

ORDINANCE 11-2019

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 70, ENTITLED "SIGN REGULATIONS" PROVIDING FOR THE ADDITION OF A DEFINITION OF OUTDOOR SEASONAL SALES; PROVIDING FOR THE AMENDMENT OF SECTION 70-103 TO ADD OUTDOOR SEASONAL SIGNS AS A PERMITTED SIGN; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; 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 Chapters 163, Florida Statutes; and

WHEREAS, the Town Commission has adopted sign regulations which have been codified in Chapter 70 of the Town Code; and

WHEREAS, the Town's Community Development Department has recommended an amendment to Sections 70-6 and 70-103(3) of the Code of Ordinances pertaining to signs; and

WHEREAS, the Town Commission has determined that the recommended amendments would further the public's health, safety and general welfare.

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 true and correct and as the legislative findings of the Town Commission.

Section 2. Chapter 70, Article I, Section 70-6 is hereby amended as follows:

Sec. 70-6. – Definitions.

The definitions set forth in this section shall be construed to be the same as if incorporated in the town codes or land development regulations; provided specific

definitions spelled out in this chapter, if different, than that found in the town codes or land development regulations, shall prevail.

Outdoor seasonal sales shall mean a special event which takes place between November 1 and December 31, or between June 5 and July 5, of a calendar year. Outdoor Seasonal Sales special events are an extension of standard special events that allow for additional outdoor sales by a third party vendor, to promote the holiday season.

~~Special event sign shall mean a sign erected on the premises of the where an event is permitted which carries a message regarding a special event or function which is of general interest to the residents of the town community. Special events shall not include for-profit business promotional activities or activities strictly commercial in nature.~~

Section 3. Chapter 70, Article IV, Section 70-103(3) is hereby amended as follows:

Sec. 70-103 – Permitted signs.

3. *Temporary signage.*

(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, etc., 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 Section 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).

(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.

Section 4. 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 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 7. Effective Date. This Ordinance shall take effect upon execution.

Upon First Reading this 30 day of October, 2019, the foregoing Ordinance was offered by Commissioner Michaud who moved its approval. The motion was seconded by Commissioner Flaherty and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	_____	____/____
VICE-MAYOR KIMBERLY GLAS-CASTRO	____/____	_____
COMMISSIONER ERIN FLAHERTY	____/____	_____
COMMISSIONER JOHN LINDEN	____/____	_____
COMMISSIONER ROGER MICHAUD	____/____	_____

PUBLISHED IN THE PALM BEACH POST THIS 27 DAY OF October, 2019

Upon Second Reading this 6 day of November, 2019, the foregoing Ordinance, was offered by Vice-Mayor Glas-Castro, who moved its adoption. The motion was seconded by Commissioner Linden and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	____/____	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	____/____	_____
COMMISSIONER ERIN FLAHERTY	____/____	_____
COMMISSIONER JOHN LINDEN	____/____	_____
COMMISSIONER ROGER MICHAUD	<u>Absent</u>	_____

The Mayor thereupon declared **Ordinance No.** 11-2019 duly passed and adopted this 6 day of November, 2019.

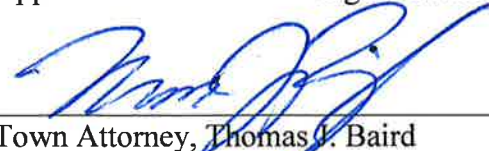
TOWN OF LAKE PARK, FLORIDA

BY: 
Mayor, Michael O'Rourke

ATTEST:

Approved as to form and legal sufficiency:


Town Clerk, Vian Mendez


Town Attorney, Thomas J. Baird



**LEGAL NOTICE OF PROPOSED ORDINANCE
TOWN OF LAKE PARK**

Please take notice that on Wednesday, November 6, 2019 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

. Ordinance No. 10-2019 Amending Chapter 18 Pertaining to the Requirements for Special Event Permits

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 18, PERTAINING TO THE REQUIREMENTS FOR SPECIAL EVENT PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

. Ordinance No. 11-2019 Amending Chapter 70 Entitled "Sign Regulations" Providing for the Addition of a Definition of Outdoor Seasonal Sales; Providing for the Amendment of Section 70-103 to Add Outdoor Seasonal Signs as a Permitted Sign.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 70, ENTITLED "SIGN REGULATIONS" PROVIDING FOR THE ADDITION OF A DEFINITION OF OUTDOOR SEASONAL SALES; PROVIDING FOR THE AMENDMENT OF SECTION 70-103 TO ADD OUTDOOR SEASONAL SIGNS AS A PERMITTED SIGN; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, MMC, Town Clerk
Town of Lake Park, Florida
PUB: The Palm Beach Post October 27, 2019