin board for houses of worship.* In addition to signs permitted pursuant to this section, freestanding bulletin boards with one or two faces and wall-mounted bulletin boards with one face shall be permitted for houses of worship subject to the following restrictions:

(1) Permitted content: Any information related directly or indirectly to the activities of the house of worship. In addition, signs permitted pursuant to this section may contain any noncommercial message which has not been declared by a court of competent jurisdiction to be obscene, defamatory or otherwise contrary to law.

(2) Maximum area: Twenty square feet per face.

(3) Maximum number: One per lot.

- (4) Location: On the same lot as the use to which it is accessory.
- (5) Minimum setbacks:
 - a. Twenty feet from the lot line of another lot;
 - b. Five feet from a public right-of-way, if all sign faces placed parallel to street and five feet, if one or more sign faces not placed parallel to street;
 - c. In an intersection of a street with other streets and with access drives, as required by subsection 70-61(d).
- (6) Maximum height: Six feet.

(b) *Signs on a marquee.* Notwithstanding the limitations of this chapter on the projection of signs from the wall of a building, signs shall be permitted on marquees subject to the following restrictions:

- (1) The sign shall be affixed flat to the face of the marquee, projecting not more than three inches therefrom;
- (2) The sign shall not extend above or below the structure of the marquee;
- (3) The sign shall be counted in determining the area of wall-mounted signs permitted on the wall from which the marquee projects; and
- (4) All signs on a marquee for a building which contains more than one occupant shall be the same size and shape.

(c) *Signs on a canopy or awning.* Notwithstanding limitations of this chapter on the projection of signs from the wall of a building, signs shall be permitted on canopies and awnings subject to the following restrictions:

- (1) Permitted content shall include the name or logo of the building, or the name or logo of the principal occupant of the building, the address and telephone number; words describing the nature of the business provided that the letters are 50% or less of the height of the letters depicting the name.
- (2) The sign shall be professionally painted or printed directly on the canopy or awning;
- (3) The sign shall be counted in determining the area of wall-mounted signs permitted on the wall from which the canopy or awning projects.

- (d) *Time and temperature signs.* Signs giving time and temperature information shall be permitted when attached to or made part of an otherwise permitted sign and shall be limited to the display of time and temperature in commercial and industrial zoning districts only. Such signs shall not be larger than 25 percent of the permitted area of the sign to which they are attached. Such signs shall be counted as part of the permitted area of the sign to which they are attached.
- (e) *Menu board signs.* Signs in a menu type format for the display of the type and price of food and beverage sold at a restaurant. Sign shall be mounted no higher than six feet from the ground on a wall, in a window, or on a pole and be a maximum of four square feet in size. A-Frame style signs are prohibited except as noted under (f) below.
- (f) Accessory A-frame signs. Along Park Avenue, A-frame signs providing information about a business location, new product, or service are permitted in accordance with the following:
 - (1) The name or logo of the business, the address or telephone number, or text describing products, services, or the business location;
 - (2) The sign shall be professionally produced and maintained. If the sign becomes discolored or damaged, it shall be replaced with a sign of identical specifications and placed pursuant to its original approval. Otherwise, the owner of the property shall obtain a new sign permit;
 - (3) Only one accessory A-frame sign may be permitted per business, placed within the boundaries of the property within which the sign is to be placed. A-frame signs may not be applied for if a monument sign is existing or proposed.
 - (4) The maximum area of an accessory A-frame sign shall be 6 feet per face;
 - (5) The sign shall not obstruct any right of way.

5. *Commercial/nonresidential signage.*

- (a) *Wall-mounted signs in commercial and mixed commercial and light industrial districts.*

- (1) Content: The name, logo and address of the business to which the sign is accessory and other business related information. In addition, signs permitted pursuant to this section may contain any noncommercial message which has not been declared by a court of competent jurisdiction to be obscene, defamatory or otherwise contrary to law.
- (2) No sign shall be mounted at a distance measured perpendicular to the surface of a building greater than 18 inches from the surface of the building to the face of the sign. The total square footage of all wall signs on any front wall shall not exceed in surface area or sign area one and one-

half times the length of the exterior wall of the individual business establishment to which it is attached.

