

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING REGULAR MEETING AGENDA

Town Commission Meeting Room

Wednesday, January 19, 2011

6:30 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. APPROVAL OF MINUTES - Planning and Zoning Workshop and Regular Meeting of the Planning and Zoning Board

December 15, 2010

IV. PUBLIC COMMENTS

V. NEW BUSINESS

Item #1: Proposed changes to the required parking regulations and general public parking requirements.

Item #2: Proposed changes to fences and concrete wall requirements.

V. OLD BUSINESS

Item #1: Proposed changes to the sign regulations.

VI. UPDATES/BOARD MEMBER COMMENTS

VII. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AIDS AND SERVICES NECESSARY TO AFFORD AN INDIVIDUAL AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE PLANNING AND ZONING BOARD. IN DETERMINING WHAT TYPE OF AUXILIARY AID AND SERVICE IS NECESSARY, THE TOWN OF LAUDERDALE-BY-THE-SEA, WILL GIVE PRIMARY CONSIDERATION TO THE REQUESTS OF THE INDIVIDUAL WITH DISABILITIES. PLEASE CONTACT THE TOWN CLERK AT LEAST 48 HOURS PRIOR TO THE MEETING TO MAKE ARRANGEMENTS FOR APPROPRIATE AUXILIARY AIDS. (AUXILIARY AIDS AND SERVICES, 56 FED. REG. 35721, SECTION 36.160(B)).

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING AND ZONING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO INSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING REGULAR MEETING MINUTES

Town Commission Meeting Room

Wednesday, December 15, 2010

6:30 P.M.

I. CALL TO ORDER

Vice Chair Brandt called the meeting to order at 6:30 P.M. Members present were Vice Chair Yann Brandt, Ben Freeney, Lawrence Wick and First Alternate Eric Yankwitt. Also present were Jeff Bowman, Director of Development Services, and Town Attorney Kathryn Mehaffey. Board Secretary Colleen Tyrrell was present to record the minutes of the meeting.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

Vice Chair Brandt acknowledged the absence of Chairman Oldaker due to illness, stating he would be chairing both the regular meeting and the subsequent workshop of the Planning & Zoning Board.

III. APPROVAL OF MINUTES

Regular Meeting of the Planning and Zoning (P&Z) Board – September 15, 2010, and November 17, 2010

Mr. Wick made a motion to approve the minutes of September 15, 2010, and November 17, 2010, as presented, seconded by Mr. Yankwitt; In a roll call vote, the motion passed 4 – 0.

IV. PUBLIC COMMENT

Vice Chair Brandt noted there were no members of the public present at the meeting to comment.

V. NEW BUSINESS

Project:

Applicant:

Location:

Request:

(A) The Planning and Zoning Board to provide recommendations to the Town Commission on the proposed amendments to the Towns' Code of Ordinances.

Item #1. Proposed changes to the required parking regulations and general public parking requirements

Director of Development Services Jeff Bowman reviewed the backup information pertaining to the subject item, noting the Town Commission directed the P&Z Board to review the changes before they were sent to the Commission for a first reading.

Vice Chair Brandt reminded the Board the proposed changes had been discussed at two Commission roundtables and a Commission meeting since the last P&Z Board meeting.

Mr. Bowman indicated the only changes being considered were the ones in red; the rest of the document would be reviewed at the P&Z Board workshop taking place after the present meeting.

Mr. Yankwitt commented the question that came to mind as Mr. Bowman reviewed item J was how the report would be done: how it would be reconciled with any Master Plan; how it would be worked going forward; and the results of the interim period, how they would be measured. He wished to see some sort of verbiage addressing these concerns other than what was contained in the second number where the annual report merely said "effectiveness" and "Impact."

Mr. Bowman believed the current format was how the changes would be drafted.

Mr. Yankwitt inquired if the report would be prepared on a month-to-month basis, on an annual basis, year-to-date, etc.

Vice Chair Brandt thought it would be an annual report, and the Commission wished to understand how many parking spots were being waived in the Suspension Program; that is, what the impact would be to the Town's parking system.

Mr. Yankwitt remarked when all the data was grouped at one time and the data compared to data of the previous year or the year to come, it seemed to get "washed through" during the season. He thought there was more of a challenge during winter months than in summer months; this was the impact study in which he was more interested.

Vice Chair Brandt said the Board should make the recommendation for a change that took into account the peak and off peak seasons.

Mr. Freeney wished in ensuing years for the Board to measure the progress of the process to facilitate making comparisons from year to year and month to month. If the definitions of the parameter were insufficiently clear and detailed, the report would serve no informational purpose. He desired a financial value and comparison made of the waived parking spots based on the Town's existing parking program. The parking facilities of the town belonged to the taxpayers, and they should be informed if the Town would be losing or gaining revenue, as, in the end, the taxpayers would bear the brunt of any cost. He felt another concern he raised the previous month was related to what was supporting the subject program, and he spoke to a number of restaurateurs and Town staff over the past month to get their thoughts and input. Staff indicated over the past month there had been considerable discussion at Commission meetings and roundtables, yet he witnessed no substantive data produced to date, either by the Town's administration, restaurateurs avoiding Lauderdale-By-the-Sea, the Commission or the P&Z Board. The Board was not basing its decisions on any facts and this was of great concern, as was the impact on taxpayers. He acknowledged the Town's parking system was running in the red and this needed to be addressed, but it was important to determine how supporting the proposed changes could impact the Town's parking fund. No numbers or information had been produced and he needed to see such data before making any recommendation to the Commission, though he acknowledged the Commission already began debating the topic of discussion, as was their prerogative.

Vice Chair Brandt pointed out the proposed changes currently before the Board had been handed down by the Commission, and it was on this language the present meeting sought to gain Board input and recommendations.

Mr. Freeney inquired of Mr. Bowman if he had been supplied with any form of backup that supported the move to set up a permanent or a two- or three-year trial period exemption and the financial impact on the Town, and if there was any idea as to the type of restaurant vendors that could occupy the space.

Mr. Bowman recalled during the Commission workshop or roundtable there was discussion about the number of empty storefronts, hence the reason for the Commission seeking ways to fill those empty spaces.

Mr. Wick questioned when it became required for the Town to give up its parking and seek to make money to fill storefronts owned by private individuals. He wished to know if staff had any data on any Broward municipalities that exempted all restaurants from parking requirements.

Mr. Bowman replied staff had yet to gather such statistics.

Mr. Wick believed the Board asked staff to investigate such occurrences in Broward County at its last meeting. It bothered him that, rather than have the Town's Chamber of Commerce out to attract businesses to the Town and working with the Town, the Town seemed to be doing the reverse. The Town appeared to be giving "everything" away before worrying about anything else; it was unfair to the citizens, and he wished to know what the cost would be to the Town if the parking suspension program were undertaken, and was it fair to tell established restaurants, such as Blue Moon and Benihana they had to continue paying for parking spaces. He believed this to be anticompetitive.

Mr. Bowman explained, based on the present meeting's agenda, he was unprepared to answer such inquiries. His intended focus was on answering technical questions.

Mr. Wick asked if the Commission agreed at the previous night's meeting to suspend requiring 101 to have parking spaces.

Mr. Bowman affirmed there was some discussion about 101.

Mr. Wick believed there was discussion to reduce the fee from \$81 to \$20 or to \$12.50.

Vice Chair Brandt mentioned, as the previous night's meeting was a Commission roundtable discussion, the matter ended at the discussion point with a planned first reading with public comment at the next regular Commission meeting on January 11, 2011.

Town Attorney Mehaffey addressed the point of discussion stating, generally, there were issues and situations where the plan was to make the action retroactive; however, in the present situation the recommendation was not to make the action retroactive or selectively retroactive; there were probably other ways for that situation to be addressed.

Mr. Wick wondered if this might give undue financial advantage to restaurants coming into the Town in light of the fact that existing larger restaurants had done a good job of working to develop the Town.

Town Attorney Mehaffey affirmed the changes would create different situations for the restaurants.

Vice Chair Brandt sought to refocus the discussion on the actual language of the proposed changes under consideration, as the Commission's discussion appeared to be centered around receiving future payments by private businesses currently satisfying parking exemptions by renting spots from the Town; it was established at the Board's last meeting there were only two such businesses. The focus of the present discussion should be on the structural language of the proposed changes and related questions to staff.

Mr. Wick thought the issue of possibly creating an unfair advantage was a matter the Board should bring to the Commission's attention in its written recommendations.

Vice Chair Brandt observed, with regard to striking out line item J of bars, beer gardens, nightclubs, he did not see this as an addition on any other line item; he wondered if staff was adequately monitoring parking regulations for those businesses as well, or had those uses been eliminated from the Town's business use code.

Mr. Bowman responded they were never a part of the business use code, so they served no purpose.

Mr. Wick felt it was unacceptable to go to zero, suggesting everyone be given the same advantage and, therefore, strike J in its entirety and direct staff to come back with corrective ideas. He did not believe the Board was prepared to pass the proposed changes and recommend their approval by the Commission. He understood Board members were appointed by different Commissioners, but if a Board member disagreed with a proposed change, they should discuss the matter with their appointing Commissioner; he had done so previously and was told the Commission desired individuals on the Board willing to think on their feet and help the Commission. He sought feedback from the Board to either strike J completely and have staff redraft the language, or send J to the Commission with a no-confidence vote.

Mr. Yankwitt questioned if there was any correlation to the provision in J with the Town's Master Plan or the Master Plan Steering Committee. It seemed premature to try to entice existing business owners to revitalize or try to attract new businesses while not knowing what the parking situation would be in two years or until the Master Plan was revised and completed.

Mr. Freney pointed out one of the issues he had with item J was whether businesses would be grandfathered in. If a business opened in Lauderdale-By-The-Sea, once the period of time ended, there should be no issue with grandfathering them in, and such language could be reflected in the proposed changes. He said most of the changes in the subject ordinance were housekeeping changes. Item J stood out from the other changes, as it proposed something new, and he too supported striking J and voting to send the rest of the changes to the Commission for a vote.

Vice Chair Brandt wished to see if the proposed changes moved forward as written, the required application should become an addendum to the business use license request, making it one application as a whole.

Town Attorney Mehaffey stated the application could be included procedurally with the Town, and staff would handle it together in terms of handing business owners the documents at the same time. She did not recommend making the application part of the same application document type and procedure; she was confident in Town staff having the ability to tie the timing of that dispersion together.

Vice Chair Brandt disagreed with the application as a whole but, if there were an application, he preferred to see it not be as big of a barrier to opening the business as it was. The way the subject matter proceeded was with a huge lack of foresight by those who did not support the full exemption; this was a full exemption that was for a three-year period, and a full exemption as a whole would have any time frame, as no government was permanent. Thus, the amount of time the Town administration spent fighting the subject matter would be better served doing something more beneficial in the grand scheme of things.

Assistant Town Manager Bud Bentley indicated he was unaware of any staff efforts to fight the subject program, as they received direction from the Commission at a workshop and, at their request, a week later an item was placed on the Commission agenda. He explained to the Commission the item was placed on the agenda as thought out as it was possible within the week allowed, and it was done within the parameters of what staff felt was the Commission's voiced desires. The Commission's direction to staff at the workshop indicated there would be a program, and the word "exemption" was consistently use; staff focused on how long the program would last and how it would end. He noted the ending of a program that was described to staff as temporary, and parking regulations would be reinstated when there was a parking problem; the subject program was meant as a stimulus program and led staff to believe it was for an indefinite period of time. The actual program by staff quickly focused on how the program would come to an end, and how the business community would be informed of that, and the property rights would be vested with the property and how they would continue. Mr. Bentley commented that staff's recommendations were accepted by the Commission, and he took some umbrage to the comments that staff and the Town administration was not in support of the changes; staff was given directions by the Commission and carried them out to the best of their ability.

Vice Chair Brandt noted at the first Commission roundtable there was clear direction for staff to proceed with formulating an exemption and a suspension program came back; this was where his abovementioned comments were leading. There appeared to be some consensus of support from the Board and he requested a motion.

Mr. Wick wished to make a motion to amend item J, striking all additions and deletions shown in red, leaving the parking requirements status quo keeping one parking space for each 50 square feet of floor area in rooms for customer service.

Mr. Wick made a motion to amend item J as discussed above, seconded by Mr. Freeney. In a roll call vote, the motion passed 3 – 1.

Mr. Wick made a motion to approve the subject changes as reflected in the backup and have them go forward to the Commission, seconded by Mr. Freeney. In a roll call vote, the motion passed 3 – 1.

VI. OLD BUSINESS

None

VII. UPDATES/BOARD MEMBER COMMENTS

Mr. Wick thanked everyone for contributing toys to the toy boxes placed around the Town. He commended the 200 plus people who turned out and had their picture taken with Santa the previous Saturday at Marie White's Santa-By-The-Sea; it was by far the best one the Town hosted.

Mr. Yankwitt thanked everyone for watching the present meeting and wished them a happy holiday season and a prosperous New Year.

Mr. Freeney wished everyone happy holidays, though he wished for a better attendance at the meeting. From his standpoint, he was all about increasing the potential for business in the community, as it was a vital part of the community's life along with the residents. In no way was he against any growth or new business coming to the Town. He believed the Board was originally given the task of revising the Town's existing parking code with a view to modernizing it and making it more business friendly, and more work needed to be done in this regard as a whole and not on a piecemeal basis. It all should be about the Town's Master Plan, and the items should not be piecemealed, as this was not according to the Plan. He looked forward to the Commission continuing their debate and hoped someone would come forward with some substantive information to support the decision-making process pertaining to the Town's entire parking system.

Vice Chair Brandt thanked staff for all the work they had done in the present year to help the Board in its decision making in an effort to provide the Commission with the best advice possible. As an advisory body for the Town's Land Development Code and items such as the subject of discussion, the Board saw things individually, such as the time code, the parking code, etc. The P&Z Board was not a part of the Master Plan Steering Committee, though there might be a way to merge some of the views on a long term basis. As a whole, the Board examined things that were in the best interest of the Code, taking direction from the Commission one-by-one or as a body. He was disappointed with the direction of the Town's parking code, but this was part of the governing system. The lesson learnt was that all the people fighting for a decrease in parking regulations for about 15 years

should have been present at the meeting, including nongovernmental organizations, such as the Chamber of Commerce, as well as other businesses in support of the changes. He thought the Commission was flexible, and if people who were opposed to the changes spoke with some of the Commissioners things would have turned out differently. For the new year, he encouraged everyone that could benefit from the changes or wished to see the Town prosper in a particular way they favored to get involved. He wished everyone Seasons Greetings and a Happy New Year; he looked forward to working with them in 2011.

VII. ADJOURNMENT

There being no further business to discuss, Mr. Wick made a motion to adjourn the meeting at 7:20 p.m., December 15, 2010.

ATTEST:

Chairman Alfred Oldaker

Date Accepted: _____

Colleen Tyrrell, Board Secretary

INTEROFFICE MEMORANDUM

TO: PLANNING AND ZONING BOARD MEMBERS
FROM: JEFF BOWMAN, DEVELOPMENT SERVICES DIRECTOR 
SUBJECT: PROPOSED AMENDMENTS TO THE UNIFIED LAND DEVELOPMENT CODE (PARKING REGULATIONS)
JANUARY 19, 2011 P&Z BOARD MEETING
DATE: 1/11/2011

Attached is the revised copy of the Parking Regulations. Staff has additional recommended revisions for your review and they are highlighted in green.

If you have questions please contact me.

Thanks.

**Parking Code Changes Being Considered by the Planning and Zoning Board
(Those Changes That Are Shown in the Ordinance Being Considered on First
Reading by the Town Commission on 1/11/11 Are Highlighted in Yellow)**

Current Code and Proposed Changes	Reason
<u>Subdivision E. - RM-25 District Regulations</u>	Addressed in Sections 30-317 and 30-318
Sec. 30-241. - RM-25 district—Apartments.	
* * * (n) Off-street parking. Notwithstanding any other provision of this section or of sections 30-314 through 30-323 in conflict with this paragraph, any multiple dwelling and/or hotel building hereafter erected or altered shall provide off-street parking sections 30-314 through 30-323 as hereinafter specified: (1) — Parking spaces hereinbefore required shall be not less than nine feet in width and 18 feet in depth. (2) — Except as modified by the provisions of this subparagraph, all of the requirements of section 30-313 shall remain in effect. (3) — Where the ground floor of any structure is planned for parking, all sides of the area allocated to parking shall be enclosed with decorative block or other approved construction to conceal the parking area. Ingress and egress driveways are permitted to provide access to this parking area. * * *	
Sec. 30-242. - RM-25 district—Regulations for the redevelopment of existing lots of 60 feet in width or less in the RM-25 districts.	Addressed in Section 30-318 (b)
(d) Parking.	
Except as modified herein, the parking provisions of sections 30-241 and 30-313 of the Town's Code of Ordinances shall remain in effect.	
(1) — Each lot or plot shall be required to have two parking spaces per dwelling unit. (2)(1) The minimum width shall be ten feet for a one-way driveway and 20 feet for a two-way driveway. (3)(2) The minimum back-up dimension for a driveway serving a garage or parking space shall be 24 feet.	

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Current Code and Proposed Changes	Reason
* * *	
<u>Subdivision F. - RM-50 District Regulations</u>	
<u>Sec. 30-251.</u> - RM-50 district—Hotel.	
* * *	
(i) Parking area.	
Open parking located in this district for the parking of automobiles incidental to business and approved by the Town Commission after the provisions of this article have been met shall be designed, maintained and used in accordance with the following minimum requirements:	Addressed in Section 30-318
(1) Hotels, one automobile space for each rental unit, plus one parking space for the owner or manager.	
(2) Motels, one automobile space for each rental unit plus one parking space for the owner or manager.	
(3) Apartment hotels, one automobile space for each rental unit plus one parking space for the owner or manager.	
(4) Apartments, one automobile space for each rental unit, plus one parking space for the owner or manager.	
(5) Parking areas shall be used only for the parking of private passenger vehicles, in good running order, or for customers, clients, patrons, visitors or employees. No charge shall be made for parking. No business of any kind including repair service, washing, sale, display or storage shall be conducted on or from the plot.	
(6) No advertising signs shall be erected on the premises except that one directional sign at each point of ingress and egress may be erected which may also bear the name of the operator of the parking area and the enterprise it is intended to serve. Such signs shall not exceed 20 square feet in area, and not extend to a greater height than six feet above the ground, and shall be erected within the parking area.	Addressed in Section 30-319
(j) Surfacing.	
The parking area shall be provided with a pavement having an asphaltic or portland cement binder and shall be so graded and drained as to dispose of all surface water accumulated within the	Addressed in the Sign Regulations

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[illegible]

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Current Code and Proposed Changes	Reason
3. Retail stores. one parking space for each 200 square feet of floor area of the store. 4. Unplatted lots. If off-street parking is not platted for a specific lot, then one parking space shall be required for each 700 square feet of floor area. Setback requirement areas may be utilized to comply with the parking requirements. * * * <u>Subdivision L. - Supplemental Regulations</u> * * *	See Section 30-318 (i) Addressed in Section 30-318 (j) All lots are platted
Sec. 30-313. - General provisions. These general provisions shall govern development within the corporate limits of the Town, as follows: * * * (6) Off-street parking. Off-street parking areas for apartments, hotels, and multi-family units shall be provided and shown on the plot plan, with a minimum of nine feet by 18 feet for each parking space, to accommodate cars in the following proportional ratios: a. Two automobile parking spaces for each condominium, apartment or rental apartment. b. One and one-half parking spaces for each hotel and motel room plus additional parking	Addressed in section 30-318 See Section 30-318 (b) See Section 30-318 (c)

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
for any accessory uses at the current Code requirements. c. All off-street parking areas shall be provided with a pavement having an asphaltic or portland cement binder, and shall be so graded and drained as to dispose of all surface water accumulated within the parking space. d. All automobile parking spaces shall be clearly marked or designated with independent ingress and egress for each parking space provided. e. Each parking space shall be directly accessible from a street or alley or from an adequate aisle or driveway leading to the street or alley. Access aisles and driveways shall be of sufficient size to permit convenient maneuvering of cars and each space shall be accessible without driving over or through any other space. f. Ground floor area when used for parking pursuant to RM-25 construction shall be enclosed. Such enclosure shall be composed of decorative block, screening or other substance. All other sections of the parking ordinance shall be adhered to. * * * (25) Parking incidental to business. a. In B-1 zoned areas, parking shall be permitted on B-1 or RM-25 zoned lots where B-1 zoned lots adjoining RM-25 zoned lots, and where such parking is for the convenience of the employees, patrons or guests of the owner of the business, motel, or apartment. b. Such parking shall be enclosed by a ventilated concrete fence or hedge of not less than 42 inches nor more than 72 inches in height to conceal such parking as may be required by the Town Commission. Overnight parking of any size truck, van, or trailer shall be prohibited. The area used for parking shall be asphalt paved and shall have adequate drainage.	Addressed in section 30-320 Addressed in section 30-320 (a)(2)

