

ORDINANCE NO. 19-2009

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING THE LAKE PARK MUNICIPAL CODE AT CHAPTER 78 ENTITLED "ZONING," ARTICLE III, SECTION 78-70, ENTITLED "PARK AVENUE DOWNTOWN DISTRICT"; AMENDING SECTION 78-70(l) ENTITLED "WAIVERS"; AMENDING SECTION 78-70(n) ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS" TO PROVIDE ADDITIONAL PROVISIONS PERTAINING TO OBSCURING GROUND FLOOR WINDOWS; AMENDING SECTION 78-70(p) ENTITLED "SIGNS" AT SUBSECTIONS (1), (2), (5), (6), (7) AND (8), TO CHANGE CERTAIN EXISTING SIGN REGULATIONS AND ADD PROVISIONS TO THE AFORESAID SUBSECTIONS REGULATING PROHIBITED SIGNS, PERMITTED SIGNS, CONSTRUCTION SIGNS, SIGN DESIGN REQUIREMENTS, SIGN ILLUMINATION REQUIREMENTS, AND NON-CONFORMING SIGNS; CREATING NEW SUBSECTION 78-70(p)(10) TO BE ENTITLED "ADMINISTRATIVE SIGN WAIVER PROCEDURE" WHICH DELEGATES CERTAIN POWERS AND DUTIES TO THE COMMUNITY DEVELOPMENT DIRECTOR TO GRANT SIGN WAIVERS UNDER LIMITED CIRCUMSTANCES; AMENDING TABLE 78-70-7 ENTITLED "PERMITTED SIGNS" TO CLARIFY RESTRICTIONS ON THE SIZE, NUMBER, AND COPY FOR SIGNS AND OTHER SIGNAGE RESTRICTIONS; 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 ("Town") is a duly constituted municipality, having such power and authority conferred upon the Town by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted a Zoning Code which has been codified in Chapter 78 of the Code of Ordinances of the Town of Lake Park, and which includes in Article III of Chapter 78, regulations pertaining to specific zoning districts, including but not limited to, the Park Avenue Downtown (Zoning) District ("PADD"); and

WHEREAS, Town staff has recommended to the Town's Planning and Zoning Board, and the Town Commission, that Chapter 78, Article III, Section 78-70(n) of the Town Code, be amended to provide for the limited use of window graphics to allow certain types of personal service businesses, such as restaurants, dance studios, beauty parlors, theaters, and other similar personal services type business uses, to partially obscure a portion or all the windows on the premises of the particular business, in order to allow additional privacy for the clientele and patrons of these type of PADD businesses; and

WHEREAS, Town staff has recommended to the Town's Planning and Zoning Board and the Town Commission, that Chapter 78, Article III, Section 78-70(p), subsections (1), (2), (5), (6), (7) and (8), be amended to provide additional provisions pertaining to the individual Code Sections regulating prohibited and permitted signs, construction signs, design requirements, illumination requirements, and non-conforming signs; and

WHEREAS, Town staff has recommended to the Town's Planning and Zoning Board and the Town Commission, that Table 78-70-7 of Chapter 78 of the Town Code, entitled "Permitted signs" be amended to clarify the restrictions on the size, number, copy of signs, and other similar restrictions on signage within the PADD; and

WHEREAS, on August 24, 2009 the Lake Park Planning and Zoning Board reviewed the foregoing proposed Zoning Code text amendments to Chapter 78 of the Town Code, and together with Town staff have made their respective recommendations to the Town Commission; and

WHEREAS, the Town Commission has considered the evidence and the respective recommendations presented by Town Staff and the Town's Planning & Zoning Board, as well as other interested parties and members of the public, regarding the proposed Zoning

Code text amendments, the consistency of the proposed amendments with the Town's existing land development regulations and with the Town's Comprehensive Plan, and the goals, objectives, and intent of the PADD Zoning District generally; and

WHEREAS, the Town Commission, after conducting the required and duly noticed public hearings conducted in accordance with the requirements of state and local law, deems it to be in the interest of the public health, safety, and general welfare, to amend the Town Code at Chapter 78, Article III, Section 78-70(l) to acknowledge the delegation of limited authority to the Town's Community Development Director to grant sign waivers; to amend Section 78-70(n) to provide for additional regulations pertaining to window graphics; to amend Section 78-70(p), subsections (1), (2), (5), (6), (7) and (8), to provide additional provisions pertaining to these individual subsections of Town Code Section 78-70(p), which regulate among other things, prohibited and permitted signs, construction signs, design requirements, illumination requirements, and non-conforming signs; amending and Table 78-70-7 pertaining to permitted signs; and to create new Section 78-70(p)(10) to delegate the limited power and authority to the Town's Community Development Director to grant, deny, or grant with conditions of approval, administrative sign waivers provided that a majority of the established sign waiver criteria set forth in this subsection are met, and providing for an appeal process.

