

ORDINANCE NO. 15-2013

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE IV, SECTION 70-104(e) AND (e)(3) OF CHAPTER 70 PERTAINING TO LEGAL NON-CONFORMING SIGNS; PROVIDING FOR THE EXTENSION OF THE AMORTIZATION DATE FOR LEGAL NON-CONFORMING SIGNS TO JULY 5, 2016; 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 (Town) is a duly constituted municipality having such power and authority as are conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has a comprehensive sign code which has been codified in the Town's Code of Ordinances at Chapter 70, Articles I through IV, and Sections 70-1 through 70-108; and

WHEREAS, the Town has adopted a Zoning District known as the Northlake Boulevard Overlay Zone (NBOZ); and

WHEREAS, the NBOZ provides that signs which exist within the NBOZ shall conform to the NBOZ sign Code regulations on or before July 5, 2016; and

WHEREAS, the Town's Code of Ordinances at Chapter 70, Articles I through IV, and Sections 70-1 through 70-108 require that non-conforming signs shall conform with the sign regulations on or before May 31, 2014; and

WHEREAS, the Town Commission has determined that it is appropriate to amend the regulations pertaining to the amortization of legal non-conforming signs contained in Chapter 70 to be consistent with the amortization schedule contained in the NBOZ; and

WHEREAS, the proposed compliance date is July 5, 2016.

**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 IV, Section 70-104(e) and (e)(3) of the Town Code is hereby amended to read as follows:

Sec. 70-104. - Legal nonconforming signs.

(e)

Removal of legal nonconforming signs. Any sign which may become nonconforming as a result of these regulations or any amendment to these regulations may be continued in operation and maintained until ~~May 31, 2014~~July 5, 2016 as a legal nonconforming sign, provided however that this amortization period shall not apply to real estate signs, and provided that:

(1)

No structural alteration, enlargement or extension shall be made to a legal nonconforming sign unless the structural alteration, enlargement or extension will result in the elimination of the nonconforming features of the sign.

(2)

No sign shall be moved in whole or in part to any other location where it would remain nonconforming.

(3)

If a legal nonconforming sign is damaged or destroyed by any means except for intentional damage by the sign owner, to the extent that the repair value exceeds \$500.00 at the time of the damage, the sign may not be rebuilt or used thereafter unless it complies with all of the provisions of this section. Damaged nonconforming signs which may not be reconstructed or repaired under the terms of this section shall be removed within 20 days after the damage or destruction occurs. 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. In the event the damage or destruction is less than 50 percent of its replacement value at the time, the sign may be rebuilt to its original condition and may continue to be displayed,

provided however that all nonconforming signs must be replaced with a conforming sign on or before ~~May 31, 2014~~ July 5, 2016.

(4)

Normal maintenance of legal nonconforming signs, including necessary nonstructural repairs and incidental work, which does not extend or intensify the nonconforming features of the sign, shall be permitted.

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. 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 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. Effective Date.

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

Upon First Reading this 2 day of October, 2013, the foregoing Ordinance was offered by Commissioner O'Rourke, who moved its approval. The motion was seconded by Commissioner Rapoza 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 MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 16 DAY OF October, 2013

Upon Second Reading this 16 day of October, 2013, the foregoing Ordinance, was offered by Commissioner Flaherty, who moved its adoption. The motion was seconded by Commissioner Rapoza 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 MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No. 15-2013** duly passed and adopted this 16 day of October, 2013.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois
Mayor, James DuBois

ATTEST:

Vivian Mendez
Town Clerk, Vivian Mendez
(Town Seal)
FLORIDA

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird



Town of Lake Park

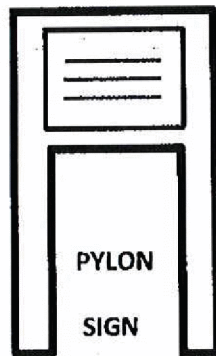
Community Development Department

May 13, 2011

COURTESY NOTICE

Dear Commercial Property Owners:

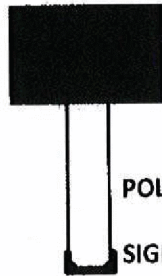
This is a courtesy notice/reminder that the Town's Sign Ordinance which was adopted in July 2008, included changes that affected some permanent signs throughout the Town. One significant modification to the sign code in 2008 was to prohibit ALL pole and pylon signs. Under current code requirements, only monument signs are permitted as permanent freestanding commercial signage.