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
* * *	
Sec. 30-314. - Off-street parking; general requirements. (a) <i>Purpose.</i> The purpose of the following sections is to provide off-street parking provisions which are intended for and in the interest of the citizens of the Town of Lauderdale-By-The-Sea. These sections shall be construed to be the minimum requirements for the promotion of the public health, safety, moral and general welfare of the community. (b) <i>Scope.</i> (1) Any building, structure, or use instituted with the Town of Lauderdale-By-The-Sea after the effective date of these sections [March 14, 1995] shall provide off-street parking facilities in accordance with the provisions of these sections for the use of occupants, employees, visitors and/or patrons thereof. Such off-street parking facilities shall be maintained and continued as long as the uses are continued. (2) Any building, structure or use, instituted or erected prior to the effective date of these sections need not provide additional off-street parking facilities in accordance with the provisions of these sections provided that such existing buildings, structures or uses are not altered so as to enlarge or increase the capacity, floor area or seats therein. (3) When an existing building or structure is expanded to increase the floor area or seats or to otherwise increase the capacity of the building or structure, the provisions of these sections shall apply to the increased floor area, seats or increased capacity only. (4) When an existing building or structure is changed in use to a new use which would require more off-street parking pursuant to these sections than the former use, the new use shall receive credit for the off-street parking spaces attributable to the former use pursuant to these sections, even if the former use lacked sufficient parking pursuant to these sections. (5) The provisions of subsections (b)(3) and (b)(4) are provided to allow for the orderly expansion and re-use of existing buildings and structures. Additionally, applicants requesting an expansion in floor area, seat	

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
or capacity or a change in use are encouraged to pursue other options for the provision of required parking available in these sections. (6) It shall be unlawful for an owner or operator of any building, structure or use affected by these sections to discontinue, change or dispense with, or to cause discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of these sections. All such alternative vehicle parking facilities must be approved by the Town Manager or his designee, in writing, before the same may be used. It shall be unlawful for any person, firm or corporation to utilize such buildings, structure or use without providing the off-street facilities to meet the requirements of and be in compliance with this chapter. 7) <u>An otherwise conforming building, or a legal non-conforming building permitted to rebuild under Section 30-21 or the Town Charter, may be rebuilt or redeveloped, according to the applicable provisions of this code and shall retain its parking credits pursuant to subsection 4 above. Any increase in floor area or change of use shall be subject to the additional parking requirements of this Code.</u>	
Sec. 30-315. - Requirements for general commercial uses. (a) <i>Fractional measurements:</i> When units or measurements determining number of required off-street parking spaces result in requirement of a fractional space, any such fraction equal to or greater than one-half shall require a full off-street parking space. (b) <i>Mixed uses:</i> In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately, and off-street parking spaces for one use shall not be considered as providing the required off-street parking for any other use <u>except when a Shared Parking Study is approved by the Town Commission, as provided in Section 30-320.</u> (c) <i>Measurement:</i> For the purposes of these sections, floor area shall mean the gross floor area inside of the exterior walls. In churches and other places of assembly in which occupants utilize benches, pews or other similar seating facilities, each	

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Current Code and Proposed Changes	Reason
20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.	
Sec. 30-316. - Plans. Plans shall be submitted with every application for a building permit for any use or structure required to provide off-street parking under these sections, which plans shall clearly and accurately designate the required parking spaces, access aisles and driveways, entrances and exits, adequate drainage, lighting, curbs and curb cuts, surface materials used thereon, and relation to the uses or structure these off-site parking facilities will intend to serve. Said plans to be developed in accordance with the site plan design criteria included in the Town Land Development Code (section 30-124(a)(1)). Sec. 30-317. - Design standards. (a) The minimum size (in feet) for parking stalls shall be as follows: 9 X 18—standard space 9 X 23—parallel space 10 X 25—loading space 12 X 18—handicap space 8 X 15—compact space <u>Compact space: 8 X 15</u> <u>Handicap space: 12 X 18</u> <u>Loading space 10 X 25</u> <u>Standard space 9 X 18</u> <u>Parallel space 9 X 23</u> (b) A standard parking stall shall be nine feet wide by 18 feet deep. A maximum of 25 percent of all parking spaces can be compact spaces provided they are specifically designated and designed for "compact only" and the layout is approved by the Town Commission. (c) Parking layout and design criteria is provided in site plan requirements (section 30-124(a)(1) of the Land Development Code). (d) Stalls shall be provided with bumper guards, wheel stops, or continuous curbing when necessary for safety or protection to adjacent structures or landscaped areas.	A standard parking space is defined in (a)

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Current Code and Proposed Changes	Reason
(e) Composition. Parking facilities, including access aisles and driveways, shall be surfaced with brick, asphaltic or concrete surfacing maintained in a smooth, well-graded condition with standards set forth according to the Town Manager. (f) Drainage. All off-street parking facilities shall be drained so as to not cause any nuisance on adjacent or public property. Such drainage facilities shall be arranged for convenient access and safety of pedestrians and vehicles with standards set forth according to the Land Development Code. (g) Identification. Each parking space required and provided pursuant to the provisions of these sections shall be distinguished and separated from adjoining parking spaces by means of three-inch painted stripes. It shall be the responsibility and obligation of the owner or operator of any building, structure or use affected by these sections to maintain such identification markings so that parking spaces at all times are distinguishable from one another. (h) Back-out parking prohibited. Parking facilities that require a motor vehicle to exit the parking space by backing-out onto State Road A-1-A shall be prohibited for all new development and re-development of any properties adjacent to State Road A-1-A. For purposes of this section, "new development" shall be defined as the construction of a building or parking lot upon a vacant or cleared lot. For purposes of this section, "re-development" shall be defined as any increase in building height, floor area or number of units, any reconstruction or remodeling exceeding 25 percent of the assessed valuation of a building, or any substantial alteration of the street facade of a building.	
Sec. 30-318. - Minimum parking requirements. (a) Dwellings, single-family, two-family and condominiums <u>Singlefamily and duplex dwellings</u>: two parking spaces for each dwelling. (b) Dwellings, multiple <u>Multiple-family</u> dwellings: 1½ parking spaces for each dwelling unit <u>with less than three bedrooms and two parking spaces for each unit with three or more bedrooms</u> plus one guest space for every five units. If, in addition to dwelling units, there are other uses operated in conjunction with and/or as a part of the multiple dwelling, additional off-street parking spaces shall be provided for such other uses as would be required by this section, if such uses	Correction. Condominiums moved to (b) Condominiums are multi-family dwelling, which are addressed in (b). No definition for two family.

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
were separate from the multiple dwelling. (c) <i>Hotels and motels, including clubs:</i> One parking space for each rentable unit. A rentable unit is defined as a unit with an outside entry door and bathroom which can be rented individually. The unit may or may not have kitchen facilities. For example, a two-bedroom unit that can be converted to two separate units, each with outside door and bathroom, is counted as two rentable units. A two-bedroom, one-bath unit with only one outside door is counted as one rentable unit. If, in addition to rentable units there are other uses operated in conjunction with and/or as part of the hotel/motel, additional off-street parking spaces shall be provided for such other uses as would be required by this section if such uses were separate from the hotel/motel. (d) <i>Hospitals, sanitariums, asylums, orphanages, convalescent homes, homes for aged and infirm:</i> one parking space for each bed for patients plus one parking space for each two employees, including nurses, on the maximum shift. (e) <i>Places of public assembly, including assembly halls, private clubs, exhibition halls, convention halls, dance halls, skating rinks, sports areas, community centers, libraries and museums:</i> one parking space for each <u>three fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats or one parking space for each 200 50-square feet of net floor area utilized for seating or customer service. In places of assembly in which occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.</u> (f) <i>Churches:</i> one parking space for each three <u>fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats. In churches in which occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.</u> (g) <i>Funeral homes:</i> one parking space for each four seats in public rooms. (h) <i>Medical, dental lab, chiropractic, health studio, etc., clinics:</i> one parking space for each 200 square feet of floor area. (i) <i>Business, professional and governmental offices:</i> Parking space requirements vary depending on the size in gross leasable area (GLA) according to the following table:	Addressed in Ordinance 2011- 01

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason										
<table border="1" data-bbox="394 401 959 642"> <tr> <th>Office Size (GLA)</th><th>1 Space for Each (Square Feet)</th></tr> <tr> <td>Less than 5,000</td><td>250</td></tr> <tr> <td>5,000 to 20,000</td><td>300</td></tr> <tr> <td>20,000 to 50,000</td><td>325</td></tr> <tr> <td>More than 50,000</td><td>350</td></tr> </table> (j) <i>Restaurants, including customer service areas of outside cafes on private property, sandwich shops, coffee shops and any establishment or portion of an establishment dedicated to preparing and serving food to the publicbars, beer gardens, night clubs: one parking space for each 50 square feet of floor area in rooms for customer service, except that from February 1, 2011 until January 31, 2014, no parking spaces shall be required for new restaurants or the expansion area of existing restaurants. This suspension of the parking requirement shall be known as the "Parking Suspension Program."</i> (1) <i>Application required. To qualify for the Parking Suspension Program, a Parking Suspension Application must be submitted, in a form to be approved by the Town, with supporting documentation.</i> (2) <i>Eligibility for program. The application, and all supporting documents for the construction of a new restaurant or for a restaurant expansion, shall have been submitted and deemed to be complete by the Town prior to February 1, 2014, and all required permits received and the restaurant subsequently built within the time periods specified in the Town's Code.</i> (3) <i>Status following end of program. At the end of the Parking Suspension Program, all restaurants built under the Parking Suspension Program will become non-conforming uses, and shall be subject to the requirements of the non-conforming use provisions of the Town's Code. Notwithstanding the foregoing, restaurants or expansions of restaurants built under the Parking Suspension Program may be completely remodeled or rebuilt without providing parking, as originally permitted through the Parking Suspension Program, as long as the square footage of customer service area is not increased. Any increase in square footage of customer service area after the program has ended must comply with the parking requirements in effect at the time of construction of the increased square footage.</i>	Office Size (GLA)	1 Space for Each (Square Feet)	Less than 5,000	250	5,000 to 20,000	300	20,000 to 50,000	325	More than 50,000	350	Addressed in Ordinance 2011-01
Office Size (GLA)	1 Space for Each (Square Feet)										
Less than 5,000	250										
5,000 to 20,000	300										
20,000 to 50,000	325										
More than 50,000	350										

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason									
(4) <i>Annual report.</i> The Town Manager shall provide an annual report to the Commission that describes the utilization, effectiveness and impacts of the Parking Suspension Program. (5) <i>Notice and hearing prior to expiration of program.</i> Following public notice, the Town Commission shall conduct a public hearing and evaluation of the program's impacts at least six months prior to its expiration on January 31, 2014. (k) <i>Retail stores:</i> one parking space for each 225 square feet of floor area. (l) <i>Reserved.</i> (m) <i>Furniture stores:</i> one parking space for each 500 square feet of floor area of the building. (n) <i>Charter, sightseeing or fishing boats:</i> one parking space for each two seats or fraction thereof; required spaces shall be adjacent to the docks regularly used by the boat or within 400 feet thereof. (o) <i>Uses not specifically mentioned:</i> The requirements of off-street parking for any uses not specifically mentioned in this section shall be one space for every 200 square feet of gross floor area. (p) <i>Marinas and yacht basins:</i> one parking space for each boat slip and one parking space for each employee. (q) <i>Banks and savings and loan associations:</i> one parking space for each 235 square feet of gross building floor area. (r) <i>Gasoline service stations:</i> A minimum of three spaces plus one additional parking space for each 200 square feet of building or service floor area in excess of the first 600 square feet.										
(s) <i>Leased and rental vehicles:</i> one space for each leased car maintained on premises plus one space for each employee. (t) <i>Shopping centers:</i> Parking space requirements vary depending on the size in gross leasable area (GLA) and composition of the center according to the following table: <table><tr><th>Shopping Center Size in GLA</th><th>Base Rate (1 Space For Each square feet)</th><th>Special Uses Requiring Additional Spaces Above Base Rate</th></tr><tr><td>Less than 50,000</td><td>225</td><td>10 spaces for each 1,000 sf of food service</td></tr><tr><td></td><td></td><td>3 spaces for each 100 cinema seats</td></tr></table>	Shopping Center Size in GLA	Base Rate (1 Space For Each square feet)	Special Uses Requiring Additional Spaces Above Base Rate	Less than 50,000	225	10 spaces for each 1,000 sf of food service			3 spaces for each 100 cinema seats	
Shopping Center Size in GLA	Base Rate (1 Space For Each square feet)	Special Uses Requiring Additional Spaces Above Base Rate								
Less than 50,000	225	10 spaces for each 1,000 sf of food service								
		3 spaces for each 100 cinema seats								

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes			Reason
		1 space for each 700 sf of office use >10% of GLA	
50,000–100,000	250	10 spaces for each 1,000 sf of food service	
		3 spaces for each 100 cinema seats	
		1 space for each 700 sf of office use >10% of GLA	
100,000–200,000	250	6 spaces for each 1,000 sf of food service	
		3 spaces for each 100 cinema seats > 450 seats	
		1 space for each 700 sf of office use > 10% of GLA	
200,000–400,000	250	3 spaces for each 100 cinema seats > 750 seats	
		1 space for each 700 sf of office use >10% of GLA	
400,000–600,000	225	3 spaces for each 100 cinema seats > 750 seats	
		1 space for each 700 sf of office use > 10% of GLA	
600,000–1,200,000	200	3 spaces for each 100 cinema seats > 750 seats	
		1 space for each 700 sf of office use >10% of GLA	
(u) Convenience stores, grocery stores: one parking space for each 125 square feet of floor area.			
(v) Personal service shops: one parking space for each 200 square feet of service floor area including barber shops and beauty shops.			
(w) Theaters, movies or otherwise: one space for every three fixed seats plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats.			
Sec. 30-319. - Limitations on use of required parking facilities.			Addressed in Ordinance 2011-01
The following uses and activities shall not be permitted in required parking facilities:			
(1) Parking to serve an off-site building unless in accordance with an off-street parking agreement approved by the Town in accordance with section 30-			

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
320. (2) Storage, repair or display of any vehicles, equipment or merchandise. (3) Parking of vehicles, which, due to its size, shape, contents or location creates an obstruction or public safety hazard, or which cannot be contained within a single designated parking space. (4) Off-street parking facilities supplied by the owner or operator to meet the requirements of these sections shall not be used by commercial vehicles owned, operated or used in the business or such owner during regular hours.	
Sec. 30-320. - Parking other than on-site location.	
(a) <i>Regulation of <u>required parking, shared parking and off-site required parking</u>. Parking spaces shall be located <u>as follows</u>:</i> <i>(1) <u>Onsite: Required parking spaces may be located <u>up</u> on the same plot or parcel of land the parking area is intended to serve, or</u></i> <i>(2) <u>Off-site: Required parking spaces may be located <u>offsite</u>, <u>upon</u> a plot of land owned or leased by the same person or business entity that owns <u>and</u> the business which is served by the parking spaces <u>that is</u>:</u></i> <i>(i) <u>located at any location within the Town's corporate limits <u>and</u> zoned for business use, <u>or</u></u></i> <i>(ii) <u>located in an RM-25 district, when the lot is adjacent to the business use, <u>or</u></u></i> <i>(iii) <u>on an RM-25 lot located within 50 feet of the RM-25 lot utilized for parking for the business under subsection (2)(ii) above.</u></i> <i>(3) <u>Shared: Required parking spaces may be permitted to be utilized for meeting the parking requirements of two (2) or more separate permitted uses, when it is clearly established by the applicant that the two (2) or more uses will utilize the spaces at different times of the day, as follows:</u></i> <i>(i) <u>Location. The two (2) or more separate permitted uses must be on adjacent lots, in a complex, or on a unified development site.</u></i> <i>(ii) <u>Study. The applicant shall prepare a Shared Parking Study, using a methodology approved</u></i>	Revised to clarify, improve readability and intent. Deleted text follows.

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Current Code and Proposed Changes	Reason
<u>by the Town Manager, establishing the peak parking requirements of the permitted uses, based on a time of day occupancy analysis. The results of the Study must be approved by the Town Commission.</u> <u>(iii) Change of hours. Any modification of the business hours of any of the businesses that results in a parking usage overlap shall result in revocation of the approval, or enforcement by the Town of the Shared Parking Agreement required below, or both.</u> <u>(4) Requirements. Required parking which is off-site or shared parking must comply with the following:</u> <u>(i) Users. Required parking is for the convenience of the employees, patrons or guests of the use providing the required parking.</u> <u>(ii) Overnight parking. Overnight parking of any size truck, commercial van, or trailer shall be prohibited as provided in Chapter 19, Article II of the Code of Ordinances.</u> <u>(iii) Fencing of Parking Lots in RM-25 District. Parking lots in the RM-25 district shall be enclosed by a ventilated concrete fence or hedge of not less than 42 inches nor more than 72 inches in height to conceal such parking.</u> <u>(iv) Agreement Required. Use of either off-site or shared parking to meet required parking, wherever located, requires a Shared Parking Agreement between the owner of the use and the owner of the parking spaces. The Shared Parking Agreement must be in writing, provide cross access and ingress and egress if necessary, and provide for maintenance of the parking and enforcement of the Agreement. The Agreement shall run to the benefit of the Town and shall be binding upon any heirs, successors and assigns. The Agreement shall include a provision whereby the owner of the use acknowledges that the continued validity of the use is contingent on a valid Shared Parking Agreement, and that termination of the Agreement shall result in revocation of the approval of the use, unless alternative parking is provided to meet the minimum parking</u>	

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<u>requirement of the Town Code within 90 days of notice of termination. The Agreement may be terminated only upon agreement of the Town Manager or his or her designee, which may be granted if (a) each property standing on its own satisfies the off-street parking requirements established by the code, or (b) Town or other offstreet facilities will be provided within 90 days which meet the requirements of this Article. A lease or rental agreement may be utilized as a Shared Parking Agreement if it meets the requirements of this section. Any Agreement pursuant to this section must be in a form approved by the Town Attorney and shall be recorded in the public records of BrowardCounty.</u> In instances where the parking area is located on a different plot or parcel of land than that it is intended to serve, a lease or license agreement shall be entered into between the owner of the land and the owner of the business. The lease or license agreement shall be considered a restriction running with the land and shall bind the owners, heirs and successors and assigns of said owner. When off-site property is leased or licensed to achieve the minimum number of parking spaces allowed required in conjunction with a business use, the lease or license agreements shall include a provision whereby the business owner (lessee or licensee) acknowledges that the privilege of conduction business in the Town is contingent on a valid and enforceable lease or license agreement and that cancellation of the lease or license agreement shall result in revocation of the privilege to conduct business in the Town, unless alternative parking is provided to meet the minimum parking space requirement of the Town Code is obtained within 90 days of notice. All lease or license agreements must be in a form approved by the Town Attorney and shall be recorded in the public records of BrowardCounty. A property owner may only rent space to one off-site business. (b) — Parking incidental to business. (1) — Parking incidental to business shall be permitted on B-1 zoned lots or on RM-25 zoned lots where the B-1 zoned lot(s) upon which the proposed use is located is (are) adjacent to RM-25 zoned lots. In addition, if an RM-25 zoned lot is available for the purposes of establishing off-street parking and the lot is located no more than 50 feet from the RM-25 zoned lot which is immediately adjacent to the B-1 zoned lot, it too may	See revised text above

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Current Code and Proposed Changes	Reason
be used for off-street parking for the benefit of the primary B-1 use. Further, such parking is for the convenience of the employees, patrons or guests of the owner of the business, motel or apartment. (2) Such parking shall be enclosed by a ventilated concrete fence or hedge of not less than 42 inches nor more than 72 inches in height to conceal such parking as may be required by the Town Commission. Overnight parking of any size truck, commercial van, or trailer shall be prohibited as provided in Chapter 19, Article II of the Code of Ordinances. The area used for parking shall be asphalt paved and shall have adequate drainage.	
Sec. 30-321. - Modification of parking requirements. The Town Commission may approve a reduction in the minimum parking requirements after review and consideration of a recommendation from the Board of Adjustment when: (1) There is a public parking lot judged adequate to accommodate a portion of the parking demand of said use located within 400 feet straight line distance from the site; or (2) There is on-street parking judged adequate to accommodate a portion of the present and probable future parking demand of the general area; or (3) There are commercial or private lots located within 400 feet straight line distance that are judged adequate to accommodate a portion of the present and probable future parking demand of the general area. Provided, however, the Board of Adjustment shall find that such reduction in the parking requirements will not create a parking problem due to customers or employees using on-street parking in the general area, and that the traffic problems in the general area will not be materially increased. A parking study prepared in a professional manner shall be submitted with requests to waive parking requirements, said study to address existing and future parking demands, parking availability and traffic circulation. Requests for a reduction in the minimum parking requirements for a commercial use may be considered by the Town upon receipt of an application in a form approved by the Town, from the owner of the site seeking the reduction, as follows: (a) <i>Minor reductions.</i> Requests for a reduction of (i) 1 to 3 required parking spaces or (ii) up to 10% of the number of required parking spaces may be approved by the Town Manager. If the request is denied by the	Addressed by Ordinance 2011-01

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Current Code and Proposed Changes	Reason
Town Manager, that decision may be appealed to the Town Commission. (b) Major reductions. The Town Commission shall hear requests for reductions in parking in excess of the Town Manager's authority under subsection (a). Such requests shall be accompanied by a parking report prepared by the Town, analyzing existing and future parking demands, the availability of underutilized public parking spaces, and traffic circulation. (c) Criteria for approval of major or minor reduction. Requests for reduction may be approved, in whole or in part, upon a finding that there is sufficient available publicly owned parking judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route. Sec. 30-322. - Off-street loading; general provisions. (a) Adequate space for loading and unloading of materials, goods or things, and for delivery and shopping, shall be provided and maintained as required by the Planning and Zoning Board on the same plot as the building which it serves. (b) Where any structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring an off-street loading space, such space shall be supplied and maintained to comply with this section. (c) For the purposes of this section, an off-street loading space shall be an area at the grade level at least ten feet wide by 25 feet long with a 14-foot vertical clearance. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required loading space, and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Such loading space shall also be accessible from the interior of any building it is intended to serve. Sec. 30-323. - Handicap parking requirements.	

