

**ORDINANCE NO. 04-2017**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE III, SECTION 78-70(p)(1)(i) OF THE TOWN'S CODE OF ORDINANCES CREATING AN EXCEPTION FOR THE PLACEMENT OF FREESTANDING SIGNS UPON PROPERTIES IN THE PARK AVENUE DOWNTOWN DISTRICT THAT DO NOT HAVE A PARK AVENUE ADDRESS AND ARE LOCATED ALONG 10<sup>TH</sup> STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; 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 Chapter 166, Florida Statutes; and

**WHEREAS**, the Town Commission has adopted general provisions pertaining to land development and zoning, which have been codified in Chapter 78 of the Code of Ordinances of the Town of Lake Park; and

**WHEREAS**, the Town's Community Development Department has recommended amendments to the types of signs which are prohibited in the PADD as listed in Section 78-70(P)(1)(i) of the Code of Ordinances; and

**WHEREAS**, the amendment creates an exception for free standing signs located on 10<sup>th</sup> Street; and

**WHEREAS**, the Town's Planning and Zoning Board has reviewed the proposed amendments to the Town Code of Ordinances and has provided its recommendations to the Town Commission; and

**WHEREAS**, the Town Commission has determined that the recommended amendment 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 78, Article III, Section 78-70(P)(1)(i) is hereby amended to add the following definitions, as follows:

**Section 78-70(p)(1)**

(p) Signs. The provisions of this section shall apply to all new or existing signs within the Park Avenue Downtown District. These provisions are designed to address the unique characteristics of this downtown district, and to enhance the architectural style and uses to be present in this area.

(1) Prohibited signs. The following signs are prohibited within the Park Avenue Downtown District:

- a. Balloon signs;
- b. Banners;
- c. Bench signs;
- d. Billboards;
- e. Cabinet signs;
- f. Changeable copy signs, excluding signs for activities whose principal use involves changes in performances, such as live theaters, movie theaters, comedy clubs, etc.;
- g. Electronic message signs;
- h. Flags, except the American, state, Town of Lake Park flag, and the official flags of other nations;
- i. Freestanding signs, including monument signs, pole signs, and pylon signs; provided however that properties with street frontage on 10<sup>th</sup> Street may place freestanding monument signs only which conform to the Town's general sign regulations on their properties until the property is redeveloped. At that time signs shall conform to the PADD sign regulations.**
- j. Inflatable signs;
- k. Marquee signs, unless otherwise provided herein;
- l. Neon used to outline windows, buildings, doors, etc.;
- m. Off-premises signs;
- n. Paper signs attached directly to a window or other surface, including "open," "closed," or similar signs;
- o. Pennants and streamers;
- p. Roof-mounted signs; including on mansard style roofing;

- q. Signs which involve moving or rotating parts, intermittent lights, animation; and temperature display, or similar movements;
- r. Signs which emit smoke, sounds, odors, or any other visible matter;
- s. Snipe signs;
- t. String lights, unless otherwise provided herein; and
- u. Vending machines with product names, logos, lettering, etc., visible from a public right-of-way.

**Section 3.**     **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 4.**     **Repeal of Laws in Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.**     **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 6.**     **Effective Date.** This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 15 day of February, 2017, the foregoing Ordinance was offered by Commissioner Flaherty who moved its approval. The motion was seconded by Vice-Mayor Glas-Castro and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER ANNE LYNCH	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____

**PUBLISHED IN THE PALM BEACH POST THIS 5 DAY OF March, 2017**

Upon Second Reading this 15 day of March, 2017, the foregoing Ordinance, was offered by Commissioner Flaherty who moved its adoption. The motion was seconded by Commissioner Lynch and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER ANNE LYNCH	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>No longer a Commissioner</u>	_____

The Mayor thereupon declared **Ordinance No.** 04-2017 duly passed and adopted this 15 day of March, 2017.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois  
Mayor, James DuBois

ATTEST:

Vivian Mendez  
TOWN OF LAKE PARK  
Town Clerk, Vivian Mendez  
(Town Seal)

FLORIDA

Approved as to form and legal sufficiency:

Thomas J. Baird  
Town Attorney, Thomas J. Baird