

**ORDINANCE NO. 03-2011**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE IV, SECTION 70-104(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 MAY 31, 2014; 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**, 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 adopted a zoning district known as the Northlake Boulevard Overlay Zone (NBOZ), and the NBOZ provides that signs therein shall be in conformance with the NBOZ sign 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 presently requires that non-conforming signs shall conform with the sign regulations on or before July 1, 2013; and

**WHEREAS**, the Town's Code of Ordinances at Chapter 70, Articles I through IV, and Sections 70-1 through 70-108 is the more restrictive provision thereby overriding the NBOZ sign conformance date of July 5, 2016; and

**WHEREAS**, the Town Commission has determined that it is appropriate to amend the sign regulations pertaining to legal non-conforming signs presently contained in Chapter 70 to

be consistent with the other municipalities utilizing the NBOZ code for signage, whom have also extended the compliance date for legal non-conforming signs; and

**WHEREAS**, the proposed compliance date is May 31, 2014.

**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)(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 ~~July 1, 2013~~ May 31, 2014 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 ~~July 1, 2013~~ May 31, 2014.

(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 16 day of March, 2011, the foregoing Ordinance, was offered by Commissioner Longtin who moved its approval. The motion was seconded by Commissioner Hockman and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>Absent</u>	_____
VICE-MAYOR KENDALL RUMSEY	<u>/</u>	_____
COMMISSIONER STEVEN HOCKMAN	<u>/</u>	_____
COMMISSIONER JEANINE LONGTIN	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	_____

**PUBLISHED IN THE PALM BEACH POST THIS 20 DAY OF March, 2011**

Upon Second Reading this 6 day of April, 2011, the foregoing Ordinance, was offered by Commissioner Osterman who moved its adoption. The motion was seconded by Commissioner Longtin and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>Absent</u>	_____
VICE-MAYOR KENDALL RUMSEY	<u>/</u>	_____
COMMISSIONER STEVEN HOCKMAN	<u>/</u>	_____
COMMISSIONER JEANINE LONGTIN	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No. 03-2011** duly passed and adopted this 6 day of April, 2011.

TOWN OF LAKE PARK, FLORIDA

BY: K. Kennedy  
for Mayor, Desca DuBois

ATTEST:

Vivian M. Lemley  
Town Clerk, Vivian M. Lemley  
(Town Seal)  
TOWN OF LAKE PARK  
SEAL  
FLORIDA

Approved as to form and legal sufficiency:

Thomas J. Baird  
Town Attorney, Thomas J. Baird