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<i>Off-street parking for the disabled.</i> Each site used or to be used for commercial or community facility shall provide parking for the disabled in the immediate vicinity of the building or buildings as follows: (1) Reference herein is made to total parking spaces in lot in relation to required number of accessible handicap spaces: Up to 25 equals one space; 26 to 50 equals two spaces; 51 to 75 equals three spaces; 76 to 100 equals four spaces; 101 to 150 equals five spaces; 151 to 200 equals six spaces; 201 to 300 equals seven spaces; 301 to 400 equals eight spaces; 401 to 500 equals nine spaces; 501 to 1,000 equals two percent of total; over 1,000 equals 20 plus one space for each 100 over 1,000. (2) All spaces have accessible thereto a curb ramp or curb cut, when necessary to allow access to the building served, in close proximity to the entrance and shall be located so that users will not be compelled to wheel behind parked vehicles. (3) Handicapped parking spaces shall be a minimum of 12 feet wide and 18 feet deep. Each such space shall be conspicuously outlined in blue paint. (4) Each such parking space shall be posted and maintained with a permanent sign of a color, size and design approved by the Florida Department of Transportation, bearing the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY." All signs shall be on a free-standing metal support post in front of the space such sign is applicable to and the bottom of the sign shall be a minimum of six feet above the ground level. (5) Each such parking space shall be required as part of the parking and loading space requirement. Sec. 30-324. - Violations. The failure or neglect on the part of the owner or operator of a use or structure within the Town which is encompassed within the provisions of sections 30-314 through 30-323 of the Town of Lauderdale-By-The-Sea Land Development Code, to comply with all of the provisions of said sections shall constitute a violation of this Code.	

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Current Code and Proposed Changes	Reason

File: U:\0 Agenda Commission & PZ Board\11-11 P&Z Parking Regs Exhibit BB rev 0111.docx

**Weiss Serota Helfman
Pastoriza Cole & Boniske, P.L.**

Memo

To: Planning and Zoning Board Members

From: Susan Trevarthen, Town Attorney
Kathryn M. Mehaffey, Assistant Town Attorney

Cc: Jeff Bowman, Director of Development Services

Date: January 6, 2011

Re: Proposed Amendments To Article VIII, Sign Regulations

At its July 27, 2010 meeting, the Town Commission approved the Notice of Intent to move forward with amending Chapter 30, Article VIII, Sign Regulations, of the Town's Code of Ordinances. These revisions to the sign code enhance severability provisions, resolve internal conflicts, and enhance defensibility in light of recent case law. Several minor changes were also been made to address inconsistencies and implementation issues identified by Town staff. The Planning and Zoning Board reviewed the proposed ordinance amendments and recommended approval at its September 15, 2010 meeting. At the October 12, 2010 Town Commission meeting the Commission sent the item back to the Planning and Zoning Board to consider a comprehensive rewrite of the sign code involving the business community's input. On November 9, 2010 a new Notice of Intent was issued to provide for a comprehensive review and revision of the sign regulations. On November 17, 2010 the Planning and Zoning Board tabled this item to their December 15, 2010 meeting. At its December 15, 2010 meeting, the Planning and Zoning Board directed staff to code the proposed changes according to purpose and origin, revise the treatment of pole and sandwich signs, and designate pylon signs as prohibited.

SUMMARY OF CHANGES

A number of changes have been implemented in the proposed Ordinance in order to enhance the defensibility of the Code. Most of these changes are technical in nature, and many alter the format or presentation of the regulation in ways that make the Code less susceptible to challenge without major changes to the impact of the regulation. All changes are noted in the Ordinance in strike-through and underline font. Changes are color coded to identify the purpose or source of the change as follows:

	LEGAL
	HOUSEKEEPING
	BOARD
	LEGAL WITH STAFF POLICY RECOMMENDATION
	LEGAL SUBJECT TO REVISION IF RECEIVE DIFFERENT POLICY DIRECTION
	STAFF RECOMMENDATION

In addition, the following changes are highlighted for the Board's review:

- The regulations for pole and pylon signs were conflicting. The regulations have been revised to reflect the Planning and Zoning Board's direction at its December 15, 2010 meeting and to resolve the conflicting language. Pole signs have been identified as permitted signs for hotels and motels in the RM-25 and RM-50 zoning districts, subject to the previously existing placement criteria. As directed by the Board, pylon signs are not permitted and have been clearly identified as legal non-conforming signs.
- All pylon signs, and pole signs outside the RM-25 and RM-50 zoning districts are prohibited signs and existing signs which were legally built under the Code's criteria are legal non-conforming signs. We recommend the Board review the pole and pylon sign non-conforming provisions, relocated in Section 30-501(f). The replacement criteria, as it existed, allows all non-conforming pole and pylon signs to be replaced as long as they were legal signs for the two years prior to March 27, 2001. At staff's direction, the removal and replacement criteria were expanded to provide for removal and replacement with a conforming sign upon damage greater than 50% of the replacement value, or upon abandonment of the legal, non-conforming pole or pylon sign for a period of six months or more.
- As directed by the Board, sandwich signs have been permitted subject to certain criteria, within the B-1 zoning district. Valet signs have been created and are permitted for hotels and motels in the RM-25 and RM-50 zoning districts during operation of a valet service based on the existing language.
- Sections 30-313(10), (11), and (12), have been deleted to address constitutional concerns and duplicative regulations and procedures. Section 30-313(9) was amended to provide the criteria set out in deleted subsection 30-313(12).
- Permit review procedures and timeframes were added to protect against constitutional challenges.
- Working with staff, we identified several types of signs which present legal concerns, are not utilized in the Town, are addressed inconsistently, or appear in multiple areas of the Town's Code. Defunct, unused sign types, color palette and other requirements were deleted, and inconsistencies and duplications were resolved.
- Severability provisions were added, and the substitution clause was updated to enhance defensibility.
- Protections were added for non-commercial speech.
- Flag regulations have been revised to eliminate constitutional concerns and, based on the concerns and direction of staff, to implement standards which reflect the current usage, size and development of flags in the Town.
- The definition of canopy and awning signs was amended to clarify procedures to enhance defensibility and at the direction of staff, to reflect recent right-of-way encroachment legislation approved by the Town Commission.
- A number of other technical changes were made which help create a more consistent and defensible Code with clearer implementation procedures and a reduction in interpretation issues.

ORDINANCE 2010-16

1 AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
2 THE SEA, AMENDING CHAPTER 30, UNIFIED LAND
3 DEVELOPMENT REGULATIONS, ARTICLE V. ZONING,
4 TO DELETE DUPLICATIVE SIGN REGULATIONS;
5 AMENDING ARTICLE VIII. SIGN REGULATIONS, TO
6 REVISE PROVISIONS AND CLARIFY TERMS,
7 REQUIREMENTS AND STANDARDS REGARDING SIGN
8 REGULATIONS; FURTHER CREATING A NEW SECTION
9 30-510, SEVERABILITY REGARDING SIGN
10 REGULATIONS; PROVIDING FOR SEVERABILITY,
11 CONFLICTS AND AN EFFECTIVE DATE
12

13 **WHEREAS**, the Town Commission finds and determines that the Town's land
14 development regulations are required to regulate signs as provided by Section 163.3202(2)(f),
15 Florida Statutes; and

16 **WHEREAS**, the Town Commission of the Town of Lauderdale-By-The-Sea does not wish
17 censor speech, but rather to provide for the public welfare by regulating signage in the Town in a
18 manner that enhances the aesthetics of the community, reduces visual pollution, provides clear
19 information and minimizes distractions to drivers in the interests of traffic safety; and

20 **WHEREAS**, sign regulation to advance the governmental purpose of aesthetics has long
21 been upheld by the state and federal courts; and

22 **WHEREAS**, as long ago as 1954, the U.S. Supreme Court recognized that "the concept of
23 the public welfare is broad and inclusive," that the values it represents are "spiritual as well as
24 physical, aesthetic as well as monetary," and that it is within the power of the Town Commission to
25 determine that the community should be beautiful as well as healthy, spacious as well as clean,
26 well-balanced as well as carefully patrolled," in *Berman v. Parker*, 348 U.S. 26, 33 (1954), which
27 was followed by *State v. Miami Beach Redevelopment Agency*, 392 So. 2d 875 (Fla. 1980); and

ORDINANCE 2010-16

28 **WHEREAS**, sign regulations have been held to advance these aesthetic purposes and
29 advance the public welfare in *City of Lake Wales v. Lamar Advertising Ass'n of Lakeland, Florida*,
30 414 So. 2d 1030 (Fla. 1982); and

31 **WHEREAS**, in *Metro Lights, LLC v. City of Los Angeles*, 551 F.3d 898, 910 (9th Cir.
32 2009), *cert. denied*, 130 S. Ct. 1014 (2009), the United States Court of Appeals for the Ninth Circuit
33 considered a First Amendment challenge to the City of Los Angeles' sign regulation scheme, and
34 upheld that city's ordinance with a finding that "the proliferation of offsite advertising by numerous
35 and disparate private parties creates more distracting ugliness than a single, controlled series of
36 advertisements on city property over which the City wields contractual control;" and

37 **WHEREAS**, in *Clear Channel Outdoor, Inc. v. City of New York*, 594 F.3d 94, 110 (2d Cir.
38 2010), the United States Court of Appeals for the Second Circuit upheld New York City's sign
39 regulations, holding that the City's ordinance advanced the legitimate governmental goal of
40 protecting safety and aesthetics (stating that "[t]he City may legitimately allow limited and
41 controlled advertising on street furniture, while also reducing clutter on City sidewalks . . .
42 [a]llowing some signs does not constitutionally require the City to allow all similar signs"; and

43 **WHEREAS**, the Town Commission finds and determines that this Ordinance is consistent
44 with all applicable policies of the Town's adopted Comprehensive Plan; and

45 **WHEREAS**, the Town Commission is aware that the failure of some courts to apply
46 severability clauses has led to an increase in litigation by billboard developers and other applicants
47 seeking to strike down sign regulations in their entirety so that they may argue that their applications
48 to erect billboards or other signs must be granted; and

49 **WHEREAS**, the Town Commission reiterates its desire that there be an ample and
50 unequivocal record of its intention that the severability clauses it has adopted related to its sign

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regulations shall be applied to the maximum extent possible, even if less speech would result from a determination that any exceptions, limitations, variances, or other sign provisions are invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the Town Commission of the Town of Lauderdale-by-the-Sea recognizes it is in the Town's best interest to add a severability section relating to sign regulation in the Town Code so as to respond to current case law; and

WHEREAS, Section 30-531 of the Code requires issuance of a Notice of Intent prior to the processing of any amendment to the land development regulations in Chapter 30 of the Code, and such notice was given of this amendment on July 27, 2010; and

WHEREAS, on November 9, 2010, a new Notice of Intent was issued providing for a comprehensive review of the Sign Regulations, pursuant to Section 30-531 of the Code; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed this Ordinance at duly noticed hearings on September 15, 2010 and January 19, 2010, and [XXrecommendedXX] its adoption; and

WHEREAS, the Town Commission conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the Town Commission has determined that this Ordinance is consistent with the Town's Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals. The foregoing "Whereas" clauses are ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance and are hereby made a specific part of this Ordinance.

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SECTION 2. Amendment. Section 30-313 of Article V of Chapter 30 is hereby

amended¹ as follows:

Sec. 30-313. - General provisions.

These general provisions shall govern development within the corporate limits of the Town, as follows:

* * *

(9) *Use, public areas.* It shall be unlawful for any person or group of persons to use any public area, park, street or thoroughfare as the site or location for the construction, erection, or installation of shuffleboard courts, tennis courts, croquet courts, putting greens, outdoor fireplaces, or for any and all similar physical installations of any kind, temporary or otherwise, without express permission upon written application from the Town Commission. Violation or failure to comply with this provision may incur the penalty provided under section 1-12 and/or removal of such installation upon written prior notice. If approved, such use may be terminated or cancelled at any time by the Town Commission effective upon 30 days' written notice.

~~(10) *Signs.* It shall be unlawful for any person or group of persons to construct, erect, or install signs, placards, posters, or other notices of any kind, on or in any public area, park, street or thoroughfare, temporary or otherwise, without express permission upon written application from the Town Commission. Violation or failure to comply with this provision may incur the penalty provided under section 1-12 and/or removal of such installation upon written prior notice.~~

~~(11) *Billboards.* It shall be unlawful for any person, firm, partnership, corporation, association, or other organization, or any combination thereof, to erect, construct or install, or to permit the erection, construction or installation of, a billboard of any type, kind or description, temporary or otherwise, within the corporate limits of the Town, without express permission upon written application from the Town Commission. Violation or failure to comply with this provision may incur the penalty provided by section 1-12 and/or removal of such installation upon written prior notice.~~

~~(12) *Variances; shuffleboard, etc., courts; signs.* The Town Commission may, as its sole discretion, grant or refuse to grant as deemed unsuitable to the best interests of the Town and its citizens, on written application for the~~

¹ Words in ~~strike-through~~ type are deletions; words in underlined type are additions.

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use or utilization of lands, buildings or areas, public or otherwise, for the purposes set forth and specified in the three paragraphs immediately above written. In the event that such use upon such written application is granted, it shall be granted only on the basis and the specific understanding that such permissive use shall be terminable or cancellable at any time by the Town Commission effective upon 30 days' written prior notice.

SECTION 3. Amendment. Sections 30-501 through 30-509 of Article VIII of

Chapter 30 are hereby amended as follows:

Sec. 30-501. - Administration and permits.

(a) Applicability. These sign regulations shall be administered by the Building Development Services Department. No sign of any kind (except exempt signs) shall be erected, installed, repaired or replaced within the Town until a permit for such sign or work has been issued by the Development Services Building Department. Prior to the issuance of a sign permit for any sign, the application for a sign permit shall be reviewed and approved by the Development Services Building Department.

(b) Permits. Sign applications shall be on forms promulgated by the Town and shall include sufficient information to ensure complete review of the application. Rules regarding sign application information shall be promulgated by the Town Manager or designee Administration. The application for a permit for a sign shall be accompanied by three copies of the following:

- (1) Address and legal description of the property upon which the sign is to be placed;
- (2) Name and address of the owner of the property upon which the sign is to be placed;
- (3) Written permission of the owner of the property to erect or place the proposed sign;
- (4) A drawing or sample of the proposed sign, to scale, showing the dimensions, letter size, colors, materials, structural support, and lighting, if any;
- (5) If lighting is proposed, information regarding the type and intensity of the proposed illumination to document compliance with the sign illumination restrictions of these regulations;
- (6) A plan showing the proposed location on the ground or building and the mounting height of the proposed sign, along with a color photograph of the proposed location;
- (7) The cost or value of the proposed sign; and
- (8) Any other plans or information required by the Development Services Building Department for any related structural permit or electrical permit.

(c) Application Review. Upon submission of an application, the Development Services Department shall review and evaluate the application as follows:

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(1) No application shall be accepted until it is deemed complete by the Department.
(2) The Department shall review all of the information submitted to determine conformity with this article and applicable sections of the Florida Building Code, including the location of the proposed sign. The submitted application will be reviewed within twenty (20) business days and any corrections, revisions or deficiencies provided to the applicant within that twenty (20) day period. Upon each re-submittal of corrected plans, the Department shall have ten (10) business days to review the application and provide any corrections, revisions or deficiencies to the applicant. This process shall continue until the applicant has submitted a complete application or demands that the application be reviewed as is, without further revisions.

(3) The Department shall approve or deny the sign permit within ten (10) business days of receipt of the complete application or the applicant's demand for review as submitted, based on whether it complies with the requirements of this Article. The Department shall prepare a written notice of the decision, either in the form of an approved sign permit or written notice of denial, describing the applicant's appeal rights, and provide such written notice to the applicant of its decision within the ten (10) day period.

(ed) *No right to appeal.* Except when Commission approval is required pursuant to the provisions of this article of the Code, the decision of the Development Services Building Department for the issuance or denial of a sign permit shall be final. There shall be no right of appeal to the Town Board of Adjustment or Town Commission of a finding of the Development Services Building Department. The appellant may seek relief in the Circuit Court for Broward County, as provided by law.

(de) *Non-conforming signs.* Any previously permitted, existing sign that does not conform to the provisions of these regulations shall be removed or brought into conformance with these regulations upon new development or redevelopment as defined in section 30-507 or the when the Town has determined that the sign (except a pole or pylon sign meeting the criteria and conditions of subsection (f) below) has been destroyed or damaged such that the cost of alteration, repair or replacement of such sign exceeds 50 percent of the replacement cost thereof.

(f) *Non-conforming pole and pylon signs.* Except as permitted in the RM-25 and RM-50 district, any previously permitted pole or pylon sign legally existing as of March 27, 2001, and in existence for the two (2) years prior to that date, shall be considered a legal, non-conforming pole or pylon sign.

(1) Upon new development or redevelopment of a site, any existing pole or pylon signs must be removed and may not be replaced under subsections (2) or (3) below.

(2) If any legal non-conforming pole or pylon sign is removed by the sign owner or property owner, or the sign is damaged by any cause such that the cost of alteration, repair or replacement of such sign exceeds 50 percent of the replacement cost thereof, the sign must be replaced within six months of the

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removal or date of damage in compliance with this section (f), or removed in its entirety.

(3) Legal, non-conforming pole or pylon signs meeting the criteria of this section may be replaced only under the following conditions:

(i) The sign box or panel of a pole or pylon sign shall not exceed 32 square feet in size.

(ii) There shall be no more than one pole or pylon sign per street frontage per property.

(iii) All pole and pylon signs shall be set back at least five feet from any property line or right-of-way.

(iv) Any pole sign located within 30 feet of a street intersection or within 15 feet of the intersection of a parking space and a driveway or street shall maintain seven feet of clearance between the ground and the bottom of the sign box or panel.

(v) No pylon sign may be placed within 30 feet of a street intersection or in any location that would obstruct cross-visibility at a driveway intersection or would obstruct cross-visibility for back-out parking.

(vi) The support poles of pole signs shall not exceed a width or diameter of 18 inches.

(vii) Pylon signs shall be limited to one pylon with a width or diameter not to exceed four feet.

(viii) The height of the top of a pole or pylon sign shall not exceed 15 feet above the crown of the nearest street.

(ix) Replacement pole signs and pylon signs require site plan review and approval by the Town Commission prior to issuance of a sign permit. The following additional requirements and conditions must be met in order for a proposed pole sign to receive site plan approval:

a. The proposed pole or pylon sign is replacing an existing pole or pylon sign.

b. The design and colors of the proposed sign shall be coordinated with the design and colors of any buildings on the premises.

c. The pole(s) of the proposed pole sign and the pylon of the proposed pylon sign shall have architectural treatment or be screened by lattice-work and/or landscaping that will, to the satisfaction of the Town Commission, ensure that the proposed sign is aesthetically compatible with adjoining development.

Sec. 30-502. - Exempt signs.

The following types of signs are exempt from the provisions of ~~this Article~~ these regulations:

- (1) Any sign not visible from any adjoining street, property or water body;
- (2) Any sign contained within a building and set back from any windows at least ten feet;

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- (3) Customary price tags and labels not exceeding 15 square inches in size on merchandise in display windows;
- (4) One (1) ~~clock or date~~/time and temperature indicator no larger than four square feet in size per plot;
- (5) Historical signs, except that a permit shall be required for reconstruction or major repair;
- (6) Legal notices required to be posted by law or ordinance;
- (7) Name and address signs with letters or numerals no more than six inches in height;
- (8) "No admittance", "exit only" and similar signs applied onto or next to rear or emergency doors with letters no more than six inches in height;
- (9) "No parking", and "no trespassing" and similar signs, and warning or danger signs, no larger than four square feet in size;
- (10) "Reserved", or similar lettering or numbers applied to parking space wheel stops;
- (11) Signs required to be posted by a government regulation or law enforcement agency;
- (12) Temporary signs of any type used as part of a special community event or fair, which has been specifically authorized by the Town Commission;
- (13) Informational, directional, hazard and traffic control and similar signs installed by a government agency; and
- (14) Noncommercial signs of four (4) square feet or less per property (residential or non-residential) or business establishment;
- (15) Flags on residential property up to a cumulative maximum of 40 square feet with no individual flag to exceed 27 square feet in size; and
- (16) Up to four flags on non-residential property, each flag not to exceed 27 square feet in size.
- ~~(14) Private warning or danger signs for a bona fide hazard only, no larger than four square feet in size.~~

Sec. 30-503. - Permitted signs.

The following types of permanent signs may be erected, installed, repaired or replaced within the Town, only in conformance with these regulations and after issuance of a permit by the Development Services Building Department:

- (1) Box signs;
- (2) Building or development identification signs;
- (3) Cabinet signs;
- (4) Canopy and awning signs;
- (5) Directory sign;
- (6) Hanging signs;
- (7) Informational, directional and traffic control signs;
- (8) Changeable copy signs;
- (9) Menu board signs;
- (10) Monument signs;
- (11) Name and address signs;
- (12) Neon signs;
- (13) Painted signs;
- (14) Pole signs;

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- ~~(15) Public service signs;~~
- ~~(16) Pylon signs;~~
- ~~(157) Roof signs;~~
- ~~(18) Sandwich signs;~~
- (169) Subdivision and residential development identification signs;
- (1720) Wall signs; and
- (1821) Window signs.