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

Section 1: The whereas clauses are hereby incorporated herein by reference as true and correct findings of fact of the Town Commission.

Section 2. Chapter 78, Article III, Sections 78-70(l), 78-70(n), 78-70(p), and Table 78-70-7 of the Town Code are hereby amended to read as follows:

Sec. 78-70. Park Avenue Downtown District.

(l) *Waivers.* The provisions of this section shall apply to any application to waive signage, landscaping, height, property development regulations, district regulation, and certain other identified standards contained in this section. The intent of this section is to allow the town commission to be the sole decision maker regarding uses and structures within the Park Avenue Downtown District, with the exception of the authority delegated herein to the town's community development director pursuant to Section 78-70(p)(10) to grant, deny, or grant with conditions of approval, administrative sign waivers provided that a majority or more of the waiver criteria set forth in that subsection are satisfied.

(n) *Supplemental district regulations.* The following regulations shall apply to all uses and structures within the Park Avenue Downtown District:

(9) *Ground floor windows.* Absent a showing of good cause by the applicant, the windows of all ground floor businesses which are open to the public shall remain clear of curtains, shutters, or similar visual barriers in order to prevent obscuring obscure interior displays, activities, etc. Whether the applicant has demonstrated the town's community development director in the exercise of his/her sole discretion shall determine "good cause".

a. Exemptions. Under limited circumstances, personal service type businesses (i.e., restaurants, dance studios, theaters, hair salons, etc.) which can reasonably and credibly demonstrate through a showing of substantial competent evidence of good cause to the town's community development director, that it is in the best interest of the patrons, general public, and the town, that the applicant's business be allowed to obscure a portion or all of its windows, in order to provide privacy for its clientele and patrons, an exemption for this subsection may be administratively granted by the town's community development director. If an applicant demonstrates sufficient good cause for a partial or total obscuration of a window or windows of a business, the town's community development director may authorize the use of pre-approved window coverings; however, vertical and/or horizontal blinds are strongly discouraged as window treatments in such instances, and are likely to be denied an exemption.

(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 the~~ 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. A frame, sidewalk, or sandwich signs;~~

~~b. Alley signs, excluding signage of not more than one square foot in area for business identification/delivery purposes;~~

~~a e.~~ Balloon signs;

~~b d.~~ Banners;

- ~~c e.~~—Bench signs;
- ~~d f.~~ Billboards;
- ~~e g.~~—Cabinet signs;
- ~~f h.~~—Changeable copy signs, excluding signs for activities whose principal use involves changes in performances, such as live theaters, movie theaters, comedy clubs, etc;
- ~~g i.~~— Electronic message signs;
- ~~h j.~~— Flags, ~~except the~~ ~~excluding~~—American, state, ~~and the town of Lake Park~~ flags, ~~and the official flags of other nations; as approved by the town manager;~~
- ~~ik.~~ Freestanding signs, including monument signs, pole signs, and pylon signs;
- ~~l.~~—General product signs;
- ~~j m.~~—Inflatable signs;
- ~~k n.~~ Marquee signs, unless otherwise provided herein;
- o. Neon used to outline windows, buildings, doors, etc;
- p. Off-premises signs;
- ~~l q.~~ ~~Painted wall signs, with the exception of murals that are commissioned by the town depicting historic scenes of Lake Park;~~
- ~~m r.~~ Paper signs attached directly to a window or other surface, including "open," "closed," or similar signs;
- ~~s.~~—Parapet-mounted signs;
- ~~n t.~~ Pennants and streamers;
- ~~u.~~—Plastic lettering attached directly to a surface;
- ~~o v.~~ Roof-mounted signs; including on mansard style roofing;
- ~~p w.~~ Signs, which involve moving or rotating parts, intermittent lights, animation; and temperature display, or similar movements;
- ~~q x.~~ Signs, which emit smoke, sounds, odors, or any other visible matter;
- ~~r y.~~ Snipe signs;
- ~~z.~~—~~Stab signs;~~
- ~~s aa.~~ String lights, unless otherwise provided herein; and
- ~~bb.~~—~~Temporary signs; and~~
- ~~t ee.~~ Vending machines with product names, logos, lettering, etc., visible from a public right-of-way.

