

ORDINANCE NO. 03-2009

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTERS 70 AND 78 OF THE TOWN CODE TO RELOCATE THE REGULATIONS GOVERNING "SIGHT VISIBILITY TRIANGLES" FROM SECTION 70-61 TO SECTION 78-253; 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, Chapter 70, Articles I through IV, and Sections 70-1 through 70-108; and

WHEREAS, the Town Commission has enacted Land Development Regulations governing landscaping at Article VIII of Chapter 78, entitled "Landscaping and Vegetation Protection"; and

WHEREAS, Town staff has recommended that the Town Commission amend Town Code, Chapter 70, Article III, Section 70-61 to delete the reference of "visibility triangles" from this section of the Code and place it in Article XIII, Section 78-253 (c)(9) of Chapter 78 of the Town Code; and

WHEREAS, the Town Commission, after due notice and public hearings, deems it to be in the best interest of the public's health, safety and general welfare to relocate the regulations of the Town Code governing "visibility triangles".

**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 the legislative findings of the Town Commission.

Section 2. Chapter 70, Article III, Section 70-61 of the Town Code is hereby amended to read as follows:

ARTICLE III. CONSTRUCTION AND ERECTION OF SIGNS.

Sec. 70-61. General provisions.

(a) All signs shall be constructed and erected in accordance with the standards and requirements of this article.

(b) Every sign shall be designed and constructed to withstand a wind pressure of not less than 50 pounds per square foot. The increase in stresses for short term loading shall not be applied to cantilevered projections, or where vibration or fluttering action can be anticipated.

(c) Letters, decorations and facings of signs shall be constructed of durable noncombustible materials as approved by the authority having jurisdiction.

~~(d) *Visibility Triangles.* Refer to Section 78-253 (j). At any road intersections, visibility shall not be obscured by the construction, placement or maintenance of a structure wall, sign, fence, bench, berm, plant material, shrubs or any similar item. In order to provide a clear view of intersecting streets to the motorist, there shall be an area of clear visibility on the triangular portion of private property closest to two intersecting streets or the intersection of a driveway and a street. The following standards shall be met:~~

~~(1) Nothing shall be erected, placed, parked, planted or allowed to grow within this "clear visibility triangle" in such a manner as to materially impede vision between a height of two feet and ten feet above the grade, measured at the centerline of the intersection.~~

~~(2) The clear visibility triangle shall have two sides of not less than 25 feet in length with each side adjacent to the public right-of-way line. The third side shall consist of a line connecting the foregoing two sides.~~

SECTION 3. Article VIII " of Chapter 78 of the Town Code entitled

"Landscaping and Vegetation Protection" is amended as follows:

ARTICLE VIII. LANDSCAPING AND VEGETATION PROTECTION*

Sec. 78-253. Minimum landscape requirements.

(c) *Parking areas.*

~~(9) When a point of ingress or egress (driveway) intersects a public right of way or when the subject property abuts the intersection of two or more public rights of way, all landscaping within the areas described in subsections (a) and (b) of this section shall allow cross visibility between 30 inches above the established grade and six feet above the established grade; however, trees or palms shall be permitted, provided they are trimmed so as to allow visibility at the levels indicated in above, provided they are located so as not to create a traffic hazard.~~

~~a. The area of property on both sides of a driveway formed by the intersection of each side of the driveway and the public right of way line for a distance of 15 feet in length and five feet in width along the public right of way.~~

~~b. The area of property located at a corner formed by the intersection of two or more public rights of way with two sides of the triangular area being 20 feet in length along the abutting public rights of way measured from their point of intersection and the third side being a line connecting the ends of the other two lines.~~

Visibility Triangles. At any road intersections or where a point of ingress or egress (driveway) intersects a public right of way, visibility shall not be obscured by the construction, placement or maintenance of a structure wall, sign, fence, bench, berm, plant material, shrubs or any similar item. In order to provide a clear view of intersecting streets and sidewalks to the motorist, there shall be an area of clear visibility on the triangular portion of private property closest to two intersecting streets or the intersection of a driveway and a street or sidewalk. The following standards shall be met:

(a) Nothing shall be erected, placed, parked, planted or allowed to grow within this "clear visibility triangle" in such a manner as to materially impede vision between a height of two 3 feet and ten 8 feet above the grade, measured at the centerline of the intersection. However, trees or palms shall be permitted provided they are trimmed so as to allow visibility at the levels indicated above and provided they are located so as not to create a traffic hazard.