Sec. 30-504. - Temporary signs.

The following types of signs may be permitted within the Town as temporary signs, only in conformance with these regulations and, except for political signs and real estate signs, after issuance of a temporary sign permit by the Development Services Building Department:

- (1) Announcing signs;
- (2) Banner and pennant signs;
- (3) Contractor signs;
- (4) Garage sale signs as provided in Chapter 14.5, Article I or moving sale sign no larger than four square feet in sign size, limited to one sign per plot and displayed on the premises for no more than two days and no more than twice per year;
- (5) Holiday lighting (no permit required);
- ~~(5) Off premises signs;~~
- (6) Political signs (no permit required) (Note: Unlike other temporary signs, political signs do not require the issuance of a permit, however, the person in charge of the campaign or the company erecting the sign shall be responsible for removing the signs within seven days after the date of the election.);
- (7) Portable advertising signs for businesses adjoining a roadway under construction;
- (8) Real estate signs (no permit required);
- ~~(9) Sandwich signs;~~
- (109) Special event signs;
- (11) Valet signs;
- (120) Window neon signs.

Sec. 30-505. - Prohibited signs.

The following types of signs are expressly prohibited within the Town:

- (1) Animated or flashing signs;
- (2) Any sign not listed elsewhere in these regulations as an exempt, permitted or temporary sign;
- (3) Balloon signs;
- (4) Permanent bBanner and pennant signs, except specifically permitted flags or temporary signs;
- (5) Billboards/off-premises signs;

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- (6) ~~Paper signs, except as a window or interior sign, menu board sign or as a specifically permitted temporary sign; Pylon signs;~~
- (7) Private signs of any type placed upon Town property or upon public right-of-way;
- ~~(8) Sandwich sign;~~
- (98) Signs placed upon benches, trash receptacles or newsracks;
- (910) Signs placed on any beach or part thereof, except regulatory or warning signs;
- (101) Signs with unshielded lighting elements, except neon signs;
- (112) Snipe signs;
- (123) Stationary vehicle or trailer signs;
- (134) Strip of string lighting in or around windows, ~~other than temporary holiday lighting;~~
- (145) Signs which no longer advertise or identify a business conducted, a service rendered or product sold; and
- ~~(16) Any other type of sign not listed as a permitted sign or temporary sign;~~
- (15) Signs that produce or emit any type of sound or odor.
- (16) Signs that do not meet the design, material and fabrication requirements of this Article.

Sec. 30-506. - General design standards.

- (a) *Construction:* All permanent signs shall be constructed of durable, weather-resistant and fade-resistant materials. All permanent signs shall be professionally constructed or manufactured. All permanent signs, except those on single-family and duplex lots, shall be installed by a licensed contractor. All permanent signs shall be constructed and installed to conform to the requirements of the building code. All temporary signs shall be constructed and installed in a workman-like manner, shall not pose any safety hazard, and shall be removed upon the expiration of the temporary sign permit or upon the issuance of a severe weather warning. A separate electrical permit is required for any illuminated sign.
- (b) *Colors:* No florescent, phosphorescent, iridescent or reflective colors or paint may be used in any sign, except governmental informational, directional, traffic control or warning signs. ~~The Building Department shall maintain a color sample palate of acceptable sign colors.~~ Sign copy letters and numerals within the same sign shall be limited to no more than three colors. White shall not be counted as a color when used as the background of the sign. All permanent signs on the same building shall use the same color scheme. Sign color(s) shall be compatible with the color(s) of any building or wall upon which the sign is mounted. The sign wall of a monument or pylon sign and the box of a box, pole or pylon sign shall match the color of the building to which it is related. The actual color samples to be used, as well as written authority from the landlord or agent (unless applicant is owner) to use the submitted colors and layout, must accompany all permit applications.
- (c) *Layout:* The size, location, and style of permanent signs shall be compatible with the buildings or locations where they are placed. Multiple signs of the same type for the same business shall be consistent in terms of location, style, size and letter size. New hotel, motel, business and institutional buildings shall be designed to incorporate locations for

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387 wall signage meeting the requirements of these regulations as part of the overall design of
388 the building.

389
390 (d) *Items of information:* The items of identification information on permanent signs for the
391 uses listed below shall be limited to the following:

- 392
393 (1) Hotels and motels (no more than three of the following items of information on
394 any one permanent sign): Hotel or motel name, type of accommodation (i.e.
395 suites, efficiencies, apartments, bed and breakfast, resort or spa), telephone
396 number, chain and travel club affiliations. Address and vacancy/no vacancy
397 information shall be permitted, in addition to the three allowable items.
- 398 (2) Retail, office and service businesses (no more than two of the following items of
399 information on any one permanent sign): Business name, type of business,
400 address, telephone number and up to two of the products or services offered.
- 401 (3) Restaurants and lounges (no more than two of the following items of information
402 on any one permanent sign): Business name, type of business, type of food or
403 beverage served, address, and telephone number.
- 404 (4) Apartment buildings and condominiums (no more than two of the following items
405 of information on any one permanent sign): Name of complex, telephone number,
406 and type of accommodations. Address and vacancy/no vacancy information shall
407 be permitted, in addition to the two allowable items.

408
409 (e) *Substitution clause:* ~~To ensure commercial and non-commercial signage are afforded~~
410 ~~equal protection under this article, any sign authorized in this article may contain either~~
411 ~~commercial or non-commercial copy. It is not the purpose of this article to regulate or~~
412 ~~control the copy, content or viewpoint of signs. Nor is it the intent of this article to afford~~
413 ~~greater protection to commercial speech than to noncommercial speech. Any sign,~~
414 ~~display or device allowed under this article may contain, in lieu of any other copy, any~~
415 ~~otherwise lawful noncommercial message that complies with all other requirements of~~
416 ~~this article. The noncommercial message may occupy the entire sign area or any portion~~
417 ~~thereof, and may substitute for or be combined with the commercial message. The sign~~
418 ~~message may be changed from commercial to noncommercial, or from one~~
419 ~~noncommercial message to another, as frequently as desired by the sign's owner,~~
420 ~~provided that the sign is not prohibited and the sign continues to comply with all~~
421 ~~requirements of this article.~~

422
423 (f) *Sign illumination:* Illuminated signs may be indirectly or internally illuminated. All
424 lighting elements or bulbs must be fully recessed or shielded within opaque or translucent
425 covers. Wooden signs shall not be internally illuminated or have electrical fixtures
426 attached directly to the sign panel. The intensity of illumination shall be limited to no
427 more than 90 foot lamberts or ten foot-candles within residential districts or if visible
428 within 200 feet from first floor residential property. The intensity of illumination shall be
429 limited to no more than 150 foot lamberts or 25 foot-candles if visible within 200 to 500
430 feet from first floor residential property. The intensity of illumination shall be limited to a
431 maximum of 250 foot lamberts or 50 foot-candles within nonresidential districts. All

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transformer boxes, outlets and conduits relating to sign illumination shall be screened from exterior view. A separate electrical permit is required for any sign illumination.

Sec. 30-507. - Definitions and restrictions by sign type.

Address sign: A sign displaying only the numerical address and unit number or letter of the premises upon which the sign is located. An address sign with numerals or letters no more than six inches in height is allowed. Every building shall display an address sign that is clearly visible from the street. Buildings that have rear door access to an alley or parking lot shall also display an address sign that is clearly visible from the alley or parking lot.

Animated or ~~flashing~~ sign: Any sign including electronic, laser, video, digital or similar displays, with elements, images, text, or colors that move, rotate, ~~or flash, change or similar movement~~ is prohibited. A ~~clock, thermometer, date/time and~~ temperature indicator or barber pole is not an animated sign. Temporary animated or flashing signs attached to amusement rides, vending carts, and sideshow equipment used in a special community event specifically authorized by the Town Commission shall not be prohibited by these regulations.

Announcing sign: A temporary sign announcing the opening of a business, the future development of property or an upcoming event or activity. An announcing sign shall not exceed 32 square feet in size. An announcing sign for a new business may be displayed from the date of issuance of a business tax receipt for a business until 30 days after the opening of the business. An announcing sign for a future development may be displayed from the date of approval of a site plan by the Town Commission, or the issuance of a building permit when no site plan approval is required, until the issuance of the certificate of occupancy. An announcing sign for an upcoming event may be posted from 14 days prior to the event until the day after the event. A temporary sign permit for an event announcing sign shall not be issued more than twice per year for the same business.

Awning sign: See "canopy and awning sign."

Balloon sign: Any type of inflatable sign or sign suspended from a balloon is a prohibited sign. Temporary balloon signs used in a special community event specifically authorized by the Town Commission shall not be prohibited by these regulations.

Banner sign: A sign with or without any text, composed of fabric or plastic, and suspended from or attached to a pole or structure by wire, string, brackets or grommets. Pennants are included within this definition of a banner sign. A banner sign shall not exceed 32 square feet in sign area. A temporary sign permit for one banner sign may be issued for a period not to exceed 14 days to announce the opening of a business, a change of business name or an annual church event. A temporary sign permit for use of banner signs shall not be required for a special community event specifically authorized by the Town Commission.

Billboard: A permanent, free-standing or building-mounted sign, advertising products or services not related to the premises upon which the sign is located, is prohibited. Also referred to as off-premise sign.

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Box sign: A sign, constructed like a box, with sign copy carved or routed into an opaque plastic, metal, stone or masonry face. A box sign with sign copy painted on to or applied to a plastic or glass face is a cabinet sign. Routed sign letters may be back-faced with translucent plastic or glass to protect the inside of the sign and to shield lighting elements. A box sign shall not exceed 32 square feet in sign area. A box sign may be used as a monument sign, hanging sign, name and address sign, building identification sign, directory sign, informational, directional or traffic control sign wall sign, window sign, pole or pylon sign or roof sign.

Building or development identification sign: A sign displaying only the name and/or address of a building or development.

Cabinet sign: A sign, constructed like a box, with sign copy painted on or applied to a translucent plastic or glass face.

Canopy and awning sign: A sign that is part of, or attached to a canopy or awning or other similar protective cover. Signs placed upon awnings may consist of fabric, or thermally applied letters, the copy of which shall not exceed the permitted wall sign area. Internally illuminated, transparent or translucent awnings used as signs are prohibited. Any canopy or awning that extends over a public sidewalk must be fire-proofed, shall have at least seven feet of clearance above the sidewalk, shall be setback at least five feet from the edge of pavement of the adjoining street and must comply with section 17-9 of the Code of Ordinances and obtain a right-of-way encroachment permit approval ~~be approved by the Town Commission prior to applying for a sign permit. , along with an indemnification agreement providing for removal upon request of the Town Commission and proof of insurance in the amount of \$1,000,000.00 with the Town named as an additional insured party.~~

Changeable copy sign: A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged by manually removing or rearranging the characters, letters or illustrations on the physical sign.

Commercial message: Any wording, logo, emblem, character, pictograph, trademark, or symbol used to represent a firm, organization, entity, product, or service, or other representation that, directly or indirectly, names, advertises, or calls attention to a product or service. For purposes of this article, terms such as sale, special, clearance, or other words which relate to commercial activity shall be deemed to be commercial messages. Items of identification shall not be considered to be commercial messages.

Contractor sign: A temporary sign, posted upon property or a building with an active building permit, listing only the name and/or type of development and/or the name and phone number of the developer, contractor, architect, engineer, landscape architect, planner and/or realtor. A contractor sign shall not exceed 16 square feet in size.

Development: See "new development and redevelopment."

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Directory sign: A single or double face sign, consisting of the name of the building or development and the names and unit numbers of tenants in a multiple tenant building or development. A directory sign may use a changeable copy. Directory signs erected after the effective date of this article shall not exceed six feet in height. Directory signs shall not exceed 32 square feet in size and a ground-mounted directory sign shall be set back at least five feet from any street right-of-way.

Flag: Any fabric, plastic, canvas, material or bunting containing distinctive color(s), pattern(s), symbol(s), emblem(s) or insignia(s) containing non-commercial speech or used as a symbol of a government, political subdivision or other governmental entity or of any business or institutional entity or idea.

Hanging sign: A double face sign hanging from a canopy, awning, or roof overhang and oriented perpendicular to the nearest building wall. A hanging sign shall have two identical sign faces. Any hanging sign that extends over a public sidewalk shall have at least seven feet of vertical clearance above the sidewalk, shall be setback at least five feet from the edge of pavement of the adjoining street and must comply with section 17-9 of the Code of Ordinances and obtain a right-of-way encroachment permit approval prior to applying for a sign permit.~~be approved by the Town Commission, along with an indemnification agreement providing for removal upon request of the Town Commission and proof of insurance in the amount of \$1,000,000.00 with the Town named as an additional insured party.~~

Historical sign: A sign of historical or architectural significance to the Town may be designated as an historical sign by resolution of the Town Commission and shall thereafter be exempt from all provisions of these regulations except for the requirements for maintenance and permit for reconstruction or major repair.

Informational, directional or traffic control sign:

- a. A noncommercial sign permanently erected and maintained by the Town, County or State, or any agency thereof, to denote the name of any thoroughfare, route directions, educational institution, public building, park, recreational facility or hospital; to direct and regulate traffic; to denote any transportation or transmission company for the direction or safety of the public; or to provide any other governmental information.
- b. A noncommercial sign located on and relating to an activity on the premises upon which the sign is located, providing information to pedestrian and vehicular traffic, e.g., "entrance," "exit," "caution" and "no trespassing."
- c. A noncommercial sign within a development, or at the entrances thereto, showing the name(s) and directions to the locations of the subdivisions comprising the development, a sales office, etc.

Length: The horizontal dimension of a sign as measured in feet and inches.

Menu board sign: A sign placed on a door, wall or column outside of a restaurant and containing only a copy of the menu or daily specials. If a paper menu is used, it must be mounted under a protective glass or plastic cover. A menu board sign shall not exceed four six square feet in size.

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Monument sign: A free-standing stone, masonry or metal ground sign or a sign placed upon a free standing masonry wall section not exceeding six feet in height and listing only the name and address of the development or business. A monument sign shall not exceed six feet in height or 32 square feet in sign area and shall be setback at least ten feet from any public street right-of-way. No monument sign may be placed within 30 feet of a street intersection or in any location that would obstruct cross-visibility at a driveway intersection or would obstruct cross-visibility for back-out parking.

Name sign: A sign containing only the name and unit number or letter of the person, entity or business occupying the premises.

Neon sign: Any type of sign that utilizes exposed neon, argon or any other gaseous or liquid element or compound as a direct means of illumination. Neon, argon or other gaseous or liquid element or compound utilized for illumination that is covered by a translucent material, or otherwise concealed from direct view, shall not be considered to be a neon sign. Exposed neon, argon or any other gaseous or liquid element or compound utilized for illumination used solely to accent or illuminate architectural features of a building shall not be considered a sign, if authorized by the Town Commission as part of the site plan approval for the development. Window neon signs are subject to special regulations as hereinafter set forth:

Window neon signs shall be considered temporary signs and shall require an annual license from the Town. All licenses for window neon signs shall expire on the thirtieth day of September of each year. Each window neon sign shall require a separate license. ~~The Town Commission reserves the right to prohibit the use or display of window neon signs. Commission prohibition of window neon signs shall be enacted by ordinance amending this article of the Code, effective at the expiration of the then most current licensure period.~~

Neon signs shall be permitted in the B1, and B1A and B2 districts, provided:

- (1) A business shall be allowed to have up to three neon signs per street frontage, one of which may be an exterior sign;
- (2) No neon window sign may exceed four square feet unless it displays solely the name of the business;
- (3) The total area of the neon window signs shall not exceed the lesser of 12 square feet or 25 percent of the area of the total window space on the street frontage;
- (4) An exterior neon sign may only display the name of the business or the business' logo;
- (5) The depiction of any part of the human body is prohibited; and
- (6) Signs may remain illuminated only during the business hours of the business, or 10:00 p.m., whichever is later.

New development and redevelopment: For the purposes of Article VI. Sign Regulations, the terms new development and redevelopment shall have the following meanings:

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New development means the construction of a building or parking lot upon a vacant or cleared plot.

Redevelopment means: (1) any reconstruction or remodeling exceeding 25 percent of the assessed valuation of a building; or (2) any substantial alteration of the street facade of a building.

Non-commercial: Containing no commercial message.

~~*Off-premises sign:* A temporary sign advertising or providing notice of products, services or activities being offered or conducted at a location different from where the sign is located. Off-premises signs include "open house", "garage sale" and similar signs. An off-premises sign shall not exceed four square feet in size. An off-premises sign permit must contain the name and phone number of the person responsible for placing and removing the sign. An off-premises sign shall not be placed upon public property or right-of-way. A temporary sign permit for an off-premises sign shall not be issued for a period of more than two days nor for the same location more than four times per year. A \$25.00 refundable removal deposit shall be posted with the Town for each permitted off-premises sign.~~

Painted sign: Any exterior sign or window sign with text or message that is only painted or applied upon a surface. Decals, plastic film, mosaic, photocopied and printed text or messages are also considered to be "painted". All painted signs shall be professionally applied. "Handmade" or stenciled signs are prohibited for use as permanent signs, real estate signs, announcing signs, contractor signs or window signs.

Paper sign: A sign drawn, painted or printed on paper, cardboard, or similar water-absorbing material. Paper or cardboard signs may be used only inside of a building or mounted within a weatherproof cover.

Permanent sign: A permanent sign is any one of the types of signs specifically listed within these regulations as an allowed sign, and which ~~is~~may be installed and maintained in a fixed location for an indefinite period of time.

Pole sign: A sign mounted upon one or two vertical poles, either free-standing or extending above another structure. ~~Pole signs are permitted but are not encouraged. Except as provided in the RM-25 and RM-50 Districts, p~~Properties that ~~did~~not have pole signs ~~on~~at time of adoption of these regulations ~~March 27, 2001~~ and ~~did~~have not had them within the two years preceding adoption shall not be permitted to erect or maintain pole signs. ~~New development and redevelopment shall not be permitted to erect or maintain pole signs.~~ Traffic control and directional signs mounted on poles are not considered to be pole signs. ~~The sign box or panel of a pole sign shall not exceed 32 square feet in size. There shall be no more than one pole or pylon sign per street frontage per property. All pole signs shall be setback at least five feet from any property line or right-of-way. Any pole sign located within 30 feet of a street intersection or within 15 feet of the intersection of a parking space and a driveway or street shall maintain seven feet of clearance between the ground and the bottom of the sign box or panel. The support poles of pole signs shall not exceed a width or diameter of 18 inches. The height of the top of a pole~~

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sign shall not exceed 15 feet above the crown of the nearest street. Pole signs require site plan review and approval by the Town Commission prior to issuance of a sign permit. The following additional requirements and conditions must be met in order for a proposed pole sign to receive site plan approval:

- (1) The proposed pole sign is replacing an existing pole or pylon sign.
- (2) The design and colors of the proposed pole sign shall be coordinated with the design and colors of any buildings on the premises.
- (3) The pole(s) of the proposed pole sign shall have architectural treatment or be screened by lattice work and/or landscaping that will, to the satisfaction of the Town Commission, ensure that the proposed sign is aesthetically compatible with adjoining development.

Political sign: A sign which sets forth the name, cause, or affiliation of a person seeking office or a proposed referendum or ballot proposition, the date of the election and/or the office sought or which sets forth any issue for which, or pertaining to, a public election is scheduled to be held. Political signs may not be erected upon government-owned or leased property. The sign shall be of a temporary nature and shall not exceed an overall size of two feet by three feet. No permit shall be required for such sign; however, the person in charge of the campaign or the company erecting the sign shall be responsible for removing the signs within seven days after the date of the election. No political signs or placards shall be permitted to be erected or placed upon parkways, utility poles, or trees.

Portable advertising signs for businesses adjoining a roadway under construction: A temporary sign, not exceeding 16 square feet in area, allowed in the business and motel districts, to be posted adjacent to the road right-of-way during the period of road construction.

Public service sign: A permanent non-commercial sign erected by the Town, a community service organization, or a homeowners or condominium association identifying a permanent community facility, service or program. The type, size and location of such a sign must be approved by the Town Commission.