(2) *Permitted signs.* The following types of signs are permitted within the Park Avenue Downtown District:

- a. Awning signs;
- b. Light pole signs are only allowed if they are town-owned and contain town-approved signage;
- c. Menu signs must be wall mounted or consist of an A-frame mounted signs and must be located near the entrance to the restaurant in order to be approved. Menus and/or other information such as restaurant or other reviews, photographs, autographs, memorabilia and other forms of displays shall not be affixed directly to a window or exterior door;
- d. Neon signs utilizing a business name or logo;
- e. Political signs;
- f. Projecting signs;

- g. Special events signs;
- h. Wall signs; ~~and~~
- i. Window signs.
- j. Temporary real estate signs that advertise a property or space for sale or lease; provided, however, that any such temporary "for sale" or "for lease" sign(s) may not be larger than ~~six~~ four (4) square feet. The following additional requirements shall also apply to all such signs:
 1. Only one sign per property is allowed;
 2. The sign may only be located on the premises and/or property that is being advertised for sale or for lease in the sign;
 3. The sign must be clearly temporary in nature, and may only be erected or placed on an exterior building wall, or inside a window of the premises; and
 4. The sign must be professionally created or manufactured or produced (as opposed to handmade), and be generally aesthetically pleasing in keeping with the basic goals and intent of the PADD regulations;
- k. Vinyl window artwork or graphic signage, which has been reviewed and approved by the town's community development director. Vinyl artwork is exempt from the percentage of window area calculations and other attendant regulations, provided that the artwork contains a very limited amount of lettering which advertises the business and/or the products or services provided by the business, store hours, and/or other information;
- l. A-frame, sidewalk or sandwich signs provided that the board on which the sign is to be affixed, and the sign lettering are both professionally produced by a business tax receipted professional signage business or company; and
- m. Murals or painted wall signs may be allowed, after approval by the town's community development director.

(5) Construction and Design requirements. Signs installed within the Park Avenue Downtown District must ~~shall~~ be designed, constructed and maintained in accordance with all applicable requirements of the Florida Building Code as well as the following town standards:

- a. Signs must be ~~Be~~ consistent and harmonious with the colors, materials, and architectural style of the premises on which the sign is to be located and surrounding properties; ~~building to which they are attached;~~
- b. ~~Be of a scale that is consistent with the building to which they are attached;~~ The size and style of the graphics, the scale, proportion, design, material and texture of the sign, as well as the size and style of the lettering, shall advertise only businesses which are or will be located in the premises on which the sign is to be placed. The content of the signage must directly relate to the building or structure (or businesses located therein) that the sign is to be attached to. Signs shall be consistent and harmonious with the architectural style of the subject premises on which the sign is to be affixed, as well as the surrounding properties and the design regulations for the PADD.

c. Signs shall not contain excessive illumination or ornamentation. When determining whether a sign or signs contain excessive illumination, the community development director shall consider factors, including but not limited to the following circumstances and conditions when making his/her determination: the size of the business; the location of the business; the amount of light spillage on surrounding areas; the proximity of the proposed signage to residential areas; the type/use of the business; whether the signage will be distracting, disturbing, or aesthetically displeasing; the consistency with the signage of the proposed signage with that of signage on nearby and surrounding properties; the consistency of the proposed signage with the comprehensive plan; and any other relevant considerations.

d. If the architecture of the building or structure allows for specific locations for signs, all signage shall be limited only to those areas.

e. Signs shall be an integral part of the design of storefront alterations and new construction. Signs shall not obscure materials or prominent architectural elements of buildings or structures.

f. The design and alignment of signs located on multiple-use buildings shall be coordinated so as to achieve a unified appearance.

g. Unless otherwise conditioned as part of the sign approval, all signs shall be constructed of good quality, permanent materials and shall be permanently attached to the structure or building.

h. Window signs which are permanently affixed to the external or internal side of windows, shall consist of a medium grade or premium grade vinyl, digital image using solvent coloring, or other similar type material, shall be consistently maintained in a good and aesthetically pleasing condition, and shall be removed or replaced on an as needed basis due to use, age, and wear and tear.

i. All signs shall comply with all applicable provisions of the current edition of the Florida Building Code and any Town amendments thereto, and the current edition of the National Electrical Code ("NEC"), as published by the National Fire Protection Association ("NFPA"), including specifically, NFPA 70 pertaining to the standards for the safe installation of electrical wiring and equipment, as well as NFPA 101 a/k/a the "National Life Safety Code", and all other applicable codes and regulations, even if not expressly enumerated herein.

