

ORDINANCE NO. 06-2008

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 78 ENTITLED "ZONING," ARTICLE III, SECTION 78-70, ENTITLED "PARK AVENUE DOWNTOWN DISTRICT" ("PADD"), TO AMEND SECTION 78-70(p) TO PROVIDE FOR ADDITIONAL REGULATIONS PERTAINING TO TEMPORARY SIGNS FOR REAL ESTATE SALES AND LEASING PERMITTED IN THE PADD AND TO REQUIRE A TOWN SIGN PERMIT BE OBTAINED PRIOR TO ERECTING OR DISPLAYING ANY PERMITTED SIGN WITHIN THE PADD; AMENDING TABLE 78-70-1 ENTITLED "PERMITTED SIGNS" TO CLARIFY CERTAIN RESTRICTIONS ON SIGN SIZE, NUMBER, COPY, AND OTHER RESTRICTIONS PERTAINING TO PERMITTED SIGNS IN THE PADD; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

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

WHEREAS, Town staff has recommended to the Town's Planning & Zoning Board and the Town Commission, that Town Code Section 78-70(p), containing the PADD regulations for

prohibited and permitted signage, be amended to provide for stricter regulations on temporary real estate signs that advertise property for sale and for lease within the PADD; and

WHEREAS, Town staff has also recommended to the Town's Planning & Zoning Board and the Town Commission, that Town Code Section 78-70(p) be amended to add new subsection 78-70(p)(9), to require that prior to the erection of permitted signs in the PADD, that a sign permit be applied for with the Town, that the proposed signage be reviewed by the Town's Community Development Director, and if the proposed signage is found to be in compliance with the requirements of the Town Code generally, and Section 78-70(p) specifically, that a sign permit be issued; and

WHEREAS, Town staff has further recommended to the Town's Planning & Zoning Board and the Town Commission, that Table 78-70-1, entitled "Permitted Signs" as contained in Town Code Section 78-70(p), be amended to further clarify the restrictions on the maximum size, number, copy, and other related restrictions pertaining to permitted signs within the PADD; and

WHEREAS, on April 14, 2008 the Lake Park Planning and Zoning Board reviewed the proposed zoning text amendments, and have made their recommendations to the Town Commission; and

WHEREAS, the Town Commission has considered the evidence and recommendations presented to it by the Town Staff, the recommendations of the Town's Planning & Zoning Board, and other interested parties and members of the public, regarding the proposed text amendments, and their consistency with the Town's Comprehensive Plan, and the goals and intent of the PADD Zoning District generally; and

WHEREAS, the Town Commission, after due notice and public hearings, deems it to be in the interest of the public health, safety, and general welfare to amend Chapter 78, Article III, Section 78-70(p), of the Town's Code, to provide for additional regulations pertaining to temporary real estate sale and leasing signs which may be erected within the PADD, to amend Town Code Section 78-70(p) to add new subsection 78-70(p)(9), to require that prior to the erection of permitted signs in the PADD, that a sign permit be applied for and obtained from the Town's Community Development Department, and that Table 78-70-1, entitled "Permitted Signs" as contained in Town Code Section 78-70(p), be amended to further clarify the restrictions on the maximum size, number, copy, and other related restrictions pertaining to permitted signs within the PADD.

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

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

Section 2. Chapter 78, Article III, Section 78-70(p)(1) and (2) of the Town of Lake Park Code of Ordinances is hereby amended, Section 78-70(p)(9) is hereby created, and Table 78-70-7 "Permitted signs" is hereby amended, to read as follows:

Sec. 78-70 Park Avenue Downtown District.

(p) *Signs.* The provisions of this section shall apply to all new or existing signs within the Park Avenue Downtown District. These provisions are designed to address the unique characteristics of the downtown district, and to enhance the architectural style and uses to be present in this area.

(1) *Prohibited signs.* The following signs are prohibited within the Park Avenue Downtown District:

- a. A-frame, sidewalk, or sandwich signs;
- b. Alley signs, excluding signage of not more than one square foot in area for business identification/delivery purposes;
- c. Balloon signs;

- d. Banners;
- e. Bench signs;
- f. Billboards;
- g. Cabinet signs;
- h. Changeable copy signs, excluding signs for activities whose principal use involves changes in performances, such as live theaters, movie theaters, comedy clubs, etc;
- i. Electronic message signs;
- j. Flags, excluding American, state, and town flags as approved by the town manager;
- k. Freestanding signs, including monument signs, pole signs, and pylon signs;
- l. General product signs;
- m. Inflatable signs;
- n. Marquee signs, unless otherwise provided herein;
- o. Neon used to outline windows, buildings, doors, etc;
- p. Off-premises signs;
- q. Painted wall signs, with the exception of murals that are commissioned by the town depict historic scenes of Lake Park;
- r. Paper signs attached directly to a window or other surface, including "open," "closed," or similar signs;
- s. Parapet-mounted signs;
- t. Pennants and streamers;
- u. Plastic lettering attached directly to a surface;
- v. Roof-mounted signs;
- w. Signs which involve moving or rotating parts, intermittent lights, animation; and temperature display, or similar movements;
- x. Signs which emit smoke, sounds, odors, or any other visible matter;
- y. Snipe signs;
- z. Stab signs;
- aa. String lights, unless otherwise provided herein;
- bb. Temporary signs; ~~with the exception of real estate signs that advertise property for sale or space for lease;~~ and
- cc. 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;
- c. Menu signs;
- d. Neon signs utilizing a business name or logo;
- e. Political signs;
- f. Projecting signs;
- g. Special events signs;
- h. Wall signs; and
- i. Window signs.
- j. Temporary real estate signs that advertise a property or space for sale or lease; provided however,

that any such temporary “for sale” or “for lease” sign(s) may not be larger than six (6) 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; (2) 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 hand made), and be generally aesthetically pleasing in keeping with the basic goals and intent of the PADD regulations.

(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.

TABLE 78-70-7
PERMITTED SIGNS

TABLE INSET:

Sign Type	Maximum Size	Maximum Number	Copy Limit	Other Limits
Awning Sign	3 square feet	1 per front OR side	Business name, address, <u>phone number</u> , and logo, and words <u>depicting the nature of business</u> (letters shall be <u>not more than 50% of the height of the letters depicting the business name</u>)	*Letters, numbers, and logo shall not exceed 6 inches in height.
	--	--	--	*Located only on valance

Changeable Copy Sign	<p>50 square feet <u>Not more than 50% of any portion of a building fronting on or facing Park Ave.</u></p> <p>-</p>	1 per front of building street frontage	<p>Business name, and name, time, and date of current and upcoming events, and words describing the nature of the business (letters shall be not more than 50% of the height of the letters depicting the name of the business.) The name, time, and date of current and upcoming events may also be displayed.</p>	*May substitute as a wall sign, but shall not be used in addition to a permitted wall sign.
	--	--	--	*Marquee sign may be used
	--	--	--	*Marquee sign may extend over walkways, a minimum 8 foot clearance is required.
	--	--	--	*Marquee shall not extend beyond top of roof
	--	--	--	*Marquee sign shall be proportionate to size of building

Flags	None. Display of flags of the United States shall be in <u>accordance with current U.S. Code of Federal Regulations (C.F.R.) to the extent reasonably possible, and flag size shall be proportionate to the size and height of the flag pole</u>	1 flag pole per business	US, Florida, and Town of Lake Park flags	*Freestanding flagpoles shall not exceed 50 feet in height, <u>except for otherwise permitted stealth telecommunications facilities in a flagpole design.</u>
	--	--	--	*Building-mounted flag poles shall not extend into any public right of <u>right-of-way.</u>
Light Pole Sign	Per Town Commission	1 per pole	Per Town Commission	*Must be approved by Town Commission
Menu Sign (Restaurants only)	3 square feet	1 per restaurant	Restaurant menu	*Within 2 feet of front door
	--	--	--	*Mounted on exterior wall <u>or in a window</u>
	--	--	--	*May be enclosed
Neon Sign	15 square feet <u>a maximum size of six (6) square feet in a window.</u>	1 per business	Business logo, name, open sign or depiction of product	*Mounted flush with wall <u>or in window</u>
	--	--	--	*First floor location only
	--	--	--	*One face only
	--	--	--	*Shall not project <u>by</u> more than 8 inches

	--	--	--	*Shall not be located on arcade or similar facade
	--	--	--	*May be located above or below canopy or arcade
	--	--	--	*May be used as a substitute for or part of a wall or window sign
Projecting Sign	3 square feet	1 per business	Business name, <u>phone number</u> , and logo, <u>and words describing the nature of the business (letters shall be not more than 50% of the height of the letters depicting the name of the business.)</u>	*Letters, numbers, and logo shall not exceed 6 inches in height.
	--	--	--	*Minimum clearance of 8 feet above sidewalk or public walkway
Political Signs	None	None	None	*Allowed pursuant to chapter 70.
Special Events Signs	None	None	None	*Signs, pennants, flags, streamers, banners, etc., as approved by the town manager <u>community development director</u> for special events <u>and for a limited duration as specified in the permit.</u>
	--	--	--	*Number, size, and location of signs to be approved by the town manager <u>community development director</u>