Pylon sign: A sign, mounted upon or on top of a vertical wall or pylon, that exceeds six feet in height, either free-standing or extending above another structure. Pylon signs are permitted but are not encouraged. New development and redevelopment shall not be permitted to erect or maintain pylon signs. Properties that did not have pylon signs on March 27, 2001 and did not have them within the two years preceding that date shall not be permitted to erect or maintain pylon signs. The sign box or panel of a pylon sign shall not exceed 32 square feet in size. There shall be no more than one pylon or pole sign per street frontage per property. All pylon signs shall be setback at least five feet from any property line or right-of-way. Pylon signs shall be limited to one pylon with a width or diameter not to exceed four feet. The height of the top of a pylon sign shall not exceed 15 feet above the crown of the nearest street. No pylon sign may be placed within 30 feet of a street intersection or in any location that would obstruct cross visibility at a driveway intersection or would obstruct cross visibility for back-out parking. Pylon signs require site plan review and approval by the Town Commission prior to issuance of a sign

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707 ~~permit. The following additional requirements and conditions must be met in order for a~~
708 ~~proposed pylon sign to receive site plan approval:~~

- 709
- 710 (1) ~~The proposed pylon sign is replacing an existing pole or pylon sign.~~
- 711 (2) ~~The design and colors of the proposed pylon sign shall be coordinated with the~~
712 ~~design and colors of any buildings on the premises.~~
- 713 (3) ~~The pylon(s) of the proposed pylon sign shall have architectural treatment or be~~
714 ~~screened by lattice work and/or landscaping that will, to the satisfaction of the~~
715 ~~Town Commission, ensure that the proposed sign is aesthetically compatible with~~
716 ~~adjoining development.~~
- 717

718 *Real estate sign:* A temporary sign announcing an “open house” or “model home” ~~on the~~
719 ~~premises~~ or the availability of the premises for sale or for lease. The name and phone number of
720 the person or company responsible for placing and removing the sign shall be listed on the sign.
721 Real estate signs located in residential zoning districts shall be no larger than 24 inches wide by
722 18 inches high mounted upon the ground, and shall not exceed three feet in height and shall be
723 mounted with a frame or holder and post. Real estate signs located in nonresidential zoning
724 districts shall be no larger than six square feet in size and, if mounted upon the ground, such sign
725 shall not exceed six feet in height and shall be mounted with a frame or holder and post, or if
726 mounted upon a wall or within a window, such sign shall not be placed higher than 24 feet above
727 the ground. Properties shall be limited to one real estate sign per street frontage. Waterfront
728 properties may display one additional sign facing the water. No real estate sign may be placed on
729 public property or right-of-way. ~~Real estate signs placed on or for property which is for sale or~~
730 ~~lease, during a period of open viewing (“open house” signs) may only be posted during the hours~~
731 ~~of the open house and may only be posted on private property with the permission of the~~
732 ~~property owner. All real estate signs must be removed upon closing or leasing of a property~~
733 ~~which had been for sale or lease.~~

734

735 *Redevelopment:* See “new development and redevelopment.”

736

737 *Roof sign:* A sign mounted above the fascia of a sloped roof or above the deck of a flat roof. A
738 sign placed upon a bona fide tower extending above the principal roof-line of the building or
739 upon a dormer or recessed wall within a sloped roof shall not be considered a roof sign. Roof
740 signs are permitted but not encouraged. Roof signs shall not be permitted if either wall or awning
741 signs can be placed upon a building. New development and redevelopment shall not be permitted
742 to erect or maintain roof signs. No roof signs are permitted on any property with a pole or pylon
743 sign. No roof sign shall exceed 32 square feet in size, four feet ~~vertically~~ in width or 14 feet in
744 length. Roof signs shall be mounted on the parapet wall of a flat roof or on a solid supporting
745 panel on a sloped roof. Roof signs shall not be mounted on visible poles or brackets. Multiple
746 roof signs on the same building shall be the same design, size, shape and color.

747

748 *Sandwich sign:* A movable, portable, free-standing sign not secured or attached to the ground
749 that can be folded and carried by an individual. The sign panels of a sandwich sign shall exceed
750 not 16 square feet in size and shall be no taller than four feet in height. The sandwich sign may
751 only be utilized for a licensed valet establishment or in the B1 or B1A district, for a restaurant,
752 retail, or personal service use, and for no other purpose. A sandwich sign shall not be placed in a

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right-of-way, but may be placed on private property. A sandwich sign may be erected only during the hours of operation of the establishment.

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information to the public. ~~The flag of the United States of America is not a sign in any context. Non-commercial flags are not signs. Other flags or pennants shall be regulated as signs.~~ Non-commercial paintings or murals displayed for purely decorative, historical or architectural purposes are not signs. A mural containing advertising, text or logo's, or copyrighted, trademarked or service marked characters, objects or products advertised in print or media advertising is a sign. Architectural lighting designed to illuminate building walls, architectural features or landscaping is not a sign. Strip or string lighting placed in or around windows is a prohibited sign.

Sign area: The area of a square or rectangle encompassing all of the text, copy, symbols and logos displayed on a sign. The total sign area of all signs attached to the wall, canopy and/or awnings of a building face shall not exceed 15 percent of the area of that building face. In the case of a building with a flat roof, the area of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road to either the deck of a flat roof or the top of the parapet wall, whichever is higher. In the case of a building with a sloped roof, the area of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road to the midpoint of a sloped roof. The sign area of a double-faced sign, with identical faces mounted on opposite sides of the same sign panel or box, is the area of only one of the two identical faces.

Sign height: The elevation above of the highest point of the sign area above the nearest sidewalk or roadway crown.

Sign letter size: The size of an individual letter or symbol in any window sign copy shall not exceed 12 inches in height or width and the size of an individual letter or symbol in any other type of sign copy shall not exceed 18 inches in height or width, except that:

- (1) The sign letter size may be increased by one inch for each 25 feet that the sign is setback from nearest street right-of-way;
- (2) The sign letter size may be increased by one inch for each 25 feet above the elevation of the nearest sidewalk or roadway that the sign is mounted; and
- (3) In a sign with both upper and lower case letters, the maximum letter size of one upper case letter in each word may be increased 20 percent provided that the letter size of the lower case letters is reduced 20 percent.

Sign size: The overall size of the sign box or panel of a pole, box, cabinet, roof, hanging or window sign.

Snipe sign: A prohibited sign, not otherwise permitted by these regulations, which is tacked, nailed, taped, glued or otherwise attached to a tree, pole, fence, newsrack, trash receptacle, building wall or door or other object. Legal notices required by law are not signs.

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799
800 *Special event sign:* A temporary sign placed by the Town, a community service organization,
801 homeowners association or condominium association announcing an upcoming community
802 event, special meeting or election. A special event sign shall not exceed 32 square feet in size,
803 shall not be posted for more than 14 days. A temporary sign permit for a special event sign shall
804 not be issued for the same property or location more than four times per year without the
805 approval of the Town Commission.
806

807 *Subdivision and residential development identification sign:* A sign erected at the entrance to a
808 neighborhood or residential development displaying only the official name and address of the
809 neighborhood or residential development. Subdivision and residential development identification
810 signs shall not exceed six feet in height or 32 square feet in sign area per sign face. One two-face
811 sign may be permitted in the median of a divided entrance or one single-face sign shall be
812 permitted on each side of a street entrance to a named residential neighborhood or of a street-
813 type driveway entrance to a multi-family development. The sign shall not be located within any
814 utility or drainage easements, or within any cross visibility triangle or safe recovery area for a
815 street. All proposed subdivision and residential development identification signs shall be subject
816 to site plan approval pursuant to Article IV of the Land Development Code.
817

818 *Temporary sign:* A temporary sign is any one of the types of signs specifically listed within these
819 regulations as an allowed temporary sign and which may be displayed for a limited, specified
820 amount of time. Temporary signs may be constructed of wood, metal and/or plastic, and may use
821 flat, painted or printed text and designs. Window neon signs shall be considered temporary signs,
822 regardless of the material used in their construction. Unless otherwise addressed by this Article,
823 temporary signs shall be removed within seven days after the event to which they relate.
824

825 *Vacancy/no vacancy sign:* A sign or portion of a sign located at a motel, hotel, apartment
826 building or condominium indicating whether or not there are rooms available. A vacancy/no
827 vacancy sign shall not exceed two square feet in sign area, and may be directly or indirectly
828 illuminated or changeable copy.
829

830 *Vehicle or trailer sign:* A prohibited sign advertising a business or product, mounted on, or
831 attached to a motor vehicle or trailer which is parked for more than 12 hours at the same location
832 or parked on more than three consecutive days at the same location as the business or product
833 which is being advertised, unless the A vehicle is parked inside a garage, or is parked behind the
834 building, or- Aa passenger vehicle displaying a name and telephone number with letters no more
835 than four inches in height is not a vehicle sign as described above.
836

837 *Wall sign:* A sign attached to, or parallel to but within six inches of, a wall, or erected and
838 confined within the limits of an outside wall of any building or structure, which is supported by
839 such wall or building, and which displays only one sign surface.
840

841 *Warning or danger sign:* A sign warning of a hazardous condition or dangerous object or animal
842 in the immediate vicinity. Warning or danger signs not exceeding four square feet in size are
843 exempt from these regulations.
844

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~~Width: The vertical dimension of a sign as measured in feet and inches.~~

Window: For the purpose of these regulations, a window shall be defined as that portion of a first or second floor facade consisting of a transparent, glass-like material designed to provide viewing of the interior from the exterior of the building and which shall be no less than 75 percent transparent from the exterior. The area of a single window includes contiguous window panels separated by dividers less than six inches in width. Contiguous window panels separated by dividers greater than six inches in width, separated by a doorway or separated by the corner of a building shall be considered separate windows. A glass door or pair of doors shall be considered a separate window.

Window sign: A sign attached to or placed within ten feet of the inside of a window and oriented toward the window. No more than three window signs of any type shall be displayed in any single window. A bulletin board, displayed inside a window, and upon which notices, advertisements, specials, listings and the like are posted, shall be considered a single window sign. A window sign shall not exceed 15 square feet in sign size. Window signs shall not obstruct more than 25 percent of the total area of the window within which it is placed. Merchandise in display windows shall not be considered window signs. Customary price tags and labels not exceeding 15 square inches each in size on merchandise in display windows shall not be considered window signs.

Sec. 30-508. – Sign regulations by zoning district.

(a) *RS-5 and RD-10 districts.* Only the following types of signs are permitted within the RS-5 and RD-10 zoning districts, subject to the limitations and requirements contained in the definitions and restrictions by sign type and the general design standards sections of these regulations, and subject to the additional limitations stated below:

- (1) Private informational, directional and traffic control signs.
- (2) Name and address signs: one resident name sign per dwelling unit, including any exempt name sign, to be placed on the building and not to exceed two square feet in sign area. One address sign per address, including any exempt address sign, shall be placed on the building, fence, wall or mail box, be visible from the street and shall not exceed two square feet in sign area.
- ~~(3) Public service signs: Only if approved by the Town Commission.~~
- ~~(34)~~ Subdivision and residential development identification signs: Only if location and other aspects of such signs has been previously approved by the Town Commission pursuant to site plan approval procedures.
- ~~(45)~~ Temporary political signs: To be set back at least five feet from any right-of-way or property line.
- ~~(56)~~ In addition, no more than two of the following temporary signs, including any exempt temporary signs, shall be permitted on any single plot at the same time:
 - a. Temporary contractor signs: one sign per plot to be set back at least five feet from any right-of-way or property line.

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b. ~~Temporary garage sale or moving sale signs: one sign per plot, no larger than four square feet in size and displayed on the premises for no more than two days and no more than twice per year to be set back at least five feet from any right-of-way or property line.~~

be. Temporary real estate signs: To be set back at least five feet from any right-of-way or property line.

cd. Temporary special event signs: two signs per neighborhood to be set back at least five feet from any right-of-way or property line.

- (b) *RM-25 and RM-50 districts.* Single-family and duplex residences and plots located in the RM-25 district shall be subject to the sign regulations as listed for the RS-5 and RD-10 districts listed above.

Only the following types of signs are permitted within the RM-25 and RM-50 districts, subject to the limitations and requirements contained in the definitions and restrictions by sign type and the general design standards sections of these regulations, and subject to the additional limitations stated below:

~~(1) No more than four bona fide flags at a hotel or motel, not exceeding 15 square feet in size each.~~

(12) Private informational, directional and traffic control signs.

(23) Name and address signs: One resident name sign per dwelling unit, including any exempt name sign, to be placed on the dwelling unit and not to exceed two square feet in sign area. One occupant address sign per address, including any exempt address sign, to be placed on the building or mail box and not to exceed two square feet in sign area. One building address sign per building to be placed on the building and not to exceed a total of six square feet of sign area. Every building shall display an address sign that is clearly visible from the street. Buildings that have rear door access to an alley or parking lot shall also display an address sign that is clearly visible from the alley or parking lot.

~~(4) Public service signs: Only if approved by the Town Commission.~~

(35) Subdivision and residential development identification signs: Only if approved by the Town Commission pursuant to site plan approval procedures.

(46) Vacancy/no vacancy signs: one sign per licensed motel or hotel, not exceeding two square feet of sign area.

(57) Temporary political signs: to be set back at least five feet from any right-of-way or property line.

(68) In addition, each multifamily or hotel, motel, apartment building, condominium, group home, church, school or other non-residential use may display no more than two of the following permanent signs, with a combined total sign area of not more than 32 square feet, per street frontage, and the total sign area of all signs attached to the wall, canopy and/or awnings of a building face shall not exceed 15 percent of the area of the building facade. In the case of a building with a flat roof, the area of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road to either the deck of a flat roof or top of the parapet wall, whichever is higher. In the case of a building with a sloped roof, the area of the building face shall be measured from elevation of the nearest sidewalk or

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crown of the road to the midpoint of a sloped roof. If a hotel or motel takes over an adjoining hotel or motel, then the combined hotel or motel is entitled to 16 additional square feet of separate wall or awning sign area; the existing signs shall not be increased in size by this additional footage.

- a. Building or development identification signs: one sign per building per street frontage, with a sign height no greater than 35 feet.
- b. Canopy or awning signs: With a sign height no greater than 18 feet.
- c. Hanging sign: one sign per building per street frontage, with a sign height no greater than 18 feet.
- d. Changeable copy signs: one sign per street frontage, with a sign height no greater than 18 feet.
- e. Monument signs: one sign with one or two faces per street frontage, only on a plot with 200 or more feet of continuous frontage on the same street.
- f. ~~Pole or pylon signs: Limited to hotels, and motels, apartment buildings and condominiums only and to one sign per street frontage per property, subject to the following:~~
 - (i) ~~The sign box or panel of a pole sign shall not exceed 32 square feet in size.~~
 - (ii) ~~There shall be no more than one pole sign per street frontage per property.~~
 - (iii) ~~All pole signs shall be setback at least five feet from any property line or right-of-way.~~
 - (iv) ~~Any pole sign located within 30 feet of a street intersection or within 15 feet of the intersection of a parking space and a driveway or street shall maintain seven feet of clearance between the ground and the bottom of the sign box or panel.~~
 - (v) ~~The support poles of pole signs shall not exceed a width or diameter of 18 inches.~~
 - (vi) ~~The height of the top of a pole sign shall not exceed 15 feet above the crown of the nearest street.~~
 - (vii) ~~Pole signs require site plan review and approval by the Town Commission prior to issuance of a sign permit. The following additional requirements and conditions must be met in order for a proposed pole sign to receive site plan approval:~~
 - a. ~~The design and colors of the proposed sign shall be coordinated with the design and colors of any buildings on the premises.~~
 - b. ~~The pole(s) of the proposed pole sign shall have architectural treatment or be screened by lattice-work and/or landscaping that will, to the satisfaction of the Town Commission, ensure that the proposed sign is aesthetically compatible with adjoining development.~~
- g. Wall signs: With a sign height no greater than 35 feet.

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(89) In addition, no more than two of the following temporary signs, including any exempt temporary signs, shall be permitted on any single business or plot at the same time:

- a. Temporary announcing sign: one sign per plot to be set back at least five feet from any right-of-way or property line.
- b. Temporary contractor signs: one sign per plot to be set back at least five feet from any right-of-way or property line.
- c. ~~Temporary garage sale or moving sale signs: one sign per plot, no larger than four square feet in size and displayed on the premises for no more than two days and no more than twice per year to be set back at least five feet from any right-of-way or property line.~~ Temporary sandwich sign: one sign per hotel or motel for valet services only.
- d. Temporary portable advertising signs for businesses adjoining a roadway under construction: one sign per frontage of a street under construction, not exceeding 16 square feet in sign size, to be posted adjacent to the road right-of-way during the period of road construction.
- e. Temporary real estate signs: To be set back at least five feet from any right-of-way or property line.
- f. Temporary special event signs: two signs per block to be set back at least five feet from any right-of-way or property line.

(c) *B1, and B1A and B2 districts.* Only the following types of signs are permitted within the B1, and B1A and B2 districts, subject to the limitations and requirements contained in the definitions and restrictions by sign type and the general design standards sections of these regulations, and subject to the additional limitations stated below:

- ~~(1) One dive flag at a bona fide dive shop and three bona fide flags at a travel agency or foreign cuisine restaurant, not exceeding 15 square feet in size each.~~
- (12) Building or development identification signs: one sign per building per street frontage with a sign area of no more than 32 square feet and with a sign height no greater than 35 feet.
- (23) Private informational, directional and traffic control signs.
- (34) Menu board sign: one sign per licensed restaurant per street frontage.
- (45) Name and address signs: One occupant name sign per dwelling unit or business, excluding any exempt rear door name sign, to be placed on the dwelling unit or business and not to exceed two square feet in sign area; one occupant address sign per address, excluding any exempt rear door address sign, to be placed on the building or mail box and not to exceed two square feet in sign area; one building address sign per building to be placed on the building and not to exceed a total of six square feet of sign area. Every building, and every business with a separate, ground floor, street-side entrance, shall display an address sign that is clearly visible from the street. Buildings that have rear door access to an alley or parking lot shall also display an address sign that is clearly visible from the alley or parking lot.
- ~~(6) Public service signs: Only if approved by the Town Commission.~~

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- (57) Window signs: No more than three window signs per window, placed in first floor windows; in second floor windows, only one window sign for each business which has its entrance from the second floor or a stairway only.
- (68) Temporary political signs.
- (79) In addition, each office building, separate storefront business, or other non-residential use restaurant, church, assembly hall, school or other building may display no more than two of the following permanent signs, with a combined total sign area of not more than 32 square feet per street frontage, and the total sign area of all signs attached to a building shall not exceed 15 percent of the area of the building facade. In the case of a building with a flat roof, the area of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road to either the deck of a flat roof or top of the parapet wall, whichever is higher. In the case of a building with a sloped roof, the area of the building face shall be measured from elevation of the nearest sidewalk or crown of the road to the midpoint of a sloped roof. (Multiple businesses occupying a single storefront bay must share the permitted total number and sign area of signs.) If a store front business takes over the entire adjoining store front space vacated by another business, then that new business is entitled to either 16 additional square feet of wall or awning sign area, or if the store front business is taking over an entire adjoining store front space vacated by another business, the new business may use the existing roof signage that the old business used provided that the structure of the roof sign is not altered:
- a. Canopy or awning signs: With a sign height no greater than 18 feet.
 - b. Directory signs: one sign per street frontage for a multi-tenant office, multi-tenant retail or governmental building only.
 - c. Hanging: With a sign height no greater than 18 feet.
 - d. Changeable copy signs: With a sign height no greater than 18 feet.
 - e. Monument signs: one sign with one or two faces per street frontage, only on a plot with 200 or more feet of continuous frontage on the same street.
 - f. Pole or pylon signs (if legal non-conforming signs): No new pole or pylon sign may be erected after the effective date of this article March 27, 2001 unless it is a replacement sign meeting the requirements of this article.
 - g. Roof signs: Only when wall or awning signs are not feasible, and not if a legal non-conforming pole or pylon sign exists is placed on the same property.
 - h. Wall signs: With a sign height no greater than 35 feet. A single tenant building may combine a permitted wall sign and building identification sign into a single wall sign not exceeding 48 square feet in sign area.
- (812) In addition, no more than two of the following temporary signs, including any exempt temporary signs, shall be permitted on any single business or plot at the same time:
- a. Temporary announcing signs: one sign per plot;
 - b. Temporary contractor signs: one sign per plot;

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- c. Temporary portable advertising signs for businesses adjoining a roadway under construction: one sign per frontage of a street under construction, not exceeding 16 square feet in sign size, allowed in the business and motel districts, to be posted adjacent to the road right-of-way during the period of road construction;
- d. Temporary real estate signs;
- e. Temporary special event signs: two signs per block;
- f. Temporary banner and pennant sign;
- g. ~~Temporary off-premises signs;~~ Temporary sandwich signs: one sign per plot or per ground floor retail, restaurant, personal service, hotel or motel business;

(d) *CF and SP districts.* Only the following types of signs are permitted within the CF and SP districts, subject to the limitations and requirements contained in the definitions and restrictions by sign type and the general design standards sections of these regulations, and subject to the additional limitations stated below:

- (1) Informational, directional and traffic control signs.
- (2) Name and address signs: One occupant name sign per building, excluding any exempt rear door name sign, to be placed on the building and not to exceed two square feet in sign area. One occupant address sign per address, excluding any exempt rear door address sign, to be placed on the building or mail box and not to exceed two square feet in sign area. One building address sign per building to be placed on the building and not to exceed a total of six square feet of sign area. Every building shall display an address sign that is clearly visible from the street. Buildings that have rear door access to an alley or parking lot shall also display an address sign that is clearly visible from the alley or parking lot.
- ~~(3) Public service signs: Only if approved by the Town Commission.~~
- (4) Window signs: one window sign per street frontage, placed in first floor windows only.
- (5) In addition, each building may display no more than two of the following permanent signs, with a combined total sign area of not more than 32 square feet per street frontage, and the total sign area of all signs attached to a building shall not exceed 15 percent of the area of the building facade. In the case of a building with a flat roof, the area of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road to either the deck of a flat roof or top of the parapet wall, whichever is higher. In the case of a building with a sloped roof, the area of the building fact shall be measured from elevation of the nearest sidewalk or crown of the road to the midpoint of a sloped roof:
 - a. Building or development identification signs: With a sign height no greater than 35 feet.
 - b. Canopy or awning signs: With a sign height no greater than 18 feet.
 - c. Directory signs: For a multi-tenant building only, and with a sign height no greater than 12 feet.
 - d. Hanging signs: With a sign height no greater than 18 feet.

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- e. Changeable copy signs: With a sign height no greater than 18 feet.
- f. Monument signs: one sign with one or two faces per street frontage, only on a plot with 200 or more feet of continuous frontage on the same street.
- g. Wall signs: With a sign height no greater than 35 feet.

(6) In addition, no more than two of the following temporary signs, including any exempt temporary signs, shall be permitted on any single plot at the same time:

- a. Temporary announcing signs: one sign per plot to be set back at least five feet from any right-of-way or property line.
- b. Temporary contractor signs: one sign per plot to be set back at least five feet from any right-of-way or property line.
- c. Temporary real estate signs: To be set back at least five feet from any right-of-way or property line.
- d. Temporary special event signs: two signs per block to be set back at least five feet from any right-of-way or property line.
- e. Temporary banner and pennant signs.
- f. ~~Temporary off-premises signs.~~

* * * *

SECTION 4. Amendment. Section 30-510 of Article VIII of Chapter 30 is hereby

created as follows:

* * * *

Sec. 30-510. Severability

(a) The sections, paragraphs, sentences, clauses and phrases of this Article are severable, and if any phrase, clause, sentence, paragraph or section of this Article shall be declared unconstitutional or void or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Article.

(b) This subsection shall not be interpreted to limit the effect of subsection (a) above, or any other applicable severability provision in this Code or any adopting ordinance. The Town Commission specifically intends that severability shall be applied to sign regulations even if the result would be to allow less speech in the Town, whether by subjecting currently exempt signs to permitting or by some other means.

(c) This subsection shall not be interpreted to limit the effect of subsections (a) or (b) above, or any other applicable severability provision in this Code or any adopting ordinance. The Town Commission specifically intends that severability shall be applied to prohibited signs so that each of the prohibited sign types listed in the Town Code in Section 30-505 and Section 30-507 shall continue to be prohibited irrespective of whether another or any sign prohibition is declared unconstitutional or invalid.

ORDINANCE 2010-16

(d) This subsection shall not be interpreted to limit the effect of subsections (a), (b) or (c) above, or any other applicable severability provision in this Code or any adopting ordinance. The Town Commission specifically intends that severability shall be applied to Section 30-505 and Section 30-507 of the sign regulations so that if all or any of such provisions are declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the Town Commission intends that such declaration shall not affect any other prohibition on animated, flashing or billboard signs in the aforesaid sections.

* * * *

SECTION 5. Codification. This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 7. Conflicting Ordinances. All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. Effective Date. This Ordinance shall become effective immediately upon passage on second reading.

Passed on the first reading, this ____ day of _____, 2011.

Passed on the second reading, this ____ day of _____, 2011.

Mayor Roseann Minnet

First Reading

Second Reading

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1194	Mayor Minnet	_____	_____
1195	Vice-Mayor Dodd	_____	_____
1196	Commissioner Clotney	_____	_____
1197	Commissioner Sasser	_____	_____
1198	Commissioner Vincent	_____	_____
1199			

1200 Attest:

1201 _____
1202 Town Clerk, June White

1203 (CORPORATE SEAL)

1204 Approved as to form:

1205 _____
1206 _____
1207 Town Attorney, Susan L. Trevarthen

1208

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COLOR TABLE

1209

1210  LEGAL

1211  HOUSEKEEPING

1212  BOARD

1213  LEGAL WITH STAFF POLICY RECOMMENDATION

1214  LEGAL SUBJECT TO REVISION IF RECEIVE DIFFERENT POLICY DIRECTION

1215  STAFF RECOMMENDATION

INTEROFFICE MEMORANDUM

TO: PLANNING AND ZONING BOARD MEMBERS
FROM: JEFF BOWMAN, DEVELOPMENT SERVICES DIRECTOR
SUBJECT: PROPOSED AMENDMENTS TO THE UNIFIED LAND DEVELOPMENT CODE (PARKING REGULATIONS)
JANUARY 19, 2011 P&Z BOARD MEETING
DATE: 1/6/2011

Staff has scheduled a regular meeting for January 19, 2011. Staff has prepared an item for your regular meeting to review and provide recommendations.

Brief Synopsis of Agenda Item

Regular Agenda, Item # 1. Changes in required parking requirements and general public parking requirements.

At the June 23, 2010 Commission Roundtable, staff was given direction to research alternatives to provide more flexibility and options for Businesses to meet their parking requirements. In addition, we were asked to evaluate the request to allow private property owners to offer parking to the public in limited circumstances.

At the October 26, 2010 Commission Roundtable, staff provided the Commission with options provided by Planning Consultant Walter Keller along with a copy of Delray Beach's Code that already incorporates some of the options. Staff was given direction to send the information to you, and for you to provide recommendations that would accomplish the above goal.

On November 17, 2010, the Planning and Zoning Board held a workshop to discuss the Town's minimum parking requirements. The Board recommended revisions to the procedures for parking waivers, and discussed the distance criteria for reliance on available public parking.

At the November 22, 2010 Commission Roundtable, the Commission discussed exempting the parking requirements for restaurant uses.

At the December 7, 2010 Commission meeting, parking was discussed again. Direction was provided to staff to prepare an item addressing three (3) areas (restaurant parking suspension program, modification of required parking, and places of assembly) within the Parking Regulations, for your review and recommendations. The item was reviewed by the Planning and Zoning Board at its December 15, 2010 Board meeting; the Board recommended approval of the item with one revision – to restore the restaurant parking standard. As directed by the Commission, the restaurant parking suspension program and other changes (**highlighted in yellow**) were incorporated into an ordinance which will be heard on first reading by the Commission on January 11, 2011.

At its December 15, 2010 Workshop, the Planning and Zoning Board also conceptually reviewed proposed changes to the remainder of the parking regulations. The Board endorsed the concept of having all parking regulations in one location in the Code. Direction was provided to staff to further develop the proposed changes. The draft changes are attached for your further review and recommendation.

Please contact me (954-776-3611) if you have any questions or, if you prefer, I would be happy to meet with you individually to answer any questions you may have. Thank you.

**Parking Code Changes Being Considered by the Planning and Zoning Board
(Those Changes That Are Shown in the Ordinance Being Considered on First
Reading by the Town Commission on 1/11/11 Are Highlighted in Yellow)**

Current Code and Proposed Changes	Reason
<u>Subdivision E. - RM-25 District Regulations</u>	See Sections 30-317 and 30-318
Sec. 30-241. - RM-25 district—Apartments.	
* * * (n) Off-street parking. Notwithstanding any other provision of this section or of sections 30-314 through 30-323 in conflict with this paragraph, any multiple dwelling and/or hotel building hereafter erected or altered shall provide off-street parking sections 30-314 through 30-323 as hereinafter specified: (1) — Parking spaces hereinbefore required shall be not less than nine feet in width and 18 feet in depth. (2) — Except as modified by the provisions of this subparagraph, all of the requirements of section 30-313 shall remain in effect. (3) — Where the ground floor of any structure is planned for parking, all sides of the area allocated to parking shall be enclosed with decorative block or other approved construction to conceal the parking area. Ingress and egress driveways are permitted to provide access to this parking area. * * *	
Sec. 30-242. - RM-25 district—Regulations for the redevelopment of existing lots of 60 feet in width or less in the RM-25 districts.	See Section 30-318 (b)
* * * (d) Parking. Except as modified herein, the parking provisions of sections 30-241 and 30-313 of the Town's Code of Ordinances shall remain in effect. (1) — Each lot or plot shall be required to have two parking spaces per dwelling unit. (2)(1) The minimum width shall be ten feet for a one-way driveway and 20 feet for a two-way driveway. (3)(2) The minimum back-up dimension for a driveway serving a garage or parking space shall be 24 feet.	

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
* * * <u>Subdivision F. - RM-50 District Regulations</u> <u>Sec. 30-251. - RM-50 district—Hotel.</u> * * * —(i) <i>Parking area.</i> Open parking located in this district for the parking of automobiles incidental to business and approved by the Town Commission after the provisions of this article have been met shall be designed, maintained and used in accordance with the following minimum requirements: (1) —Hotels, one automobile space for each rental unit, plus one parking space for the owner or manager. (2) —Motels, one automobile space for each rental unit plus one parking space for the owner or manager. (3) —Apartment hotels, one automobile space for each rental unit plus one parking space for the owner or manager. (4) —Apartments, one automobile space for each rental unit, plus one parking space for the owner or manager. (5) —Parking areas shall be used only for the parking of private passenger vehicles, in good running order, or for customers, clients, patrons, visitors or employees. No charge shall be made for parking. No business of any kind including repair service, washing, sale, display or storage shall be conducted on or from the plot. (6) —No advertising signs shall be erected on the premises except that one directional sign at each point of ingress and egress may be erected which may also bear the name of the operator of the parking area and the enterprise it is intended to serve. Such signs shall not exceed 20 square feet in area, and not extend to a greater height than six feet above the ground, and shall be erected within the parking area. —(j) <i>Surfacing.</i> The parking area shall be provided with a pavement having an asphaltic or portland cement binder and shall be so graded and drained as to dispose of all surface water accumulated within the	Covered in Section 30-318
—(j) <i>Surfacing.</i> The parking area shall be provided with a pavement having an asphaltic or portland cement binder and shall be so graded and drained as to dispose of all surface water accumulated within the	Covered in Section 30-319
The parking area shall be provided with a pavement having an asphaltic or portland cement binder and shall be so graded and drained as to dispose of all surface water accumulated within the	Covered in the Sign Regulations

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
parking area. * * * <u>Subdivision H. - B-1 District Regulations</u> * * * Sec. 30-272. - Setbacks. * * * (c)Rear setback: * * * (2) No building or any part thereof shall be erected on any lot closer than 30 feet from the rear lot line in the following designated areas: * * * f. Off-street parking requirements. Off-street parking requirements in B-1 zoned area where platted parking exists in Block B, Silver Shores Unit A, Plat Book 28, page 39, Broward County Public Records; Block E, Silver Shores Unit A, as the same appears on the Official Town Map prepared by Dolph Map Co., Inc.; and Blocks J and K, Silver Shores Unit B, Plat Book 31, page 3, Broward County Public Records, are as follows: 1. Business and professional offices. All business and professional offices shall have one parking space for each 300 square feet of floor area of the building. 2. Restaurants and bars in any B-1 location. All restaurants and bars, including businesses serving food for consumption on premises or to take out, shall have one parking space for each 50 square feet of floor area utilized for customer service.	Covered in section 30-317 Covered in section 30-318 See Section 30-318 (i)

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
3. Retail stores. one parking space for each 200 square feet of floor area of the store. 4. Unplatted lots. If off-street parking is not platted for a specific lot, then one parking space shall be required for each 700 square feet of floor area. Setback requirement areas may be utilized to comply with the parking requirements. * * * <u>Subdivision L. - Supplemental Regulations</u> * * * Sec. 30-313. - General provisions. These general provisions shall govern development within the corporate limits of the Town, as follows: * * * (6) Off-street parking. Off-street parking areas for apartments, hotels, and multi-family units shall be provided and shown on the plot plan, with a minimum of nine feet by 18 feet for each parking space, to accommodate cars in the following proportional ratios: a. Two automobile parking spaces for each condominium, apartment or rental apartment. b. One and one-half parking spaces for each hotel and motel room plus additional parking for any accessory uses at the current Code requirements. c. All off-street parking areas shall be provided with a pavement having an asphaltic or portland cement binder, and shall be so graded and drained as to dispose of all surface water accumulated within the parking space. d. All automobile parking spaces shall be clearly marked or designated with independent ingress and egress for each parking space provided. e. Each parking space shall be directly accessible	See Section 30-318 (j) All lots are platted Covered in section 30-318 See Section 30-318 (b)

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
from a street or alley or from an adequate aisle or driveway leading to the street or alley. Access aisles and driveways shall be of sufficient size to permit convenient maneuvering of cars and each space shall be accessible without driving over or through any other space. f. Ground floor area when used for parking pursuant to RM-25 construction shall be enclosed. Such enclosure shall be composed of decorative block, screening or other substance. All other sections of the parking ordinance shall be adhered to.	See Section 30-318 (c)
* * * (25) Parking incidental to business: a. In B-1 zoned areas, parking shall be permitted on B-1 or RM-25 zoned lots where B-1 zoned lots adjoining RM-25 zoned lots, and where such parking is for the convenience of the employees, patrons or guests of the owner of the business, motel, or apartment. b. Such parking shall be enclosed by a ventilated concrete fence or hedge of not less than 42 inches nor more than 72 inches in height to conceal such parking as may be required by the Town Commission. Overnight parking of any size truck, van, or trailer shall be prohibited. The area used for parking shall be asphalt paved and shall have adequate drainage.	Covered in section 30-320
* * * Sec. 30-314. - Off-street parking; general requirements. (a) <i>Purpose.</i> The purpose of the following sections is to provide off-street parking provisions which are intended for and in the interest of the citizens of the Town of Lauderdale-By-The-Sea. These sections shall be construed to be the minimum requirements for the promotion of the public health, safety, moral and general welfare of the community. (b) <i>Scope.</i>	Covered in section 30-320

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
(1) Any building, structure, or use instituted with the Town of Lauderdale-By-The-Sea after the effective date of these sections [March 14, 1995] shall provide off-street parking facilities in accordance with the provisions of these sections for the use of occupants, employees, visitors and/or patrons thereof. Such off-street parking facilities shall be maintained and continued as long as the uses are continued. (2) Any building, structure or use, instituted or erected prior to the effective date of these sections need not provide additional off-street parking facilities in accordance with the provisions of these sections provided that such existing buildings, structures or uses are not altered so as to enlarge or increase the capacity, floor area or seats therein. (3) When an existing building or structure is expanded to increase the floor area or seats or to otherwise increase the capacity of the building or structure, the provisions of these sections shall apply to the increased floor area, seats or increased capacity only. (4) When an existing building or structure is changed in use to a new use which would require more off-street parking pursuant to these sections than the former use, the new use shall receive credit for the off-street parking spaces attributable to the former use pursuant to these sections, even if the former use lacked sufficient parking pursuant to these sections. (5) The provisions of subsections (b)(3) and (b)(4) are provided to allow for the orderly expansion and re-use of existing buildings and structures. Additionally, applicants requesting an expansion in floor area, seat or capacity or a change in use are encouraged to pursue other options for the provision of required parking available in these sections. (6) It shall be unlawful for an owner or operator of any building, structure or use affected by these sections to discontinue, change or dispense with, or to cause discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of these sections. All such alternative vehicle parking facilities must be approved by the Town Manager or his designee, in writing, before the same may be used. It shall be unlawful for any person,	

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Current Code and Proposed Changes	Reason
firm or corporation to utilize such buildings, structure or use without providing the off-street facilities to meet the requirements of and be in compliance with this chapter. Sec. 30-315. - Requirements for general commercial uses. (a) <i>Fractional measurements:</i> When units or measurements determining number of required off-street parking spaces result in requirement of a fractional space, any such fraction equal to or greater than one-half shall require a full off-street parking space. (b) <i>Mixed uses:</i> In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately, and <u>Off-street parking spaces for one use shall not be considered as providing the required off-street parking for any other use except when a Shared Parking Study is approved by the Town Commission, as provided in Section 30-320.</u> (c) <i>Measurement:</i> For the purposes of these sections, floor area shall mean the gross floor area inside of the exterior walls. In churches and other places of assembly in which occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements. Sec. 30-316. - Plans. Plans shall be submitted with every application for a building permit for any use or structure required to provide off-street parking under these sections, which plans shall clearly and accurately designate the required parking spaces, access aisles and driveways, entrances and exits, adequate drainage, lighting, curbs and curb cuts, surface materials used thereon, and relation to the uses or structure these off-site parking facilities will intend to serve. Said plans to be developed in accordance with the site plan design criteria included in the Town Land Development Code (section 30-124(a)(1)). Sec. 30-317. - Design standards. (a) The minimum size (in feet) for parking stalls shall be as follows: 9 X 18—standard space 9 X 23—parallel space 10 X 25—loading space	

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
12 X 18—handicap space 8 X 15—compact space (b) A standard parking stall shall be nine feet wide by 18 feet deep. A maximum of 25 percent of all parking spaces can be compact spaces provided they are specifically designated and designed for "compact only" and the layout is approved by the Town Commission. (c) Parking layout and design criteria is provided in site plan requirements (section 30-124(a)(1) of the Land Development Code). (d) Stalls shall be provided with bumper guards, wheel stops, or continuous curbing when necessary for safety or protection to adjacent structures or landscaped areas. (e) Composition. Parking facilities, including access aisles and driveways, shall be surfaced with brick, asphaltic or concrete surfacing maintained in a smooth, well-graded condition with standards set forth according to the Town Manager. (f) Drainage. All off-street parking facilities shall be drained so as to not cause any nuisance on adjacent or public property. Such drainage facilities shall be arranged for convenient access and safety of pedestrians and vehicles with standards set forth according to the Land Development Code. (g) Identification. Each parking space required and provided pursuant to the provisions of these sections shall be distinguished and separated from adjoining parking spaces by means of three-inch painted stripes. It shall be the responsibility and obligation of the owner or operator of any building, structure or use affected by these sections to maintain such identification markings so that parking spaces at all times are distinguishable from one another. (h) Back-out parking prohibited. Parking facilities that require a motor vehicle to exit the parking space by backing-out onto State Road A-1-A shall be prohibited for all new development and re-development of any properties adjacent to State Road A-1-A. For purposes of this section, "new development" shall be defined as the construction of a building or parking lot upon a vacant or cleared lot. For purposes of this section, "re-development" shall be defined as any increase in building height, floor area or number of units, any reconstruction or remodeling exceeding 25 percent of the assessed valuation of a building, or any substantial alteration of the street facade of a building.	A standard parking space is defined in (a)

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
Sec. 30-318. - Minimum parking requirements.	Condominiums are multi-family dwelling, which are covered in (b). No definition for two family.
(a) Dwellings, single-family, two-family and condominiums <u>Single family and duplex dwellings</u>: two parking spaces for each dwelling.	
(b) Dwellings, multiple <u>Multiple-family dwellings</u>: 1½ parking spaces for each dwelling unit <u>with less than three bedrooms and two parking spaces for each unit with three or more bedrooms</u> plus one guest space for every five units. If, in addition to dwelling units, there are other uses operated in conjunction with and/or as a part of the multiple dwelling, additional off-street parking spaces shall be provided for such other uses as would be required by this section, if such uses were separate from the multiple dwelling.	
(c) Hotels and motels, including clubs: One parking space for each rentable unit. A rentable unit is defined as a unit with an outside entry door and bathroom which can be rented individually. The unit may or may not have kitchen facilities. For example, a two-bedroom unit that can be converted to two separate units, each with outside door and bathroom, is counted as two rentable units. A two-bedroom, one-bath unit with only one outside door is counted as one rentable unit. If, in addition to rentable units there are other uses operated in conjunction with and/or as part of the hotel/motel, additional off-street parking spaces shall be provided for such other uses as would be required by this section if such uses were separate from the hotel/motel.	
(d) Hospitals, sanitariums, asylums, orphanages, convalescent homes, homes for aged and infirm: one parking space for each bed for patients plus one parking space for each two employees, including nurses, on the maximum shift.	
(e) <u>Places of public assembly, including assembly halls, private clubs, exhibition halls, convention halls, dance halls, skating rinks, sports areas, community centers, libraries and museums</u>: one parking space for each <u>three fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats or one parking space for each 200 square feet of net floor area utilized for seating or customer service. In places of assembly in which occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.</u>	Covered in Ordinance 2011-01

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason										
(f) <i>Churches</i>: one parking space for each three fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats. In churches in which occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements. (g) <i>Funeral homes</i>: one parking space for each four seats in public rooms. (h) <i>Medical, dental lab, chiropractic, health studio, etc., clinics</i>: one parking space for each 200 square feet of floor area. (i) <i>Business, professional and governmental offices</i>: Parking space requirements vary depending on the size in gross leasable area (GLA) according to the following table: <table border="1" data-bbox="409 905 977 1148"> <thead> <tr> <th>Office Size (GLA)</th><th>1 Space for Each (Square Feet)</th></tr> </thead> <tbody> <tr> <td>Less than 5,000</td><td>250</td></tr> <tr> <td>5,000 to 20,000</td><td>300</td></tr> <tr> <td>20,000 to 50,000</td><td>325</td></tr> <tr> <td>More than 50,000</td><td>350</td></tr> </tbody> </table> (j) <i>Restaurants, including customer service areas of outside cafes on private property, sandwich shops, coffee shops and any establishment or portion of an establishment dedicated to preparing and serving food to the public, bars, beer gardens, night clubs</i>: one parking space for each 50 square feet of floor area in rooms for customer service, except that from February 1, 2011 until January 31, 2014, no parking spaces shall be required for new restaurants or the expansion area of existing restaurants. This suspension of the parking requirement shall be known as the "Parking Suspension Program." (1) Application required. To qualify for the Parking Suspension Program, a Parking Suspension Application must be submitted, in a form to be approved by the Town, with supporting documentation. (2) Eligibility for program. The application, and all supporting documents for the construction of a new restaurant or for a restaurant expansion, shall have been submitted and deemed to be complete by the Town prior to February 1, 2014, and all required permits received and the restaurant subsequently built within the time periods specified in the Town's Code.	Office Size (GLA)	1 Space for Each (Square Feet)	Less than 5,000	250	5,000 to 20,000	300	20,000 to 50,000	325	More than 50,000	350	Covered in Ordinance 2011-01
Office Size (GLA)	1 Space for Each (Square Feet)										
Less than 5,000	250										
5,000 to 20,000	300										
20,000 to 50,000	325										
More than 50,000	350										