(6) *Illumination.* ~~Illumination for permitted signs shall be provided by indirect lighting.~~ The general standard for illumination for permitted signs shall be provided by indirect lighting, halo-type lighting or channel set letters.

a. Indirect lighting for signs shall be provided by "goose neck" fixtures, or other architecturally compatible equipment or fixtures.

b. Use of backlit signs and awnings ~~is~~ are prohibited, unless ~~backlit awnings are~~ approved by the community development director, town manager.

c. Freestanding pinned or halo-type letters made of metal, sintra or plastic materials. Other materials shall be reviewed for acceptability as an alternative equivalent.

d. Channel set letters with regular or LED lighting are permissible.

The community development director review of PADD signage and design will always take into consideration the quality of the proposed signs (e.g., box signs with vinyl graphics shall generally not be approved.) Signs with dimension or depth are encouraged and preferred. Individual letters are preferred over box signs. Flat signs containing vinyl lettering/graphics only are strongly discouraged. Interior lit changeable copy signs for theaters and similar types of uses are permissible.

(7) *Sign removal.* The face or copy of a sign or signs which advertises a business, product, service, or other use of property that has ceased operating, or which has been closed for business to the general public, or which has been abandoned, such business or activity for more than 30 consecutive days, shall be removed and replaced with blank faces or appropriate light shields by either the property owner, the occupant, or the Town or its independent contractors if so authorized by a final order of the code enforcement special magistrate. In the event the Town is required to conduct the remedial measures required by this section to correct a violation, all fees and expenses incurred by the Town in effectuating the remedial measures shall, in addition to any fines and other administrative costs and expenses that may have been imposed, constitute a lien against the real property on which the sign(s) is located. The lien may be recorded in the public records of Palm Beach County and shall bear interest at the then-current statutory rate until paid in full.

(8) *Nonconforming signs.* The provisions of this section 78-70(p) shall apply to all signs, and specifically including signs, which were constructed or installed prior to the enactment of section 78-70(p), effective date of the ordinance from which this section is derived. All such signs that do not conform to the requirements of Section 78-70(p) are are considered illegal nonconforming signs, and must be removed or brought into compliance with the requirements of section 78-70(p) are expressly required by section 78-70(p)(8)(a) and (b). A sign illegally constructed or installed prior to the effective date of this section shall continue to be considered an illegal sign.

a. Illegally constructed or installed signs shall be removed immediately, or may become be the subject of code enforcement action commenced by the town.

~~b. Nonconforming signs may be repaired and maintained subject to section 70-104.~~

~~e. The sign face or copy of a nonconforming sign may be replaced when a change occurs affecting a business, product, service, or other use of property.~~

~~b. d. After By August 6, 2002, five years after the date of adoption of the town core commercial zoning district, all nonconforming signs shall be removed or be brought into compliance with the requirements of this section 78-70(p).~~

~~e. Within 60 days following the effective date of this section, the town shall notify all property owners of the revised sign requirements and of the requirement to remove nonconforming signs or bring such signs into conformity.~~

~~f. A property owner or tenant may appeal to the town commission for a time extension or waiver from the requirement to remove a nonconforming sign or signs. An application to request a time extension or waiver from the sign removal requirement shall contain the following information:~~

~~1. The name and address of the property owner;~~

- ~~2. A survey or other similar document indicating the specific location and size of the affected sign;~~
- ~~3. A copy of the building permit for the affected sign;~~
- ~~4. A certified estimate of installation costs;~~
- ~~5. A certified estimate of replacement costs;~~
- ~~6. How the request for time extension or waiver complies with the waiver criteria contained in subsection (1)(7) of this section;~~
- ~~7. Other information in support of the request; and~~
- ~~8. The additional amount of time requested prior to or waiver from removal of the sign.~~

~~g. The town commission may grant a waiver from the removal requirement, grant the entire time extension requested, grant a partial time extension, or deny the request. The waiver criteria contained in subsection (1)(7) of this section shall be utilized by the town commission when making its decision.~~

(10) Administrative sign waivers procedure.