	--	--	--	*Display of signs shall not exceed 14 <u>calendar</u> 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 <u>places of business and on commercial or industrial properties</u> , must be approved by the town manager <u>community development director</u> .
	--	--	--	*Installation in landscaping can be permanent
	--	--	--	*Installation as a seasonal decoration may be displayed for a period not more than 45 <u>calendar</u> days
	--	--	--	*Installation as a seasonal decoration may occur not more than <u>6</u> 3 times per year

	--	--	--	*Installation as a seasonal decoration, may be used for <u>any one or more of</u> the following holidays: <u>beginning of the Christmas holiday season</u> through and including <u>New Year's Day or only New Year's</u> , <u>Thanksgiving</u> , <u>Halloween</u> , <u>Easter</u> , and <u>Kwanza</u> , and <u>Hanukkah</u>
	--	--	--	*Additional holidays may be recognized by the town manager <u>Community Development Director</u> , <u>upon the showing of good cause by the applicant</u> .
<u>Temporary real estate and for sale signs</u>	<u>6 square Feet</u>	<u>1 per property that is for sale or rent</u>	<u>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.</u>	<u>*Professionally produced or created</u>
	--	--	--	<u>*Located on an exterior wall or in a window only, freestanding signage is strictly prohibited</u>

	--	--	--	<u>*A temporary sign permit is valid for 6 months from the date of permit issuance. A new permit must be applied for after the initial 6 month period expires. After the issuance of two temporary sign permits for the same property, the community development director, has the discretion to deny a request for an additional temporary sign permit on the grounds that the sign is not a temporary sign.</u>
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, <u>and words describing the nature of the business (letters shall be not more than 50% of the height of the letters depicting the name of the business.)</u>	*Mounted flush with wall
	--	--	--	*First floor location only
	--	--	--	*One face only
	--	--	--	*Shall not project <u>by</u> more than 8 inches
	--	--	--	*Shall not be located on arcade or similar facade

	--	--	--	*May be located above or below canopy or arcade
	--	--	--	*May be painted directly on wall only if <u>the rendering is commissioned by the Town Commission, and the painted area accurately depicts a scene of historic Lake Park.</u>
Window Sign	<u>No more than 25% of any single window panel or pane area; up to a maximum of 4 square feet</u>	1 per window	Business name, address, logo, and telephone number, <u>and words describing the nature of business.</u>	* <u>Must be painted or applied directly onto the window surface, or hung within 6 inches of the window. Placement and design must be consistent, harmonious, and unified throughout all windows in the building.</u>
	--	--	--	*Neon sign(s) may be used for all or part of permitted signage.
	--	--	--	*Shall be located only on the first floor.
	--	--	--	* <u>Stand alone lettering is strongly discouraged. Lettering that incorporates graphic elements, borders, and backgrounds is preferred.</u>

				<p><u>*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.</u></p>
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Section 3. Severability. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 4. Repeal of laws in conflict. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances, and may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 6. Effective date. This Ordinance shall become effective immediately upon adoption.

Upon First Reading this 7 day of May, 2008, the foregoing Ordinance, was offered by Vice-Mayor Daly who moved its approval. The motion was seconded by Commissioner Balius and being put to a vote, the result was as follows:

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

PUBLISHED IN THE PALM BEACH POST THIS 11 DAY OF May, 2008

Upon Second Reading this 21 day of May, 2008, the foregoing Ordinance, was offered by Commissioner Carey who moved its adoption. The motion was seconded by Commissioner Osterman, and being put to a vote, the result was as follows:

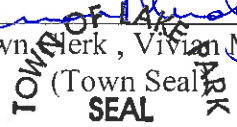
	AYE	NAY
MAYOR DESCA DUBOIS	<u>Absent</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

The Mayor thereupon declared **Ordinance No. 06-2008** duly passed and adopted this 21 day of May, 2008.

TOWN OF LAKE PARK, FLORIDA
 BY: Desca DuBois
 Mayor, Desca DuBois

ATTEST:
Vivian Mendez Lemley
 Town Clerk, Vivian Mendez Lemley
 (Town Seal)

Approved as to form and legal sufficiency:
Thomas J. Baird
 Town Attorney, Thomas J. Baird



FLORIDA