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
(3) <i>Status following end of program.</i> At the end of the Parking Suspension Program, all restaurants built under the Parking Suspension Program will become non-conforming uses, and shall be subject to the requirements of the non-conforming use provisions of the Town's Code. Notwithstanding the foregoing, restaurants or expansions of restaurants built under the Parking Suspension Program may be completely remodeled or rebuilt without providing parking, as originally permitted through the Parking Suspension Program, as long as the square footage of customer service area is not increased. Any increase in square footage of customer service area after the program has ended must comply with the parking requirements in effect at the time of construction of the increased square footage. (4) <i>Annual report.</i> The Town Manager shall provide an annual report to the Commission that describes the utilization, effectiveness and impacts of the Parking Suspension Program. (5) <i>Notice and hearing prior to expiration of program.</i> Following public notice, the Town Commission shall conduct a public hearing and evaluation of the program's impacts at least six months prior to its expiration on January 31, 2014. (k) <i>Retail stores:</i> one parking space for each 225 square feet of floor area. (l) <i>Reserved.</i> (m) <i>Furniture stores:</i> one parking space for each 500 square feet of floor area of the building. (n) <i>Charter, sightseeing or fishing boats:</i> one parking space for each two seats or fraction thereof; required spaces shall be adjacent to the docks regularly used by the boat or within 400 feet thereof. (o) <i>Uses not specifically mentioned:</i> The requirements of off-street parking for any uses not specifically mentioned in this section shall be one space for every 200 square feet of gross floor area. (p) <i>Marinas and yacht basins:</i> one parking space for each boat slip and one parking space for each employee. (q) <i>Banks and savings and loan associations:</i> one parking space for each 235 square feet of gross building floor area. (r) <i>Gasoline service stations:</i> A minimum of three spaces plus one additional parking space for each 200 square feet of building or service floor area in excess of the first 600 square	

**Parking Code Changes Being Considered by the Planning and Zoning Board
(Those Changes That Are Shown in the Ordinance Being Considered on First
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Current Code and Proposed Changes		Reason																														
feet.																																
(s) <i>Leased and rental vehicles:</i> one space for each leased car maintained on premises plus one space for each employee. (t) <i>Shopping centers:</i> Parking space requirements vary depending on the size in gross leasable area (GLA) and composition of the center according to the following table: <table border="1"> <thead> <tr> <th>Shopping Center Size in GLA</th><th>Base Rate (1 Space For Each)(square feet)</th><th>Special Uses Requiring Additional Spaces Above Base Rate</th></tr> </thead> <tbody> <tr> <td rowspan="3">Less than 50,000</td><td rowspan="3">225</td><td>10 spaces for each 1,000 sf of food service</td></tr> <tr> <td>3 spaces for each 100 cinema seats</td></tr> <tr> <td>1 space for each 700 sf of office use >10% of GLA</td></tr> <tr> <td rowspan="3">50,000—100,000</td><td rowspan="3">250</td><td>10 spaces for each 1,000 sf of food service</td></tr> <tr> <td>3 spaces for each 100 cinema seats</td></tr> <tr> <td>1 space for each 700 sf of office use >10% of GLA</td></tr> <tr> <td rowspan="3">100,000—200,000</td><td rowspan="3">250</td><td>6 spaces for each 1,000 sf of food service</td></tr> <tr> <td>3 spaces for each 100 cinema seats > 450 seats</td></tr> <tr> <td>1 space for each 700 sf of office use > 10% of GLA</td></tr> <tr> <td rowspan="2">200,000—400,000</td><td rowspan="2">250</td><td>3 spaces for each 100 cinema seats > 750 seats</td></tr> <tr> <td>1 space for each 700 sf of office use >10% of GLA</td></tr> <tr> <td rowspan="2">400,000—600,000</td><td rowspan="2">225</td><td>3 spaces for each 100 cinema seats > 750 seats</td></tr> <tr> <td>1 space for each 700 sf of office use > 10% of GLA</td></tr> <tr> <td rowspan="2">600,000—1,200,000</td><td rowspan="2">200</td><td>3 spaces for each 100 cinema seats > 750 seats</td></tr> <tr> <td>1 space for each 700 sf of office use >10% of GLA</td></tr> </tbody> </table> (u) <i>Convenience stores, grocery stores:</i> one parking space for each 125 square feet of floor area. (v) <i>Personal service shops:</i> one parking space for each 200		Shopping Center Size in GLA	Base Rate (1 Space For Each)(square feet)	Special Uses Requiring Additional Spaces Above Base Rate	Less than 50,000	225	10 spaces for each 1,000 sf of food service	3 spaces for each 100 cinema seats	1 space for each 700 sf of office use >10% of GLA	50,000—100,000	250	10 spaces for each 1,000 sf of food service	3 spaces for each 100 cinema seats	1 space for each 700 sf of office use >10% of GLA	100,000—200,000	250	6 spaces for each 1,000 sf of food service	3 spaces for each 100 cinema seats > 450 seats	1 space for each 700 sf of office use > 10% of GLA	200,000—400,000	250	3 spaces for each 100 cinema seats > 750 seats	1 space for each 700 sf of office use >10% of GLA	400,000—600,000	225	3 spaces for each 100 cinema seats > 750 seats	1 space for each 700 sf of office use > 10% of GLA	600,000—1,200,000	200	3 spaces for each 100 cinema seats > 750 seats	1 space for each 700 sf of office use >10% of GLA	
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**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
square feet of service floor area including barber shops and beauty shops. (w) <i>Theaters, movies or otherwise: one space for every three <u>fixed seats plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats.</u></i> Sec. 30-319. - Limitations on use of required parking facilities. The following uses and activities shall not be permitted in required parking facilities: (1) Parking to serve an off-site building unless in accordance with an off-street parking agreement approved by the Town in accordance with section 30-320. (2) Storage, repair or display of any vehicles, equipment or merchandise. (3) Parking of vehicles, which, due to its size, shape, contents or location creates an obstruction or public safety hazard, or which cannot be contained within a single designated parking space. (4) Off-street parking facilities supplied by the owner or operator to meet the requirements of these sections shall not be used by commercial vehicles owned, operated or used in the business or such owner during regular hours. Sec. 30-320. - Parking other than on-site location. (a) <i>Regulation of <u>required parking, shared parking and off-site required parking.</u> Parking spaces shall be located <u>as follows:</u></i> (1) <i><u>Onsite: Required parking spaces may be located upon the same plot or parcel of land the parking area is intended to serve, or,</u></i> (2) <i><u>Off-site: Required parking spaces may be located offsite, upon a plot of land owned or leased by the same person or business entity that owns and the business which is served by the parking spaces <u>that is:</u></u></i> (i) <i>located <u>at any location</u> within the Town's corporate limits <u>and</u> zoned for business use; <u>or</u></i> (ii) <i>located in an <u>RM-25 district,</u> when the lot is adjacent to <u>thea</u> business use; <u>or</u></i>	Covered in Ordinance 2011-01

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
<u>(iii) an RM-25 lot located within 50 feet of the RM-25 lot utilized for parking for the business under subsection (2)(ii) above.</u> <u>(3) Shared: Required parking spaces may be permitted to be utilized for meeting the parking requirements of two (2) or more separate permitted uses, when it is clearly established by the applicant that the two (2) or more uses will utilize the spaces at different times of the day, as follows:</u> <u>(i) Location. The two (2) or more separate permitted uses must be on adjacent lots, in a complex, or on a unified development site.</u> <u>(ii) Study. The applicant shall prepare a Shared Parking Study, using a methodology approved by the Town Manager, establishing the peak parking requirements of the permitted uses, based on a time of day occupancy analysis. The results of the Study must be approved by the Town Commission.</u> <u>(iii) Change of hours. Any modification of the business hours of any of the businesses that results in a parking usage overlap shall result in revocation of the approval, or enforcement by the Town of the Shared Parking Agreement required below, or both.</u> <u>(4) Requirements. Required parking which is off-site or shared parking must comply with the following:</u> <u>(i) Users. Required parking is for the convenience of the employees, patrons or guests of the use providing the required parking.</u> <u>(ii) Overnight parking. Overnight parking of any size truck, commercial van, or trailer shall be prohibited as provided in Chapter 19, Article II of the Code of Ordinances.</u> <u>(iii) Fencing of Parking Lots in RM-25 District. Parking lots in the RM-25 district shall be enclosed by a ventilated concrete fence or hedge of not less than 42 inches nor more than 72 inches in height to conceal such parking.</u> <u>(iv) Agreement Required. Use of either off-site or shared parking to meet required parking, wherever located, requires a Shared Parking Agreement between the owner of the use and</u>	Revised to clarify, improve readability and intent. Deleted text follows.

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
<u>the owner of the parking spaces. The Shared Parking Agreement must be in writing, provide cross access and ingress and egress if necessary, and provide for maintenance of the parking and enforcement of the Agreement. The Agreement shall run to the benefit of the Town and shall be binding upon any heirs, successors and assigns. The Agreement shall include a provision whereby the owner of the use acknowledges that the continued validity of the use is contingent on a valid Shared Parking Agreement, and that termination of the Agreement shall result in revocation of the approval of the use, unless alternative parking is provided to meet the minimum parking requirement of the Town Code within 90 days of notice of termination. The Agreement may be terminated only upon agreement of the Town Manager or his or her designee, which may be granted if (a) each property standing on its own satisfies the off-street parking requirements established by the code, or (b) Town or other offstreet facilities will be provided within 90 days which meet the requirements of this Article. A lease or rental agreement may be utilized as a Shared Parking Agreement if it meets the requirements of this section. Any Agreement pursuant to this section must be in a form approved by the Town Attorney and shall be recorded in the public records of Broward County.</u> In instances where the parking area is located on a different plot or parcel of land than that it is intended to serve, a lease or license agreement shall be entered into between the owner of the land and the owner of the business. The lease or license agreement shall be considered a restriction running with the land and shall bind the owners, heirs and successors and assigns of said owner. When off-site property is leased or licensed to achieve the minimum number of parking spaces allowed required in conjunction with a business use, the lease or license agreements shall include a provision whereby the business owner (lessee or licensee) acknowledges that the privilege of conduction business in the Town is contingent on a valid and enforceable lease or license agreement and that cancellation of the lease or license agreement shall result in revocation of the privilege to conduct business in the Town, unless alternative parking	

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
is provided to meet the minimum parking space requirement of the Town Code is obtained within 90 days of notice. All lease or license agreements must be in a form approved by the Town Attorney and shall be recorded in the public records of Broward County. A property owner may only rent space to one off-site business. (b) — Parking incidental to business. (1) — Parking incidental to business shall be permitted on B-1 zoned lots or on RM-25 zoned lots where the B-1 zoned lot(s) upon which the proposed use is located is (are) adjacent to RM-25 zoned lots. In addition, if an RM-25 zoned lot is available for the purposes of establishing off-street parking and the lot is located no more than 50 feet from the RM-25 zoned lot which is immediately adjacent to the B-1 zoned lot, it too may be used for off-street parking for the benefit of the primary B-1 use. Further, such parking is for the convenience of the employees, patrons or guests of the owner of the business, motel or apartment. (2) — Such parking shall be enclosed by a ventilated concrete fence or hedge of not less than 42 inches nor more than 72 inches in height to conceal such parking as may be required by the Town Commission. Overnight parking of any size truck, commercial van, or trailer shall be prohibited as provided in Chapter 19, Article II of the Code of Ordinances. The area used for parking shall be asphalt paved and shall have adequate drainage.	See revised text above
Sec. 30-321. - Modification of parking requirements. The Town Commission may approve a reduction in the minimum parking requirements after review and consideration of a recommendation from the Board of Adjustment when: (1) There is a public parking lot judged adequate to accommodate a portion of the parking demand of said use located within 400 feet straight line distance from the site; or (2) There is on-street parking judged adequate to	Covered by Ordinance 2011-01

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
accommodate a portion of the present and probable future parking demand of the general area; or (3) There are commercial or private lots located within 400 feet straight line distance that are judged adequate to accommodate a portion of the present and probable future parking demand of the general area. Provided, however, the Board of Adjustment shall find that such reduction in the parking requirements will not create a parking problem due to customers or employees using on-street parking in the general area, and that the traffic problems in the general area will not be materially increased. A parking study prepared in a professional manner shall be submitted with requests to waive parking requirements, said study to address existing and future parking demands, parking availability and traffic circulation. Requests for a reduction in the minimum parking requirements for a commercial use may be considered by the Town upon receipt of an application in a form approved by the Town, from the owner of the site seeking the reduction, as follows: (a) <i>Minor reductions.</i> Requests for a reduction of (i) 1 to 3 required parking spaces or (ii) up to 10% of the number of required parking spaces may be approved by the Town Manager. If the request is denied by the Town Manager, that decision may be appealed to the Town Commission. (b) <i>Major reductions.</i> The Town Commission shall hear requests for reductions in parking in excess of the Town Manager's authority under subsection (a). Such requests shall be accompanied by a parking report, prepared by the Town, analyzing existing and future parking demands, the availability of underutilized public parking spaces, and traffic circulation. (c) <i>Criteria for approval of major or minor reduction.</i> Requests for reduction may be approved, in whole or in part, upon a finding that there is sufficient available publicly owned parking judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.	
Sec. 30-322. - Off-street loading; general provisions. (a) Adequate space for loading and unloading of materials, goods	

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Current Code and Proposed Changes	Reason
or things, and for delivery and shopping, shall be provided and maintained as required by the Planning and Zoning Board on the same plot as the building which it serves. (b) Where any structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring an off-street loading space, such space shall be supplied and maintained to comply with this section. (c) For the purposes of this section, an off-street loading space shall be an area at the grade level at least ten feet wide by 25 feet long with a 14-foot vertical clearance. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required loading space, and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Such loading space shall also be accessible from the interior of any building it is intended to serve.	
Sec. 30-323. - Handicap parking requirements. <i>Off-street parking for the disabled.</i> Each site used or to be used for commercial or community facility shall provide parking for the disabled in the immediate vicinity of the building or buildings as follows: (1) Reference herein is made to total parking spaces in lot in relation to required number of accessible handicap spaces: Up to 25 equals one space; 26 to 50 equals two spaces; 51 to 75 equals three spaces; 76 to 100 equals four spaces; 101 to 150 equals five spaces; 151 to 200 equals six spaces; 201 to 300 equals seven spaces; 301 to 400 equals eight spaces; 401 to 500 equals nine spaces; 501 to 1,000 equals two percent of total; over 1,000 equals 20 plus one space for each 100 over 1,000. (2) All spaces have accessible thereto a curb ramp or curb cut, when necessary to allow access to the building served, in close proximity to the entrance and shall be located so that users will not be compelled to wheel behind parked vehicles. (3) Handicapped parking spaces shall be a minimum of	

**Parking Code Changes Being Considered by the Planning and Zoning Board
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Current Code and Proposed Changes	Reason
12 feet wide and 18 feet deep. Each such space shall be conspicuously outlined in blue paint. (4) Each such parking space shall be posted and maintained with a permanent sign of a color, size and design approved by the Florida Department of Transportation, bearing the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY." All signs shall be on a free-standing metal support post in front of the space such sign is applicable to and the bottom of the sign shall be a minimum of six feet above the ground level. (5) Each such parking space shall be required as part of the parking and loading space requirement. Sec. 30-324. - Violations. The failure or neglect on the part of the owner or operator of a use or structure within the Town which is encompassed within the provisions of sections 30-314 through 30-323 of the Town of Lauderdale-By-The-Sea Land Development Code, to comply with all of the provisions of said sections shall constitute a violation of this Code.	

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**Weiss Serota Helfman
Pastoriza Cole & Boniske, P.L.**

Memo

To: Planning and Zoning Board Members

From: Susan Trevarthen, Town Attorney
Kathryn M. Mehaffey, Assistant Town Attorney

Cc: Jeff Bowman, Director of Development Services

Date: January 6, 2011

Re: Proposed Amendments To Article VIII, Sign Regulations

At its July 27, 2010 meeting, the Town Commission approved the Notice of Intent to move forward with amending Chapter 30, Article VIII, Sign Regulations, of the Town's Code of Ordinances. These revisions to the sign code enhance severability provisions, resolve internal conflicts, and enhance defensibility in light of recent case law. Several minor changes were also been made to address inconsistencies and implementation issues identified by Town staff. The Planning and Zoning Board reviewed the proposed ordinance amendments and recommended approval at its September 15, 2010 meeting. At the October 12, 2010 Town Commission meeting the Commission sent the item back to the Planning and Zoning Board to consider a comprehensive rewrite of the sign code involving the business community's input. On November 9, 2010 a new Notice of Intent was issued to provide for a comprehensive review and revision of the sign regulations. On November 17, 2010 the Planning and Zoning Board tabled this item to their December 15, 2010 meeting. At its December 15, 2010 meeting, the Planning and Zoning Board directed staff to code the proposed changes according to purpose and origin, revise the treatment of pole and sandwich signs, and designate pylon signs as prohibited.

SUMMARY OF CHANGES

A number of changes have been implemented in the proposed Ordinance in order to enhance the defensibility of the Code. Most of these changes are technical in nature, and many alter the format or presentation of the regulation in ways that make the Code less susceptible to challenge without major changes to the impact of the regulation. All changes are noted in the Ordinance in strike-through and underline font. Changes are color coded to identify the purpose or source of the change as follows:

	LEGAL
	HOUSEKEEPING
	BOARD
	LEGAL WITH STAFF POLICY RECOMMENDATION
	LEGAL SUBJECT TO REVISION IF RECEIVE DIFFERENT POLICY DIRECTION
	STAFF RECOMMENDATION

In addition, the following changes are highlighted for the Board's review:

- The regulations for pole and pylon signs were conflicting. The regulations have been revised to reflect the Planning and Zoning Board's direction at its December 15, 2010 meeting and to resolve the conflicting language. Pole signs have been identified as permitted signs for hotels and motels in the RM-25 and RM-50 zoning districts, subject to the previously existing placement criteria. As directed by the Board, pylon signs are not permitted and have been clearly identified as legal non-conforming signs.
- All pylon signs, and pole signs outside the RM-25 and RM-50 zoning districts are prohibited signs and existing signs which were legally built under the Code's criteria are legal non-conforming signs. We recommend the Board review the pole and pylon sign non-conforming provisions, relocated in Section 30-501(f). The replacement criteria, as it existed, allows all non-conforming pole and pylon signs to be replaced as long as they were legal signs for the two years prior to March 27, 2001. At staff's direction, the removal and replacement criteria were expanded to provide for removal and replacement with a conforming sign upon damage greater than 50% of the replacement value, or upon abandonment of the legal, non-conforming pole or pylon sign for a period of six months or more.
- As directed by the Board, sandwich signs have been permitted subject to certain criteria, within the B-1 zoning district. Valet signs have been created and are permitted for hotels and motels in the RM-25 and RM-50 zoning districts during operation of a valet service based on the existing language.
- Sections 30-313(10), (11), and (12), have been deleted to address constitutional concerns and duplicative regulations and procedures. Section 30-313(9) was amended to provide the criteria set out in deleted subsection 30-313(12).
- Permit review procedures and timeframes were added to protect against constitutional challenges.
- Working with staff, we identified several types of signs which present legal concerns, are not utilized in the Town, are addressed inconsistently, or appear in multiple areas of the Town's Code. Defunct, unused sign types, color palette and other requirements were deleted, and inconsistencies and duplications were resolved.
- Severability provisions were added, and the substitution clause was updated to enhance defensibility.
- Protections were added for non-commercial speech.
- Flag regulations have been revised to eliminate constitutional concerns and, based on the concerns and direction of staff, to implement standards which reflect the current usage, size and development of flags in the Town.
- The definition of canopy and awning signs was amended to clarify procedures to enhance defensibility and at the direction of staff, to reflect recent right-of-way encroachment legislation approved by the Town Commission.
- A number of other technical changes were made which help create a more consistent and defensible Code with clearer implementation procedures and a reduction in interpretation issues.