- (3) For side and rear wall signage:
- a. Side wall or rear wall signage shall not exceed 50 percent of the maximum square footage of allowable sign as calculated pursuant to paragraph (2) of this subsection.
 - b. Side wall or rear wall signage adjacent to residential parcels shall not exceed 25 percent of the maximum square footage as calculated pursuant to paragraph (2) of this subsection.

(4) There shall be a minimum separation of three feet between wall signs. No wall sign shall cover wholly or partially any required wall opening.

(5) No projecting sign may be erected on a wall containing a wall sign.

(6) Signs located on the building shall be considered wall signs. The maximum height of a wall sign shall be six inches below the roof at the location of the sign.

(7) Wall signs may be painted directly onto the building provided it meets the following standards:

- a. The sign shall be painted by a professional sign painter.
- b. A full color rendition of the painted sign must be approved by the community development director prior to issuance of the permit.
- c. The sign must contain a logo or other graphic elements in addition to the name and address and shall be in proportion to the existing/available sign space and harmonious in design.

(8) Auto repair and similar facilities may have one wall sign up to six square feet per garage door bay identifying the function of the bay (e.g. brakes, batteries, air conditioning, etc.). Banners are prohibited.

(9) Signs within multi-unit complexes shall maintain aesthetic unity through similar sign design and appearance, to the greatest extent possible.

(b) *Freestanding sign in commercial, mixed-use, and commercial/light industrial districts.*

(1) Permitted content: The name, logo and address of the building occupant. Only one such freestanding sign shall be permitted per building. In addition, signs permitted pursuant to this section may contain any business related noncommercial message which has not been declared by a court of a competent jurisdiction to be obscene, defamatory or otherwise contrary to law.

(2) Maximum sum total area of freestanding signs along front street: One square foot for every one and one-half feet of front street frontage of the lots on which located, limited by the height and width restrictions.

- (3) Minimum setbacks:
- a. Five feet from any public right-of-way line;
 - b. Eight feet from utility electrical transmission lines;
 - c. In an intersection of a street with other streets and with access drives, as required by subsection 70-61(d);
 - d. There shall be a minimum of a 48-foot separation between signs, including between signs on adjacent parcels, except that all parcels shall be entitled to at least one freestanding sign, unless prohibited by other sections of this Code.

(4) Multiple signs: More than one freestanding sign shall be permitted per street frontage if all above provisions are met.

(5) Maximum height: Ten feet above ground where located except as noted below, except in the Park Avenue Downtown District where there shall be a maximum height of six feet.

(6) Multi-store/unit complexes where two or more businesses are located in a single building or within attached buildings or within a cluster of buildings sharing a common vehicular entrance and exit shall be allowed a site identification sign with a maximum height of 14 feet. The sign may display the name of the complex. Individual businesses within the site or complex may be identified by a sign appendage not to exceed 12 square feet. Variations in size and design may be approved by the community development director only when a sign plan is submitted for all business units in the complex. Signs in the complex must be harmonious throughout the entire complex in some manner such as but not limited to, background board, trim, mounting brackets, color, architectural design, etc.

(7) Monument signs shall have a solid base with such base having a minimum maximum width of six eight feet, except in the Park Avenue Downtown District where there shall be a maximum base width of six feet. The monument sign bases shall be constructed of materials that are different from the sign face. The sign face portion shall not horizontally project more than one foot from its base. Such bases shall have texture and relief.

(8) Pole and pylon signs are prohibited.

(c) *Automobile and boat signage at a dealership.* Signs placed on stationary automobiles or boats on the grounds of a dealership for the purpose of advertising them for sale or lease.

(1) Permitted content: Any information related directly to the sale of the vehicle; the signage may include information about price, year of manufacture, special sale, etc.

(2) Placement area: Signage may ONLY be placed on the front, side or rear window of a vehicle or a boat. Open hood/door/trunk/signage is prohibited.

(3) Maximum area of sign: The size of the sign shall be limited to 50 percent of the window area to which it is attached.

(4) Maximum number of signs per vehicle or boat: One sign (vehicle prep sheets are exempt).