(a) Sign waivers. Waivers from the strict interpretation of section 78-70(p) may be granted by the community development director for good cause only, and provided that a majority of the required waiver criteria as set forth herein have been met. The burden of proving that a majority of the waiver criteria have been met is on the applicant. It is the intent of the community development director to review sign waiver requests, based upon the anticipated impact of the proposed waiver on other properties within the PADD, the town at-large, as well as the requirements of the applicant, and to balance the needs of each. For purposes of this section, an applicant for a sign waiver shall demonstrate "good cause" by complying with a majority of the following waiver criteria:

Sign waiver criteria:

- (1) special and unique conditions exist which are peculiar to the applicant's case and which are not generally applicable to the property located within the PADD, such as natural or manmade sight limitations from public rights-of-way;
- (2) the special and unique conditions are not attributable to or result from the actions of the applicant;
- (3) the granting of the waiver would not confer any special privilege or benefit on the applicant that is denied by the provisions of this section to other lands, buildings, businesses, or structures within the PADD;
- (4) the literal interpretation of section 78-70(p), as applied to the applicant, would deprive the applicant of rights commonly enjoyed by persons who are similarly situated;
- (5) the waiver granted is the minimum waiver necessary for the applicant to make reasonable use of the property;
- (6) granting the waiver is not detrimental to the public welfare, or injurious to property or improvements in the PADD, or the town in general;
- (7) The application is consistent with the intent of section 78-70;

(8) The application furthers the town's goal to establish a neighborhood and community-serving urban center;

(9) The application furthers the architectural and site design elements of section 78-70; and

(10) The application demonstrates the request for waiver will be in harmony with the general intent and purpose of section 78-70, and that such waiver or waivers will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare.

(b) *Application for sign waivers.* The application for a sign waiver shall be on a form provided by the town clerk and accompanied by a filing fee as specified by resolution of the town commission. Each application for a waiver under this section shall be in writing and shall justify and detail the reasons for the request for a waiver using the waiver criteria contained herein. The applicant must present substantial competent evidence to justify the waiver, together with the completed application form. Any written justification statements, which are submitted as evidence in support of the waiver request by a purported expert, and/or any other individual, must be sworn to under oath, signed and notarized. The application shall also be signed by the applicant or the applicant's authorized agent, and the sign company who shall be responsible for creating and installing the sign for which the sign waiver is being sought. Applicants represented by agents must submit written evidence of the delegation of agent authority or a power of attorney.

(c) *Sign waiver application review.* An application for a waiver under this section shall be deemed abandoned thirty (30) days after the date the community development department ("department") notifies the applicant of any deficiencies contained in the application. The department may, upon written request and justification by the applicant, grant not more than one 30-day extension. At the expiration of the 30-day period, or any extension thereof, the application shall automatically expire and become null and void. Permit fees and charges paid at the time of application, and plan review fees, shall be refunded, except that an administrative fee shall be retained. Each application for a waiver of the provisions of this section shall first be reviewed by the community development director for technical sufficiency and compliance with this section. The community development, after considering all of the substantial and competent evidence provided by the applicant or the applicant's agent in conjunction with all of the waiver criteria as set forth herein, shall render a written final administrative order containing findings of fact and conclusion of law, either granting the waiver, granting the waiver with conditions of approval, or denying the waiver. Any applicant aggrieved by a decision of the community development director may appeal the final decision as provided in town code section 78-186 to the Planning and Zoning Board. (d) *Abandonment or expiration of sign waiver.* A waiver granted by the community development director shall automatically expire either (a) 18 months from the date of the rendition of the written resolution of the community development director granting the waiver, if a building permit has not been issued in accordance with the plans and conditions upon which the waiver was granted, or (b) if the building permit issued in accordance with the plans and conditions upon which the waiver was granted expires and is not

renewed pursuant to the applicable provisions regarding renewal of building permits. The final decision of the community development director on the waiver application shall be set forth in a written administrative final development order.

TABLE 78-70-7
PERMITTED SIGNS

TABLE INSET:

Sign Type	Maximum Size	Maximum Number	Copy Limit	Other Limits
Awning Sign	3 square feet <u>In proportion to the size of the awning</u>	1 per front OR side	Business name, address, phone number, and logo, and words depicting the nature of business (letters shall be not more than 50% of the height of the letters depicting the business name)	*Letters, numbers, and logo shall not exceed 6 inches in height.
	--	--	--	*Located only on a valance
Changeable Copy Sign	Not more than 50% of any portion of a building fronting on or facing Park Ave.	1 per front of building	Business name, and words describing the nature of the business (letters shall be not more than 50% of the height of the letters depicting the name of the business.) The name, time, and date of current and upcoming events may also be displayed.	*May substitute as a wall sign, but shall not be used in addition to a permitted wall sign.
	--	--	--	*Marquee sign may be used

	--	--	--	*Marquee sign may extend over walkways, a minimum 8-foot clearance is required.
	--	--	--	*Marquee shall not extend beyond top of roof
	--	--	--	*Marquee sign shall be proportionate to size of building
Flags	Display of flags of the United States shall be in accordance with current U.S. Code of Federal Regulations (C.F.R.) to the extent reasonably possible, and flag size shall be Proportionate to the size and height of the flag pole	1 flag pole per business	US, Florida, <u>official flags of other nations</u> , and <u>the flag of the Town of Lake Park.</u> flags	*Freestanding flagpoles shall not exceed 50 feet in height, except for otherwise permitted stealth telecommunications facilities in a flagpole design.
	--	--	--	*Building-mounted flag poles shall not extend into any public right-of-way.
<u>Public Light Pole Sign</u>	Per Town Commission	1 per pole	Per Town Commission	*Must be approved by Town Commission <u>or</u> <u>designee.</u>
Menu Sign (Restaurants only)	3 square feet	1 per restaurant	Restaurant menus	*Within 2 feet of front door
	--	--	--	*Mounted on exterior wall or in a window
	--	--	--	*May be enclosed <u>in a cabinet</u>
Neon Sign,		1 per	Business logo,	*Mounted flush with

<u>LED or similar technology</u>	a maximum size of six (6) square feet in a window.	business	name, open sign or depiction of product	wall or in window
	--	--	--	*First floor location only
	--	--	--	*One face only
	--	--	--	*Shall not project by more than 8 inches
	--	--	--	*Shall not be located on arcade or similar facade
	--	--	--	*May be located above or below canopy or arcade
	--	--	--	*May be used as a substitute for or part of a wall or window sign
Projecting Sign	3 <u>6</u> square feet	1 per business	Business name, phone number, and logo, and words describing the nature of the business (letters shall be not more than 50% of the height of the letters depicting the name of the business.)	*Letters, numbers, and logo shall not exceed 6 inches in height.
	--	--	--	*Minimum clearance of 8 feet above sidewalk or public walkway
Political Signs	None	None	None	*Allowed pursuant to chapter 70.
Special Events Signs	Banners shall not exceed 20 square feet Sandwich signs shall not exceed 6 sq feet	One wall mount or one banner per 500 ft frontage and one	Only on the property	*Signs, pennants, flags, streamers, banners, etc., as approved by the community development director-for special events and for a limited

		sandwich sign		duration as specified in the permit.
	--	--	--	*Number, size, and location of signs to be approved by the community development director
	--	--	--	*Display of signs shall not exceed 14 calendar days
	--	--	--	*Not more than 4 special events may occur on the same site or at the same use for each calendar year
String Lights	None	None	None	*String lights may not spell out or resemble the logo of any commercial product or use.
	--	--	--	*Installation at places of business and on commercial or industrial properties, must be approved by the community development director.
	--	--	--	*Installation in landscaping can be permanent
	--	--	--	*Installation as a seasonal decoration may be displayed for a period not more than 45 calendar days
	--	--	--	*Installation as a seasonal decoration may occur not more than 6 times per year
	--	--	--	*Installation as a seasonal decoration,

				may be used for any one or more of the following holidays: beginning of the Christmas holiday season through and including New Year's Day or only New Year's, Thanksgiving, Halloween, Easter, and Kwanza, and Hanukkah
	--	--	--	*Additional holidays may be recognized by the Community Development Director, upon the showing of good cause by the applicant.
Temporary real estate and for sale signs	6 square feet 9 square feet (<u>permit fee required</u>) 4 square feet (<u>exempt from permit fee</u>)	1 per property that is for sale or rent	Name, address, and phone number of agent; copy indicating that the subject property is "for sale" or "for lease", and other information deemed necessary and appropriate at the time of sign permitting.	*Professionally produced or created
	--	--	--	*Located on an exterior wall or in a window only, freestanding signage is strictly prohibited
	--	--	--	*A temporary sign permit is valid for 6 months from the date of permit issuance. A new permit must be applied

				for after the initial 6 month period expires. After the issuance of two temporary sign permits for the same property, the community development director, has the discretion to deny a request for an additional temporary sign permit on the grounds that the sign is not a temporary sign.
Wall Sign	50% of building frontage facing Park Ave., 30% of building frontage for side streets	1 per business	Business name, logo, address, phone number, and words describing the nature of the business (letters shall be not more than 50% of the height of the letters depicting the name of the business.)	*Mounted flush with wall
	--	--	--	*First floor location only
	--	--	--	*One face only
	--	--	--	*Shall not project by more than 8 inches
	--	--	--	*Shall not be located on arcade or similar facade
	--	--	--	*May be located above or below canopy or arcade
	--	--	--	*May be painted directly on wall if <u>approved by the community development</u>

				director, only if the rendering is commissioned by the Town Commission, and the painted area accurately depicts a scene of historic Lake Park.
Window Sign	No more than 25% of any single window panel or pane. <u>Vinyl window art panels without lettering, are exempt from the size percentage</u>	1 per window	Business name, address, logo, and telephone number, and words describing the nature of business.	*Must be painted or applied directly onto the window surface, or hung within 6 inches of the window. Placement and design must be consistent, harmonious, and unified throughout all windows in the building.
	--	--	--	*Neon sign(s) may be used for all or part of permitted signage.
	--	--	--	*Shall be located only on the first floor.
	--	--	--	*Stand alone lettering is strongly discouraged. Lettering that incorporates graphic elements, borders, and backgrounds is preferred.
				*Plastic, vinyl, or other similar lettering of any form that is applied directly to a window is deemed to be a sign for purposes of this Section, and requires a sign permit approved by the

				Community Development Department prior to placement on a window.
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Section 3. Severability. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 4. Repeal of laws in conflict. All ordinances or parts of ordinances in conflict with this Ordinance 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 re-lettered 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 become effective immediately upon adoption.

Upon First Reading this 16 day of December, 2009, the foregoing Ordinance, was offered by Commissioner Rumsey, who moved its approval. The motion was seconded by Commissioner Daly and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	_____
VICE MAYOR JEFF CAREY	<u>/</u>	_____
COMMISSIONER ED DALY	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	_____
COMMISSIONER KENDALL RUMSEY	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 27 DAY OF DECEMBER, 2009

Upon Second Reading this 6 day of January, 2010, the foregoing Ordinance, was offered by Commissioner Daly, who moved its adoption. The motion was seconded by Commissioner Rumsey and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	_____
VICE MAYOR JEFF CAREY	<u>/</u>	_____
COMMISSIONER ED DALY	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	_____
COMMISSIONER KENDALL RUMSEY	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No. 19-2009** duly passed and adopted this 6 day of January, 2010.

TOWN OF LAKE PARK, FLORIDA

BY: Desca DuBois
Mayor, Desca DuBois

ATTEST:

Vivian M. Lemley
Town Clerk, Vivian M. Lemley
(Seal)

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird

FLORIDA

THE PALM BEACH POST

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West Palm Beach, Palm Beach County, Florida

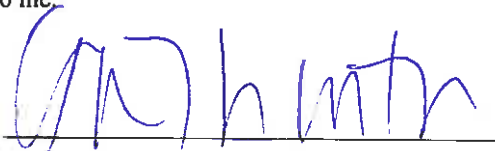
PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Ellen Sanita**, who on oath says that she is **Call Center Revenue Manager** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter of **Ordinance 19-2009** was published in said newspaper in the issues of **December 20, 2009**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties.



Sworn to and subscribed before 21st day of December, A.D. 2009
Who is personally known to me.



NOTARY PUBLIC-STATE OF FLORIDA
Karen M. McLinton
Commission #DD832672
Expires: **NOV. 15, 2012**
BONDED THRU ATLANTIC BONDING CO., INC.