(b) Clear visibility triangles shall be created and maintained at the intersection of any street, roadway, alleyway or sidewalk according to the following standards:

a. For roads, streets, and alleyways that intersect with a road, two sides of the triangle shall extend adjacent to the edge of pavement for 20 feet measured from the point of intersection or the point of intersection established when the lines are extended in a straight

line so as to intersect. The third side of this triangle shall be a line connecting the ends of the other two sides. (See Figure 78-253-1)

b. For driveways that intersect with sidewalks, The area of property on both sides of a driveway formed by the intersection of each side of the driveway and the public right-of-way line for a distance of 15 feet in length and 5 feet in width along the public right-of-way. (See Figure 78-253-2)

(c) Alternative visibility triangles. Alternative visibility triangles approved by the Community Development Director or Director of Public Works may be allowed in individual cases if they are deemed to ensure adequate traffic safety. If alternative visibility triangles are required, they shall result in traffic safety equivalent or superior to the minimum requirements of this subsection.

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. 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.

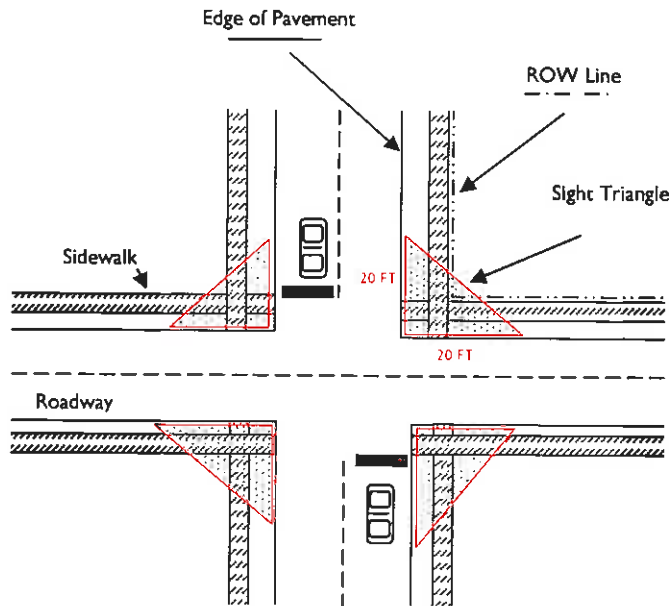
Section 6. Repeal of Laws in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Effective Date.

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

Road, Street, & Alleyway Visibility Triangle



Visibility Triangle –Visibility triangles shall be created and maintained at the intersection of any street, roadway, or alleyway. Two sides of the triangle shall extend adjacent to the edge of pavement for 20 feet measured from the point of intersection or the point of intersection established when the lines are extended in a straight line so as to intersect. The third side of this triangle shall be a line connecting the ends of the other two sides.

Figure 78-253-1. Road, Street and Alleyway Visibility Triangle

Driveway Visibility Triangle

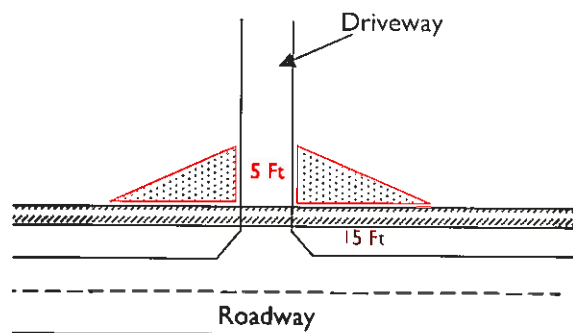


Figure 78-253-2. Driveway Visibility Triangle

Upon First Reading this 4 day of February, 2009, the foregoing Ordinance, was offered by Commissioner Carey who moved its approval. The motion was seconded by Commissioner Osterman and being put to a vote, the result was as follows:

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

PUBLISHED IN THE PALM BEACH POST THIS 8 DAY OF February, 2009

Upon Second Reading this 18 day of February, 2009, the foregoing Ordinance, was offered by Commissioner Osterman who moved its adoption. The motion was seconded by Commissioner Carey, and being put to a vote, the result was as follows:

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

The Mayor thereupon declared **Ordinance No. 03-2009** duly passed and adopted this 18 day of February, 2009.

TOWN OF LAKE PARK, FLORIDA

BY: Desca DuBois
Mayor, Desca DuBois

ATTEST:

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

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird