



Minutes
Town of Lake Park, Florida
Community Redevelopment Agency Board
and Town Commission Workshop
Monday, January 14, 2019, 6:00 PM
Town Commission Chamber, 535 Park Avenue

The Community Redevelopment Agency and Town Commission met for the purpose of a Workshop to discuss the Park Avenue Downtown District on Monday, January 14, 2019 at 6:00 p.m. Present were Mayor Michael O'Rourke, Vice-Mayor Kimberly Glas-Castro, Board Member Rhonda "Jo" Brockman, and Christiane Francois, Commissioners Erin Flaherty, Roger Michaud, Town Manager John O. D'Agostino, and Town Clerk Vivian Mendez. Commissioner Anne Lynch was absent.

Town Clerk Mendez performed the roll call and led the pledge of allegiance.

NEW BUSINESS:

1. Third Park Avenue Downtown District (PADD) Workshop.

Town Manager D'Agostino gave a brief synopsis of the previous two Park Avenue Downtown District workshops and the purpose of this workshop. Community Development Director DiTommaso gave a presentation updating the Board and Commission on the Park Avenue Downtown District (see Exhibit "A"). The Board and Commissioners asked clarifying questions regarding the Airbnb's/Bed and Breakfast Inn, hotel, and the proposed alcohol Ordinance. Vice-Mayor Glas-Castro agreed with the proposed Ordinance language and the possible expansion of the PADD.

Mayor O'Rourke asked if the proposed Alcohol Ordinance would affect businesses in the PADD. Board Member Brockman understood the proposed Ordinance to say that businesses with liquor licenses were not affected. She expressed concern with attracting new businesses to the area when the Ordinances were so restrictive.

PUBLIC COMMENT:

Giuseppe Cianflone of Casper's on Park explained the difference between the open container law and the container law. He stated that his liquor license allows him to have patrons drink in the outdoor seating area of his business. He agreed with the proposed alcohol Ordinance. He suggested that signs be placed inside of an establishment to notify customers of the Ordinance language.

Community Development Director DiTommaso explained that the language regarding indoor signage is not new language. She explained that it would be an enforcement. A discussion ensued regarding the language that signs are required to have and placement of the signs on public and private property. Mayor O'Rourke read the "Warning" language that appears in the proposed language (see Exhibit "B"). Board Member Brockman expressed concern with the language and the restrictions. Town Manager D'Agostino explained the differences between the different types of liquor licenses and

the Ordinance. He suggested changes to the language. Lt. Gendreau explained the difficulties the Palm Beach County Sheriff's Office (PBSO) Deputy encounter and the intent of the Ordinance. Mayor O'Rourke offered suggested language for the alcohol Ordinance that would clearly indicate the intent of the Ordinance. Community Development Director DiTommaso recommended using the language that was suggested and change the signage requirement to only those establishments that do not permit consumption on their properties. She stated that the fine would not exceed \$500.00.

Board Member Francois asked for clarification regarding Airbnb's only being permitted in residential areas of the PADD. Town Manager D'Agostino stated that she was correct. Community Development Director DiTommaso recapped the inclusive language for Airbnb's (which is included as part of Exhibit "A"). After further discussion the Board and Commission came to consensus to include that the property owner must reside at the Airbnb's. Town Manager D'Agostino stated that the language would be brought back before the Town Commission as an Ordinance.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Manager D'Agostino had no comments.

Commissioner Lynch was absent.

Commissioner Michaud had no comments.

Commissioner Flaherty had no comments.

Board Member Brockman asked what the intent of expanding the PADD boundaries was. Mayor O'Rourke stated that several businesses in the area expressed an interest in improving. The proposed expanded areas was identified on a map.

Board Member Francois had no comments.

Vice-Mayor Glas-Castro had no comments.

Mayor O'Rourke had no comments.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Vice-Mayor Glas-Castro and seconded by Commissioner Michaud, and by unanimous vote, the meeting adjourned at 7:29 p.m.



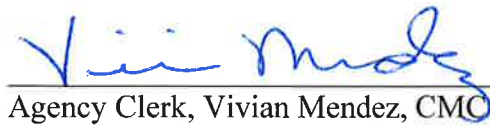
Mayor Michael O'Rourke




Chair Michael O'Rourke



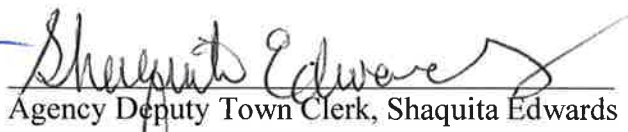
Town Clerk, Vivian Mendez, CMC



Agency Clerk, Vivian Mendez, CMC



Deputy Town Clerk, Shaquita Edwards



Agency Deputy Town Clerk, Shaquita Edwards



Approved by the Town Commission on this 6th day of February, 2019

Approved by the Community Redevelopment Agency on this 6th day of March, 2019

**SPECIAL CALL
COMMUNITY REDEVELOPMENT
AGENCY (CRA) & TOWN
COMMISSION WORKSHOP #3**

PARK AVENUE DOWNTOWN DISTRICT (PADD)

MONDAY, JANUARY 14, 2019 – 6:00 P.M.



Exhibit "A"

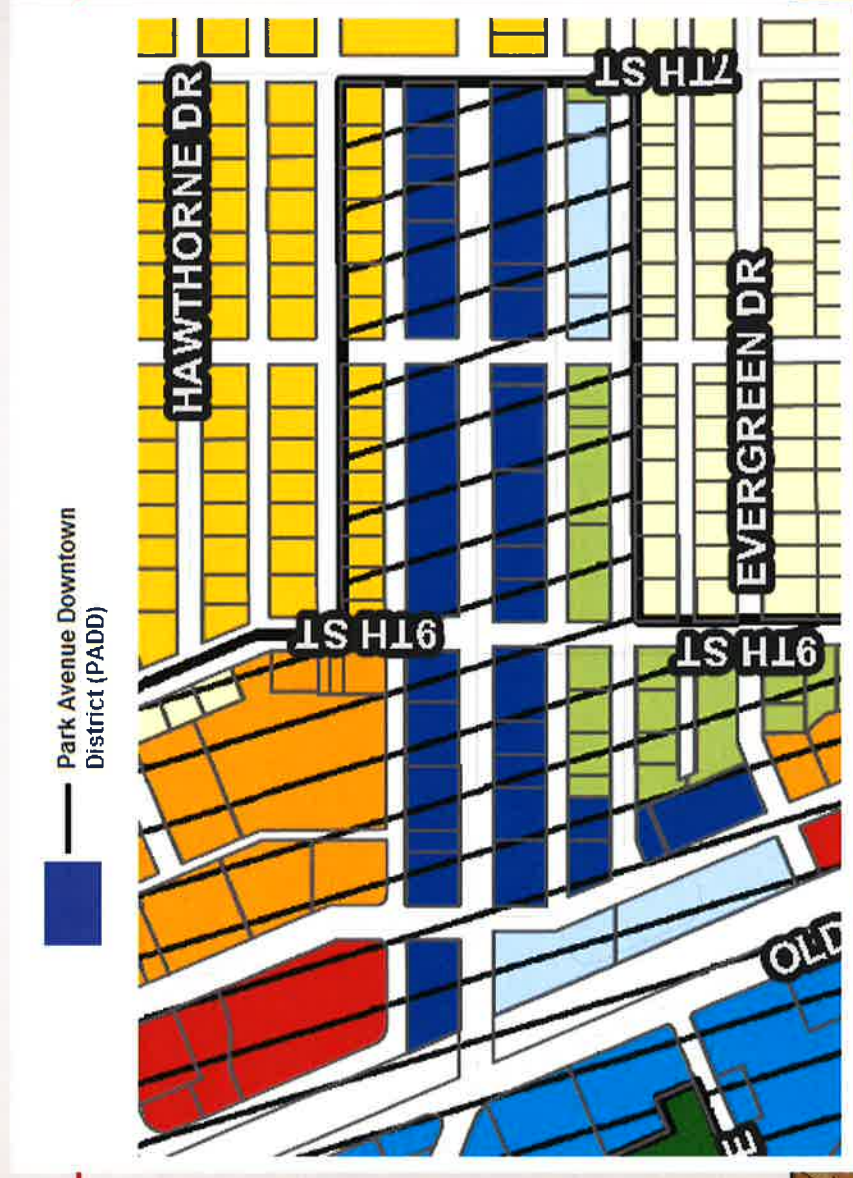
PURPOSE

RECAP

- Discuss the Park Avenue Downtown District code regulations codified in Town Code Section 78-70
- Identify opportunities to make the regulations more business friendly
- Identify opportunities to further promote redevelopment through code modifications



EXISTING PADD BOUNDARY



AGENDA

- (1)** Review proposed modifications pursuant to the direction received at the August 22, 2018 workshop
- (2)** (New Item) Alcohol Ordinance
- (3)** Additional Considerations
- (4)** Next Steps



AUGUST 22, 2018 WORKSHOP RECOMMENDATIONS

Consolidating the signage codes into Chapter 70 of the Town Code

- Park Avenue Downtown District signage code has been stricken from Town Code Section 78-70
- Chapter 70 will apply to the Park Avenue Downtown District
- Section 78-70(p) has been revised to refer to the Town's general sign code in Chapter 70 and provide for specific provisions related to freestanding signs, along with Airbnb and Bed and Breakfast Inn signs, applicable to the PADD only

ADDITIONAL CONSIDERATIONS

Is there any type of signage that the CRA Board/Town Commission would like to specifically prohibit (or limit) in the PADD, or are the general signage categories that are permissible Town-wide, acceptable for the PADD as well:

- * Permanent freestanding signs (already accounted for in the revisions)
- * Permanent: wall signs (sign boards, cabinets, illuminated or non-illuminated, channel letters, etc.)
- * Temporary: freestanding development signs; special event signs; real estate signs; political signs; and others

AUGUST 22, 2018 WORKSHOP RECOMMENDATIONS

Expand the PADD boundaries to include areas north of Park Avenue (maybe south) and possibly allow residential-only developments. Allow ground floor residential uses.

PROPOSED



- **Boundaries** have been expanded (*comprehensive plan amendments and rezoning required*)
- **Table 78-70-1** has been revised to allow residential units anywhere within a development site
- **Residential only developments** within the PADD shall only be permitted within properties that do not have direct street frontage on Park Avenue or 10th Street
- **Existing single-family homes** within the (expanded) district may continue to exist as single-family structures and improved on as such, until which time they are demolished with the intent to redevelop as another use type
- **Airbnb's, or Bed and Breakfast Inns** are also being permitted with certain added criteria

AUGUST 22, 2018 WORKSHOP RECOMMENDATIONS

Allow Hotels, or Bed & Breakfast Establishments, or residential units as Airbnb's in the PADD

- Uses have been added to Table 78-70-1
- Airbnb's / Bed and Breakfast Inns are permitted uses contingent upon certain criteria being met
- Given the proposed expanded boundaries for the PADD District, Airbnb's and Bed and Breakfast Inns (as proposed) shall be located within existing single-family residential units within the district, or act as active liner uses that serve to create a buffer area and conceal interior parking areas of larger commercial uses



AUGUST 22, 2018 WORKSHOP RECOMMENDATIONS

Increase the maximum height (currently 4 stories) and allowable density (currently 27 units per acre) in the PADD. (recommend this is done pursuant to public improvement contributions similar to the US-1 corridor)

- Still a work in progress
- Staff is currently in the process of waiting on proposals for an RFP for developer qualifications and development plans for four key parcels in the PADD, located on the southeast corner of Park Avenue and 10th Street (closing date January 22, 2019)
- Any additional considerations from the Board/Commission?

(NEW ITEM)

ALCOHOL ORDINANCE

- Purpose of the proposed Ordinance
- Applicability (identify existing establishments serving alcohol)
- Additional (proposed) requirements

Discussion Points from the Town Commission meeting:

- *Create an arts district/ brewer district: define the boundaries and allow for different consumption aspects. Consumption can be extended to the exterior of the business. Consistent with the business Liquor License for outdoor consumption*
- *Allow for consumption along the property line of the back alley area*
- *Extend the district to include Easel Art area of Downtown*
- *At no time except for special permits, can anyone carry an open container onto a public way, street, road, alleyway etc.*
- *Schedule a meeting with owners of properties with liquor licenses in the Downtown area*

**ADDITIONAL COMMENTS FOR
STAFF TO CONSIDER?**

(3) NEXT STEPS

→ Comprehensive Plan Amendments (February 2019 – May 2019)

→ Code Text Amendments and Rezoning Public Hearing Process
(April 2019 – June 2019)

(Alcohol Ordinance will move forward separately to the Town Commission in the February/March 2019 timeframe)



THANK YOU!

Contact Info:

Town of Lake Park Community Development Department

Nadia Di Tommaso, Community Development Director

(561)881-3319

nditommaso@lakeparkflorida.gov



Final public hearing version will be renumbered and re-lettered for proper flow and will be reviewed for legal sufficiency and reworded as is necessary prior to the public hearing.

Sec. 78-70. - Park Avenue Downtown District.

- (a) *Purpose and intent.* It is the purpose and intent of the Park Avenue Downtown District to provide for the following:
- (1) Urban development which is reflective of early master plans for a neighborhood and community commercial area;
 - (2) Buildings and structures of a human scale which, in conjunction with public investments, help to create a sense of place;
 - (3) Downtown development and redevelopment which offer a mixture of retail, personal service, commercial, office, and residential uses;
 - (4) A pedestrian-oriented development pattern;
 - (5) Concentration of certain types of uses, including live performance theaters, restaurants, arts and crafts, etc., which will attract both residents and nonresidents for specialty shopping and entertainment **and promote the arts district concept**;
 - (6) Attracting a variety of uses which serve the needs of residents and nonresidents;
 - (7) Zoning regulations, consistent with the town comprehensive plan, which support the reestablishment and redevelopment of an urban center;
 - (8) Limitations on certain uses which do not support or enhance the pedestrian nature of the area;
 - (9) Uses offering goods and services that will attract both town residents and visitors from outside the town; and
 - (10) Uses offering goods and services that will possess a family orientation.

- b) *Definitions.* For the purposes of this section, the following definitions shall apply. In the event of a conflict between the definitions in this section, and the definitions contained in section 78-2, the definitions of this section shall apply.

Administrative approval means consideration of a development approval application by the town manager or designee.

~~*Antique shop* means a shop selling items which are in demand and have a value due to being rare, old, historic, of a collectible nature, or an expectation of increasing value. Antique items include furniture, art objects, housewares, glassware, jewelry, coins, stamps, and decorative objects, at least 100 years old.~~

Architectural terms, as used in this section, shall have the meaning as indicated in the *Dictionary of Architectural and Construction*, 2nd Edition, Cyril M. Harris, Ed., 1993, as revised.

Conditional use means an activity or use that may be compatible with other activities or uses permitted in a specific zoning district, but requires a more detailed development review of proposed location, site design, architectural design, setbacks, screening and buffering, vehicular and pedestrian circulation, intensity or density of use, hours of operation, business practices, etc. A conditional use may require development approval to include specific conditions or limitations in order to ensure a use is appropriate at a specific location.

Consignment shop means a retail establishment where the operator receives goods and merchandise, for display and sale, from another individual and will pay that individual only when the goods and merchandise are sold.

Department means the town department of community development, or successor agency.

Terms that are not referenced, or utilized in the proposed provisions have been removed. Additional edits may be needed as the provisions are finalized.

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Entertainment, indoor, means a commercial establishment offering to the public entertainment and games of skill which occur in an enclosed building. Typical uses include billiard parlors, bingo halls, and bowling alleys, but excluding computer or video arcades, fitness centers, and gun ranges.

Marquee means a cantilevered overhead structure projecting from and supported by the exterior wall of a building, and constructed of rigid materials on a supporting framework.

Mechanical equipment means necessary or accessory equipment located on or adjacent to structure, including, but not limited to, the following: central air conditioning equipment, ventilation equipment, heating equipment, antennas, satellite dishes, window-mounted or wall-mounted air conditioners, refrigeration equipment, solar and conventional hot water heaters, and elevator machinery and equipment.

Minor improvement means renovation, repair, repainting, restoration, resurfacing, refinishing, overhaul, etc., of the exterior walls or facades of an existing structure or building, installation or replacement of new doors or windows, installation or replacement of HVAC (heating, ventilation, and air conditioning) or other mechanical equipment, installation or replacement of awnings, installation or replacement of signs or sign faces, or similar improvements of a minor nature which affect the exterior appearance of such building or structure.

~~*Novelty shop* means a retail establishment which sells new items such as games, gag gifts, magic tricks, magic instruction, and related goods of a humorous nature, and may rent or sell costumes.~~

Offices, business and professional, mean an establishment providing executive, management, administrative, and professional, ~~medical, dental, and medical and dental laboratory~~ services to the public. Such offices include, but are not limited to, advertising offices; business offices of private companies; business offices of utility companies, public or nonprofit agencies, and trade associations; employment agencies, excluding day labor and labor pool services; professional or consulting offices for accounting, architecture, design, engineering, landscape architecture, law, planning, and similar professions; property and financial management, and real estate; secretarial and telecommunication services; and travel agencies. Medical and dental offices and related uses are not included.

Pawnshop means a business establishment that accepts goods or property owned by an individual in return for paying cash or loaning money for such property, and allowing redemption of such property.

Permitted use means an activity or land use that may be subject to specific standards and criteria, which can be established without approval by the town commission or town Staff.

Personal services means an establishment providing services of a personal nature that are necessary on frequent or recurring basis, but excluding those services specifically classified as an individual use. Personal services may include the accessory retail sale of items related to the service rendered. Personal services also include informational, instructional, personal improvement or services of a similar nature. Such services include, but are not limited to, art and music schools, beauty shops and barbershops, ~~licensed massage therapists~~, manicurists, photography studios, etc.

~~*Planner* means an individual who is a member of the American Institute of Certified Planners (AICP) or is eligible for membership in AICP.~~

Retail and commercial means an establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as an individual use. Typical general retail uses include appliance sales, auto parts stores, boat and marine supply, boutiques, costume shops, mail and package services, linen shops, and specialty meat markets.

School, post-secondary, means an institution offering either or both of the following:

- (1) Academic training leading to an associate, undergraduate or graduate degree; or
- (2) Technical or vocational training of a career nature, including administrative and secretarial skills, computer operations and repair, drafting, electronic equipment operations and repair, massage therapy, medical technology, nursing, physical therapy and other personal services.

It was recommended deferring to the general signage Code and allowing smaller monument signs until sites redevelop – see subsection (p) herein. Town welcoming signs in public rights-of-way will need to be treated separately

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~~Sign means a visual communication device used to convey a message to a viewer. A sign shall mean and include every advertising message, announcement, declaration, insignia, mural, surface, or space erected or maintained in view of an observer in order to identify, advertise, or promote any establishment, product, good, service, or the interests of any person or entity. A sign includes banners, flags, pennants, streamers, moving mechanisms, and light.~~

~~Sign area means the actual area of a sign, advertisement, individual letters or symbols, graphics, message, logo, announcement, etc., enclosed by a series of straight lines and forming a polygon.~~

~~Sign, awning, means a sign painted on, printed on, or otherwise attached against the valance of an awning.~~

~~Sign, A-frame/sandwich board, means a temporary, two-sided sign that generally is hinged at the top, usually placed on a sidewalk or along a public right-of-way.~~

~~Sign, balloon, means an inflated, airborne sign used for advertising purposes on a temporary basis, and usually tied down to the ground or a building.~~

~~Sign, banner, means any sign constructed of fabric, plastic, or similar material that normally is freely waving, temporary in nature, and displayed outdoors, and containing advertising, information, lettering, etc.~~

~~Sign, bench, means advertising placed upon the front or back portions of a bench located on public or private property.~~

~~Sign, billboard, means any structure or framework for signs which advertises or announces merchandise, goods, services, entertainment, etc., that are sold, manufactured, produced, or furnished at a place other than the location on which the structure or framework is located.~~

~~Sign, cabinet, means a single faced sign enclosed in wood, plastic, metal or some combination thereof, normally mounted or installed upon a wall or facade, usually with four sides and the single sign face.~~

~~Sign, changeable copy, means a sign the informational content of which can be changed by manual, mechanical, or electronic means, or some combination thereof.~~

~~Sign, electronic message, means a sign the informational content of which can be changed by electronic means.~~

~~Sign, freestanding, means a sign placed in, upon, or supported by the ground, and not attached to any building or structure. Typical freestanding signs include, but are not limited to, ground signs, monument signs, pylon signs, and pole signs.~~

~~Sign, general product, means a sign which advertises a product commonly available at a variety of commercial or retail establishments, including but not limited to alcoholic and nonalcoholic beverages, tobacco products, food products, candies, auto parts and accessories, clothes, etc.~~

~~Sign, inflatable, means an inflated sign that may be airborne or tethered to the ground or portion of a structure, used for advertising purposes on a temporary or permanent basis. An inflatable sign may be representational of a corporate logo, mascot, or advertising campaign.~~

~~Sign, light pole, means a sign, banner, steamer, etc., mounted on a light pole or similar structure, approved by the town commission and installed by the town, and providing holiday greetings, promotion for town-sponsored or town-approved public events.~~

~~Sign, marquee, means a sign attached to a marquee.~~

~~Sign, menu, means an outdoor display of a restaurant menu or offerings, attached to a wall or facade.~~

~~Sign, neon, means an illuminated wall sign, consisting principally of neon fixtures, which may indicate the name, logo, or similar information regarding the use of property which is advertised.~~

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~~*Sign, off-promises,* means a sign which advertises or announces merchandise, goods, services, entertainment, etc., that are sold, manufactured, produced, or furnished at a place other than the location on which the structure or framework is located.~~

~~*Sign, painted wall,* means a sign painted on a wall or facade of a building, visible from any public right-of-way.~~

~~*Sign, paper,* means a temporary sign, normally attached to a window, containing an advertisement or message intended to be viewed from the outside.~~

~~*Sign, parapet-mounted,* means a sign which is mounted or installed upon the parapet of a building.~~

~~*Sign, pennant,* means any sign constructed of fabric, plastic, or similar material that normally is freely waving, temporary in nature, and displayed outdoors, and containing distinctive colors, symbols, or patterns, and utilized as a means to attract attention.~~

~~*Sign, plastic lettering,* means a sign which consists solely of plastic letters mounted or installed on a wall or facade of a building.~~

~~*Sign, political,* means a sign designed and used for the purpose of soliciting support for or opposition to a candidate or proposition at a public election.~~

~~*Sign, projecting,* means a sign located under a canopy, awning, arcade, or colonnade, which is viewed from overhead, and is attached to and projects perpendicularly from a building wall or facade.~~

~~*Sign, roof-mounted,* means a sign mounted or installed on or above a roof or parapet, and is completely or partially supported by the building.~~

~~*Sign, snipe,* means a sign made of any type of material, including but not limited to wood, paper, plastic, cardboard, and metal, which is attached to trees, poles, fences, etc.~~

~~*Sign, special events,* means a temporary sign advertising or announcing any civic or special event of public interest.~~

~~*Sign, stab,* means a sign, mounted on angle iron or similar material, typically placed in the ground along public rights-of-way, announcing or advertising an establishment, goods or service, real estate for sale, real estate development, or political candidate or proposition.~~

~~*Sign, streamer,* means any sign constructed of fabric, plastic, or similar material that normally is freely waving, temporary in nature, and displayed outdoors, and containing distinctive colors, symbols, or patterns, and utilized as a means to attract attention.~~

~~*Sign, temporary,* means a sign installed for a limited period of time, and not constructed or intended for longterm use, including flags, banners, streamers, pennants, etc.~~

~~*Sign, wall,* means a sign installed, attached, painted, or otherwise affixed parallel to the wall or facade of a building, including murals or similar graphics.~~

~~*Sign, window,* means signs painted on, or hung inside or adjacent to a window, and intended to be viewed from the outside.~~

Substantial renovation means either of the following:

- (1) Repair, rehabilitation, restoration, reconstruction, alteration, expansion, or similar improvement, in a calendar year, in excess of 50 percent of the value of the improvements of the property, as determined by the most recent certified tax roll prepared by the county tax collector; or
- (2) Repair, rehabilitation, restoration, reconstruction, alteration, expansion, or similar improvement, over three calendar years, in excess of 50 percent of the value of the improvements of the property, as determined by the most recent certified tax roll prepared by the county tax collector.

Theater, indoor, means an enclosed building which offers to the public live performances or motion pictures.

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Thrift/used merchandise/junk store means a retail establishment, including a flea market, which sells ordinary used, secondhand, or junk merchandise, including but not limited to vehicular or marine engine and body parts, books, clothes, electronic and mechanical equipment and parts, furniture, household goods, jewelry, shoes, tools of all kinds, toys, etc., that are donated, purchased or otherwise acquired for resale.

Waiver means a relaxation in property development regulations or other numeric or dimensional standards, including setbacks, lot coverage, height, etc., that may be granted by the town commission upon a showing of hardship or unique circumstances.

- (c) *Consistency with comprehensive plan.* All land uses, structures, and related activities associated with property within the Park Avenue Downtown District shall be consistent with the town comprehensive plan.
- (d) *Applicability.* The provisions of this section shall apply in any area zoned Park Avenue Downtown District by the town commission, as indicated on the official zoning map.
- (e) *Permitted and conditional uses.* Permitted and conditional uses within the Park Avenue Downtown District are established by Table 78-70-1.
 - (1) *Conformance with Table 78-70-1.* Following the effective date of the ordinance from which this section is derived, the use of all new or existing buildings, structures, and properties shall conform with the requirements of Table 78-70-1.
 - (2) *Prohibited uses.* Any use not listed as a permitted or conditional use in Table 78-70-1 or not recognized as a similar use is a prohibited use and may not be established in the Park Avenue Downtown District.
 - (3) *Similar uses.* A use not listed in Table 78-70-1, but possessing similar characteristics, such as size, intensity, density, operating hours, business practices, etc., may be established subject to development approval as established by this section. The determination of the nature of such use shall be made by the town manager, or designee. Appeals of such determinations shall be made to the town commission.
 - (4) *Utilities required.* All uses within the Park Avenue Downtown District shall connect with water and sewer service prior to receiving an occupational license.
 - (5) *Accessory uses.* Uses customarily incidental and subordinate to the principal uses allowed by Table 78-70-1 and located within the same building or lot are permitted. An accessory use shall comply with all requirements applicable to the principal use. If a structure comprises all or part of a permitted accessory use, such structure shall be consistent with the architectural style, color, materials, etc., of the principal structure and use.
 - (6) *Applicability of additional standards.* The additional standards noted in the righthand column of Table 78-70-1 shall apply to each use as indicated, in addition to any other requirements of this section or this Code.
- (f) *Regulated activities.* The provisions of this section shall apply to all requests for development approval within the Park Avenue Downtown District.
 - (1) *Development approvals.* The following categories of development approval are established:
 - a. All requests for development approval to establish a permitted or conditional use;
 - b. All buildings and structures constructed, expanded, or altered following adoption of this section;
 - c. All land uses, uses of structures and property, and accessory uses established following adoption of this section;
 - d. All existing land uses, uses of structures and property, and accessory uses legally established prior to the adoption of the ordinance from which this section is derived as provided by this section and article VII of this chapter; and

'or designee' added throughout since by practice, the community development department handles the enforcement of these PADD provisions

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- e. All substantial renovation of any existing building or structure located within the Park Avenue Downtown District.
- (2) *Appeals.* Appeals of any decision by the community development director regarding a determination of the exact valuation of any proposed substantial renovation of any existing building or structure shall be made to the planning and zoning board subject to section 54-98.
- (3) *Development review.* Review of all proposed development, or establishment of a new use, or change of use within the Park Avenue Downtown District shall occur as provided herein.
- (4) *Authority to file.* An application for development approval may be filed by the following:
 - a. The owner/owners of the property;
 - b. An individual, corporation, trustee, etc., authorized by the owner to file such application; and
 - c. The town.
- (5) *Permitted and conditional uses.* Any use classified by Table 78-70-1 as a "permitted" or "conditional use" by this section shall be subject to the development review procedure provided herein and shall:
 - a. Conform to the requirements of this section;
 - b. Conform to the requirements of this Code;
 - c. Obtain any necessary development order required by this section;
 - d. Conform to any applicable requirement of a prior development order issued by the town;
 - e. Obtain, if necessary, a building permit;
 - f. Complete all requirements of the building permit;
 - g. Apply for and obtain any other necessary permits issued by other governmental agencies; and
 - h. Obtain required occupational licenses [business tax receipts] from the town and county.
- (6) *Application materials and fees.* Application materials required by this section shall be submitted in a form and in such numbers as required by Table 78-70-2. Applications shall be accompanied by such fees as determined by the town commission. Fees shall be required for all applications, excluding those applications filed by the town. The content of application materials shall be determined by the town manager, or designee.
- (7) *Sufficiency of applications.* Upon receipt of an application, the town, or designee shall determine if an application is sufficient for development review. This determination shall be made within ten days of application filing. If an application is determined to be insufficient, the applicant shall be notified of the deficiencies in writing by the town, or designee. An application deemed insufficient shall not be processed until all deficiencies are corrected. Absent good faith efforts to correct any deficiencies, an application shall be considered withdrawn when the deficiencies are not corrected within 30 days. If an application is withdrawn, it shall be returned to the applicant.
- (8) *Consolidated applications.* Consolidated applications, which request simultaneous consideration of other applicable development approvals from the town, are encouraged.
- (g) *Agency review.* As part of the town's overall development review process, the town manager, or designee may distribute the application and supporting materials to such town departments and other governmental agencies as deemed necessary for a complete review. Comments from other departments or agencies shall be solicited, and shall be included within any report prepared by the department.

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- (h) *Permitted uses.* The provisions of this section shall apply to any use classified by Table 78-70-1 as a permitted use.
- (1) *Application.* If necessary, an application for a building permit shall be filed with the community development department. If a building permit is required, an application for a business tax receipt shall be required in accordance with the provisions of chapter 28, article II, of this Code.
 - (2) *Community development department review.* The community development department shall review the application to ensure compliance with the requirements of this section and this Code, and to determine if any other governmental permits are required prior to establishment of a proposed use.
 - (3) *Review criteria.* An application for establishment of a permitted use shall comply with the criteria listed below:
 - a. Conformance with the requirements of this section, including any standards contained in Table 78-70-1, and applicable architectural, landscaping, parking, or supplemental standards;
 - b. Conformance with the requirements of this Code;
 - c. Conformance with applicable requirements of a prior development order issued by the town;
 - d. Conformance with all requirements of any other governmental agencies; and
 - e. Conformance with occupational licenses from the town and county.
 - (4) *Appeals.* Appeals of a decision regarding establishment of a permitted use by the town manager, or designee shall be heard by the town commission.
- (i) *Administrative approvals.* The provisions of this section shall apply to any use classified by Table 78-70-1 as requiring administrative approval.
- (1) *Applications.* Applications for administrative approvals shall be filed with the community development department.
 - (2) *Community development department review.* The town manager, or designee shall review each application for administrative approval within 14 days of a determination of application sufficiency pursuant to subsection (f)(7) of this section. Prior to expiration of the 30-day period, the town manager, or designee may approve or deny the application, or approve the application with conditions consistent with the requirements of this section. The town manager's, or designee's action shall be consistent with all standards and criteria of this section and this Code.
 - (3) *Review criteria.* An application for administrative approval shall comply with the criteria listed below:
 - a. Conformance with the requirements of this section, including any standards contained in Table 78-70-1, and applicable architectural, landscaping, or supplemental standards;
 - b. Conformance with the requirements of this Code;
 - c. Conformance with applicable requirements of a prior development order issued by the town;
 - d. Conformance with all requirements of any other governmental agencies; and
 - (4) *Appeals.* Appeals of a decision regarding an administrative approval by the town manager, or designee shall be heard by the town commission.
- (j) *Conditional uses.* The provisions of this section shall apply to any use classified by Table 78-70-1 or this section as a conditional use.

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- (1) *Application.* Applications for conditional use approval shall be filed with the community development department.
- (2) *Public notice.* Notice of public hearing shall be provided by the community development department pursuant to section 78-183.
- (3) *Community development department review.* The town manager, or designee shall review each application for conditional use approval subject to the applicable criteria and standards of this Code and section. Subject to a determination of application sufficiency pursuant to subsection (f)(7) of this section, the application shall be scheduled for consideration by the town commission. There shall be at least 21 days between a sufficiency determination and consideration by the town commission. The town manager, or designee shall provide a report to the town commission recommending approval or denial of the application, or approval of the application with conditions.
- (4) *Town commission public hearing.* The town commission shall hold a public hearing to consider the request for conditional use approval. The town commission shall consider the review criteria of subsection (j)(6) of this section, and approve or deny the application, or approve the application with conditions.
- (5) *Planning and zoning board.* The town commission, prior to any final decision, may refer an application for conditional use approval to the planning and zoning board. The planning and zoning board shall provide to the town commission an advisory recommendation subject to the review criteria of subsection (j) of this section. The planning and zoning board recommendation shall be made within 45 days after the application is referred for review.
- (6) *Review criteria.* An application for conditional use approval shall comply with the criteria listed below:
 - a. Conformance with the requirements of this section, including any standards contained in Table 78-70-1, and conformance with applicable architectural or landscaping if there is new construction or substantial renovation associated with the application;
 - b. Conformance with the requirements of this Code;
 - c. Conformance with applicable requirements of a prior development order issued by the town;
 - d. Conformance with all requirements of any other governmental agencies; and
 - e. Conformance with occupational licenses from the town and county.
- (k) *New construction or substantial renovation.* The provisions of this section shall apply to the following: construction of any new building or structure more than 2,500 square feet in size, any substantial renovation of an existing structure, and any new structure or expansion of an existing structure in excess of two stories or 25 feet in height. New construction and improvements of this nature shall be classified as a conditional use, subject to town commission approval as provided herein.
 - (1) *Application.* Applications for development shall be filed with the community development department.
 - (2) *Public notice.* Notice of public hearing to permit the construction shall be provided by the community development department pursuant to section 78-183.
 - (3) *Community development department review.* The town manager, or designee shall review each application for development subject to the applicable criteria and standards of this Code and section. Subject to a determination of application sufficiency pursuant to section subsection (f)(7) of this section, the application shall be scheduled for consideration by the planning and zoning board. There shall be at least 21 days between a sufficiency determination and consideration by the planning and zoning board. The town manager, or designee shall provide a

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- report to the planning and zoning board recommending the board approve or deny the application, or to approve the application with conditions.
- (4) *Planning and zoning board public hearing.* The planning and zoning board shall hold a public hearing on the request for development approval. The planning and zoning board shall consider the criteria listed in subsection (k)(6) of this section, and present an advisory recommendation to the town commission for approval or denial of the application, or approval of the application with conditions.
 - (5) *Town commission public hearing.* Following action by the planning and zoning board, the town commission, at its next available meeting, shall hold a public hearing to consider the request for development approval. The town commission shall consider the review criteria of subsection (k)(6) of this section, and approve or deny the application, or approve the application with conditions.
 - (6) *Review criteria.* An application for development approval shall comply with the criteria listed below:
 - a. Conformance with the requirements of this section, including any standards contained in Table 78-70-1 and any applicable architectural or landscaping standards;
 - b. Conformance with the requirements of this Code;
 - c. Conformance with applicable requirements of a prior development order issued by the town;
 - d. Conformance with all requirements of any other governmental agencies; and
 - e. Conformance with occupational licenses from the town and county.
- (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 subsection 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.
- (1) *Prohibited waivers.* The town commission shall not grant a waiver that would allow a use to be established that is otherwise prohibited by this section. The town commission shall not grant a waiver to the standards required in Table 78-70-1.
 - (2) *Application.* Applications for waiver approval shall be filed with the community development department.
 - (3) *Public notice.* Notice of public hearing shall be provided by the community development department pursuant to this section.
 - (4) *Community development department review.* The town manager, **or designee** shall review each application for waiver approval subject to the criteria of subsection (l)(7) of this section. Subject to a determination of application sufficiency pursuant to subsection (f)(7) of this section, the application shall be scheduled for consideration by the planning and zoning board. There shall be at least 30 days between a sufficiency determination and consideration by the planning and zoning board. The town manager, **or designee** shall provide a report to the planning and zoning board recommending the board approve or deny the application, or to approve the application with conditions.
 - (5) *Planning and zoning board public hearing.* The planning and zoning board shall hold a public hearing on the request for waiver approval. The planning and zoning board shall consider the criteria of subsection (l)(7) of this section, and present an advisory recommendation to the town commission for approval or denial of the waiver.

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- (6) *Town commission public hearing.* Within 60 days following action by the planning and zoning board, the town commission shall hold a public hearing to consider the request for waiver approval. The town commission shall consider the review criteria of subsection (l)(7) of this section, and approve or deny the waiver, or approve the waiver with conditions.
- (7) *Review criteria.* An application for waiver approval shall comply with a preponderance of the criteria listed below:
 - a. The application is consistent with the comprehensive plan;
 - b. The application is consistent with the intent of this section;
 - c. The application furthers the town's goal to establish a neighborhood and community-serving urban center;
 - d. The application furthers the town's goal to create a pedestrian-friendly environment;
 - e. The application furthers the architectural and site design elements of this section;
 - f. The application demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved or proposed, and which are not applicable to other lands, structures, or buildings in the Park Avenue Downtown District;
 - g. The application demonstrates that the special conditions and circumstances do not result from the actions of the applicant;
 - h. The application demonstrates that granting the waiver requested will not confer upon the applicant any special privilege that is denied by this section to other lands, buildings, or structures in the Park Avenue Downtown District;
 - i. The application demonstrates that literal application of the provisions of this section would deprive the applicant of rights commonly enjoyed by other properties within the Park Avenue Downtown District;
 - j. The application demonstrates that the waiver requested is the minimum waiver that will make possible the reasonable use of the land, building, or structure;
 - k. The application demonstrates the request for waiver is not based solely upon economic reasons; and
 - l. The application demonstrates the request for waiver will be in harmony with the general intent and purpose of this section, and that such waiver or waivers will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare.
- (m) *Property development regulations.* The property development regulations listed in Table 78-70-3 shall apply within the Park Avenue Downtown District.
- (n) *Supplemental district regulations.* The following regulations shall apply to all uses and structures within the Park Avenue Downtown District:
 - (1) *Screening of dumpsters and similar containers.* Dumpsters and similar containers, including recycling bins, compactors, etc., shall be screened in a manner consistent with the requirements of the town (see Figure 1). Dumpster and container screening enclosures shall be constructed in a manner consistent with the architectural style, color, materials, etc., of the principal use. Dumpsters and similar containers shall be located only at the rear of a building or structure.
 - (2) *Screening of mechanical equipment.* Roof-mounted, wall-mounted, and ground-mounted mechanical equipment shall be screened from public view. Mechanical equipment screening enclosures or structures shall be constructed in a manner consistent with the architectural style, color, materials, etc., of the principal use. All mechanical equipment shall be located only at the rear of a building or structure.

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- (3) *Walkways.* All new construction or substantial renovation of existing buildings and structures shall include one or more clearly delineated walkways from the public sidewalk to the private sidewalk, arcade, pedestrian way, etc. Walkways shall be constructed in a manner acceptable to the town manager, or designee. Walkways shall be constructed of materials consistent with or complementary to the public walkways or sidewalks installed along Park Avenue by the town. Examples of other complementary materials include paver blocks or alternative style or color, new and used brick, and concrete stamped with a pattern.
- (4) *Awnings, window and door.* Awnings above windows or doors may be constructed of plastic or canvas fabric and be solid or striped, and reflect a variety of colors, including white, black, and light or dark blue, red, green, and brown. Backlit awnings are subject to the approval of the town manager, or designee.
- ~~(5) *Alley screening walls.* All new construction or substantial renovation of existing buildings and structures shall construct or reconstruct a solid masonry or concrete wall eight feet in height. The wall shall be located along the opposite side of that portion of the alley that is coterminous with the rear property line of the parcel being improved. Chainlink and wooden fences are prohibited. Alley screening walls shall be constructed in a manner consistent with requirements adopted by the town. Construction and maintenance responsibilities for the required wall shall be determined by article IV of this chapter regarding walls and fences.~~
- (6) *Security bars, shutters, gates, and awnings.* The use of security bars, shutters, gates, awnings, and related equipment visible from a public right-of-way is prohibited. Buildings constructed in the Mediterranean Revival architectural style may install wrought iron window grilles or similar features, subject to approval by the town manager, or designee. The town manager, or designee may approve security devices which are consistent with an alternative architectural style as permitted by this section.
- (7) *Storage.* Outdoor storage of goods, materials, and equipment is prohibited. Indoor storage of goods, materials, and equipment visible from public or private sidewalks or public rights-of-way is prohibited. Indoor storage of goods, materials, and equipment is prohibited except as an accessory to the principal use of the structure. This section does not prohibit the display of merchandise in retail businesses.
- (8) *Underground utilities.* The town commission may require existing overhead utilities to be placed underground when located on property subject to new construction or substantial renovation. The underground installation shall occur in a manner acceptable to the town manager, or designee.
- (9) *Ground floor windows.* Window displays and coverings are permitted, but shall remain aesthetically consistent and allow for some visibility for public safety. 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 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 preapproved 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.~~

Section 70-61(d) refers to Section 78-253(c)(9). Staff is in favor of having the PADD adhere to the visibility triangle requirements for safety reasons.

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- (10) **Sight triangles.** Land within the Park Avenue Downtown District is exempt from the requirements of section 70-61(d) regarding sight triangles for public rights-of-way intersecting with Park Avenue.
- (11) *Alley deliveries.* Deliveries of merchandise and goods shall be limited to the hours of 7:00 a.m. to 7:00 p.m. along all portions of the alley abutting a residential zoning district.
- (12) *Drive-in/drive-through facilities.* Drive-in or drive-through facilities are prohibited for any use within the Park Avenue Downtown District.
- (13) *Outdoor lighting.* Freestanding outdoor lighting shall be installed in a manner consistent with requirements and specifications adopted by the town. Wall-mounted outdoor lighting fixtures shall be consistent with the architectural style of the principal structure. Outdoor lighting shall comply with chapter 54 of this Code, relating to safety and security.
- ~~(14) *Public telephones.* Wall-mounted and freestanding public telephones visible from a public right-of-way shall be fully or partially enclosed in a manner consistent with design requirements adopted by the town.~~
- ~~(15) *Vending machines.* Vending machines dispensing beverages, food, ice, and related consumer products shall not be visible from a public right-of-way. Vending machines may be located in outdoor enclosures, provided such enclosures are constructed utilizing the same architectural style, materials, colors, etc., as the principal structure. All vending machines currently located within the Park Avenue Downtown District shall comply with this requirement within 180 days of the effective date of this section.~~
- (16) *Minor improvements.* Minor improvements shall be consistent with applicable requirements of this section, and are subject to approval by the town manager, or designee.
- (17) *Exterior improvements.* Exterior improvements which involve complete or partial removal, renovation, alteration, addition, demolition, etc., to the walls or facades of existing buildings shall be accompanied by architectural elevations. This requirement may be waived by the town manager, or designee for projects which are of minimal impact.
- (18) *Enclosed buildings.* All principal uses within the Park Avenue Downtown District shall occur within enclosed buildings or structures. This requirement shall not apply to permitted accessory uses such as outdoor seating or outdoor display of merchandise, mechanical equipment, dumpsters and related refuse disposal equipment, or other uses incidental and subordinate to the principal use. All unenclosed principal uses currently within the Park Avenue Downtown District shall comply with this requirement within 180 days of the effective date of this section.
- (o) *Off-street parking and loading.* Parking and loading requirements for the Park Avenue Downtown District are provided herein. The general parking requirements in the Town Code that apply to all zoning districts, do not apply to the Park Avenue Downtown District.
 - (1) *Loading requirements.* Loading requirements for all uses within the Park Avenue Downtown District are established by Table **78-70-4**. Recently updated
 - (2) *Loading spaces.* Loading spaces shall not be located along Park Avenue or other public rights-of-way, excluding alleys. The town manager, or designee may approve a loading space located completely or partially in the public portion of an alley, provided such location will not adversely affect vehicular circulation.
 - (3) *Valet parking.* The town manager, or designee may authorize the use of valet parking for any use within the Park Avenue Downtown District. Valet parking services shall not utilize public parking spaces. Valet parking shall not reduce more than 50 percent of the on-site parking requirements of a use providing such service. A request to establish valet parking shall contain the following information:
 - a. The location of the valet parking booth or area;
 - b. The location and number of private parking spaces to be utilized for valet parking;

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- c. Evidence that the business owns the parking spaces proposed for valet use or a copy of any agreement, lease, etc. which provides the business with the right to use spaces owned by another individual or entity for valet parking;
 - d. The impact of the valet parking service on users who do not patronize the service;
 - e. The hours of operation;
 - f. Location and text of any signage associated with the valet parking spaces; and g. Buffering or screening that is necessary to mitigate any visual or noise-related impacts on any adjacent residential properties.
- (4) *Parking dimensions.* The minimum dimensions for parking spaces, travel aisles, etc., shall conform to requirements as indicated on Tables 78-70-6 and 78-70-1.
- (5) *Through traffic/street closure.* The town may consider requests by adjacent commercial property owners to eliminate portions of Seventh, Eighth, and Ninth Streets located within the Park Avenue Downtown District. Elimination of certain portions may be used as a means to provide additional on-street parking however, two-way traffic shall remain in place at all times and adjacent residential properties should be considered in the review along with additional landscaping to beautify the parking areas. Eliminations shall be approved based upon such factors as the following:
- a. Provision of emergency services would not be adversely affected;
 - b. Overall traffic circulation would not be adversely affected;
 - c. Additional on-street parking will be provided at no cost to the town, unless otherwise approved by the town commission;
 - d. Additional parking improvements will enhance and increase pedestrian opportunities and amenities, including landscaping, street furniture, well-delineated pedestrian walkways, lighting, overhead weather protection, etc.;
 - e. Additional parking improvements to be installed shall be compatible with the Park Avenue improvements installed by the town; and
 - f. All requests for street closure for parking purposes shall be approved by the town commission, following an advisory recommendation by the planning and zoning board.
- (6) *Off-street parking spaces.* The number of off-street parking spaces required for a use may be accommodated on the property owner/developer's private property or through available public parking spaces pursuant to the Downtown Public Parking Master Plan identified in *Table 78-70-4*. Off-street parking requirements are established by *Table 78-70-4*. Shared and joint parking reductions may also be achieved through Cross and Joint Parking Easement Agreements approved by the commission as part of a development proposal and pursuant to Town Code section 78-144.

- (p) *Signs.* The Town's general signage code shall apply to the Park Avenue Downtown District except for freestanding signs, which shall be permitted on a temporary nature as special event signage as identified in the Town's general signage code, or as a monument sign for a permanent sign. Monument signs are limited to freestanding structures that are a maximum of 6 feet in height with a maximum 6 foot base width with a signage area not covering more than 75% of the surface area of the monument. Setbacks and all other associated land development regulations are governed by the Town's general signage code. Substantial renovations or new constructions shall discourage monument signs so as to encourage zero setback building lines. A master sign plan is encouraged for all parcels in the Park Avenue Downtown District to promote consistency in the number, size, location, color, copy, etc., or any combination thereof, of signs permitted for a specific use or structure. A master sign plan for any new structure containing more than one use shall be required. Any application for substantial renovation of an existing structure containing more than one use shall include a master sign plan. The use of an Airbnb and Bed and Breakfast Inn, as permitted per Table 78-70-1, shall only be allowed to install signage pursuant to the provisions per Table 78-70-1.

It was recommended deferring to the general signage Code and allowing smaller monument signs until sites redevelop.

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All associated signage reviews will consider the quality and overall design elements of the proposed signs. Signs with dimension or depth are strongly encouraged and preferred.

~~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 10th 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.~~
- ~~(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;~~

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- ~~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;~~
 - ~~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 four 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.~~
- ~~(3) Size and location of permitted signs. The size, location, copy, and other limits of permitted signs are indicated in Table 78-70-7.~~
- ~~(4) Master sign plan. A master sign plan approved by the town commission may further limit the number, size, location, color, copy, etc., of signs permitted for a specific use or structure. A master sign plan for any new structure containing more than one use shall be required. Any application for substantial renovation of an existing structure containing more than one use shall include a master sign plan.~~
- ~~(5) Construction and design requirements. Signs installed within the Park Avenue Downtown District must 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 consistent and harmonious with the colors, materials, and architectural style of the premises on which the sign is to be located and surrounding properties.~~
 - ~~b. 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~~

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~~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 unpleasing; 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.** 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 are prohibited, unless approved by the community development director.~~
 - ~~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~~

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~~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, 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 subsection 78-70(p) shall apply to all signs, and specifically including signs which were constructed or installed prior to the enactment of subsection 78-70(p). All signs that do not conform to the requirements of subsection 78-70(p) are illegal nonconforming signs, and must be removed or brought into compliance with the requirements of section 78-70(p) are [as] expressly required by subsection 78-70(p)(8)a. and b.~~
- ~~a. Illegally constructed or installed signs shall be removed immediately, or may become the subject of code enforcement action commenced by the town.~~
- ~~b. After August 6, 2002, all nonconforming signs shall be removed or be brought into compliance with the requirements of this subsection 78-70(p).~~
- ~~(9) *Permit required.* It shall be unlawful for any person or entity to erect, construct, post, display, or install any sign, lettering, or other form of advertising structure as herein defined, with the exception of political signs, in the PADD, without first obtaining the approval of the proposed signage and the required permit(s) from the town.~~
- ~~(10) *Administrative sign waivers procedure.*~~
- ~~a. *Sign waivers.* Waivers from the strict interpretation of subsection 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 subsection 78-70(p), as applied to the applicant, would deprive the applicant of rights commonly enjoyed by persons who are similarly situated;~~

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- ~~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 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.~~

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- (q) *Landscaping.* The provisions of this section are established to provide the Park Avenue Downtown District with landscaping that reinforces the visual features of the entire district, recognizes and provides shelter from the area's climatic characteristics, reinforces and is consistent with the architectural style of the area, and encourages pedestrian movement.
- (1) *Alleys.* Alleys shall be landscaped consistent with ~~a the town-installed Greenbrier Court demonstration project, or similar~~ plan as adopted by the town commission.
- (2) *Parking lots.* Parking lots, whether a principal or accessory use, shall provide landscaping consistent with the requirements of this section.
- a. A landscape buffer, at least five feet in width shall be provided along all sides of the parking lot, excluding that side or sides which abut a building. Unless approved by the town manager, ~~or designee~~, the landscape buffer shall not be utilized for drainage purposes. One or more pedestrian walkways may be provided through the landscape buffer. A waiver to the minimum landscape buffer may be requested pursuant to subsection (l) of this section if such buffer may reduce the number of parking spaces on a property.
- b. The landscape buffer shall be protected from vehicular encroachment through the use of curbs or wheel stops.
- c. The design of the parking lot shall be approved by the town manager, ~~or designee~~.
- d. Canopy trees shall be installed in the landscape buffer at a maximum of 30 feet on center. The canopy trees, at maturity, shall be of a species which possess an average spread of at least 25 feet and a clear trunk of at least five feet. The town manager, ~~or designee~~ may approve the use of trees with a lesser mature canopy, provided that groupings of such species are utilized to achieve the average spread.
- e. Within the landscape buffer, a group of three palm trees may be substituted for one required canopy tree. Palms must attain a minimum 12 feet in height at maturity. Palms must be resistant to lethal yellowing. Not more than 50 percent of the required canopy trees may be replaced by palm trees.
- f. Within the landscape buffer, a hedge shall be installed at a minimum of two feet in height and two feet on center. Within two years, the hedge shall attain a minimum height of three feet.
- g. At least one planter island for each ten parking spaces shall be provided. In addition, planter islands shall be located at each end of each row of parking. Planter islands shall be a minimum of 75 square feet in area. The town manager, ~~or designee~~ may approve the use of landscape diamonds for interior parking lot tree planting, excluding islands at the end of parking rows. Each planter island shall contain at least one canopy tree for each 100 square feet of area or fraction thereof, in addition to shrubs and ground cover. Landscape diamonds shall be at least 16 square feet in size.
- h. All landscaping buffers and islands within a parking lot shall be irrigated.
- i. When accessory parking lots are installed as part of new construction or substantial renovation, the overall landscape plan for the principal structure and parking lot shall be consistent.
- j. At least 50 percent of the landscape materials within a parking lot shall conform to the materials installed by the town as part of the Park Avenue improvements. The remaining materials may be selected from the list in subsection (q)(3)j of this section.
- (3) *New construction and substantial revision.* New construction or substantial renovation shall conform to the requirements of this section.
- a. *Area to be landscaped.* At least ten percent of the total lot area, excluding any area utilized for required parking, shall be landscaped.

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- b. *Waiver of required landscaping.* Town commission may grant a waiver, subject to the criteria of subsection (l)(7) of this section, to the ten percent landscaping requirement.
- c. *Landscaping concept.* There are no minimum planting, buffer, or other similar requirements. It is the town commission's intent that landscaping be provided in a manner that:
 - 1. Is consistent with the landscaping and materials installed by the town along Park Avenue;
 - 2. Is consistent with the pedestrian-orientation of the Park Avenue Downtown District;
 - 3. Is consistent with the landscape principles for urban landscaping in this climate; and
 - 4. Is consistent with, and enhances, the overall architectural style of the Park Avenue Downtown District.
- d. *Overall landscaping.* The required area to be landscaped may include any of the following:
 - 1. Entry features;
 - 2. Massing of landscaping to produce focal points;
 - 3. Foundation plantings;
 - 4. Trellises, arbors, and similar structures;
 - 5. Planter and flower boxes;
 - 6. Freestanding planters and pottery;
 - 7. Sidewalk plantings;
 - 8. Landscaped courtyards, loggias, patios, and similar open areas available for public use;
 - 9. Materials installed within publicly owned lands; and
 - 10. Materials installed at other locations that will benefit the public, pedestrians, and the overall appearance of the Park Avenue Downtown District.
- e. *Approval of landscape plans.* Unless otherwise directed by a development approval granted by the town commission, all landscape plans shall be approved by the town manager, **or designee**.
- f. *Preparation and content of landscape plans.* All landscape plans shall be prepared by a landscape architect licensed by the state. Landscape plans shall include the following elements:
 - 1. Location of all plant material;
 - 2. Quality of all plant material;
 - 3. Quantity of all plant material;
 - 4. Average size of all plant material;
 - 5. Spacing of all plant material;
 - 6. Name of all plant material, both common and botanical;
 - 7. Mulching to be utilized;
 - 8. Fertilizing to occur;
 - 9. Planting area preparation;
 - 10. Location of underground and aboveground utilities, easements, drainage proposed within landscaped area, and other similar improvements affecting the plant material;

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11. Approximate elevation of landscaped areas;
 12. Location of proposed improvements;
 13. Description of general installation techniques to be utilized;
 14. Planting details for trees, palms, shrubs, ground cover, turf, grass, etc.;
 15. Planting details for planting boxes, pottery, etc.;
 16. Location of proposed paving;
 17. Location of proposed walkways from public rights-of-way;
 18. Location of proposed building pass-throughs from the alley to front of buildings;
 19. Location of proposed parking areas, vehicular circulation, and access to public rights-of-way;
 20. Statement regarding proposed irrigation design and equipment specifications;
 21. Statement, if applicable, regarding compatibility of trees and palms with overhead power lines; and
 22. Other information as may be required by the town.
- g. *Installation, maintenance, and plant material quality.* Installation, maintenance, and plant material quality of all landscape materials shall be consistent with article VIII of this chapter.
- h. *Materials utilized.* At least 50 percent of all trees utilized shall be consistent with the species used for the Park Avenue improvements or species utilized or required by the town for alley improvements. The remaining trees shall be selected from the list provided in subsection (q)(3)j of this section.
- i. *Permitted plant material.* The following landscape materials are permitted within the Park Avenue Downtown District.
- j. *Permitted trees.* Trees may be selected from the list presented below:
1. Beauty Leaf (*Calophyllum inophyllum*);
 2. Black Calabash (*Enallagma latifolia*);
 3. Black Olive (*Bucida buceras*);
 4. Blolly (*Guapira discolor*);
 5. Buttonwood/Silver Buttonwood (*Conocarpus erectus*);
 6. Coconut Palm (*Cocos nucifera "malayan"*);
 7. Cuban Tamarind (*Lysioma sabicu*);
 8. Dahoon Holly (*Ilex Cassine*);
 9. Flowering Dogwood (*Cornus florida*);
 10. Frangipani (*Plumeria spp.*);
 11. Geiger Tree (*Cordia Sebestena*);
 12. Gumbo Limbo (*Bursera simaruba*);
 13. Hackberry (*Celtis laevigata*);
 14. Lignum Vitae (*Guaiacum sacatum*);
 15. Jacaranda (*Jacaranda acutifolia*);


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16. Magnolia (*Magnolia grandiflora*);
17. Mahogany (*Swietenia mahogani*);
18. Mimusops (*Manilkara roxburghiana*);
19. Oak (*Quercus sp.*);
20. Orchid Tree (*Bauhinia spp.*);
21. Paradise Tree (*Simarouba glauca*);
22. Pigeon Plum (*Coccoloba diversifolia*);
23. Pink Trumpet (*Tabebuia pallida*);
24. Pitch Apple (*Clusia rosea*);
25. Red Bay (*Persia burbonia*);
26. Red Maple (*Acer rubrum*);
27. Royal Palm (*Roystonea elata*);
28. Royal Poinciana (*Delonix regia*);
29. Satin Leaf (*Chrysophyllum oliviforme*);
30. Sea Grape (*Coccoloba uvifera*);
31. Sea Hibiscus (*Hibiscus tiliaceus*);
32. Slash Pine (*Pinus elliottii*);
33. Soapberry (*Sapindus saponaria*);
34. Strong Bark (*Bareiro succulenta var. revoluta*);
35. Stoppers (*Eugenia spp.*);
36. Tamarind (*Lysiloma tatisilique*);
37. Tamarind (*Tamarindus indica*);
38. Tree of Gold (*Tabebuia argentea*);
39. Twinberry (*Myricanthes fragrans*);
40. Washington Palm (*Washingtonia robusta*); and
41. Wax Myrtle (*Myrica cerifera*).

- k. *Bushes and shrubs.* Bushes and shrubs shall be consistent with the species used for the Park Avenue improvements or alley improvements landscape plan adopted by the town.
 - l. *Ground cover.* Ground cover shall be consistent with the species used for the Park Avenue improvements or alley improvements landscape plan adopted by the town.
 - m. *Alternative landscape materials.* Subject to approval by the town manager, or designee, a landscape plan may utilize one or more materials not specifically authorized by this section. Alternative landscape materials must be demonstrated to be consistent with the purposes and intent of this section.
- (r) *Architectural requirements.* The provisions of this section are established to provide the Park Avenue Downtown District with an overall, harmonious architectural style that is consistent with the area's history, provides a human-scale environment, and will assist in revitalizing and redevelopment of the entire area.
- (1) *Architectural environment.* The overall, harmonious architectural environment envisioned by the section shall include the following elements:

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Encourage
flexibility

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- a. An overall, unified design and character for the Park Avenue Downtown District;
 - b. An overall style utilizing Mediterranean Revival architecture, or alternative architectural style as provided herein as indicated conceptually in Figures 78-70-4 and 78-70-5;
 - c. A massing of buildings, which helps create a pedestrian environment;
 - d. Ground level retail space or other ground level amenities which are of interest to pedestrians;
 - e. Avoidance of blank walls, dead spaces, or similar features without pedestrian interest;
 - f. A use of common features such as parapet or clay tile roofs, the shape of windows and doors, and ornamentation;
 - g. A variety of protective features, attentive to the South Florida climate, such as arcades and awnings, building overhangs, landscaping, and the size, location, and shape of windows and doors; and
 - h. The use of textured or smooth stucco, roof tiles, painted window frames, and stucco moldings.
- (2) *Alternative architectural styles.* The town commission, following an advisory recommendation by the planning and zoning board, may authorize the use of either Spanish Mission, Spanish Colonial, Mizner, Florida Vernacular, Key West, Bermuda/Island, or similar complementary architectural style. However, the use of such alternative architectural style shall be consistent with the overall pedestrian-oriented character as provided herein.
- (3) *Architectural examples.* The following are cited as examples of Mediterranean Revival architecture, appropriate to be considered for design purposes for new construction or substantial renovation within the Park Avenue Downtown District:
- a. Lake Park Town Hall;
 - b. 918 Building, Park Avenue, Lake Park;
 - c. Paramount Theatre and Shops, 145 N. County Road, Palm Beach;
 - d. Via Mizner, Worth Avenue, Palm Beach;
 - e. Via Parigi, Worth Avenue, Palm Beach;
 - f. Worth Avenue, between the Everglades Club and Memorial Fountain and Plaza, Palm Beach;
 - g. Seaboard Coastline Railroad Station, West Palm Beach;
 - h. Florida East Coast Railroad Station, Boca Raton;
 - i. 71 North Federal Highway, Old Boca Raton City Hall, Boca Raton; and
 - j. Boynton Beach Women's Club, Boynton Beach.
- (4) *Town commission approval required.* As provided by subsection (j) of this section, the town commission, following an advisory recommendation by the planning and zoning commission, may deny, approve, or approve with conditions all new buildings in excess of 2,500 square feet, any substantial renovation of an existing structure, or any expansion or alteration of an existing structure which creates a building height in excess of 25 feet or two stories. This approval shall include specific architectural elevations or renderings of such proposed construction, renovation, expansion, or alteration, including building colors, roof treatments and materials, style and location of windows and doors, etc. This approval shall include a site plan and landscape plan.
- (5) *Major architectural elements.* The following is a list of major architectural elements that may be included within an overall plan to construct, substantially renovate, expand, or alter a structure or building within the Park Avenue Downtown District.

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- a. *Roofs.* Roof characteristics include:
 1. Flat roofs with parapet an average of four feet in height;
 2. Hip or gable roofs, minimum of 4:12 pitch;
 3. Red barrel, "S" shape, or similar style clay or cement tiles, or equivalent material; and
 4. Exposed rafter tails.
- b. *Pedestrian walkways.* Pedestrian walkways shall be provided along the front and sides of buildings. Pedestrian walkways shall be integrated with adjacent properties which provide similar facilities. Pedestrian walkway characteristics include:
 1. Arcades, with minimum width of eight feet and minimum height of 12 feet;
 2. Awnings, with minimum width of eight feet and minimum clearance of eight feet;
 3. Colonnades with a minimum width of eight feet and a minimum clearance of 12 feet; and
 4. Arcades, awnings, or colonnades present along all sides of a structure facing a public right-of-way, excluding alleys.
- c. *Windows.* Window characteristics include:
 1. Predominantly semicircular arches integrated into window designs;
 2. Frames, etc., to be contrast with principal color of structure;
 3. Large ground level storefront windows, with windows consisting of at least 50 percent of the wall area of the storefront;
 4. Smaller, multipaned windows as nonstorefront and aboveground windows;
 5. Use of clear glass or similar alternative;
 6. Avoidance of reflective glass;
 7. Recessed openings;
 8. Wrought iron window grilles or gates; and
 9. Hurricane/security panels which are either removable, recessed, or architecturally compatible with overall design, and consistent with wind load resistance standards.
- d. *Building and pedestrian linkages.* Characteristics of such linkages are landscaped or shaded courtyards, loggias, patios, fountain areas, and pedestrian walkways or vias to parking areas and sidewalks.
- e. *Vertical features.* Vertical features characteristic of this style include bell towers and chimneys, especially for larger structures.
- f. *Building features and ornamentation.* Characteristics of such features include:
 1. Cornices and parapets, moldings, pilasters, stringcourses, low relief carvings, window surrounds, asymmetrical facades, multi-level roofs, and similar elements;
 2. Wood, tile, plaster, poured concrete, or brick materials, consistent with overall design and style;
 3. Arcades designed with predominantly semicircular arches; and
 4. Functional and ornamental balconies and balustrades located on the walls or facades facing public rights-of-way, excluding alleys.
- g. *Doors.* Doors may be characterized by:
 1. Predominantly semicircular arches integrated into door design;

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2. Recessed openings;
 3. Fan lights above or next to openings;
 4. Scaled and proportionate to balance of structure;
 5. Articulated and ornamental door design;
 6. Use of wood, wrought iron, etc., or similar materials to convey mass, strength, etc.; and
 7. Natural stain, dark stain, or dark paint with flat finish;
- h. *Pedestrian access.* Pedestrian access shall be provided as follows:
1. Principal public entrances located along or facing Park Avenue;
 2. Secondary public entrances:
 - i. Located along public rights-of-way, excluding alleys; and
 - ii. Unless authorized by the town commission, not located along alleys;
 3. Doors and storefront entrances located not more than 50 feet apart; and
 4. Entrances to be a focal points, clearly visible from streets and pedestrian ways.
- i. *Colors and finish.* Buildings to reflect the following characteristics:
1. Principal walls and facades to be painted a uniform color. Different colors for individual storefronts is subject to approval of town manager, or designee.
 2. Colors to be utilized for walls and facades are white, light gray, coral, pastels (pink, peach, and yellow), buff, beige, and sand, or any other color associated with the selected architectural style of the structure;
 3. Wall and facade colors and contrasting colors associated with the Mizner style, including Mizner blue, light blue, Valencia blue, light green, Mizner yellow, red, brown, and blue, or any other color associated with the selected architectural style of the structure;
 4. Ornamentation, trim, courses, etc., may be painted white or a contrasting color such as dark brown, dark gray, or any other color associated with the selected architectural style of the structure;
 5. Window frames, door frames, etc., may be painted white or a contrasting color such as dark brown, dark gray, or any other color associated with the selected architectural style of the structure;
 6. Walls to be a smooth or textured stucco or plaster, or stone;
 7. Awnings may be solid or striped, and reflect a variety of colors, including white, black, and light or dark blue, red, green, and brown; and
 8. Roof materials may be red, brown, white or other color consistent with the overall color scheme of the structure. Additional colors which complement or are compatible with the colors listed above may be approved by the town commission or town manager, or designee as part of the overall approval process.
- j. *Other features.* Other features, such as gutters, down spouts, flashing, etc., shall be incorporated as follows:
1. Gutters and down spouts shall be designed as a continuous architectural feature;
 2. Gutters and down spouts shall be painted to match the feature on which it is located (wall, fascia, etc.); and

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3. Exposed flashing, vent stacks, vent pipes, etc., shall be painted to match the feature upon which installed (roof, wall, etc.).

Still in review.

- k. *Building height.* A minimum of two stories is required for all new structures, and a maximum of **four six** stories for all new construction or substantial renovation.
- l. *Vehicular access.* Vehicular access to Park Avenue for newly constructed buildings or substantially renovated structures shall be prohibited. However, such access may be permitted subject to a waiver granted by the town commission pursuant to subsection (l) of this section.
- m. *Building location.* At least 50 percent of the building line of all new construction, all substantial renovation, and any new structure or expansion of an existing structure in excess of two (stories) or 25 feet in height shall provide a front setback of zero feet. Recesses in the required zero setback building line for architectural features such as doors, courtyards, storefront entrances, etc., may be allowed when part of an overall design consistent with the requirements of this section.
- n. *Uniformity of building treatment.* Architectural treatments, including screening of mechanical equipment, shall be provided along all sides of a building or a structure.
- o. *Encroachments.* The town Staff may authorize encroachments of not more than 36 inches over public sidewalks for architectural features such as eaves, balconies, balustrades, etc., when features are part of an overall architectural design for new construction or substantial renovation. Overhead clearance of at least 12 feet shall be provided.

~~(c) Nonconformities. In addition to the provisions of article VII of this chapter, the following requirements shall apply:~~

Same as general code 78-214 - (limited to 90 days).

- ~~(1) Discontinuation of nonconforming uses. A nonconforming use which has been discontinued for more than 90 consecutive days shall not be re-established.~~
- ~~(2) Evidence of discontinuation. One or more of the following items may be used by the town to determine if a nonconforming use has been discontinued:
 - a. Failure to obtain or renew required occupational license or licenses;
 - b. Failure to obtain or renew required county or state licenses or permits;
 - c. Termination of electric, water, sanitary sewer, natural gas, or telephone service; and
 - d. Failure to provide business receipts to demonstrate business activity.~~

Enforcement period was between 1999-2004 - no records of enforcement found. Antiquated language.

- ~~(3) Security bars, shutters, gates, and awnings. Security bars, shutters, gates, awnings and related equipment visible from a public right-of-way that do not conform to the requirements of this section shall be removed within five years after the effective date of this section. The provisions of this section shall apply to all such equipment legally constructed or installed prior to the effective date of this section. All such equipment is considered legal nonconforming improvements. Equipment illegally constructed or installed prior to the effective date of the ordinance from which this section is derived shall continue to be considered illegal improvements.
 - a. Illegally constructed or installed equipment shall be removed immediately or be the subject of code enforcement action by the town.
 - b. Legal nonconforming equipment may be repaired and maintained subject to article VII of this chapter.
 - c. Within five years following the effective date of the ordinance from which this section is derived, all legal nonconforming equipment shall be removed or brought into compliance with the requirements of this section.
 - d. Within 60 days following the effective date of the ordinance from which this section is derived, the town shall notify by certified mail all property owners of the revised equipment~~

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~~requirements and of the requirement to remove nonconforming signs or bring such signs into conformity.~~

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

- ~~1. The name and address of the property owner;~~
- ~~2. A photograph indicating the specific location and size of the affected improvements;~~
- ~~3. A copy of the building permit for the affected improvements;~~
- ~~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 (l)(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.~~

~~f. 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 (l)(7) of this section shall be utilized by the town commission when making its decision.~~

~~(t) Use and payment of outside consultants. In order to more thoroughly review site plans, landscape plans, architectural plans and elevations, traffic impact studies, shared parking studies, or any similar professional study or document submitted as part of an application for development approval, the town manager may authorize the use of one or more consultants to review such studies or documents.~~

~~(1) Selection of consultants. Consultants shall be selected in accordance with applicable town requirements or policy.~~

~~(2) Consultant payment. An applicant for development approval shall provide an agreement, in a form acceptable to the town manager and town attorney, to guarantee payment of all reasonable expenses incurred by consultants employed by the town. The agreement shall include payment or surety in an agreed-upon amount to meet such reasonable consultant expenses.~~

~~(3) Development approvals. The town commission or town Staff may withhold issuance of a development approval, administrative approval, site plan approval, or similar forms of approval if costs incurred by a town consultant have not been fully reimbursed.~~

(u) *Use and work in the public right-of-way.* A permit is required for any work undertaken within the public right-of-way. Before the town engineer shall approve a permit for such work, plans and specifications of the proposed improvements shall be submitted and examined to determine that they meet engineering standards and all the requirements set forth herein.

(1) *Sidewalk café and courtyard:* A sidewalk café or courtyard is a group of tables with chairs and associated articles approved by the town situated and maintained outside on public property and used for the consumption of food and beverages sold to the public from an adjoining business. All tables and chairs and associated articles must be located within the sidewalk café or courtyard permit area. Sidewalk café and courtyards are only allowed when in compliance with this section.

a. *Permit and fees:* It shall be unlawful for any person to establish a sidewalk café or courtyard at any site unless a valid permit to operate a sidewalk café or courtyard has been

Standard operating procedure. All applications include a cost recovery form signed by the applicant.

NEW recently adopted provisions to remain.

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obtained for that site, from the town pursuant to this section. The permit shall not be issued until all the requirements of this section have been met. Permits shall not be transferable.

1. Each permit shall be effective for one year, from October 1st until September 30th. Any new permit application received after October 1st until April 1st will pay the full cost of the permit fee and the permit shall expire September 30th of the following year. Any new permit application received after April 1st will pay one-half of the cost of the permit fee and the permit shall expire September 30th of the same year.
 2. The sidewalk café or courtyard application fee is \$150.00. The permit fee is \$4.75 per square foot of approved sidewalk café or courtyard space.
 3. Renewals of a sidewalk café or courtyard permit and payment of fees must be submitted and approved on or before October 1st of each year.
 4. *Late renewal fee:* If a renewal payment is not submitted by October 1st, it shall be considered late and subject to a late fee of ten percent, plus an additional five percent late fee if payment is not received by the first of each month thereafter until paid, provided that the total late fee shall not exceed 20 percent. If a renewal payment is not submitted by October 1st, the town has the right to immediately cancel the sidewalk café or courtyard permit upon written notice to the permit holder.
- (2) *Required information:* In addition to the required permit application and permit fee, the following must be provided at the time the application is submitted or renewed:
- a. A copy of a valid business tax receipt; and description of use.
 - b. A sketch plan of the area between the store front and vehicular travel surface or public space, drawn to a minimum scale of 1"= 10' which shows:
 1. The sidewalk café or courtyard area including square footage and dimensions;
 2. The store front and all openings (doors, windows) and identification on how public sidewalk circulation is being maintained;
 3. The location of curb, sidewalk, and any utility poles, fire hydrants, landscaping, or other items within the right-of-way and private property, between the curb and the store front including dimensions;
 4. The location of any of the above items which are within six feet of the ends of the proposed use area; and the location of parking spaces (or use of the street or public space) adjacent to the proposed use area;
 5. Clear delineation of the boundary between private property and the right-of-way including dimensions.
 6. Delineation of "clear pedestrian pathways" and "No Table Zones" as required by subsection (3)e. and f.;
 7. Proposed location of chairs with tables, and other private features such as but not limited to hostess stands, umbrellas, etc.;
 8. Proposed location of sidewalk café or courtyard barriers as required by subsection (3)g.;
 9. Photographs and/or manufacturer brochures depicting the chairs, tables, umbrellas, menu boards and logos, and other temporary private features including, but not limited to, lighting, planters, ropes, stanchions and other equipment to be used in the proposed sidewalk café or courtyard area;
 10. If the permittee intends to use property in front of an adjacent business, the permittee must submit a notarized statement from the adjacent business owner(s) indicating the adjacent business owner has allowed the use of the sidewalk in the front of their business(s), on a form acceptable to the town.

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11. Proof of insurance with the town and CRA as certificate holders and limits approved by the town's risk management department and a hold harmless agreement.

(3) *Regulations governing the use, design, and maintenance of a sidewalk café and courtyard:*

- a. A sidewalk café or courtyard shall only be established in conjunction with a legally established restaurant or business, where the food product is prepared, processed, or assembled on the premises (for example: deli, ice cream store, sandwich shop, craft drinks, etc.) where the food or drink preparation is the main or sole purpose of the business. A business that prepares, processes or assembles food on the premises, where such food or drink preparation or assemblage is not the main or sole purpose of the business shall not be allowed to establish a sidewalk café or courtyard.
- b. A sidewalk café or courtyard may only be established in front of the business or along a side street adjacent to the business, or in front of public open space plazas adjacent to the business, and such businesses immediately adjacent to the business with which the sidewalk cafe and courtyard is associated. The sidewalk café or courtyard shall not be established adjacent to a travel lane or on-street parking, unless there is no ability to establish a sidewalk cafe and courtyard adjacent to the storefront, in which case a sidewalk café or courtyard may be located adjacent to a traffic lane or street parking as long as a five foot clear pedestrian path is provided and the tables and associated chairs provide a minimum setback of two feet from the vehicular travel lane and associated curbing. This two foot setback does not apply when the tables are immediately adjacent to on-street parking.
- c. Alcoholic beverages may be consumed at a sidewalk café or courtyard.
- d. The use of tables and chairs at a sidewalk café or courtyard shall be only for the customers of the business with which the sidewalk café or courtyard is associated. Tables, chairs, umbrellas, barriers and other objects associated with a sidewalk café or courtyard shall be of quality design, materials and workmanship both to ensure the safety and convenience of users and to enhance the visual and aesthetic quality of the urban environment.
- e. Sidewalk café or courtyard operators shall maintain a clear pedestrian path of a minimum of five feet at all times. The five foot clear pedestrian path shall be parallel to the street and/or alley. In the event a five foot clear pedestrian path adjacent to the curb is interrupted by street furniture, trees, tree rates or similar impediments, then the sidewalk café or courtyard operator may provide for a five foot clear pedestrian path commencing from the edge of the impediment closest to the building façade for a distance of five feet towards the building. In areas of higher pedestrian traffic or activity or if conditions are such that additional clearance is required to assure safe pedestrian travel, additional clear space shall be required. A clear pedestrian path greater than five feet may be required on sidewalks with an adjacent traffic lane.
- f. A "No Table Zone" is hereby established. No sidewalk café or courtyard tables or chairs shall be located within the "No Table Zone". The "No Table Zone" is that area located at the intersections of Park Avenue with any side street, within 20 feet of the extended curb line of the intersection. The 20 feet will be measured perpendicular to the street from the extended curb.
- g. The sidewalk café or courtyard area is to be segregated from the pedestrian pathway by means of barriers such as planter, railings or other similar moveable fixtures or other clearly visible demarcation. No part of the barrier shall be located within the required five foot clear pedestrian pathway as defined in subsection 5 above.
- h. In addition to approved business signs, the sidewalk café or courtyard may have one of the following signs:
 1. A wall mounted menu board sign that does not exceed three square feet.

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2. A free-standing easel or art object that does not exceed five feet in height that holds a menu board with a sign face not to exceed six square feet (2 ft. x 3 ft.).

The free-standing easel or art object must be placed immediately in front of the business in the permitted sidewalk café or courtyard area. These signs shall not require further site plan review and approval and are an exemption to requirements within the town's sign Code. Portable signs shall be prohibited except as allowed in the town Code.

- i. Food may be carried to tables by patrons or served by a table water/waitress. The use of food preparation stations, trash receptacles and cash registers are prohibited within the sidewalk café or courtyard area.
- j. The use of carpeting, artificial turf, or other services of any kind must be approved as a part of the sidewalk café or courtyard application.
- k. All services provided to patrons of a sidewalk café or courtyard and all patron activity (i.e. sitting, dining, etc.) shall occur within the designated sidewalk café or courtyard area, and shall not impinge on the required five foot clear distance for pedestrian passage at any time.
- l. Hours of operation for food sales shall be the same as the associated business hours of operation. Alcohol sales require a State license and shall adhere to the Town Code requirements for alcohol sales.
- m. The area covered by the permit, including the sidewalk, curb and gutter immediately adjacent to it, shall be maintained in a clean, neat, attractive and orderly manner at all times and the area shall be cleared of all debris and stains on a periodic basis during the day and again at the close of each business day, ensuring a tidy appearance. All items must be properly secured when the business is not in operation. The permittee shall also be responsible to pressure clean the sidewalk surface on which the sidewalk café or courtyard is located at least once a week or more frequently, if needed, and pick up all litter and debris including litter and debris in the landscaped areas adjacent to the sidewalk café or courtyard area under permit.
- n. No tables, chairs, or any other part of sidewalk cafe and courtyards shall be attached, chained, or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area.

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**TABLE 78-70-1
PERMITTED AND CONDITIONAL USES
PARK AVENUE DOWNTOWN DISTRICT**

Use Table has been modified to reflect discussions at previous workshops. It can be tweaked further as needed.

NOTES

- X = Not Permitted.
- P = Permitted, may be subject to additional standards.
- C = Conditional Use, Town commission Approval Required.
- AA = Administrative Approval Required.
- < = Less Than
- > = More Than

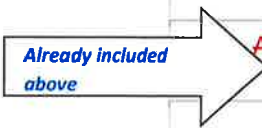
USE CATEGORY	<1,500 Square Feet	1,501—2,500 Square Feet	>2,500 Square Feet	Additional Standards
I. RESIDENTIAL (i)				
Apartment/Dwelling Unit (including Home Occupation per Section 78-151)	C	C	C	1
<u>Airbnb's / Bed and Breakfast Inn within existing single-family structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>1</u>
II. BUSINESS AND PROFESSIONAL OFFICES (i)				
Business Office	P	P	P	
<u>Employment Office, excluding Day Labor, Labor Pools, etc.</u>	<u>P</u>	<u>AA</u>	<u>AA</u>	<u>2</u>
<u>Laboratories, Medical/Dental</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>2</u>
<u>Medical/Dental-Office, excluding Outpatient Clinics</u>	<u>P</u>	<u>P</u>	<u>P</u>	

Office category above

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USE CATEGORY	<1,500 Square Feet	1,501—2,500 Square Feet	>2,500 Square Feet	Additional Standards
Professional Office	P	P	P	
Veterinary Office and Animal Grooming, excluding Animal Boarding	P	AA	AA	3
III. PERSONAL SERVICES (i)				
Appliance and Electronic Repair, Small	P	P	P	
Art Studio, <u>or Art Gallery, with or without instruction</u>	P	P	P	
Bakery	P	AA	AA	4
Barbershop, <u>Beauty Salon</u>	P	P	P	
Beauty Salon	P	P	P	
Broker, Stock Market	P	P	P	
Dance Studio, <u>with or without instruction</u>	P	P	P	5
Drama Studio, Instructional	P	P	P	
Dry Cleaning and Laundry, Drop-off and Pickup Only	P	P	P	6
Financial Institutions, including Banks, Savings and Loan, Thrifts, and Credit Unions	P	P	P	7
Gymnasium, Spa, and Health Club	P	AA	AA	
Interior Design Studio, including Sales	P	P	P	
Massage, Therapeutic	P	P	P	8

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USE CATEGORY	<1,500 Square Feet	1,501—2,500 Square Feet	>2,500 Square Feet	Additional Standards
Music Studio, <u>with or without instruction</u>	P	P	P	
Parking Lot <u>or Structure</u> , Public or Private	P	P	P	9
Photography Studio, <u>with or without instruction</u>	P	P	P	
Printing, Blueprinting, and Related Services	P	P	P	
Shoe Repair	P	P	P	
Tailor/Dressmaker	P	P	P	
Travel Agency	P	P	P	10
IV. RETAIL AND COMMERCIAL (i)				
Antique Shop	P	P	P	
Apparel Store, Women's, Men's and Children's	P	P	P	
 Art Gallery, including Artist's Studio	P	P	P	
Arts and Crafts Shop	P	P	P	
Automobile, Motorcycle, Truck, Recreational Vehicle, Mobile Home, and Boat Body and Paint Shop	X	X	X	
Automobile, Motorcycle, Truck, Recreational Vehicle, Mobile Home, and Boat Repair Shop	X	X	X	
Automobile, Motorcycle, Truck, Recreational Vehicle, Mobile Home, and Boat Sales and Rental	X	X	X	

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USE CATEGORY	<1,500 Square Feet	1,501—2,500 Square Feet	>2,500 Square Feet	Additional Standards
Automobile Gasoline Service Station	X	X	X	
Bars and Lounges	X	X	X	
Beauty Supply Shop	P	P	P	
Bicycle Sales and Rental	P	P	P	11
Book Store, including New and Used Books	P	P	P	
Business, Computer, and Electronic Machinery Sales and Service	P	P	P	
<u>Coffee Shop</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Consignment Shop	P	AA	AA	
Convenience Store	X	X	X	
Department Store, including Apparel, Housewares, Dry Goods, Notions, Jewelry, Home Furnishings, etc.	P	AA	AA	
Discount Sales Store	X	X	X	
Draperies and Slipcover Shop, excluding workroom which exceeds 40% of total floor area	P	P	P	
Fabric, Sewing, and Knitting Supply Store	P	P	P	
Florists, excluding Nurseries	P	P	AA	12
Fruit and Vegetable Market	P	AA	AA	13
Gift Shop, including Greeting Cards, Glassware, China, etc.	P	P	P	

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USE CATEGORY	<1,500 Square Feet	1,501—2,500 Square Feet	>2,500 Square Feet	Additional Standards
Grocery Store, General	X	X	X	
Grocery Store, Specialty	X	AA	C	14
Hardware, Paint, and Garden Supply Store	P	P	P	
Hobby/ <u>Craft</u> Shop	P	P	P	
<u>Hotel</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>15</u>
Jewelry Shop	P	P	P	
Laundry, Self-Service	X	X	X	
Leather Goods and Luggage Shop	P	P	P	
Mail, Shipping and Packing Stores (Private)	P	P	P	
Microbrewery	C	C	C	15 16
Brewery	C	C	C	
Brewpub	P	P	P	
Music Store, including CDS, Tapes, and Records	P	P	P	
Musical Instruments, including Music Lessons	P	P	P	
<u>Newsstand</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>16</u>
<u>Novelty Shop</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Office Supply Store	P	P	P	
Pawnshop	X	X	X	
Pet Shop and Animal Grooming, excluding Animal Boarding	P	AA	AA	17

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USE CATEGORY	<1,500 Square Feet	1,501—2,500 Square Feet	>2,500 Square Feet	Additional Standards
Pharmacy/Drugstore	P	AA	C	
Photography Supplies and Film Developing, including Studio	P	P	P	
Restaurant, Fast-Food	X	X	X	
Restaurant, General	P	AA	C	18
Restaurant, Specialty	P	AA	C	19
Restaurant, Takeout	X	X	X	
Retail, General, <u>not otherwise specified herein</u>	P	P	P	
Sporting Goods Store, New and Used	P	P	P	
Storage, Indoor/Outdoor, as a principal use	X	X	X	
Thrift/Used Merchandise/Junk Store	X	X	X	
Tobacco Shop	P	P	P	
Toy Store	P	P	P	
Video Store	P	P	P	
Warehouse and Warehouse Sales	X	X	X	
Wholesale and Wholesale Sales	X	X	X	
V. RECREATION (i)				
Adult Entertainment	X	X	X	

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USE CATEGORY	<1,500 Square Feet	1,501—2,500 Square Feet	>2,500 Square Feet	Additional Standards
Arcades, Video/Computer	X	X	X	
Entertainment, Indoor	P	AA	C	
Temporary Uses, Public and Private	AA	AA	AA	20
Theater, Indoor	P	AA	C	
VI. CIVIC USES				
Churches	X	X	X	
Government Offices	P	AA	C	21
Schools, Elementary and Secondary, Public and Private	X	X	X	
Schools, Post-Secondary	C	C	C	22

(i) The Town Commission may approve any use not specifically prohibited in Table 78-70-1 that is similar to another use listed. The use will be treated as a conditional use and is required to adhere to the conditional use approval process.

Additional standards (for Table 78-70-1):

- (1) Residential dwelling units. Residential dwelling units shall not be located on the ground floor of any building or structure. may be permitted anywhere within a development site. Residential only developments within the PADD shall only be permitted within properties that do not have direct street frontage on Park Avenue or 10th Street. Existing single-family homes within the district may continue to exist as single-family structures and improved on as such, until which time they are demolished with the intent to redevelop as another use type. Airbnb's, or Bed and Breakfast Inns are permitted. Airbnb's or Bed and Breakfast Inns shall be located within existing single-family residential units within the district, or act as active liner uses that serve to create a buffer area and conceal interior parking areas of larger commercial uses. Airbnb's and Bed and Breakfast Inns shall meet all of the following review criteria:
 - (a) The operator must reside within the establishment.
 - (b) Palm Beach County Fire Prevention Code and Florida Building Code occupancy limitations must be strictly adhered to – a detailed floor plan must be submitted

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for review and inspection. Occupancy will need to be reduced if all requirements cannot be met.

- (c) Parking requirements must be met, or occupancy must be reduced.
 - (d) Only one professionally produced sign, a maximum of six square feet in sign face area, and three feet in height (or wall mounted no higher than the location of the main entrance door), indicating the residence name and contact information may be allowed. Illumination is only permissible by indirect lighting, such as decorative gooseneck lighting, or other similar decorative lighting fixture. Pastels and bright colors are not permitted.
 - (e) Only exterior alterations necessary to assure safety of the structure or enhance the compatibility with the surrounding neighborhood shall be made for the purpose of providing an Airbnb, or Bed and Breakfast.
 - (f) Activities such as weddings, receptions, or social events that attract more individuals than the occupancy allows, shall be prohibited, unless a Special Event application is applied for in advance and approved by all reviewing entities.
- ~~(2) Ground floor uses. Medical and dental laboratories, and employment offices on the ground floor of any building or structure are prohibited.~~
- ~~(3) Veterinary office. Overnight boarding of animals, except for bona fide emergencies, is prohibited.~~
- (4) *Bakery.* A bakery shall be limited to retail sales only, and shall sell only products baked on premises. Sale of sandwiches, salads, soups, and beverages is permitted as an accessory use.
- (5) *Dance studios.* Studios shall provide instruction only, commercial dancehalls or ballrooms are prohibited.
- (6) *Dry cleaning.* Dry cleaning on premises is prohibited.
- (7) *Financial institutions.* Drive-in or drive-through facilities are prohibited, however, pedestrian walk-up facilities and automatic teller machines (ATMs) are permitted.
- ~~(8) Massage therapists. Massage therapists shall be licensed pursuant to F.S. ch. 480.~~
- (9) *Parking lot or structure, public or private.* Commercial parking lots or structures shall comply with the standards listed below:
- a. Vehicular access to commercial parking lots or structures shall be approved by the town engineer.
 - b. Landscaping shall be provided pursuant to subsection (q) of this section.
 - c. Parking lot or structure and security lighting shall be directed downward and away from adjacent residential zoning districts.
 - d. A commercial parking lot or structure of less than 50 spaces shall be reviewed pursuant to the administrative approval.
 - e. Commercial parking lots or structures in excess of 50 spaces shall be approved by the town commission as a conditional use.

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- f. Commercial parking structures shall incorporate an architectural design that is compatible with surrounding properties and liner buildings with active uses and features that accentuate the exterior walls and integrate into the surrounding area, in addition to the architectural design guidelines provided herein. Town Commission approval is required.
- (10) *Travel agencies.* Travel agencies on the ground floor of any building or structure are prohibited.
- (11) *Bicycle sales and rental.* Bicycle sales and rental shops may provide outdoor display of merchandise, subject to the following:
- a. The outdoor display is limited to not more than 50 percent of the width of the storefront;
 - b. The outdoor display shall not impede pedestrian traffic; and
 - c. At least five feet of clear area shall exist between the outdoor display and the edge of pavement or sidewalk.
- (12) *Florists.* Florists may establish greenhouses as an accessory use, provided such use shall not occupy more than 20 percent of the gross floor area of the shop.
- (13) *Fruit and vegetable markets.* Fruit and vegetable markets may provide outdoor display of merchandise, subject to the following:
- a. The outdoor display is limited to not more than 50 percent of the width of the storefront;
 - b. The outdoor display shall not impede pedestrian traffic; and
 - c. At least five feet of clear area shall exist between the outdoor display and the edge of pavement or sidewalk.
- (14) *Grocery stores, specialty.* Specialty grocery stores shall comply with the standards listed below:
- a. Specialty grocery stores shall be at least 2,000 square feet and shall not exceed 10,000 square feet.
 - b. At least 50 percent of the sales area, including shelves, must be foods of a specialty or ethnic nature.
 - c. Specialty grocery stores shall stock a wide variety of specialty fresh merchandise, including poultry, beef, vegetables, fruits, breads, dairy products, and similar items of a specialty or ethnic nature.
 - d. Specialty grocery stores may offer a limited variety of convenience and household goods.
 - e. Specialty grocery stores may offer florist, bakery, pharmaceutical, and delicatessen goods and services.
 - f. Sale of gasoline is prohibited.
 - g. Specialty items that can be offered include baked goods prepared on the premise, candies, cheeses, confections, gourmet foods, fruits and vegetables, ice creams and frozen desserts, and delicatessen items.
 - h. Specialty grocery stores must sell all goods on the premises.
 - i. Accessory sale of food and prepared goods for take out is permitted.
 - j. Consumption of food on the premises is allowed.