NO. 4949055
LEGAL NOTICE OF
PROPOSED ORDINANCE ADOPTION,
TOWN OF LAKE PARK
Please take notice that on Wednesday
January 6, 2010 at 7:30 p.m. 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 Ordinance on
second reading and proposed adop-
tion thereof:
ORDINANCE NO. 19-2009
AN ORDINANCE OF THE TOWN
COMMISSION OF THE TOWN OF
LAKE PARK, FLORIDA AMENDING THE
LAKE PARK MUNICIPAL CODE AT
CHAPTER 78 ENTITLED "ZONING,"
ARTICLE III, SECTION 78-70 ENTITLED
"PARK AVENUE DOWNTOWN DIS-
TRICT"; AMENDING SECTION 78-70(f)
ENTITLED "WAIVERS"; AMENDING
SECTION 78-70(e)(3) ENTITLED
"SUPPLEMENTAL DISTRICT REGULA-
TIONS" TO PROVIDE ADDITIONAL
PROVISIONS PERTAINING TO OB-
SCURING GROUND FLOOR WIN-
DOWS; AMENDING SECTION 78-70(p)
ENTITLED "SIGNS" AT SUBSECTIONS
(1), (2), (5), (6), (7) AND (8); TO
CHANGE CERTAIN EXISTING SIGN
REGULATIONS AND ADD PROVI-
SIONS TO THE AFORESAID SUBSEC-
TIONS REGULATING PROHIBITED
SIGNS, PERMITTED SIGNS, CON-
STRUCTION SIGNS, SIGN DESIGN
REQUIREMENTS, SIGN ILLUMINATION
REQUIREMENTS, AND NON-CON-
FORMING SIGNS; CREATING NEW
SUBSECTION 78-70(p)(10) TO BE
ENTITLED "ADMINISTRATIVE SIGN
WAIVER PROCEDURE" WHICH DEL-
EGATES CERTAIN POWERS AND
DUTIES TO THE COMMUNITY DEVELOP-
MENT DIRECTOR TO GRANT SIGN
WAIVERS UNDER LIMITED CIRCUM-
STANCES; AMENDING TABLE 78-70-7
ENTITLED "PERMITTED SIGNS" TO
CLARIFY RESTRICTIONS ON THE SIZE,
NUMBER, AND COPY FOR SIGNS AND
OTHER SIGNAGE RESTRICTIONS;
PROVIDING FOR SEVERABILITY; PRO-
VIDING FOR THE REPEAL OF LAWS IN
CONFLICT; PROVIDING FOR CODIFI-
CATION; AND PROVIDING FOR AN
EFFECTIVE DATE.
If a person decides to appeal any deci-
sion 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 proceed-
ings is made, which record includes the
testimony and evidence upon which the
appeal is to be based. For additional
information, please contact Vivian
Lemley, Town Clerk at 561-883-3311
Jessica Shepherd, Deputy Town Clerk
Town of Lake Park, Florida
PUG: The Palm Beach Post
December 20, 2009

**NO. 4949055
LEGAL NOTICE OF
PROPOSED ORDINANCE ADOPTION,
TOWN OF LAKE PARK**

Please take notice that on Wednesday, January 6, 2010 at 7:30 p.m., 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 Ordinance on second reading and proposed adoption thereof:

ORDINANCE NO. 19-2009

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING THE LAKE PARK MUNICIPAL CODE AT CHAPTER 78 ENTITLED "ZONING," ARTICLE II, SECTION 78-70, ENTITLED "PARK AVENUE DOWNTOWN DISTRICT," AMENDING SECTION 78-70(b) ENTITLED "WAIVERS", AMENDING SECTION 78-70(d) ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS" TO PROVIDE ADDITIONAL PROVISIONS PERTAINING TO OBSCURING GROUND FLOOR WINDOWS; AMENDING SECTION 78-70(p) ENTITLED "SIGNS" AT SUBSECTIONS (1), (2), (5), (6), (7) AND (8), TO CHANGE CERTAIN EXISTING SIGN REGULATIONS AND ADD PROVISIONS TO THE AFORESAID SUBSECTIONS REGULATING PROHIBITED SIGNS, PERMITTED SIGNS, CONSTRUCTION SIGNS, SIGN DESIGN REQUIREMENTS, SIGN ILLUMINATION REQUIREMENTS, AND NON-CONFORMING SIGNS; CREATING NEW SUBSECTION 78-70(p)(10) TO BE ENTITLED "ADMINISTRATIVE SIGN WAIVER PROCEDURE" WHICH DELEGATES CERTAIN POWERS AND DUTIES TO THE COMMUNITY DEVELOPMENT DIRECTOR TO GRANT SIGN WAIVERS UNDER LIMITED CIRCUMSTANCES; AMENDING TABLE 78-70.7 ENTITLED "PERMITTED SIGNS" TO CLARIFY RESTRICTIONS ON THE SIZE, NUMBER, AND COPY FOR SIGNS AND OTHER SIGNAGE RESTRICTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; 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 Lemley, Town Clerk at 561-881-3311, Jessica Shephard, Deputy Town Clerk Town of Lake Park, Florida
PUB The Palm Beach Post
December 20, 2009