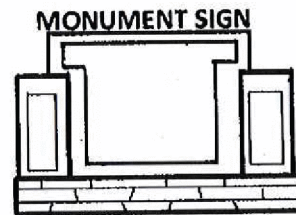
PYLON
SIGN

NOT PERMITTED

Does not meet code requirements



POLE
SIGN



MONUMENT SIGN

PERMITTED

Is consistent with code requirements

The July 2008 Ordinance provided for a 5-year grace period in order to allow sufficient time for affected property owners to bring their signage into compliance. A July 1, 2013, date was established for compliance. Given the recent economic climate, the Town Commission recently approved an additional extension to May 31, 2014. This means that all signs that do not meet current code requirements must be brought into compliance, or removed, by May 31, 2014.



Town of Lake Park

Community Development Department

For example, if your property has a pole sign standing 12 feet above ground, even though this sign may have gone through the appropriate permitting procedures, as of May 31, 2014, this sign will need to be modified or removed to meet current requirements.

Although the May 31, 2014 compliance date applies to ALL signs that do not meet our code requirements, those signs which will be directly affected are ALL pole and pylon signs. All other signs will be reviewed on a case-by-case basis.

WHY DID THE TOWN PROHIBIT POLE/PYLON SIGNS?

The Town is part of a Task Force known as the Northlake Boulevard Task Force, which includes The Town of Lake Park, City of Palm Beach Gardens, Village of North Palm Beach and Palm Beach County. As part of this Task Force, all jurisdictions collectively agreed to propose the elimination of pole/pylon signs in order to improve the aesthetics of Northlake Boulevard. In an attempt to come into compliance with the Task Force regulations and remain fair throughout the Town, the Town Commission adopted the new sign regulations in July 2008, which included the elimination of pole/pylon signs.

HOW CAN THE TOWN REQUIRE THE REMOVAL OF A STRUCTURE THAT IT PREVIOUSLY PERMITTED?

The Town is permitted to adopt any regulations it feels are necessary to improve the Town. All changes that are adopted by our Town Commission follow strict advertising procedures and are required to be noticed in the Palm Beach Post prior to adoption. This assures the general public is made aware of the proposed changes and is given the ability to come voice their opinion. Legally, once adopted, a compliance schedule is put into place to provide ample time to come into compliance. In this case, a 5-year compliance period was initially provided in 2008 and now an additional extension to May 31, 2014, has been granted for all affected signage.



Town of Lake Park

Community Development Department

WHAT TO DO NEXT?

No immediate action is required, although all non-conforming signs, mainly pole/pylon signs, must be brought up to code or removed by May 31, 2014. Permits may be required, always inquire prior to performing any work.

HOW CAN I TELL IF MY EXISTING SIGN IS IN COMPLIANCE WITH THE CURRENT CODE?

Here are some examples:

- If you have a pole or pylon sign, it does NOT meet current code
- If your front wall sign square footage exceeds 1.5 times the length of the wall on which it is placed, it does NOT meet current code (for example if your front wall is 30 feet long, the maximum square footage permitted is $30 \times 1.5 = 45$ square feet)
- If your window signage covers more than 25% of each individual window pane, it does NOT meet code

If you require any further clarifications, or for more information, do not hesitate to contact me at the Community Development Department at (561) 881-3318. Thank you and have a great day.

Sincerely,

Nadia Di Tommaso

Community Development Director

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

Please take notice that on Wednesday, October 16, 2013 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:

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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, CMC, Town Clerk
Town of Lake Park, Florida

PUB: The Palm Beach Post
October 6, 2013