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(15) *Hotel. An establishment providing accommodations, meals, and other services for travelers and tourists. Hotels are permitted throughout the district and shall represent a standalone use on the site. The Palm Beach County Fire Prevention Code and the occupancy limitations of the Florida Building Code must be strictly adhered to – a detailed floor plan must be submitted for review and inspection*

(16) *Microbrewery, brewery and brewpub.* Local, independent breweries and the increased demand for small production facilities and mixed-use concepts emerged as a competitive market segment within the beer industry. The purpose of this section is to recognize the emergence of this specialized market segment and establish appropriate standards allowing for the typical range of activities, while mitigating any associated, undesirable impacts.

a. *Applicability and establishment of additional standard (15).*

This section shall apply to brewery, microbrewery and brewpub uses. Breweries are generally divided into four distinct market segments: brewpub, microbrewery, regional (small) brewery and large brewery.

This section does not apply to temporary or special events authorizing similar uses and regulated by other sections of the Town Code.

Brewery, including regional (small) and large, microbrewery and brew pub uses shall be allowed as provided in Table 78-70-1 with additional standards identified herein. All other development standards must be met pursuant to the standards of the Park Avenue Downtown District and the Town Code as applicable.

b. *Brewpub.* In addition to the development standards relevant to other restaurant use types in Table 78-70-1, for an establishment to meet the definition of a brewpub, it shall comply with the following:

1. Revenue from food sales shall constitute more than 50 percent of the total business revenues;
2. No more than 50 percent of the total gross floor area of the establishment shall be used for the brewery function including, but not limited to, the brewing house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
3. Where permitted by local ordinance, state and federal law, retail carryout sale of beer produced on the premises shall be allowed in specialty containers holding no more than a U.S. gallon (3,785 ml/128 US fluid ounces). These containers are commonly referred to as growlers;
4. Brewpubs shall produce no more than 15,000 barrels (465,000 US gallons/17,602.16 hectoliters) of beer per year and may sell beer in keg containers larger than a U.S. gallon (3,785 ml/128 US fluid ounces) for the following purposes and in the following amounts:
 - (a) An unlimited number of kegs for special events, the primary purpose of which is the exposition of beers brewed by brewpubs, which include the participation of at least three such brewers;
 - (b) An unlimited number of kegs for town co-sponsored events where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event co-sponsors but is instead, dispensed by employees of the brewpub.

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5. All mechanical equipment visible from the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure;
 6. Access and loading bays shall not face toward any street, excluding alleys;
 7. Access and loading bays facing an adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;
 8. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;
 9. No outdoor storage shall be allowed. This prohibition includes the use of portable storage units, cargo containers and tractor trailers.
- c. *Microbrewery.* In addition to the development standards relevant to restaurant or retail use types in Table 78-70-1, as applicable, for an establishment to meet the definition of a microbrewery, it shall comply with the following:
1. The microbrewery shall produce no more than 15,000 barrels (465,000 US gallons/17,602.16 hectoliters) of beer per year;
 2. This use shall be permitted only in conjunction with a restaurant, tasting room or retail sales and service:
 - (a) No more than 75 percent of the total gross floor space of the establishment shall be used for the brewery function including, but not limited to, the brewing house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
 - (b) The façade of an interior accessory use(s) shall be oriented toward the street, excluding alleys, and, if located in a shopping center, to the common space where the public can access the use;
 - (c) Pedestrian connections shall be provided between the public sidewalks and the primary entrance(s) to any accessory use(s).
 3. All mechanical equipment visible from the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure;
 4. Access and loading bays are discouraged from facing toward any street, excluding alleys;
 5. Access and loading bays facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;
 6. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;
 7. No outdoor storage shall be allowed, including the use of portable storage units, cargo containers and tractor trailers, except as follows: spent or used grain, which is a natural byproduct of the brewing process, may be stored outdoors for a period of time not to exceed 24 hours. The temporary storage area of spent or used grain shall be:
 - (a) Designated on the approved site plan;
 - (b) Permitted within the interior side or rear yard or within the minimum building setbacks;

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- (c) Prohibited within any yard directly abutting a residential use or residential zoning district;
 - (d) Fully enclosed within a suitable container, secured and screened behind a solid, opaque fence or wall measuring a minimum five feet in height.
- d. *Brewery - Regional (small) and large brewery.* Regional (small) and large breweries shall comply with the microbrewery standards herein, but shall be permitted to occupy 100 percent of the total gross floor space of the establishment. A public viewing area opened certain hours at least five days per week shall be incorporated in the operation in order to render the use as an "attraction." This use acts as a main supplier of beer within a surrounding 'fixed' geographical area as identified in the business plan.
- ~~(16) — *Newsstands.* Up to ten percent of the gross floor area of a newsstand may be used for sale of convenience items, including sodas, candies, packaged foods, etc.~~
- ~~(17) — *Pet shops.* Overnight boarding of cats and dogs in a pet shop is prohibited.~~
- (18) *Restaurant, general.* A general restaurant shall comply with the standards listed below:
- a. Patrons shall be seated at counters or tables.
 - b. Patrons shall be served by waiters/waitresses.
 - c. A wide variety of cooked to order food shall be available from the menu.
 - d. Food generally is not precooked or prepackaged.
 - e. Alcoholic beverages may be served, in accordance with a "4COP/SRX" or equivalent license issued by the state department of revenue.
 - f. Takeout service may be available, but is accessory and subordinate to the serving of meals within the restaurant.
 - g. Drive-in/drive-through service is prohibited.
 - h. Outdoor seating of patrons is allowed, subject to the following:
 - 1. The outdoor seating is limited to not more than 100 percent of the frontage of the restaurant;
 - 2. The outdoor seating shall not impede pedestrian traffic; and
 - 3. At least five feet of clear area shall exist between the outdoor seating and the edge of pavement or sidewalk.
- (19) *Restaurant, specialty.* A specialty restaurant shall comply with the standards listed below:
- a. Patrons shall be seated at counters or tables.
 - b. Patrons shall be served by waiters/waitresses.
 - c. The menu is generally limited to specialty or ethnic foods, and is cooked to order.
 - d. Food generally is not precooked or prepackaged.
 - e. Alcoholic beverages may be served, in accordance with a "4COP/SRX" or equivalent license issued by the state department of revenue.
 - f. Takeout service may be available, but is accessory and subordinate to the serving of meals within the restaurant.
 - g. Drive-in/drive-through service is prohibited.
 - h. Outdoor seating of patrons is allowed, subject to the following:
 - 1. The outdoor seating is limited to not more than 100 of the frontage of the restaurant;

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2. The outdoor seating shall not impede pedestrian traffic; and
3. At least five feet of clear area shall exist between the outdoor seating and the edge of pavement or sidewalk.

(20) *Temporary uses.* Temporary uses of public or private property, for such events as street fairs, holiday sales, holiday celebrations, arts and craft shows, amusements, etc., may be approved by the town manager or designee subject to the standards of the Town Code for Special Events listed below:

- ~~a. Adequate sanitary bathroom, solid waste disposal, and related facilities will be available.~~
- ~~b. Adequate crowd and traffic control will be available.~~
- ~~c. Adequate parking will be available.~~
- ~~d. All tents and temporary structures, electricity, plumbing, etc., are approved by the community development director and county fire department.~~
- ~~e. Hours of operation will not cause a nuisance to adjoining residential property owners.~~

Ground floor limited to the Town of Lake Park, Fire and Police /PBSO offices only.

(21) *Government offices.* Administrative government offices, other than town offices, on the ground floor of any building or structure are prohibited. Pedestrian-oriented governmental activities, such as retail post offices, are permitted on the ground floor. Municipal public safety functions, such as fire stations and police offices are permitted on the ground floor.

(22) *Schools, post-secondary.* Post-secondary schools shall comply with the standards listed below:

- a. Academic and technical course offerings are allowed.
- b. All classes and training shall be conducted indoors.
- c. Training which involves the use of vehicles, heavy equipment, etc., is prohibited.
- d. All school activities and uses, including classrooms, offices, labs, etc., shall not be located on the ground floor.

TABLE 78-70-2

APPLICATION REQUIREMENTS

Application requirements are respective to the nature of the application.

The Town has several different types of applications with their own respective requirements that apply town-wide.

Application Requirement	Permitted Use	Administrative Approval	Conditional Use	Waiver	Number Required
Application Form	R	R	R	R	1
Owner's Consent	R	R	R	R	1
Agent's Authority	R	R	R	R	1

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Statement of Proposed Use	R	R	R	R	*
Site Plan	D	D	D	D	*
Exterior Design Features/Architectural Elevations (A)	D	D	D	D	*
Traffic Study	D	D	D	D	*
Landscape Plan	D	D	D	D	*
Survey	D	D	D	D	3
Sign Plan	D	D	R	D	*
Address Labels	NR	NR	R	R	1 Set, 1 copy

NOTES

R = Required.

D = Discretionary, based upon nature of application. To be determined by community development director.

* = 5 Copies with initial application for initial review by town Staff. Additional copies to be provided for the town commission and planning and zoning board at the discretion of the town manager.

A = Required for any change to exterior portions of a building or structure.

NR = Not Required.

TABLE 78-70-3
PROPERTY DEVELOPMENT REGULATIONS

← Modifications to the land development regulations to ensure proper scale, compatibility, architectural consistency (and so on) are needed.

Dimension	Required
Lot Size	5,000 square feet (minimum)
Lot Width	50 feet (minimum)

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	Lot Depth	100 feet (minimum)
Still in review.	Building Height (Maximum)	Lesser of four Six stories or 45 70 feet
	Building Height (Minimum)	Two stories
	Building Height (Interior)	8 feet
	Building Coverage	100 percent
	Front Setback	None (1)
	Side Setback (Interior)	None
	Side Setback (Corner)	5 feet
	Rear Setback	Zero (0) feet
Per the Comp Plan	Residential Density	15.78 units per gross acre

NOTE

- At least 50 percent of the building line of all new construction and all substantial repair, renovation, rehabilitation, or restoration of existing buildings shall provide a front setback of zero feet. Recesses in the required zero setback building line for architectural features such as doors, courtyards, store front entrances etc., may be allowed when part of an overall design consistent with the requirements of this section.

Recently updated. In light of the new (proposed) permitted uses (Hotel, Airbnb, Bed and Breakfast Inn, additional provisions added

TABLE 78-70-4
REQUIRED OFF-STREET PARKING** AND LOADING SPACES

Use Category	Off-Street Parking for Residents, Customers and Employees, as applicable**	Loading Spaces Required(*)
Residential Airbnb's	1 space per housing unit <u>1 space per rentable room, plus 1 space for</u>	None <u>1 per 10,000 SF</u>

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	<u>each employee (maximum shift)</u>	
Business and Professional Offices	1 per 500 SF	1 per 10,000 SF (1)
Personal Services	1 per 500 SF	1 per 10,000 SF
Outdoor Display	None	None
Outdoor Restaurant Seating or other facilities operated by number of seats (example, open-air patios, etc.)	1 per 3 seats	None
Restaurants	1 per 100 SF	1 per 5,000 SF
Retail and Commercial Brewery and similar indoor open areas	1 per 500 SF 1 per 500 SF	1 per 5,000 SF
<u>Hotel / Airbnb / Bed and Breakfast Inn</u>	<u>1 space per rentable room, plus 1 space for each employee (maximum shift), plus 1 guest space per 3 rentable rooms</u>	<u>1 per 10,000 SF</u>
Theater, Indoor	1 per 3 seats	1 per use, excluding movie theaters

NOTES

At least one loading space required for all uses less than minimum gross square feet.

(*) All square footage calculations based upon gross square feet of building area.

(**) Off-street parking may be satisfied by using public parking spaces identified in the *Downtown Public Parking Master Plan* identified herein. If the available public parking spaces do not satisfy the parking requirements for a use, the property owner or developer shall provide additional parking spaces that are required for its use on its property or provide a market rate contribution for the construction of additional public parking spaces pursuant to the Downtown Public Parking Master Plan. A reduction in the requirement can be applied if additional onsite sheltered bike racks and car share/carpooling spaces are provided and a Traffic Management Plan (TMP) is submitted which demonstrates that there will be adequate parking. A TMP is required if a property owner or developer proposes parking which is less than that which is required by the town code. The TMP shall identify the strategies for reducing single-occupancy vehicle trips and demonstrate the effectiveness of these strategies based upon relevant data and analysis which is professionally reliable.

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DOWNTOWN PUBLIC PARKING MASTER PLAN



TABLE 78-70-5
RESERVED

TABLE 78-70-6
MINIMUM PARKING LOT DIMENSIONS

Refer to the Town's general parking code in Chapter 78. Applies to parking spaces designated to serve all commercial uses and residential uses. Nine foot wide spaces may be considered based on applicant justification.

Angle (A)	Stall Width (B)	Stall Depth (C)	Aisle Width (D)	Curb Length (E)	Wall to Wall Width (F)	Interlock to Interlock Width (G)	Stall-Depth to Interlock (H)	Land Use (I)
45	10'0"	17'6"	12'0"±	14'0"	47'0"	44'0"	15'6"	G
	12'0"	17'6"	2'0"	17'0"	47'0"	44'0"	15'6"	H

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60	10'0"	19'0"	14'0"	11'6"	53'0"	50'0"	17'6"	G
	12'0"	19'0"	14'0"	14'0"	53'0"	50'0"	17'6"	H
70	10'0"	19'6"	17'0"	10'6"	56'0"	54'0"	18'6"	G
	12'6"	19'6"	17'0"	12'6"	56'0"	54'0"	18'6"	H
75	10'0"	19'6"	21'0"	10'6"	60'0"	58'0"	18'6"	G
	12'0"	19'6"	21'0"	12'6"	60'0"	58'0"	18'6"	H
80	10'0"	19'6"	22'0"	10'0"	61'0"	60'0"	19'0"	G
	12'0"	19'6"	22'0"	12'0"	61'0"	60'0"	19'0"	H
90	10'0"	18'6"	24'0"	10'0"	61'0"	61'0"	18'6"	G
	12'6"	18'6"	24'0"	12'0"	61'0"	61'0"	18'6"	H

NOTES

G = General. Applies to parking spaces designated to serve all commercial uses and residential uses. Nine foot wide spaces may be considered based on applicant justification.

H = Handicapped.

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**TABLE 78-70-7
PERMITTED SIGNS**

It was recommended deferring to the general signage Code and allowing smaller monument signs until sites redevelop – see subsection 78-70(p) hereinabove.

Sign Type	Maximum Size	Maximum Number	Copy Limit	Other Limits
Awning Sign	In proportion to the size of the awning	—	Business name, address, phone number, and logo, and words depicting the nature of the 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 10 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 business name). The name, time, and date of current and upcoming events	*May substitute as a wall sign, but shall not be used in addition to a permitted wall sign

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			may also be displayed.	
	—	—	—	*Marquee sign may be used
	—	—	—	*Marquee sign may extend over walkways, 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 size and height of flag pole	1 flag pole per business	US, Florida, official flags of other nations, and the flag of the Town of Lake Park	*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
Public Light Pole Sign	Per town commission	—	Per town commission	*Must be approved by town commission or designee
Menu Sign (Restaurants only)	3-square feet	1 per restaurant	Restaurant menus	*Within 2 feet of front door

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	—	—	—	*Mounted on exterior wall or in a window
	—	—	—	*May be enclosed in a cabinet
Neon Sign, LED or similar technology	A maximum size of 6 square feet	1 per business	Business logo, name, open sign or depiction of product	*Mounted flush with 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	6 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 business name)	*Letters, numbers, and logo shall not exceed 6 inches in height
	—	—	—	*Minimum clearance of 8 feet

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				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 square feet	One wall-mount or one banner per 500 ft. frontage and one sandwich sign	Only on the property.	*Signs, pennants, flags, streamers, banners, etc., as approved by the community development director for special events and for a limited 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

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	—	—	—	*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 Day, Thanksgiving, Halloween, Easter, 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	9 square feet (permit fee required) 4 square feet (exempt from permit fee)	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

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				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 2 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 not be more than 50% of the height of the letters depicting the name of the business)	
	—	—	—	*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

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				below canopy or arcade
	—	—	—	*May be painted directly on wall if approved by the community development director
Window Sign	No more than 25% of any single window panel or pane. Vinyl window art panels without lettering are exempt from the size percentage.	1 per window	Business name, address, logo, telephone number, and words describing the nature of the business	*Must be painted or applied directly onto 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.

Existing general sign code (Chapter 70)
with draft recommendations

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Chapter 70 – SIGNS – *Applicable Town-wide, except along Northlake Boulevard (NBOZ), unless a specific category is not specified in the NBOZ regulating provisions*

ARTICLE I. - IN GENERAL

Sec. 70-1. - Intent.

It is the intent of these regulations to:

- (1) Promote and protect the public health, safety, general welfare and aesthetics of the town by regulating and limiting the existing and proposed posting, display, erection, use and maintenance of signs, posters, bulletins and other advertising structures within the town.
- (2) Protect property values, create a more attractive, economic and business climate, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of the town.
- (3) Improve vehicular and pedestrian safety, provide more open space, curb the deterioration of natural beauty, community environment, and create a healthier residential and business environment by improving the visual quality of the town.
- (4) Secure and preserve unto the people of the town the right of free expression guaranteed by the First Amendment of the Constitution of the United States.

May be amended as needed to accommodate any additional PADD signage requirements or prohibitions. Staff will also look to clean-up provisions as warranted and eliminate antiquated language.

Sec. 70-2. - Reserved.

Sec. 70-3. - No defense to nuisance action.

Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.

Sec. 70-4. - Maintenance.

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the requirements of the Florida Building Code, the amendments to Chapter One of the Florida Building Code adopted by the Town, and in substantially the same or better condition as when the sign was originally installed or erected in order to present a neat and clean aesthetically pleasing appearance. The required maintenance shall include at a minimum, but not be limited to, routine, ordinary and periodic repairs; painting; the replacement of equipment, parts, sign copy, lettering; the replacement of all or a portion of the sign if necessary; and other actions which are necessary to ensure that the sign is kept in substantially the same or better appearance as at the time of the sign's original installation. The required maintenance shall include all physical aspects of the sign, such as the sign area, face, text and copy; the electrical and mechanical components of the sign; lights and related lighting materials and equipment, the sign base, mounting, and/or the supporting structure of the sign. All landscaping and vegetation which is required by the terms of the sign permit or development order and/or which is required by the town Code, and which surrounds the sign on all sides and the area which extends outward from the base of the sign for a distance of ten feet, shall be kept neatly trimmed and free of unsightly weeds, waste, rubbish, and debris.

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Florida Building Code dictates the requirements, particularly as it relates to wind speed requirements

~~Sec. 70-5. — Signs required to be certified by a state registered engineer.~~

~~The following signs shall be designed and certified by a state registered engineer:~~

- ~~(1) — Building signs that project perpendicularly from the surface to which it is attached and that are more than 24 square feet in area.~~
- ~~(2) — Freestanding signs of more than ten feet in height.~~

Sec. 70-6. - Definitions.

The definitions set forth in this section shall be construed to be the same as if incorporated in the town codes or land development regulations; provided specific definitions spelled out in this chapter, if different, than that found in the town codes or land development regulations, shall prevail.

Abandoned sign means a sign which advertises a business which does not have a current business tax receipt and/or a certificate of occupancy from the town, and/or which is no longer doing business within the town at the sign location.

Animated sign means a sign with action or motion using electrical energy, electronic or manufactured sources of supply, or wind-actuated elements, including rotating, revolving or flashing signs.

Awning means a shelter projecting from the exterior wall of a building, and constructed of nonrigid materials except for the supporting framework.

Background area of sign means the entire background area of a sign upon which copy could be placed.

Banner means any sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper, balloons, or fabric of any kind with only such material for foundation. The word "banner" shall also include a pennant or any animated, rotating and/or fluttering device, with or without lettering for design, and manufactured and placed for the purpose of attracting attention.

Billboard means any sign or framework thereof installed for the purpose of advertising merchandise, services or entertainment, which are sold, produced, manufactured or furnished at a place other than the location of such structure.

Building facade means the entire building wall, including all windows, doors, parapet, fascia, canopy, eaves, and wall areas of a building exterior on any one complete place or elevation.

Building setback line means the lines established by the land development regulations of the town as set forth in this code.

Changeable copy sign means a sign on which a message or copy is changed manually in the field through the utilization of attachable letters, numbers, symbols, changeable pictorial panels, and other similar characters.

Construction sign means a temporary sign which identifies those engaged in construction on any building site, including the builder, contractor, developer, architect, engineer, painter, plumber, or other persons or artisans involved in the construction.

Copy means the linguistic or graphic content of a sign.

Copy area of a sign means the actual area of the sign copy applied to any background. The copy area is computed by straight lines drawn closest to copy extremities encompassing individual letters or words.

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Development sign means a temporary sign advertising the sale or rental of structures under construction upon land which has been legally assembled into one development location.

Directional sign means any sign which has been permanently or temporarily installed on public property for the purpose of guiding or directing pedestrian and/or vehicular traffic.

Director means the director of the community development department of the town or the director's designee.

Director sign shall mean a sign listing only the names and/or uses, or locations of more than one business, activity or professional office conducted within a building, group of buildings or commercial center.

Double-faced sign means a sign with two faces which are parallel to each other and are also back to back.

Eaves means the portions of the roof which project or extend from or over the exterior surface of an exterior wall.

Engineer means a person registered as a professional engineer by the state of Florida.

Entrance sign or *subdivision sign* means a sign which designates the name of a subdivision or residential district, or planned unit development, and which is located in close proximity to the main entrance.

Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.

Exterior lighting as used in section 70-107, shall mean any variety of lighting forming an integral part of a building. Such lighting shall meet the following requirements and shall be subject to final approval by the town commission.

Fixed projecting sign means any sign projecting at an angle from the outside wall or walls of any building and rigidly affixed thereto.

Flag means a piece of fabric with a color or pattern that represents a country, state, county, city, town, party, organization or business entity.