(5) Signs or other attachments designed to draw attention to the vehicle or boat may not extend or protrude beyond the plane of the window. (American Flags are excluded from this requirement.)

(6) Pennants, balloons and other such items intended to attract attention to the merchandise is prohibited.

(d) *Gasoline price and essential directional signs for service stations in addition to identifying signage.*

(1) Gasoline price signs: One streetside gasoline price sign shall be permitted per gasoline station to provide the price of gasoline only and shall be attached to permanent structures. The sign shall not exceed 16 square feet in area per side. The sign shall be affixed to a permanent sign structure or to a building and shall not be located closer than 20 feet to any side property line. The price sign shall not be included in the total area of signage otherwise permitted.

(2) Essential directional signs: Signs providing information needed for motorists to locate the proper service station pump site shall be permitted. Such signs shall include those identifying the type and price of fuel sold at individual service pumps, the location of full service and self-service pump islands and other similar information. Such signs shall be of a size which can be seen by motorists once on the site but shall not be sized to attract attention of motorists on public rights-of-way.

(e) *Window signs.* Signs placed in or on a window, and which include plastic signs, signs made of vinyl letters, painted or neon signs, signs that are painted on, applied to, attached to, or projected upon or within the exterior or interior of a building glass area, including doors, or located within 15 feet of the interior of a building glass area, including doors, or any interior illuminated signs or exposed unshielded light source.

(1) Permitted content: Business name, logo, address, telephone number, signs denoting hours, open or closed, credit cards or a similar

message that provides a customer with information about the store's operation and messages regarding goods and services for sale.

(2) Maximum area of sign: the size of the sign(s) shall be limited to 25 percent of any single window panel or pane to which it is attached and shall be included with all other business signs when calculating the allowable square footage for the business.

(3) Stand-alone lettering shall be discouraged. Lettering that incorporates graphic elements, borders, backgrounds shall be encouraged. Placement and design must be consistent, harmonious, and unified throughout all windows.

(4) Paper, cardboard and hand-written signs are prohibited.

(5) One generic massed produced neon sign such as neon "OPEN" sign and one other neon merchandise sign limited to six square feet is allowed per business. All such neon signs shall be included with all other business signs when calculating the allowable square footage for the business.

(6) "OPEN" flags are prohibited unless approved as a temporary sign associated with the opening of a new or remodeled business.

(7) Any plastic lettering applied directly to a window is considered a sign and must obtain a permit and be approved by the community development department prior to placement in the window.

(Code 1978, § 24-53; Ord. No. 11-1990, § 2, 6-20-1990; Ord. No. 22-1990, § 2, 10-31-1990; Ord. No. 8-1993, § VIII, 3-3-1993; Ord. No. 5-2002, § II, 2-20-2002; Ord. No. 11-2008, § 4, 8-6-2008; Ord. No. 07-2010, § 2, 8-18-2010; Ord. No. 01-2011, § 2, 3-2-2011; Ord. No. 16-2013, § 2, 12-18-2013; Ord. No. 11-2019, § 2, 11-6-2019; Ord. No. 07-2020, § 2, 8-5-2020)

Section 7. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Codification.

The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 9. Repeal of Laws in Conflict.

All Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 10. Effective Date.

This Ordinance shall take effect immediately upon adoption by the Town Commission.

Upon First Reading this 6 day of July, 2022, the foregoing Ordinance was offered by Commissioner Linden who moved its approval. The motion was seconded by Commissioner Taylor and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>Absent</u>	_____
COMMISSIONER MARY BETH TAYLOR	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 10 DAY OF July, 2022

Upon Second Reading this 20 day of July, 2022, the foregoing Ordinance, was offered by Commissioner Michaud who moved its adoption. The motion was seconded by Commissioner Taylor and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____
COMMISSIONER MARY BETH TAYLOR	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 09-2022 duly passed and adopted this 20 day of July, 2022.

TOWN OF LAKE PARK, FLORIDA

BY: [Signature]
Mayor, Michael O'Rourke

ATTEST:

Approved as to form and legal sufficiency:

[Signature]
Town Clerk, Vivian Mendez

[Signature]
Town Attorney, Thomas J. Baird