Flashing sign means any sign, used for identification, direction, advertising, or promotional purposes, that includes approved lighting fixtures which flash, blink, cut on and off intermittently, and which is used as an exterior sign or an interior sign visible from a public street or right-of-way.

Flat sign or *wall sign* means any sign erected parallel to the facade or on the outside wall of any building and supported throughout its length by the wall of the building.

Freestanding sign means a sign which is supported by a sign structure secured in the ground and which is wholly independent of any building, structure, fence, vehicle, or object other than the sign structure for support.

Frontage street facade means the portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building wall elevation which fronts on a street, unless such parapet wall or eaves shall be over 30 feet high, in which case only the first 30 feet shall be considered the frontage street facade for purposes of this article. Only one street facade shall be designated as frontage street facade.

Height of sign shall mean the vertical distance measured from the adjacent average crown of road to the top of the sign face or sign structure, whichever is greater.

Identification sign means a sign at a business location used to identify the name of the business located on the property and/or its principals and address.

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Illuminated sign means a sign for which an artificial source of light is used in order to make the sign's message readable, including internally and externally lighted signs.

Instructional sign means a sign conveying instructions pertaining to use of the premises on which the sign is maintained, including but not limited to, "Exit," "Entrance," "Parking" and "No Parking" signs.

Logo means a trademark, copyright, or distinctively styled symbol or representation of a company or business name, and which may also be used to identify the business, company, or service provided, and which may be all or part of the copy of a sign.

Marquee means a permanent roofed structure which is attached to, and is supported by a building wall, and which projects outward from the exterior of the building, including projection in part, over a portion of a public right-of-way if expressly permitted by the town, and which may or may not contain a sign with copy.

Monument sign means a freestanding sign where the base of the sign structure is permanently affixed into the ground and the sign area is supported by an internal structural framework other than support poles, and has the appearance of a solid base.

Multiple-faced sign means a sign with more than two faces.

Neon sign shall mean any illuminated sign that contain an exposed neon tube or is treated in such a manner as to appear to be a sign containing an exposed neon tube or unshielded light source.

Nonconforming sign means any sign which was lawfully erected but which does not comply with the land use, setback, size, spacing, and lighting provisions of the town Code, or state or other local law, rule, regulation, or ordinance passed at a later date or a sign which was lawfully erected but which later fails to comply with the town Code, state or local law, rule, regulation, or ordinance due to changed conditions.

Obsolete sign shall mean any sign which no longer correctly directs or exhorts any person, or which advertises a business, service, product or activity no longer conducted, available or in existence, either on the lot where the sign is located in the case of on-premises signs, or on any lot in the case of off-premises signs.

Occupancy shall mean any one business, activity or professional office.

Off-premises sign means a sign identifying, advertising or directing the public to a business, merchandise, service, institution, residential area, entertainment or activity which is located, sold, rented, based, produced, manufactured or taking place at a location other than on the premises on which the sign is located.

Painted sign means any sign painted on any exterior building surface, including exterior building wall or door surfaces, the roof of any building visible from any public right-of-way, exclusive of window and door glass painted areas.

Parapet means a vertical false front, wall extension, or portion of the facade which extends above the roofline.

Pole sign means a freestanding sign whose message area is supported by one or more poles sunk into the ground.

Political sign means a temporary sign erected by a political candidate, group, or agent thereof, for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the town will vote.

Premises means all the land areas under ownership or lease arrangement to the sign owner which are contiguous to the business conducted on the land except for instances where such land is a narrow strip contiguous to the advertised activity or is connected by such narrow strip, the only viable use of such land is to erect or maintain an advertising sign. When the sign owner is a municipality or county, the term "premises" shall mean all lands owned or leased by such municipality or county within its jurisdictional boundaries as set forth by law.

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Professionally produced sign means a sign that is designed and installed by a company that is engaged in the business of producing, installing and maintaining signs.

Property means vacant or developed land, real property, as a unit, which contains premises and occupancies which is not public property as defined herein.

Public property means property owned by any governmental entity, including but not limited to public rights-of-way, streets, alleys, sidewalks, easements and parks, and all structures located in and upon same including, but not limited to, street and traffic signs, utility poles, fire hydrants, parking meters, trees, newspaper racks, and telephone booths.

Pylon sign means a freestanding sign other than a pole sign, permanently affixed to the ground by supports, but not having the appearance of a solid base.

Real estate sign means any freestanding or wall-mounted sign installed by the owner or the owner's agent on a temporary basis, advertising the real property upon which the sign is located for rent or for sale but shall not include rooming house signs.

Revolving sign. See "Animated sign."

Remove means to disassemble, transport from the site, and dispose of sign materials by sale or destruction.

Roof sign means any outdoor advertising display sign, installed, constructed or maintained on or above the roof of any building.

Rotating sign. See "Animated sign."

Semi-freestanding sign means any sign which is supported by one or more uprights or braces in or upon the ground and partially attached to any building.

Shopping area means a commercial establishment or a group of commercial establishments related in its location, size and types of shops to the trade area which the unit serves.

Sidewalk or sandwich sign shall mean an A-frame style moveable sign not permanently secured or attached to the ground or to any building or structure.

Sign means any combination of structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertisement, logo, symbol, or other form, whether placed individually or on a V-type, back-to-back, side-to-side, stacked, or double-faced display or automatic changeable facing, designed, intended, or used to advertise or inform, any part of the advertising message or informative contents of which is visible from any place on the main-traveled way. The term does not include an official traffic control sign, official marker, or specific information panel erected, caused to be erected, or approved by the town, the county, or the state department of transportation.

Sign, aggregate area of shall mean the total square foot area derived from the sum of all sign areas.

Sign, area shall mean the entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of the actual surface area. The copy of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing all of said letters or devices.

Sign direction means that direction from which the message or informative contents are most visible to oncoming traffic on the main-traveled way.

Sign face means the part of the sign, including trim and background, that is or can be used to communicate a message or informative contents, identify, advertise, or for the visual representation which attracts the attention of the public for any purpose. "Sign face" includes any background material, panel, trim, and color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed.

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Sign structure means all the supporting structure (and all interrelated parts and material, such as beams, poles, and stringers, etc.) erected or intended for the purpose of supporting or displaying a message or informative contents, for identification, with or without a sign thereon, situated upon or attached to the premises, upon which any sign may be fastened, affixed, displayed or applied; however, this definition shall not include a building or perimeter wall.

Snipe sign means any sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located.

Special event sign shall mean a sign erected on the premises of the event which carries a message regarding a special event or function which is of general interest to the community. Special events shall not include for-profit business promotional activities or activities strictly commercial in nature.

String lights mean an array of incandescent light bulbs of low wattage or lighting tubes consisting of a single cord, which are used to outline or call attention to, features on a property such as but not limited to any buildings, roof lines, window dimensions, doors, sculptures, signs, structures, trees and any other feature that might lend itself to the display of such lights.

Temporary sign means a sign which is constructed of cloth, canvas, light, fabric, cardboard, wallboard, wood, plywood, metal or plastic which is intended to be displayed for a limited period.

Time and temperature sign means a display containing illuminated numerals flashing alternately to show the time and/or temperature.

Vehicular sign means a sign affixed to or painted on a transportation vehicle or trailer, for the purpose of business advertising; however, not to include signs affixed to vehicles or trailers for identification purposes as required by town regulations.

Window sign, permanent shall mean any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors, or located within 15 feet of the interior of a building glass area, including doors, or any interior illuminated signs or exposed unshielded light source.

Window sign, temporary shall mean a window sign of a temporary nature used to direct attention to identifying merchandise or a change in the status of the business, including but not limited to signs for sales, specials, going out of business and grand openings.

Secs. 70-7—70-30. - Reserved.

ARTICLE II. - SIGN PERMIT REQUIREMENTS

Sec. 70-31. - Reserved.

Sec. 70-32. - Sign permit required.

- (a) *Sign permit required.* Except as otherwise provided for herein, it shall be unlawful for any person to erect, operate, use, post, display, maintain, or cause to be erected, operated used, posted, displayed, maintained, or installed, any sign, advertising structure, or high voltage tube lighting, in the town without first obtaining a permit for the sign, advertising structure, or high voltage tube lighting, from the town and paying the fee as established by resolution of the town commission. The following signs and other signs identified as "exempt" pursuant to section 70-101, are hereby declared as exempt from the requirement that a sign permit be obtained under the provisions of this chapter, but all such signs are required to comply with the provisions of article II:

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- (1) Signs owned by the town or a county located on the premises of the town or the county which display information regarding government services, activities, events, or entertainment. For purposes of this section, the following types of messages shall not be considered information regarding government services, activities, events, or entertainment:
 - a. Messages which specifically reference any commercial enterprise.
 - b. Messages which reference a commercial sponsor of any event.
 - c. Personal messages.
 - d. Political campaign messages.
 - (2) Temporary residential real estate signs as more specifically provided for in this article and subject to supplemental regulations, which are posted or displayed on real property by the owner or by the authority of the owner, stating that the real property is for sale or rent. If the sign contains any message not pertaining to the sale or rental of that real property, then it is not exempt under this section.
 - (3) Official notices or advertisements posted or displayed on private property by or under the direction of any public or court officer in the performance of her or his official or directed duties, or by trustees under deeds of trust or deeds of assignment or other similar instruments, and construction and building permit signs.
 - (4) Danger or precautionary signs relating to the premises on which they are located; forest fire warning signs erected under the authority of the Division of Forestry of the Department of Agriculture and Consumer Services and signs, notices, or symbols erected by the United States Government under the direction of the United States Forestry Service.
 - (5) Notices of any railroad, bridge, ferry, or other transportation or transmission company necessary for the direction or safety of the public.
 - (6) Directional signs, and other official signs and notices.
 - (7) Signs or notices erected or maintained upon property stating only the name of the owner, lessee, or occupant of the premises and not exceeding 8 square feet in area.
 - (8) Historical markers erected by duly constituted and authorized public authorities.
 - (9) Official traffic control signs and markers erected, caused to be erected, or approved by the town or the state department of transportation.
 - (10) Signs erected upon property warning the public against hunting and fishing or trespassing thereon.
 - (11) Signs not in excess of 8 square feet that are owned by and relate to the facilities and activities of churches, civic organizations, fraternal organizations, charitable organizations, or units or agencies of government.
 - (12) Signs relating exclusively to political campaigns.
- (b) *Applications.* A person or entity may not apply for a permit unless he or she has first obtained the written permission of the owner or other person in lawful possession or control of the site designated as the location of the sign in the application for the permit. An application for a sign permit must be made on a form prescribed by the town, and a separate application must be submitted for each permit requested. A permit is required for each sign facing. As part of the application, the applicant or his or her authorized representative, must certify in a notarized signed statement that all information provided in the application is true and correct and that he or she has obtained the written permission of the owner or other person in lawful possession of the site designated as the location of the sign in the permit application. Every permit application must be accompanied by the appropriate permit fee; a signed statement by the owner or other person in lawful control of the site on which the sign is located or will be erected, authorizing the placement of the sign on that site.

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- (c) *Sign plan requirements.* Sign permits shall be issued only for signs which conform to requirements of this chapter including, where applicable, an approved sign plan for the real property on which the sign is to be located. Sign plans may be submitted and approved concurrently with an application for a site development plan or other land development order. Sign plans shall be reviewed by the town for compliance with the provisions of this chapter, including but not limited to, the coordination of the graphic style, materials, placement and other characteristics of all signs on the parcel, and the proximity of other signs in the immediate area.
- (d) *Issuance.* Provided the terms and provisions of this chapter and/or any other applicable laws or ordinances have been complied with, the community development director shall issue a permit for each sign and/or advertising structure. Permits shall be numbered in the order of their issuance and shall disclose:
 - (1) Kind and size in square feet, and the height and width of the sign, advertising structure or high voltage tube lighting authorized by the permit;
 - (2) The street address of the property on which the sign, advertising structure or high voltage tube lighting are permitted to be located and name of the owner or lessee of such property;
 - (3) The location upon the property where the sign, advertising structure or high voltage tube lighting is permitted;
 - (4) The name of the person, firm, corporation or association installing structure;
 - (5) The estimated value of the sign;
 - (6) The amount of the fee paid for such permit; and
 - (7) The date of issuance.
- (e) *Inspections.* The contractor or owner securing the permit for any sign shall call the community development department to request a final inspection, which shall be required upon completion.
- (f) *Revocations.* The community development director may deny or revoke a permit requested or granted under the provisions of this chapter in any case where it is determined that the application for the permit contains false or misleading information or that the permittee has violated any of the provisions of this chapter, unless the permittee, within 30 days after the receipt of notice by the community development department, corrects the false or misleading information or complies with the provisions of this chapter. Any person aggrieved by any action of the department in denying or revoking a license under this chapter may, within 30 days from the receipt of the notice, appeal the decision of the director to the circuit court in accordance with the rules of appellate procedure. A sign shall be removed by the permittee within 30 days after the date of revocation of the permit for the sign. If the permittee fails to remove the sign within the 30-day period, the town may remove the sign without further notice and without incurring any liability as a result of such removal.
- (g) *Permit tag.* If a permit tag program is initiated by the community development department then for each permit issued, the town shall provide the applicant with a serially numbered permanent metal permit tag. The permittee is responsible for maintaining a valid permit tag on each permitted sign facing at all times. The tag shall be securely attached to the sign facing or, if there is no facing, on the pole nearest the highway; and it shall be attached in such a manner as to be plainly visible from the main-traveled way. The permit will become void unless the permit tag is properly and permanently displayed at the permitted site within 30 days after the date of permit issuance. If the permittee fails to erect a completed sign on the permitted site within 270 days after the date on which the permit was issued, the permit will be void, and the town may not issue a new permit to that permittee for the same location for 270 days after the date on which the permit became void. If a permit tag is lost, stolen, or destroyed, the permittee to whom the tag was issued must apply to the town's community development department for a replacement tag. Upon receipt of the application accompanied by a service fee established by resolution of the town commission, the community development department shall issue a replacement permit tag. A permit is valid only for the location specified in the permit. Valid permits may be transferred from one sign owner to another upon written acknowledgment from the current permittee and submittal of a transfer fee established by resolution

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of the town commission for each permit to be transferred. A permittee shall at all times maintain the permission of the owner or other person in lawful control of the sign site to have and maintain a sign at such site. All permit tags must be visible from ground level.

Secs. 70-33—70-60. - Reserved.

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 subsection 78-253(c)(9).
- (e) Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold shall be taken down and removed by the agent, owner, tenant or person having the beneficial use of the building or land upon which the sign may be found, such removal to take place within a period of 30 days following cessation of the effective use of the sign or closing of business. Failure to remove such a sign shall subject the sign to removal and disposition pursuant to the provisions of this chapter.
 - (1) The owner of the sign or a designated agent may request an extension of time from the community development director for removal of the sign if the structure is valued at more than \$500.00 and there is a reasonable expectation that a new property owner or lessee will make use of the existing structure. Any such structure/sign must comply with all regulations of the town Code, any applicable development order approval, and must be properly maintained in accordance with the requirements of section 70-4.
- (f) All freestanding, or wall-mounted signs over ten feet in height shall be internally (if lighting is utilized) lit, and signage less than 10 feet in height shall provide lighting that in no manner blinds or shines on adjacent vehicular or pedestrian circulation. Appropriate light shields shall be utilized to ensure protection.
- (g) Reserved.
- (h) All changeable copy signage shall not exceed a maximum of 50 percent of the sign area, except that movie theaters shall be permitted 100 square feet.
- (i) The height of a sign shall be measured as a vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.
- (j) No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit or standpipe.

Sec. 70-62. - Clearance standards.

- (a) *Signs over pedestrian ways and roadways.* All signs over pedestrian ways shall provide a minimum of eight feet of clearance on roadways where the town has primary jurisdiction. State department of transportation standards shall control on all other roadways.

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- (b) *Signs over vehicular ways.* All signs over vehicular ways shall provide a minimum of 14 feet and six inches of clearance.

Sec. 70-63. - Height of projecting structures generally.

Any sign projecting over private property and located where motor trucks may be required to pass beneath them shall be erected and maintained at a height not to be less than 14 feet.

Sec. 70-64. - Removal, repair or alteration.

- (a) *[Declaration of nuisance.]* Any sign which was erected, operated, or maintained without the permit required by this chapter having been issued by the town, or is abandoned, insecure, in danger of falling, or otherwise unsafe in the opinion of the director, is hereby declared to be a public nuisance and a private nuisance, and shall be removed as provided in this section. The town commission finds that, in view of the inexpensive nature of certain prohibited signs (snipe signs, banners, project signs, real estate signs, sidewalk or sandwich signs, and special event signs located in the public rights-of-way or on town property), and the administrative burden which would be imposed by elaborate procedural prerequisites prior to removal, the summary removal of such signs is warranted in order to further the town's objectives in regulating such prohibited signs. Therefore, the town's community development director is hereby expressly authorized to summarily cause the removal of any of the following prohibited signs: snipe signs, banners, project signs, real estate signs, sidewalk or sandwich signs, and special event signs located in the public rights-of-way or on city property when unlawfully erected and maintained and to immediately dispose of same. All other prohibited signs which have been unlawfully erected and maintained may be summarily removed in accordance with the summary procedure set forth in subsection (b) below. Signs and other structures that are not subject to the summary removal procedures as set forth herein or in subsection (b) below, may in the discretion of the community development director be removed in accordance with the procedures set forth in subsection (c) below, or the violations may be referred to the town's Code compliance division for standard code enforcement action before the special magistrate.
- (b) *Summary procedure.* If the community development director determines that snipe signs, banners, project signs, real estate signs, sidewalk or sandwich signs, and special event signs located in the public rights-of-way or on town property where unlawfully erected and maintained in violation of the provisions of this chapter, the director may have the sign summarily removed from the property by the town without any advance notice. After the summary removal of a sign pursuant to this section, the community development director shall attempt to notify either the occupant or owner of the property from where the sign was removed or if the sign identifies a person other than the property owner or occupant, said person shall be notified if possible, by either regular U.S. mail, in person and/or hand delivery, or by posting a notice on the property. The notice shall advise that the sign has been removed by the town, and that the sign may be retrieved from the town within ten days of the date of the notice, and shall state the name and contact information for retrieval of the sign from the town. The notice shall further provide that, if the sign is not retrieved from the town within ten days, it will be disposed of by the town. The town shall dispose of all unclaimed signs after the expiration of the ten-day period. Persons retrieving signs from the town pursuant to this section shall be required to reimburse the town for all costs incurred in connection with the removal and storage of the sign.
- (c) *Alternative procedure.* If the community development director determines that a sign has been erected in violation of the provisions of this chapter, the director may as an alternative to the summary procedure set forth herein, utilize the following alternative enforcement procedures. The community director or his/her designee shall post on the sign face, a notice stating that the sign is illegal and must be removed within ten days after the date on which the notice was posted. If the sign bears the name of the licensee or the name and address of the nonlicensed sign owner, the department shall, concurrently with and in addition to, posting the notice on the sign, provide a written regular U.S. mail notice to the owner, stating that the sign is illegal and must be permanently removed within the ten-day period specified on the posted notice. The written notice shall further state that the sign owner has a right to request a hearing, which request must be filed with the community development department within 15 days after the date of the written notice. However, the

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filing of a request for a hearing will not stay the removal of the sign. If, pursuant to the notice provided, the sign is not removed by the sign owner within the prescribed period, the town may immediately remove the sign without further notice and the town's employees, agents, or independent contractors may enter upon the private property for the purpose of removing the sign.

- (d) Any entrance upon private property shall not constitute or be deemed a trespass or an act of conversion, and neither the individuals authorized by the town to conduct the sign removal nor the Town, shall incur any liability to the property owner, lessees and tenants, sign owner, or other person or entity as a result of the entrance onto the property. For purposes of this subsection, regular U.S. mail notice, hand delivery, or posting of the notice on the property from which the sign was removed, directed to the sign owner, constitutes sufficient notice. Notice is not required to be provided to the lessee, tenant, advertiser, the owner of the real property on which the sign is located, or any mortgagees. If, after a hearing before a special magistrate of the town appointed to conduct such hearings, it is determined that the sign has been wrongfully or erroneously removed pursuant to this subsection, the town, at the sign owner's discretion, shall either pay just compensation to the owner of the sign or re-erect the sign in kind at the expense of the town.
- (e) *[Removal and storage expenses constitute lien.]* The expenses of sign removal and storage shall constitute a lien of the town against the real property on which the sign was erected which lien shall be recorded by the town clerk in the public records of Palm Beach County and shall accrue interest at the statutory rate for court judgments until paid in full.

Sec. 70-65. - Reserved.

Sec. 70-66. - Stop work orders.

If the community development director determines that a sign is under construction or work is being performed on any sign for which a sign permit has not been issued as required under the provisions of this chapter, the director is authorized to require that all work on the sign cease until the sign owner shows that the sign does not violate the provisions of this chapter. The order to cease work shall be prominently posted on the sign structure, and no further notice is required to be given. The failure of a sign owner or the owner's agents to immediately comply with the order shall subject the sign to prompt removal by the town.

Sec. 70-67. - Violations.

Except as provided for in section 70-64, violations of this chapter shall be prosecuted by the town in code enforcement proceedings before the special magistrate for the Town, through legal action in a court of competent jurisdiction hereby the town may seek all available and appropriate legal and equitable relief from the violator, enforced or as provided in subsection 9-71(e), with all available remedies to the town to be nonexclusive. The special magistrate may order the removal of a sign at the sign owner's or property owner's expense, if the sign is found in violation of these regulations, and/or the storage of the sign or the disposal of the sign by the Town, with the violator to pay all associated administrative costs incurred by the Town.

Secs. 70-68—70-100. - Reserved.

ARTICLE IV. - SIGN REGULATIONS

Sec. 70-101. - Exempt signs.

The sign permit requirements of this chapter shall not apply to the following signs:

- (1) Any sign which is located completely within an enclosed building and which is not visible from outside the building, and any sign which is so located that it is not visible beyond the boundaries of the lot or parcel on which it is located or from any public thoroughfare, except, however, that

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Added to accommodate the CRA Board/Town Commission's desire to include identification signs within districts

- signs within a shopping center shall be subject to review and approval pursuant to site plan review;
- (2) Traffic signs of any public or governmental agency;
 - (3) Any identification of any official public office, notices thereof, or any flag, emblem or insignia of the nation, a unit of government or public school; or any identification signs located within the public right-of-way that identify certain districts, landmarks (etc.) or operations within those districts
 - (4) Any grave marker, headstone, memorial statue or other similar remembrances that are noncommercial in nature;
 - (5) Works of art, ornamental figurines and the like, both two-dimensional and three-dimensional, used for decorative purposes and not related to the operation of a commercial enterprise with a commercial enterprise;
 - (6) Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays and limited to 90 days, refer to section 70-107(f);
 - (7) Signs on a truck, bus, trailer or other vehicle which is maintained and operated for normal business purposes other than the display of such a sign on a lot;
 - (8) Names and addresses on postal boxes;
 - (9) Residential address numbers;
 - (10) Names of newspapers and similar publications on their respective delivery boxes;
 - (11) The posting of privately owned land and/or buildings or structures against trespass, hunting, fishing, swimming or any other activity, and/or the warning of any person against any danger, hazard or condition pertaining to such land and/or buildings and structures;
 - (12) The flying of individual national, state or town flags attached to permitted freestanding poles mounted on the ground, limited to one flag of each type and a total of three, provided that such flags shall not be used for commercial promotion;
 - (13) Cornerstones, memorial tablets and similar markers made of masonry, bronze and other noncombustible and durable material and used to indicate, without advertising matter, information relating to the development of the facility on which they are located such as those involved in planning, financing and construction of buildings;
 - (14) Historical signs and markers designating places of historical significance, or nostalgic signs. The community development department may approve certain signs with historic or nostalgic significance provided the sign is historically designated and a special certificate of appropriateness is processed and approved, as required per the Town's Historic Preservation guidelines. The owner of a property with a historic or nostalgic sign may apply for designation and a special certificate of appropriateness as may be required.
 - (15) Directional markings, entrance and exit locators, traffic warnings, lane and stall markings, parking and loading area reservations and restrictions, and similar information when painted on or otherwise affixed to pavement, curbs or wheelstops;
 - (16) Any informational sign, not exceeding six square feet, identifying an institutional use. Such sign may be located in public right-of-way subject to engineering approval;
 - (17) Legal notices and official instruments;
 - (18) Merchandise displays behind storefront windows so long as no part of the display moves or contains flashing lights;
 - (19) Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such

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Freedom of speech eliminates the ability to prohibit human 'sign spinners or dancers' when a sign is affixed to a person and not in an idle position – Town Attorney to review

- as signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps;
- (20) Advertising and identifying signs located on taxicabs, buses, trailers, trucks or other vehicles;
 - (21) Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards;
 - (22) Signs with a noncommercial, or commercial message carried by a person;
 - (23) Religious displays as permitted by law;
 - (24) Land-based nautical flags, shapes or pennants used in conjunction with water dependent uses;
 - (25) "For Sale" signs on personal vehicles provided such signs are not larger than four square feet in size and limited to one such sign and one vehicle per lot.
 - (26) Off-premises signs on town property subject to prior written approval by the town manager or the town manager's designee and subject to any rules adopted by resolution of the town commission which rules may address such matters as time, place, size, fees, maintenance and, to the extent permitted by law, the content and message and other matters appropriate to the location and purposes of the sign.
 - (27) Event banners on town property and banners on private property; provided banners on private property must be in conjunction with town-sponsored events; provided further that all banners are subject to prior written approval by the community development director and subject to any rules adopted by resolution of the town commission which rules may address such matters as time, place, size, fees, maintenance and to the extent permitted by law, the content and message and other matters appropriate to the location and purposes of the banner.
 - (28) Any sign listed in subsection 70-32(a) which is not included in this section.

Sec. 70-102. - Prohibited signs and related equipment.

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any sign not expressly authorized by, or exempted from this section. The following signs, sign structure, and related equipment shall not be permitted, erected or maintained in the town:

- (1) Signs which incorporate any flashing, intermittent illumination; rotating, revolving, oscillating or moving signs; except that this section shall not be deemed to prohibit signs which state time and/or temperature information and which incorporate moving or exposed incandescent lightbulbs with a time and/or temperature sequence span of four to eight seconds in commercial and industrial zoning districts;
- (2) Banners, pennants, spinners, balloons and streamers, except as permitted by any of the provisions contained herein. For the purposes of this section, banners, pennants, streamers, spinners and balloons shall be any such objects with or without lettering or other specific identification or advertising information or graphics;
- (3) String lights used on commercial premises except as permitted by these regulations in section 70-107.
- (4) Any sign which has any visible moving parts, visible revolving or rotating parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations or action of normal wind current;
- (5) Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or which is not kept

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- in good repair, or is capable of causing electrical shocks to persons or other living beings that are likely to come into contact with it;
- (6) Any sign, which obstruct free ingress to or egress from a required door, window, fire escape or other required exit way or otherwise presents a life-safety hazard;
 - (7) Any sign which uses the words "Stop," "Look," "Danger" or any other words, phrases, symbols or characters in such a manner which presents or implies the need or requirement of stopping or the existence of danger, or which is a copy or imitation of official signs, or otherwise may have the effect of to interfere interfering with, misleading or confusing vehicular and/or pedestrian-traffic;
 - (8) Any sign, which was or is unlawfully installed, erected or maintained in violation of the requirements of this article;
 - (9) Any portable sign not permanently affixed to the ground, or to a building, or to another structure which is also permanently affixed to the ground so as to withstand the wind load and other requirements of the Florida Building Code, the town Code, and any other applicable rules and regulations of any state, local, or federal government or agency. A sign which is affixed to a truck, bus, trailer or other vehicle which has as a primary purpose the display of such a sign on a lot shall be considered to be a portable sign and shall be prohibited. However, a sign which is affixed to a truck, bus, trailer or other vehicle which such vehicle is maintained and operated primarily for business purposes other than the display of such a sign on a lot, shall not be considered to be a portable sign, but shall be considered to be an exempt sign;
 - (10) Any sign attached to or painted on a standpipe, gutter drain, fire escape, television antenna, satellite dish or any similar accessory structure;
 - (11) Any sign which is supported by visible angular bracing members, guy wires or cables, or any sign that is served by visible electrical conduit;
 - (12) Any sign which would project into any public right-of-way, or other accessory, or a visibility triangle, or is placed in any curve or in any manner that may prevent persons using the streets, roads, highway and other public rights-of-way, from obtaining an unobstructed view of approaching vehicles;
 - (13) Any wall-mounted sign located on the exterior of a building which would project more than 18 inches therefrom, except as provided for in section 70-103;
 - (14) Any sign located so as to impair access to a roof;
 - (15) Any sign, which would project above the height, as, of the building roofline, except that a sign may be mounted on a parapet wall provided that the sign does not extend above the parapet wall;
 - (16) Any sign mounted on the roof of a building behind the front facade;
 - (17) Any sign, which emits a sound, odor or disturbing effects which creates a nuisance;
 - (18) Any sign erected in or on the waters of Lake Worth or South Lake;
 - (19) Any signs made of any material (including paper, cardboard, wood and metal) when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to, affixed, fastened, or painted on trees, utility poles, fences or other similar objects;
 - (20) Unauthorized signs on property owned by or under the control of the town;
 - (21) Any addition and/or enlargement or other alteration of an existing sign unless such addition and/or enlargement or other alteration has been approved by issuance of a new sign permit by the town;
 - (22) Any billboard or off-premises sign;

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- (23) Signs that are in violation of F.S. Chapter 479, as amended from time to time, the Florida Building Code, the electrical code, and any other technical codes adopted by the Town;
- (24) Any sign, which the director, has reasonably determined does or may constitute a safety hazard, or which is insecurely erected or fastened, or which is in an unsightly condition;
- (25) Blank temporary signs;
- (26) Pole signs;
- (27) Any other sign not specifically authorized by this chapter.

Sec. 70-103. - Permitted signs.

Flexibility for signage was discussed therefore, Staff has inserted provisions for PADD signage in those categories that have been specifically mentioned at prior workshops. Additional suggestions are encouraged.

All permanent signs shall be part of the architectural concept and character of the site. Lighting, materials, size, color, lettering, location and arrangement shall be harmonious with the building design.

1. *Residential signage.*

(a) *Residential nameplate signs.* Signs with one or two faces and wall-mounted signs with one face that identify a house, apartment, or individual buildings in a multifamily complex shall be permitted subject to the following restrictions:

- (1) Permitted content: The name of the occupant or the building name, and the address of the residential unit to which the sign is accessory. In addition, signs permitted pursuant to this section may contain any noncommercial message which has not been declared by a court of competent jurisdiction to be obscene, defamatory or otherwise contrary to law.
- (2) Maximum area: One square foot per face.
- (3) Maximum number: One per individual dwelling unit. Building units may have up to four such signs if needed to be identified from separate entrances or parking lots for the buildings as determined by the community development director
- (4) Location: On the same lot as the residential unit or building which the sign identifies.
- (5) Maximum height:
 - a. Freestanding, four feet;
 - b. If wall-mounted, no higher than the wall on which it is mounted.

(b) *Residential development permanent identification signs.* Signs with one or two faces that identify the development or complex shall be permitted subject to the following restrictions:

- (1) Permitted content: The name, logo, and address (if applicable) of the residential development may be identified. Types of residential developments, which may be so identified, include subdivisions, condominiums, cooperatives, planned unit developments, and apartments. In addition, signs permitted pursuant to this section may contain any noncommercial message which has not been declared by a court of competent jurisdiction to be obscene, defamatory or otherwise contrary to law.
- (2) Maximum area: Sixteen square feet per face or 32 square feet if only one sign face per entrance is displayed.
- (3) Maximum number: One double faced sign per entrance to the development or two single faced signs if the sign faces are detached and are positioned on each side of the entrance as determined necessary by the community development director.
- (4) Location: Within 100 feet of the entrance of the development which it identifies.
- (5) Minimum setbacks:

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- a. Twenty feet from the lot line of any property located outside the development;
 - b. Five feet from a public right-of-way, if all sign faces placed parallel to street and five feet if one or more sign faces not placed parallel to street;
 - c. In an intersection of a street with other streets and with access drive, as required by subsection 70-61(d).
- (6) Maximum height:
- a. If freestanding, four feet;
 - b. If wall-mounted, no higher than the wall on which it is mounted.
- (7) The town's code compliance division shall regularly inspect signage on residential development for compliance with the requirements of this section, and may take appropriate enforcement action to obtain compliance. It shall be the responsibility of the developer, property owner. The owner of the sign, the community association, or any other person or entity responsible for the maintenance of the particular residential property on which the signage is located such as a property maintenance company to ensure compliance with the requirements of this section. If the signage is in violation of this section and is not corrected upon notification by the town, the town may remove and dispose of the illegal signage in accordance with the provisions of section 70-64.
- (c) *Garage sale and yard sale signs. Not permitted in the Park Avenue Downtown District.* Signs established pursuant to this section shall not be subject to the prohibition of portable signs set forth in subsections 70-102(9), (22). Signs with one or two faces, and wall-mounted signs with one face shall be permitted subject to the following restrictions:
- (1) Permitted content: Type of sale, the address, dates and hours of the sale, directional information and other related information.
 - (2) Required content: The property owner shall provide the address of the site of the garage or yard sale and the date of same. Any sign posted without an address or date shall be subject to immediate removal by the town's code compliance officers.
 - (3) Maximum area: Four square feet per face.
 - (4) Maximum number: No limit.
 - (5) Placement of signs:
 - a. An offsite garage sale or yard sale sign may be placed in the public swale.
 - b. No sign shall be placed on private property without the owner's permission.
 - c. No sign shall be posted on any utility pole or column, fence, or similar structure or object. Such signs will be subject to immediate removal and a fine of \$50.00 will be assessed.
 - (6) Maximum height:
 - a. If freestanding, four feet;
 - b. If wall-mounted, no higher than the wall on which it is mounted.
 - (7) Sign removal:
 - a. Weekend sales. All approved signs shall be removed by 8:00 a.m. on the Monday following the sale.
 - b. Weekday sales. All approved signs shall be removed by 8:00 a.m. on the day immediately following the date of the sale.

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Signs not removed by the required time shall be subject to immediate removal and a fine of \$50.00 may be assessed to the person or property owner responsible for the permit for the garage or yard sale.

- (8) The town may remove signs not in compliance with this section in accordance with the provisions of section 70-64.

2. *Parking and directional signage.*

- (a) *Parking area identification signs.* Signs with one or two faces and wall-mounted signs with one face shall be permitted subject to the following restrictions:
- (1) Permitted content: Designation of entrance and exit points, including directional arrows.
 - (2) Maximum area: Four square feet per sign face.
 - (3) Maximum number: As determined to be reasonably necessary by the community development director.
 - (4) Location: On the same lot as the parking area to which it is accessory.
 - (5) Minimum setbacks:
 - a. Two feet from lot line of another lot;
 - b. Five feet from a public right-of-way;
 - c. Placement within the clear visibility triangle is strictly prohibited.
 - (6) Maximum height:
 - a. Low freestanding, four feet;
 - b. Twelve feet if wall-mounted.
- (b) *Parking area instructional and related signs.* Signs with one or two faces and wall-mounted signs with one face shall be permitted subject to the following restrictions:
- (1) Permitted content: The direction of traffic flow within a parking or loading area, areas where no parking is permitted, identification of parking spaces reserved for other specific groups or for individuals, and other similar information.
 - (2) Maximum area: Not larger than is necessary to be visible to motorists on the site where they are located and subject to site plan approval.
 - (3) Maximum number: As determined to be reasonably necessary by the community development director in order to regulate traffic flow, parking, loading, handicapped and reserved parking, and subject to site plan approval.
 - (4) Location: On the same lot as the parking and other vehicular circulation areas to which the sign is accessory.
 - (5) Minimum setbacks:
 - a. From the lot line of another lot subject to development approval;
 - b. From the public right-of-way is subject to development approval;
 - (6) Maximum height:
 - a. If wall-mounted, no higher than the wall on which is mounted;
 - b. If freestanding, six feet.
- (c) *Directional signs.* Directional signs are limited to four feet in height and four square feet, giving directions to motorists regarding the location of parking areas and access drives

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shall be permitted as permanent accessory signs on all parcels and shall not be counted as part of an occupancy's allowable sign area.

3. *Temporary signage.*

(a) *Temporary signs erected during the development stage of residential and nonresidential uses.* Signs with one or two faces and wall-mounted signs with one face shall be permitted subject to the following restrictions:

- (1) Permitted content: Identification of homes or home sites, condominiums, apartments, for sale, rent, or lease in a residential development under construction, and/or identification of nonresidential development under construction. Signs may include identification of developers, contractors, architects, engineers, real estate agents and other related information.
- (2) Maximum area: Two hundred square feet per face.
- (3) Maximum number: One per 500 feet or fraction thereof of each street frontage.
- (4) Location: Within 100 feet of the entrance to the development, which it identifies, or in another suitable location as determined by the community development director.
- (5) Minimum setbacks: Twenty feet from lot line of any property located outside the development.
- (6) Maximum height: Twelve feet.
- (7) Prior to the issuance of a certificate of occupancy of a completed residential or nonresidential structure, all such signs shall be removed.
- (8) Illegally placed temporary signs shall be removed by the town at the sole expense of the property owner, and/or sign owner, and/or the individual responsible for the illegal placement. 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 with an assessment of the town's administrative costs.
- (9) Maximum height of 12 feet and minimum of 20 feet from the public right-of-way. Such distance and height may be altered if unique physical conditions exist as determined by the community development director.

(b) *Temporary real estate signs.* Signs with one or two faces and wall-mounted signs with one face shall be permitted only for the purpose of advertising the land or building for sale, rent or lease, and shall relate only to the premises upon which the sign is located. No sign permit shall be required for temporary residential real estate signs that do not exceed six square feet. However, such signs shall be subject to the following restrictions:

- (1) Permitted content: The name, logo, address and telephone number of the real estate agent or owner, offering the property on which it is located for sale, lease, or rent and other related information.
- (2) Maximum area:
 - a. For residential uses, six square feet per sign;
 - b. For nonresidential uses, 16 square feet per sign face. Park Avenue Downtown District real estate signs shall only allow wall or window mounted real estate signs, maximum nine (9) square feet.
- (3) Maximum number:
 - a. One residential sign per lot. In addition, during an open house one additional open house sign may be displayed during the hours of the open house only. In

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- no case may an open house sign be displayed for more than two days in any given week.
- b. One nonresidential real estate sign per 500 feet or fraction thereof of each street frontage.
- (4) Location: On the lot advertised for sale.
 - (5) Minimum setbacks:
 - a. Twenty feet from the lot line of another lot and five feet from a public right-of-way;
 - b. In an intersection of a street with other streets and with access drives, as required by subsection 70-61(d).
 - (6) Maximum height: Six feet.
 - (7) Time limit: Signs advertising the sale, lease or rental of vacant land shall be removed immediately upon the sale, lease or rental of the property, or within six months from the issuance of a temporary sign permit unless such sign permit is properly renewed.
 - (8) Real estate signs shall not be placed within public right-of-way.
 - (9) Illegally placed temporary signs shall be removed by the town or at the sole expense of the property owner, sign owner, and/or the individual responsible for the illegal placement. 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 with an assessment of the town's administrative costs.
 - (10) Temporary real estate signs are not permitted for businesses engaged in the rental or lease of facilities on an ongoing basis.
- (c) *Temporary political signs pertaining to specific elections.*
- (1) Permitted content: Any message urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, advertising a candidate, or stating a position regarding an issue upon which the voters of the town will vote.
 - (2) Maximum area: The maximum area for a temporary political sign shall be four square feet.
 - (3) Maximum number: One sign on each street side of any residential or commercial property for each candidate or ballot item; for a total of no more than four such signs per property.
 - (4) Location: Only on lots where the property owner has given permission. The placing of temporary political signs anywhere on public property is prohibited. Temporary political signs located on public property shall be deemed to be public property and shall be summarily removed by the town.
 - (5) Maximum height:
 - a. If freestanding, three feet;
 - b. If wall-mounted, no higher than the building wall on which it is mounted.
 - (6) Time limit: Signs permitted pursuant to this section shall be installed no sooner than 30 days prior to an election and shall be removed within 48 hours after the day of the election to which the sign may apply.
 - (7) Permit requirements: No permit required.
 - (8) A temporary political sign shall not be placed within a public right-of-way.

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- (9) Candidates shall be held responsible for the size and placement of political signs. An illegally sized or placed temporary political sign may be removed by or at the expense of the political candidate responsible for the illegal placement. An attempt to notify such candidate by phone to remove the sign may be made. A notice shall be posted on or near the noncomplying sign which advises as to the manner of noncompliance and shall allow one day to comply. If said sign is not removed within that time, the town may utilize the provisions of section 9-71, alternative code enforcement procedures and standards, and issue a citation if the sign is not removed within the 24 hours. For purposes of this section, the citation shall be issued to the candidate whose sign is deemed illegally sized or placed. Further, for purposes of the notice requirements of section 9-71, 24 hours notice as provided above shall be considered reasonable.
- (d) *Temporary signs for special noncommercial events of public interest.* All types of signs announcing and promoting special noncommercial events of public interest may be established pursuant to a special event sign plan submitted by the sponsor of the event and provided that no such signs shall be placed more than 15 days prior to the beginning of the event and provided further that all such signs shall be removed within 48 hours after the event. Special event sign plans shall be approved by the director prior to the issuance of a permit under the provisions of this section.
- (e) *Temporary signs for commercial special events.* Temporary signs and displays announcing and promoting a special business event such as a sale, introduction of a new product, store liquidation, etc., may be permitted in addition to those permanent signs which have been previously approved provided they are placed on the lot where the business promoting a special event is located. Temporary signs are permitted to be placed on the property for no more than 14 consecutive days prior to the start of the approved special event. Signs established pursuant to this section shall not be subject to the prohibition of portable signs set forth in subsection 70-102 (2), (9), (13), (15), (16) and (19). Application for temporary event sign shall be accompanied by a special event application, as applicable.
- (1) Permitted content: Any message identifying the event including the type of sale, the address, dates and hours of the sale, directional information and other related event information.
- (2) Maximum number: One per 200 feet or fraction thereof of each street frontage.
- (3) Location: Only within the boundaries of the event site. The placement of a temporary special event sign on public property is subject to the approval of the recreation director.
- (4) Minimum setbacks: Five feet from any property line, provided however that signs are not permitted within visibility triangles as described in Section 78-253(c)(9).
- (5) Maximum height: Twelve feet or five feet below the highest point on the building facade whichever is higher.
- (6) Upon completion of the event, such sign shall be removed within 48 hours. In no case shall a temporary event sign stay in place longer than 14 consecutive days preceding the start of the event with the exception of grand opening or business change signage as provided for in subsection 70-103.3(e)(10).
- (7) Illegally placed temporary signs shall be removed by the candidate or by the town failing the timely removal of the sign as required herein at the sole expense of the property owner, sign owner, and/or individual responsible for the illegal placement. 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

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violations are subject to the imposition of a \$500.00 fine together an assessment of the town's administrative costs.

(8) Large displays such as inflatable balloons announcing a grand opening or anniversary event may be permitted through the special event application process with the approval of the community development director or designee.

(9) All temporary signage must be professionally produced.

(10) Temporary signs and displays announcing the opening of a new business or the change in ownership of an established business or the change of location of a business with a current Lake Park address to another Lake Park address. Temporary signs and displays announcing the opening of a new business or the change of ownership of an established business shall be permitted in addition to other signs which may be permitted on the lot where located. Temporary signage announcing the change of location of an existing Lake Park business to another local in-town address shall be permitted to be placed at the old address with the property owner's permission. Such signs shall not remain in place for more than 60 days. Signs established pursuant to this section shall not be subject to the prohibition of portable signs set forth in subsections 70-102 (2), (9), (13), (15), (16) and shall be exempt from any permit fee, however a signage application is still required. 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 with an assessment of the town's administrative costs.

(f) *Temporary construction signs.* A construction sign shall be permitted only while construction is actually in progress and shall be removed within 30 days following completion or abandonment of work. Such signs shall not exceed 32 square feet per sign face in area with an aggregate area of 64 square feet. One sign per company is permitted per construction site. 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 with an assessment of the town's administrative costs.

(g) *Temporary signs preceding the installation of permanent signage.* In the event that an existing sign needs replacement or repair and a replacement sign or the required repairs are not available at the time the old sign is taken, down a temporary sign may be used in place of the old sign for a period not to exceed 45 consecutive days. Any such sign must be approved and permitted by the community development department prior to being erected and must be located and the same area as the sign that was removed.

4. *Miscellaneous signage.*

(a) *Bulletin board for houses of worship.* In addition to signs permitted pursuant to this section, freestanding bulletin boards with one or two faces and wall-mounted bulletin boards with one face shall be permitted for houses of worship subject to the following restrictions:

(1) Permitted content: Any information related directly or indirectly to the activities of the house of worship. In addition, signs permitted pursuant to this section may contain any noncommercial message which has not been declared by a court of competent jurisdiction to be obscene, defamatory or otherwise contrary to law.

(2) Maximum area: Twenty square feet per face.

(3) Maximum number: One per lot.

(4) Location: On the same lot as the use to which it is accessory.

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- (5) Minimum setbacks:
 - a. Twenty feet from the lot line of another lot;
 - b. Five feet from a public right-of-way, if all sign faces placed parallel to street and five feet, if one or more sign faces not placed parallel to street;
 - c. In an intersection of a street with other streets and with access drives, as required by subsection 70-61(d).
- (6) Maximum height: Six feet.
- (b) *Signs on a marquee.* Notwithstanding the limitations of this chapter on the projection of signs from the wall of a building, signs shall be permitted on marquees subject to the following restrictions:
 - (1) The sign shall be affixed flat to the face of the marquee, projecting not more than three inches therefrom;
 - (2) The sign shall not extend above or below the structure of the marquee;
 - (3) The sign shall be counted in determining the area of wall-mounted signs permitted on the wall from which the marquee projects; and
 - (4) All signs on a marquee for a building which contains more than one occupant shall be the same size and shape.
- (c) *Signs on a canopy or awning.* Notwithstanding limitations of this chapter on the projection of signs from the wall of a building, signs shall be permitted on canopies and awnings subject to the following restrictions:
 - (1) Permitted content shall include the name or logo of the building, or the name or logo of the principal occupant of the building, the address and telephone number; words describing the nature of the business provided that the letters are 50% or less of the height of the letters depicting the name.
 - (2) The sign shall be professionally painted or printed directly on the canopy or awning;
 - (3) The sign shall be counted in determining the area of wall-mounted signs permitted on the wall from which the canopy or awning projects.
- (d) *Time and temperature signs.* Signs giving time and temperature information shall be permitted when attached to or made part of an otherwise permitted sign and shall be limited to the display of time and temperature in commercial and industrial zoning districts only. Such signs shall not be larger than 25 percent of the permitted area of the sign to which they are attached. Such signs shall be counted as part of the permitted area of the sign to which they are attached.
- (e) *Menu board signs.* Signs in a menu type format for the display of the type and price of food and beverage sold at a restaurant. Sign shall be mounted no higher than six feet from the ground on a wall, in a window, or on a pole and be a maximum of four square feet in size. A-Frame style signs are prohibited.

5. *Commercial/nonresidential signage.*

- (a) *Wall-mounted signs in commercial and mixed commercial and light industrial districts.*
Refer to Section 78-70(p) for Park Avenue Downtown District provisions.
- (1) Content: The name, logo and address of the business to which the sign is accessory and other business related information. In addition, signs permitted pursuant to this section may contain any noncommercial message which has not been declared by a

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court of competent jurisdiction to be obscene, defamatory or otherwise contrary to law.

- (2) No sign shall be mounted at a distance measured perpendicular to the surface of a building greater than 18 inches from the surface of the building to the face of the sign. The total square footage of all wall signs on any front wall shall not exceed in surface area or sign area one and one-half times the length of the exterior wall of the individual business establishment to which it is attached.
 - (3) For side and rear wall signage:
 - a. Side wall or rear wall signage shall not exceed 50 percent of the maximum square footage of allowable sign as calculated pursuant to paragraph (2) of this subsection.
 - b. Side wall or rear wall signage adjacent to residential parcels shall not exceed 25 percent of the maximum square footage as calculated pursuant to paragraph (2) of this subsection.
 - (4) There shall be a minimum separation of three feet between wall signs. No wall sign shall cover wholly or partially any required wall opening.
 - (5) No projecting sign may be erected on a wall containing a wall sign.
 - (6) Signs located on the building shall be considered wall signs. The maximum height of a wall sign shall be six inches below the roof at the location of the sign.
 - (7) Wall signs may be painted directly onto the building provided it meets the following standards:
 - a. The sign shall be painted by a professional sign painter.
 - b. A full color rendition of the painted sign must be approved by the community development director prior to issuance of the permit.
 - c. The sign must contain a logo or other graphic elements in addition to the name and address and shall be in proportion to the existing/available sign space and harmonious in design.
 - (8) Auto repair and similar facilities may have one wall sign up to six square feet per garage door bay identifying the function of the bay (e.g. brakes, batteries, air conditioning, etc.). Banners are prohibited.
- (b) *Freestanding sign in commercial and mixed commercial/light industrial districts.*
- (1) Permitted content: The name, logo and address of the building occupant. Only one such freestanding sign shall be permitted per building. In addition, signs permitted pursuant to this section may contain any business related noncommercial message which has not been declared by a court of a competent jurisdiction to be obscene, defamatory or otherwise contrary to law. Refer to Section 78-70(p) for Park Avenue Downtown District provisions.
 - (2) Maximum sum total area of freestanding signs along front street: One square foot for every one and one-half feet of front street frontage of the lots on which located.
 - (3) Minimum setbacks:
 - a. Five feet from any public right-of-way line;
 - b. Eight feet from utility electrical transmission lines;
 - c. In an intersection of a street with other streets and with access drives, as required by subsection 70-61(d);

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- d. There shall be a minimum of a 48-foot separation between signs, including between signs on adjacent parcels, except that all parcels shall be entitled to at least one freestanding sign, unless prohibited by other sections of this Code.
- (4) Multiple signs: More than one freestanding sign shall be permitted per street frontage if all above provisions are met.
- (5) Maximum height: Ten feet above ground where located except as noted below.
- (6) Multi-store/unit complexes where two or more businesses are located in a single building or within attached buildings or within a cluster of buildings sharing a common vehicular entrance and exit shall be allowed a site identification sign with a maximum height of 14 feet. The sign may display the name of the complex. Individual businesses within the site or complex may be identified by a sign appendage not to exceed 12 square feet. Variations in size and design may be approved by the community development director only when a sign plan is submitted for all business units in the complex. Signs in the complex must be harmonious throughout the entire complex in some manner such as but not limited to, background board, trim, mounting brackets, color, architectural design, etc.
- (7) Monument signs shall have a solid base with such base having a minimum width of six feet. The monument sign bases shall be constructed of materials that are different from the sign face. Such bases shall have texture and relief.
- (8) Pole and pylon signs are prohibited.
- (c) *Automobile and boat signage at a dealership.* Signs placed on stationary automobiles or boats on the grounds of a dealership for the purpose of advertising them for sale or lease.
 - (1) Permitted content: Any information related directly to the sale of the vehicle; the signage may include information about price, year of manufacture, special sale, etc.
 - (2) Placement area: Signage may ONLY be placed on the front, side or rear window of a vehicle or a boat. Open hood/door/trunk/signage is prohibited.
 - (3) Maximum area of sign: The size of the sign shall be limited to 50 percent of the window area to which it is attached.
 - (4) Maximum number of signs per vehicle or boat: One sign (vehicle prep sheets are exempt).
 - (5) Signs or other attachments designed to draw attention to the vehicle or boat may not extend or protrude beyond the plane of the window. (American Flags are excluded from this requirement.)
 - (6) Pennants, balloons and other such items intended to attract attention to the merchandise is prohibited.
- (d) *Gasoline price and essential directional signs for service stations in addition to identifying signage.*
 - (1) Gasoline price signs: One streetside gasoline price sign shall be permitted per gasoline station to provide the price of gasoline only and shall be attached to permanent structures. The sign shall not exceed 16 square feet in area per side. The sign shall be affixed to a permanent sign structure or to a building and shall not be located closer than 20 feet to any side property line. The price sign shall not be included in the total area of signage otherwise permitted.
 - (2) Essential directional signs: Signs providing information needed for motorists to locate the proper service station pump site shall be permitted. Such signs shall include those identifying the type and price of fuel sold at individual service pumps, the location of full service and self-service pump islands and other similar information. Such signs

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shall be of a size which can be seen by motorists once on the site but shall not be sized to attract attention of motorists on public rights-of-way.

- (e) *Window signs.* Signs placed in or on a window, and which include plastic signs, signs made of vinyl letters, painted or neon signs, signs that are painted on, applied to, attached to, or projected upon or within the exterior or interior of a building glass area, including doors, or located within 15 feet of the interior of a building glass area, including doors, or any interior illuminated signs or exposed unshielded light source.
 - (1) Permitted content: Business name, logo, address, telephone number, signs denoting hours, open or closed, credit cards or a similar message that provides a customer with information about the store's operation and messages regarding goods and services for sale.
 - (2) Maximum area of sign: the size of the sign(s) shall be limited to 25 percent of any single window panel or pane to which it is attached and shall be included with all other business signs when calculating the allowable square footage for the business.
 - (3) Stand alone lettering shall be discouraged. Lettering that incorporates graphic elements, borders, backgrounds shall be encouraged. Placement and design must be consistent, harmonious, and unified throughout all windows.
 - (4) Paper, cardboard and hand-written signs are prohibited.
 - (5) One generic massed produced neon sign such as neon "OPEN" sign and one other neon merchandise sign limited to six square feet is allowed per business. All such neon signs shall be included with all other business signs when calculating the allowable square footage for the business.
 - (6) "OPEN" flags are prohibited unless approved as a temporary sign associated with the opening of a new or remodeled business.
 - (7) Any plastic lettering applied directly to a window is considered a sign and must obtain a permit and be approved by the community development department prior to placement in the window.

Sec. 70-104. - Legal nonconforming signs.

- (a) *Regulations applicable to nonconforming signs.* Nonconforming signs shall be subject to the building and structural nonconformity provisions of the land development regulations and the provisions of this Code.
- (b) *Replacement of nonconforming sign with another nonconforming sign prohibited.* No nonconforming sign shall be changed to another nonconforming sign, nor shall any nonconforming sign be replaced by another nonconforming sign.
- (c) *Alteration of nonconforming message prohibited.* No sign with a nonconforming commercial message may be altered in any way which would result in a different nonconforming commercial message unless the sign is a bulletin board, or substantially similar type of sign, specifically designed for periodic change of message.
- (d) *Removal of obsolete nonconforming signs.* Obsolete signs which are nonconforming in their number, size or placement shall be removed not less than 30 days after becoming obsolete. 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 with an assessment of the town's administrative costs.

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- (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 until it is replaced. ~~and maintained until 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 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.

Sec. 70-105. - Computation of sign area.

- (a) *Computation of sign area and number.*
- (1) The area of sign permissible for each classification of sign as herein set forth shall include all areas of the sign containing informational and/or directional wording or symbols, and shall include the background area of the wording or symbols.
 - (2) Computation of sign area for signs not covered by section 70-103 and this section and except as provided in subsections (b) and (c) of this section shall be the area of each face of a sign including the area of the smallest circle, triangle or parallelogram which contains all content, background and structural elements of the sign.
 - (3) In computing the area of a sign background, only that face or faces which can be seen from any one direction at one time shall be counted.
 - (4) The number of signs shall be the number of noncontiguous sign faces. Multiple noncontiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area. Where two sign faces are placed back to back and are at no point more than three feet apart, it shall be counted as one sign. If a sign has four faces arranged in a square, rectangle or diamond, it shall be counted as two signs.
- (b) *Certain support structures exempted from computation of area of freestanding signs.* The area of each face of a freestanding sign shall be computed as described herein except that individual support structures shall not be considered to be part of the sign if they:
- (1) Support structures which are part of a decorative landscape wall or screen wall shall not be considered to be part of the sign; and
 - (2) Do not contain letters, symbols or other sign content.

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- (c) *Determination of the number of signs.* Any collection of sign content, background and structure may be considered to be one sign face if the area of said sign face is measured as only one circle or only one triangle or only one parallelogram, provided that the area measured conforms to the maximum sign area requirements of these regulations.

Sec. 70-106. - Illumination of signs.

- (a) Except as otherwise provided herein, signs shall be illuminated only as follows:
- (1) By lights placed inside a cabinet sign with an opaque background and translucent copy;
 - (2) By lights placed inside individual pan-channel letters with a translucent face;
 - (3) By "halo" lights placed behind individual reverse pan-channel letters;
 - (4) By lights which are directed to shine directly on the sign, however, such lights shall be directed and/or shielded so as not to shine directly onto neighboring property or the eyes of passing motorists;
 - (5) By exposed incandescent bulbs for signs which give time or information.
 - (6) See Table 78-70-1 for permissible Airbnb and Bed and Breakfast lighting.
- (b) In all cases, sign lighting may not be designed or located to cause confusion with traffic lights and illuminated signs shall not have lighting mechanisms that project more than 18 inches perpendicularly from any surface of the sign over public space.

Separate provisions can be inserted here or kept in the PADD – even though the intent was to consolidate, it seemed some of the minor provisions were better suited for 78-70(p) and Table 78-70-1 as it relates to specific uses. This can be modified further.

Sec. 70-107. - Exterior architectural lighting.

- (a) *Permitted in commercial and industrial zoned districts only.* Exterior lighting employing strip neon lighting outlining or illuminating a building or portion thereof shall be permitted only in commercial and commercial/light industrial zoned districts.
- (b) *Height from ground.* All bare tubing for exterior lighting employing strip neon shall be mounted no less than eight feet in height from the ground or surface adjacent to the wall or surface for which it is mounted to prevent access to the exposed lighting fixture.
- (c) *Prohibitions.* Exterior lighting shall not:
- (1) Flash, revolve, flutter or be animated;
 - (2) Project into or over any public street right-of-way including the sidewalk;
 - (3) Obstruct or interfere with any door, fire exit, stairway, ladder or opening intended to provide light, air, ingress or egress;
 - (4) Violate the purpose, intent and objectives of this chapter through improper maintenance, abandonment, neglect or being in a dilapidated or hazardous condition, as determined by reference to the Florida Building Code and the National Electrical Code as adopted by the town Code;
 - (5) Constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, glare or method of illumination, or by obstructing or detracting from the visibility of any official traffic control device by diverting or tending to divert the attention of drivers of moving vehicles from traffic movement on streets, roads, intersections of access facilities; or
 - (6) Obstruct the vision of pedestrians.
- (e) *Sign permit requirement.* It shall be unlawful to erect, construct, install or structurally alter exterior lighting without first obtaining a sign permit as required by this chapter, illuminated lighting, including strip neon lighting identifying a business, establishment or activity by name, symbol, figure or lettering, shall be considered a sign, and the property owner shall be responsible for compliance with all sign permit requirements and regulations.
- (f) *Seasonal lighting.* Traditionally accepted seasonal or patriotic exterior lighting displays shall not be illuminated in excess of a total of 90 consecutive days during a calendar year.

Proposed Alcohol Ordinance
(for discussion on PADD applicability)

Final (public hearing) version will be renumbered and re-lettered and will be reviewed for legal sufficiency and re-worded as needed.

Exhibit "B"

PROPOSED – DRAFT ONLY

RELEVANT TO BUSINESSES WITH A CURRENT LIQUOR LICENSE (WILL ALSO APPLY TO FUTURE BUSINESSES) – TO BE USED FOR DISCUSSION.

ORDINANCE NO. __-2018

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTIONS 6-3, 6-5 AND 6-6 OF CHAPTER 6, RELATED TO THE CONSUMPTION, POSSESSION AND SALE OF ALCOHOLIC BEVERAGES IN THE TOWN OF LAKE PARK; PROVIDING FOR THE CREATION OF A NEW SECTION 6-7 TO BE ENTITLED "PENALTY"; 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 adopted provisions in Chapter 6 of its Code of Ordinances (the Code) pertaining to the regulation of alcoholic beverages; and

WHEREAS, the Palm Beach County Sheriff's Office has requested that the Town consider incorporating enforcement provisions in Chapter 6 to enhance the public health, safety and welfare.

WHEREAS, the Town Commission, has determined that amendments to Sections 6-3, 6-5 and 6-6 of the Code would further the public health, safety and general welfare by allowing for an additional enforcement mechanism.

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**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. Sections 6-3, 6-5 and 6-6 of the Code are hereby amended to read as follows:

Sec. 6-3. - Consumption and possession of alcoholic beverages in unlicensed establishments, public parking lots, public places and ways prohibited.

- (a) *Restrictions on the consumption of alcoholic beverages at commercial establishments.* The consumption of alcohol on the premises of unlicensed commercial establishments is hereby prohibited. No person shall consume alcoholic beverages or cause alcoholic beverages to be added to any other beverage on the premises of any commercial establishment unless the owner of the establishment is licensed to sell alcoholic beverages to be consumed on the premises. For the purposes of this section, the term "premises" shall include the parking area of the commercial establishment. No person licensed by the beverage department of the state, who is not licensed to sell alcoholic beverages to be consumed on the premises, shall knowingly furnish or provide any set-ups, glasses or other service to any person for the purpose of consuming alcoholic beverages on the premises. No owner of any commercial establishment who is not licensed by the beverage department of the state to sell alcoholic beverages to be consumed on the premises, or any operator or employee of any such establishment, shall knowingly sell, furnish or provide any set-ups, glasses or any other service to any person for the purpose of consuming alcoholic beverages on the premises.
- (b) *Consumption and/or possession prohibited in and around parking lots; with exceptions.* It is unlawful for any vendor or for any agent, servant or employee of any such vendor, to permit the consumption of any alcoholic beverages in or upon any parking or other area outside of the building or room stated in the vendor's license certificate as the address thereof, when any part of such parking or area is adjacent to the building or premises in which the business license is operated, and when such parking or other area is owned, rented, leased, regulated, controlled or provided, directly or indirectly, by such licensed vendor or by any agent, servant or employee of such licensed vendor. The licensed vendor shall post and maintain a legible, painted or printed sign in at least two separate prominent places on such parking or other areas, with sufficient light directed thereon to be visible during the hours of darkness while such place of business is open, in letters of not less than three inches in height, stating:

"WARNING"

"Drinking alcoholic beverages on the exterior of this premises or in the parking lot or in the public right-of-way is strictly prohibited and subject to a \$500 fine or 60 days in jail, or both-Town of Lake Park Ordinance"

- (1) It is unlawful for any person to consume an alcoholic beverage in or upon any parking area outside of and adjacent to a vendor's licensed premises when such parking or other area is owned, rented, leased, regulated, controlled or provided, directly or indirectly, by such vendor.

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- (2) If any licensed vendor mentioned herein is a corporation, then the officers of such corporation shall be regarded as the owners thereof, for the purposes of enforcement of this section.
- (c) ***Consumption and/or Possession of alcoholic beverages prohibited in and upon public places and public ways, including but not limited to, parks, streets, benches, sidewalks, parking lots, alleys, etc.; with exceptions.*** It shall be unlawful for any person to drink, consume and/or possess or carry an open container of alcoholic beverage on the premises outside of, or on any streets, alleys, sidewalks, benches, or parking areas, and on other lands open to the public and/or owned or controlled by the town which are open to the general public, provided however that the town commission may permit consumption and carrying of alcoholic beverages during special events pursuant to the special event

permits issued in accordance with the special event provisions of this Code. For the purposes of this section, the Lake Park Harbor Marina, **Lake Shore Park** and Kelsey Park shall be excluded from the definition of "park" provided that any consumption of alcohol in **these areas Kelsey Park** must ~~shall~~ be pursuant to a special event permit which authorizes the sale and consumption of alcohol in Kelsey Park. **The Town shall post and maintain a legible, painted or printed sign in at least two separate prominent places on such parking or other areas, with sufficient light directed thereon to be visible during the hours of darkness while such place of business is open, in letters of not less than three inches in height, stating:**

"WARNING"

"Drinking alcoholic beverages on the exterior of this premise, or in any public places and public ways, including but not limited to, parks, streets, benches, sidewalks, parking lots, alleys is strictly prohibited and subject to a \$500 fine or 60 days in jail, or both- Town of Lake Park Ordinance"

- (d) ***Possession of alcoholic beverages in parking lots prohibited; exception.*** It shall be unlawful for any person to possess or consume any alcoholic beverage in or within 500 feet of a commercial establishment parking lot in the town except in those areas in which such possession is permitted pursuant to the Beverage Law, special or general act of the state legislature, the Florida Administrative Code, or town permit, ordinance, resolution or administrative approval unless such alcoholic beverage is in the original container with the seal unbroken.
- (e) ***Exemptions.*** This section shall not apply to:
- (1) Any person engaged in picking up empty beverage containers for the purpose of collecting the deposit or value of the bottle or can itself, nor to any person taking part in a litter control campaign; or
 - (2) The possession of any open container by any licensed distributor or licensed vendor of alcoholic beverages, provided that such alcoholic beverage is being transported solely for commercial purposes.
 - (3) Persons consuming alcoholic beverages at a special event, for which the town has issued a special event permit which includes the authorization for the sale and

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consumption of alcoholic beverages, and provided that the alcoholic beverages are not contained within a glass or metal container.

- (f) *Taking open container from licensed premises prohibited; vendor's responsibilities.* It is unlawful for any ~~those~~ vendors, ~~their agents or employees~~ who are ~~or~~ ~~his~~ ~~their~~ ~~agents~~ ~~or~~ ~~employees~~, licensed to sell beer, wine, liquor or other alcoholic beverages within the Town unincorporated areas of the county, to knowingly allow any person to take from the licensed premises any opened beer, wine, liquor or other alcoholic beverage container, or to knowingly allow any person to take from the licensed premises any glass or other open or unsealed container containing an alcoholic beverage or any mixture containing an alcoholic beverage.
- (g) *Enforcement of section.* ~~It shall be the duty and responsibility of all town law enforcement and code enforcement officers to enforce the provisions of this section. The Town's law enforcement agency, or~~

other duly authorized law enforcement agency is hereby authorized to and shall strictly enforce the provisions of this chapter.

Sec. 6-5. - Hours of sale.

No person shall buy, sell, serve, consume or deliver, or permit the purchase, sale, service, consumption or delivery of, any alcoholic beverages for consumption on or off the premises of a licensed alcoholic beverage establishment between the hours of 2:00 a.m. and 7:00 a.m. of any day, including Sunday but excepting December 31 (New Year's Eve) which hours shall be 5:00 a.m. and 7:00 a.m., respectively. Those businesses or employees thereof who do not comply with this sections shall be subject to a \$500 fine or 60 days in jail, or both.

The Town's law enforcement agency, or other duly authorized law enforcement agencies hereby authorized to, and shall strictly enforce the provisions of this chapter.

Sec. 6-6. - Sale of alcohol near certain uses prohibited.

(a) No person or entity may sell alcoholic beverages for consumption either on or off the premises where the place of sale is within 500 feet of real property that is being used as an elementary school, middle school, high school, or secondary school. Provided, however, that businesses located in the Park Avenue Downtown District on Park Avenue between 7th Street and 10th Street shall be exempt from this 500-foot distance regulation, including locations that are able to demonstrate that they have continuously operated with a valid alcohol sales liquor license that require a change in license or undergo a change of ownership requiring zoning approval of the new liquor license. Bring your own alcohol-type establishments whereby alcohol is not sold onsite, are exempt throughout the Town.

(b) The measurement provided in subsection (a) of this section shall be measured by drawing a straight line between the closest property lines of the place of sale and the real property being used as an elementary school, middle school, high school or secondary school.

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(c) Consumption of alcohol in Kelsey Park, the Lake Park Harbor Marina, or Lake Shore Park must be pursuant to a special event permit, or permanent concession sales located on the premises, which authorizes the sale and consumption of alcohol in Kelsey Park, the Lake Park Harbor Marina, or Lake Shore Park.

Sec. 6-7 Penalty. Any person who violates any provision in this chapter shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days, or by both.

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.