ORDINANCE 2010-16

1 AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
2 THE SEA, AMENDING CHAPTER 30, UNIFIED LAND
3 DEVELOPMENT REGULATIONS, ARTICLE V. ZONING,
4 TO DELETE DUPLICATIVE SIGN REGULATIONS;
5 AMENDING ARTICLE VIII. SIGN REGULATIONS, TO
6 REVISE PROVISIONS AND CLARIFY TERMS,
7 REQUIREMENTS AND STANDARDS REGARDING SIGN
8 REGULATIONS; FURTHER CREATING A NEW SECTION
9 30-510, SEVERABILITY REGARDING SIGN
10 REGULATIONS; PROVIDING FOR SEVERABILITY,
11 CONFLICTS AND AN EFFECTIVE DATE
12

13 **WHEREAS**, the Town Commission finds and determines that the Town's land
14 development regulations are required to regulate signs as provided by Section 163.3202(2)(f),
15 Florida Statutes; and

16 **WHEREAS**, the Town Commission of the Town of Lauderdale-By-The-Sea does not wish
17 censor speech, but rather to provide for the public welfare by regulating signage in the Town in a
18 manner that enhances the aesthetics of the community, reduces visual pollution, provides clear
19 information and minimizes distractions to drivers in the interests of traffic safety; and

20 **WHEREAS**, sign regulation to advance the governmental purpose of aesthetics has long
21 been upheld by the state and federal courts; and

22 **WHEREAS**, as long ago as 1954, the U.S. Supreme Court recognized that "the concept of
23 the public welfare is broad and inclusive," that the values it represents are "spiritual as well as
24 physical, aesthetic as well as monetary," and that it is within the power of the Town Commission to
25 determine that the community should be beautiful as well as healthy, spacious as well as clean,
26 well-balanced as well as carefully patrolled," in *Berman v. Parker*, 348 U.S. 26, 33 (1954), which
27 was followed by *State v. Miami Beach Redevelopment Agency*, 392 So. 2d 875 (Fla. 1980); and

ORDINANCE 2010-16

28 **WHEREAS**, sign regulations have been held to advance these aesthetic purposes and
29 advance the public welfare in *City of Lake Wales v. Lamar Advertising Ass'n of Lakeland, Florida*,
30 414 So. 2d 1030 (Fla. 1982); and

31 **WHEREAS**, in *Metro Lights, LLC v. City of Los Angeles*, 551 F.3d 898, 910 (9th Cir.
32 2009), *cert. denied*, 130 S. Ct. 1014 (2009), the United States Court of Appeals for the Ninth Circuit
33 considered a First Amendment challenge to the City of Los Angeles' sign regulation scheme, and
34 upheld that city's ordinance with a finding that "the proliferation of offsite advertising by numerous
35 and disparate private parties creates more distracting ugliness than a single, controlled series of
36 advertisements on city property over which the City wields contractual control;" and

37 **WHEREAS**, in *Clear Channel Outdoor, Inc. v. City of New York*, 594 F.3d 94, 110 (2d Cir.
38 2010), the United States Court of Appeals for the Second Circuit upheld New York City's sign
39 regulations, holding that the City's ordinance advanced the legitimate governmental goal of
40 protecting safety and aesthetics (stating that "[t]he City may legitimately allow limited and
41 controlled advertising on street furniture, while also reducing clutter on City sidewalks . . .
42 [a]llowing some signs does not constitutionally require the City to allow all similar signs"; and

43 **WHEREAS**, the Town Commission finds and determines that this Ordinance is consistent
44 with all applicable policies of the Town's adopted Comprehensive Plan; and

45 **WHEREAS**, the Town Commission is aware that the failure of some courts to apply
46 severability clauses has led to an increase in litigation by billboard developers and other applicants
47 seeking to strike down sign regulations in their entirety so that they may argue that their applications
48 to erect billboards or other signs must be granted; and

49 **WHEREAS**, the Town Commission reiterates its desire that there be an ample and
50 unequivocal record of its intention that the severability clauses it has adopted related to its sign

ORDINANCE 2010-16

regulations shall be applied to the maximum extent possible, even if less speech would result from a determination that any exceptions, limitations, variances, or other sign provisions are invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the Town Commission of the Town of Lauderdale-by-the-Sea recognizes it is in the Town's best interest to add a severability section relating to sign regulation in the Town Code so as to respond to current case law; and

WHEREAS, Section 30-531 of the Code requires issuance of a Notice of Intent prior to the processing of any amendment to the land development regulations in Chapter 30 of the Code, and such notice was given of this amendment on July 27, 2010; and

WHEREAS, on November 9, 2010, a new Notice of Intent was issued providing for a comprehensive review of the Sign Regulations, pursuant to Section 30-531 of the Code; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed this Ordinance at duly noticed hearings on September 15, 2010 and January 19, 2010, and [XXrecommendedXX] its adoption; and

WHEREAS, the Town Commission conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the Town Commission has determined that this Ordinance is consistent with the Town's Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals. The foregoing "Whereas" clauses are ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance and are hereby made a specific part of this Ordinance.

ORDINANCE 2010-16

SECTION 2. Amendment. Section 30-313 of Article V of Chapter 30 is hereby

amended¹ as follows:

Sec. 30-313. - General provisions.

These general provisions shall govern development within the corporate limits of the Town, as follows:

* * *

(9) *Use, public areas.* It shall be unlawful for any person or group of persons to use any public area, park, street or thoroughfare as the site or location for the construction, erection, or installation of shuffleboard courts, tennis courts, croquet courts, putting greens, outdoor fireplaces, or for any and all similar physical installations of any kind, temporary or otherwise, without express permission upon written application from the Town Commission. Violation or failure to comply with this provision may incur the penalty provided under section 1-12 and/or removal of such installation upon written prior notice. If approved, such use may be terminated or cancelled at any time by the Town Commission effective upon 30 days' written notice.

~~(10) *Signs.* It shall be unlawful for any person or group of persons to construct, erect, or install signs, placards, posters, or other notices of any kind, on or in any public area, park, street or thoroughfare, temporary or otherwise, without express permission upon written application from the Town Commission. Violation or failure to comply with this provision may incur the penalty provided under section 1-12 and/or removal of such installation upon written prior notice.~~

~~(11) *Billboards.* It shall be unlawful for any person, firm, partnership, corporation, association, or other organization, or any combination thereof, to erect, construct or install, or to permit the erection, construction or installation of, a billboard of any type, kind or description, temporary or otherwise, within the corporate limits of the Town, without express permission upon written application from the Town Commission. Violation or failure to comply with this provision may incur the penalty provided by section 1-12 and/or removal of such installation upon written prior notice.~~

~~(12) *Variances; shuffleboard, etc., courts; signs.* The Town Commission may, as its sole discretion, grant or refuse to grant as deemed unsuitable to the best interests of the Town and its citizens, on written application for the~~

¹ Words in ~~strike-through~~ type are deletions; words in underlined type are additions.

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use or utilization of lands, buildings or areas, public or otherwise, for the purposes set forth and specified in the three paragraphs immediately above written. In the event that such use upon such written application is granted, it shall be granted only on the basis and the specific understanding that such permissive use shall be terminable or cancellable at any time by the Town Commission effective upon 30 days' written prior notice.

SECTION 3. Amendment. Sections 30-501 through 30-509 of Article VIII of

Chapter 30 are hereby amended as follows:

Sec. 30-501. - Administration and permits.

(a) Applicability. These sign regulations shall be administered by the Building Development Services Department. No sign of any kind (except exempt signs) shall be erected, installed, repaired or replaced within the Town until a permit for such sign or work has been issued by the Development Services Building Department. Prior to the issuance of a sign permit for any sign, the application for a sign permit shall be reviewed and approved by the Development Services Building Department.

(b) Permits. Sign applications shall be on forms promulgated by the Town and shall include sufficient information to ensure complete review of the application. Rules regarding sign application information shall be promulgated by the Town Manager or designee ~~Administration~~. The application for a permit for a sign shall be accompanied by three copies of the following:

- (1) Address and legal description of the property upon which the sign is to be placed;
- (2) Name and address of the owner of the property upon which the sign is to be placed;
- (3) Written permission of the owner of the property to erect or place the proposed sign;
- (4) A drawing or sample of the proposed sign, to scale, showing the dimensions, letter size, colors, materials, structural support, and lighting, if any;
- (5) If lighting is proposed, information regarding the type and intensity of the proposed illumination to document compliance with the sign illumination restrictions of these regulations;
- (6) A plan showing the proposed location on the ground or building and the mounting height of the proposed sign, along with a color photograph of the proposed location;
- (7) The cost or value of the proposed sign; and
- (8) Any other plans or information required by the Development Services Building Department for any related structural permit or electrical permit.

(c) Application Review. Upon submission of an application, the Development Services Department shall review and evaluate the application as follows:

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(1) No application shall be accepted until it is deemed complete by the Department.
(2) The Department shall review all of the information submitted to determine conformity with this article and applicable sections of the Florida Building Code, including the location of the proposed sign. The submitted application will be reviewed within twenty (20) business days and any corrections, revisions or deficiencies provided to the applicant within that twenty (20) day period. Upon each re-submittal of corrected plans, the Department shall have ten (10) business days to review the application and provide any corrections, revisions or deficiencies to the applicant. This process shall continue until the applicant has submitted a complete application or demands that the application be reviewed as is, without further revisions.

(3) The Department shall approve or deny the sign permit within ten (10) business days of receipt of the complete application or the applicant's demand for review as submitted, based on whether it complies with the requirements of this Article. The Department shall prepare a written notice of the decision, either in the form of an approved sign permit or written notice of denial, describing the applicant's appeal rights, and provide such written notice to the applicant of its decision within the ten (10) day period.

(ed) *No right to appeal.* Except when Commission approval is required pursuant to the provisions of this article of the Code, the decision of the ~~Development Services Building~~ Department for the issuance or denial of a sign permit shall be final. There shall be no right of appeal to the Town Board of Adjustment or Town Commission of a finding of the ~~Development Services Building~~ Department. The appellant may seek relief in the Circuit Court for Broward County, as provided by law.

(de) *Non-conforming signs.* Any previously permitted, existing sign that does not conform to the provisions of these regulations shall be removed or brought into conformance with these regulations upon new development or redevelopment as defined in section 30-507 or ~~the~~ when the Town has determined that the sign (except a pole or pylon sign meeting the criteria and conditions of subsection (f) below) has been destroyed or damaged such that the cost of alteration, repair or replacement of such sign exceeds 50 percent of the replacement cost thereof.

(f) *Non-conforming pole and pylon signs.* Except as permitted in the RM-25 and RM-50 district, any previously permitted pole or pylon sign legally existing as of March 27, 2001, and in existence for the two (2) years prior to that date, shall be considered a legal, non-conforming pole or pylon sign.

(1) Upon new development or redevelopment of a site, any existing pole or pylon signs must be removed and may not be replaced under subsections (2) or (3) below.

(2) If any legal non-conforming pole or pylon sign is removed by the sign owner or property owner, or the sign is damaged by any cause such that the cost of alteration, repair or replacement of such sign exceeds 50 percent of the replacement cost thereof, the sign must be replaced within six months of the

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removal or date of damage in compliance with this section (f), or removed in its entirety.

(3) Legal, non-conforming pole or pylon signs meeting the criteria of this section may be replaced only under the following conditions:

(i) The sign box or panel of a pole or pylon sign shall not exceed 32 square feet in size.

(ii) There shall be no more than one pole or pylon sign per street frontage per property.

(iii) All pole and pylon signs shall be set back at least five feet from any property line or right-of-way.

(iv) Any pole sign located within 30 feet of a street intersection or within 15 feet of the intersection of a parking space and a driveway or street shall maintain seven feet of clearance between the ground and the bottom of the sign box or panel.

(v) No pylon sign may be placed within 30 feet of a street intersection or in any location that would obstruct cross-visibility at a driveway intersection or would obstruct cross-visibility for back-out parking.

(vi) The support poles of pole signs shall not exceed a width or diameter of 18 inches.

(vii) Pylon signs shall be limited to one pylon with a width or diameter not to exceed four feet.

(viii) The height of the top of a pole or pylon sign shall not exceed 15 feet above the crown of the nearest street.

(ix) Replacement pole signs and pylon signs require site plan review and approval by the Town Commission prior to issuance of a sign permit. The following additional requirements and conditions must be met in order for a proposed pole sign to receive site plan approval:

a. The proposed pole or pylon sign is replacing an existing pole or pylon sign.

b. The design and colors of the proposed sign shall be coordinated with the design and colors of any buildings on the premises.

c. The pole(s) of the proposed pole sign and the pylon of the proposed pylon sign shall have architectural treatment or be screened by lattice-work and/or landscaping that will, to the satisfaction of the Town Commission, ensure that the proposed sign is aesthetically compatible with adjoining development.

Sec. 30-502. - Exempt signs.

The following types of signs are exempt from the provisions of ~~this Article~~ these regulations:

- (1) Any sign not visible from any adjoining street, property or water body;
- (2) Any sign contained within a building and set back from any windows at least ten feet;

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- (3) Customary price tags and labels not exceeding 15 square inches in size on merchandise in display windows;
- (4) One (1) ~~clock or date~~/time and temperature indicator no larger than four square feet in size per plot;
- (5) Historical signs, except that a permit shall be required for reconstruction or major repair;
- (6) Legal notices required to be posted by law or ordinance;
- (7) Name and address signs with letters or numerals no more than six inches in height;
- (8) "No admittance", "exit only" and similar signs applied onto or next to rear or emergency doors with letters no more than six inches in height;
- (9) "No parking", and "no trespassing" and similar signs, and warning or danger signs, no larger than four square feet in size;
- (10) "Reserved", or similar lettering or numbers applied to parking space wheel stops;
- (11) Signs required to be posted by a government regulation or law enforcement agency;
- (12) Temporary signs of any type used as part of a special community event or fair, which has been specifically authorized by the Town Commission;
- (13) Informational, directional, hazard and traffic control and similar signs installed by a government agency; and
- (14) Noncommercial signs of four (4) square feet or less per property (residential or non-residential) or business establishment;
- (15) Flags on residential property up to a cumulative maximum of 40 square feet with no individual flag to exceed 27 square feet in size; and
- (16) Up to four flags on non-residential property, each flag not to exceed 27 square feet in size.
- ~~(14) Private warning or danger signs for a bona fide hazard only, no larger than four square feet in size.~~

Sec. 30-503. - Permitted signs.

The following types of permanent signs may be erected, installed, repaired or replaced within the Town, only in conformance with these regulations and after issuance of a permit by the Development Services Building Department:

- (1) Box signs;
- (2) Building or development identification signs;
- (3) Cabinet signs;
- (4) Canopy and awning signs;
- (5) Directory sign;
- (6) Hanging signs;
- (7) Informational, directional and traffic control signs;
- (8) Changeable copy signs;
- (9) Menu board signs;
- (10) Monument signs;
- (11) Name and address signs;
- (12) Neon signs;
- (13) Painted signs;
- (14) Pole signs;

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- (15) ~~Public service signs;~~
(16) ~~Pylon signs;~~
(157) ~~Roof signs;~~
(18) ~~Sandwich signs;~~
(169) Subdivision and residential development identification signs;
(1720) Wall signs; and
(1821) Window signs.

Sec. 30-504. - Temporary signs.

The following types of signs may be permitted within the Town as temporary signs, only in conformance with these regulations and, except for political signs and real estate signs, after issuance of a temporary sign permit by the Development Services Building Department:

- (1) Announcing signs;
- (2) Banner and pennant signs;
- (3) Contractor signs;
- (4) Garage sale signs as provided in Chapter 14.5, Article I or moving sale sign no larger than four square feet in sign size, limited to one sign per plot and displayed on the premises for no more than two days and no more than twice per year;
- (5) Holiday lighting (no permit required);
- (5) ~~Off premises signs;~~
- (6) Political signs (no permit required) (Note: Unlike other temporary signs, political signs do not require the issuance of a permit, however, the person in charge of the campaign or the company erecting the sign shall be responsible for removing the signs within seven days after the date of the election.);
- (7) Portable advertising signs for businesses adjoining a roadway under construction;
- (8) Real estate signs (no permit required);
- (9) ~~Sandwich signs;~~
- (109) Special event signs;
- (11) Valet signs;
- (120) Window neon signs.

Sec. 30-505. - Prohibited signs.

The following types of signs are expressly prohibited within the Town:

- (1) Animated or flashing signs;
- (2) Any sign not listed elsewhere in these regulations as an exempt, permitted or temporary sign;
- (3) Balloon signs;
- (4) ~~Permanent bBanner and pennant signs, except specifically permitted flags or temporary signs;~~
- (5) Billboards/~~off-premises signs;~~

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- (6) ~~Paper signs, except as a window or interior sign, menu board sign or as a specifically permitted temporary sign; Pylon signs;~~
- (7) Private signs of any type placed upon Town property or upon public right-of-way;
- ~~(8) Sandwich sign;~~
- (98) Signs placed upon benches, trash receptacles or newsracks;
- (910) Signs placed on any beach or part thereof, except regulatory or warning signs;
- (101) Signs with unshielded lighting elements, except neon signs;
- (112) Snipe signs;
- (123) Stationary vehicle or trailer signs;
- (134) Strip of string lighting in or around windows, ~~other than temporary holiday lighting;~~
- (145) Signs which no longer advertise or identify a business conducted, a service rendered or product sold; and
- ~~(16) Any other type of sign not listed as a permitted sign or temporary sign;~~
- (15) Signs that produce or emit any type of sound or odor.
- (16) Signs that do not meet the design, material and fabrication requirements of this Article.

Sec. 30-506. - General design standards.

- (a) *Construction:* All permanent signs shall be constructed of durable, weather-resistant and fade-resistant materials. All permanent signs shall be professionally constructed or manufactured. All permanent signs, except those on single-family and duplex lots, shall be installed by a licensed contractor. All permanent signs shall be constructed and installed to conform to the requirements of the building code. All temporary signs shall be constructed and installed in a workman-like manner, shall not pose any safety hazard, and shall be removed upon the expiration of the temporary sign permit or upon the issuance of a severe weather warning. A separate electrical permit is required for any illuminated sign.
- (b) *Colors:* No florescent, phosphorescent, iridescent or reflective colors or paint may be used in any sign, except governmental informational, directional, traffic control or warning signs. ~~The Building Department shall maintain a color sample palate of acceptable sign colors.~~ Sign copy letters and numerals within the same sign shall be limited to no more than three colors. White shall not be counted as a color when used as the background of the sign. All permanent signs on the same building shall use the same color scheme. Sign color(s) shall be compatible with the color(s) of any building or wall upon which the sign is mounted. The sign wall of a monument or pylon sign and the box of a box, pole or pylon sign shall match the color of the building to which it is related. The actual color samples to be used, as well as written authority from the landlord or agent (unless applicant is owner) to use the submitted colors and layout, must accompany all permit applications.
- (c) *Layout:* The size, location, and style of permanent signs shall be compatible with the buildings or locations where they are placed. Multiple signs of the same type for the same business shall be consistent in terms of location, style, size and letter size. New hotel, motel, business and institutional buildings shall be designed to incorporate locations for

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wall signage meeting the requirements of these regulations as part of the overall design of the building.

(d) *Items of information:* The items of identification information on permanent signs for the uses listed below shall be limited to the following:

- (1) Hotels and motels (no more than three of the following items of information on any one permanent sign): Hotel or motel name, type of accommodation (i.e. suites, efficiencies, apartments, bed and breakfast, resort or spa), telephone number, chain and travel club affiliations. Address and vacancy/no vacancy information shall be permitted, in addition to the three allowable items.
- (2) Retail, office and service businesses (no more than two of the following items of information on any one permanent sign): Business name, type of business, address, telephone number and up to two of the products or services offered.
- (3) Restaurants and lounges (no more than two of the following items of information on any one permanent sign): Business name, type of business, type of food or beverage served, address, and telephone number.
- (4) Apartment buildings and condominiums (no more than two of the following items of information on any one permanent sign): Name of complex, telephone number, and type of accommodations. Address and vacancy/no vacancy information shall be permitted, in addition to the two allowable items.

(e) *Substitution clause:* ~~To ensure commercial and non-commercial signage are afforded equal protection under this article, any sign authorized in this article may contain either commercial or non-commercial copy. It is not the purpose of this article to regulate or control the copy, content or viewpoint of signs. Nor is it the intent of this article to afford greater protection to commercial speech than to noncommercial speech. Any sign, display or device allowed under this article may contain, in lieu of any other copy, any otherwise lawful noncommercial message that complies with all other requirements of this article. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this article.~~

(f) *Sign illumination:* Illuminated signs may be indirectly or internally illuminated. All lighting elements or bulbs must be fully recessed or shielded within opaque or translucent covers. Wooden signs shall not be internally illuminated or have electrical fixtures attached directly to the sign panel. The intensity of illumination shall be limited to no more than 90 foot lamberts or ten foot-candles within residential districts or if visible within 200 feet from first floor residential property. The intensity of illumination shall be limited to no more than 150 foot lamberts or 25 foot-candles if visible within 200 to 500 feet from first floor residential property. The intensity of illumination shall be limited to a maximum of 250 foot lamberts or 50 foot-candles within nonresidential districts. All

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transformer boxes, outlets and conduits relating to sign illumination shall be screened from exterior view. A separate electrical permit is required for any sign illumination.

Sec. 30-507. - Definitions and restrictions by sign type.

Address sign: A sign displaying only the numerical address and unit number or letter of the premises upon which the sign is located. An address sign with numerals or letters no more than six inches in height is allowed. Every building shall display an address sign that is clearly visible from the street. Buildings that have rear door access to an alley or parking lot shall also display an address sign that is clearly visible from the alley or parking lot.

Animated or ~~flashing~~ sign: Any sign including electronic, laser, video, digital or similar displays, with elements, images, text, or colors that move, rotate, ~~or flash, change or similar movement~~ is prohibited. A ~~clock, thermometer, date/time and~~ temperature indicator or barber pole is not an animated sign. Temporary animated or flashing signs attached to amusement rides, vending carts, and sideshow equipment used in a special community event specifically authorized by the Town Commission shall not be prohibited by these regulations.

Announcing sign: A temporary sign announcing the opening of a business, the future development of property or an upcoming event or activity. An announcing sign shall not exceed 32 square feet in size. An announcing sign for a new business may be displayed from the date of issuance of a business tax receipt for a business until 30 days after the opening of the business. An announcing sign for a future development may be displayed from the date of approval of a site plan by the Town Commission, or the issuance of a building permit when no site plan approval is required, until the issuance of the certificate of occupancy. An announcing sign for an upcoming event may be posted from 14 days prior to the event until the day after the event. A temporary sign permit for an event announcing sign shall not be issued more than twice per year for the same business.

Awning sign: See "canopy and awning sign."

Balloon sign: Any type of inflatable sign or sign suspended from a balloon is a prohibited sign. Temporary balloon signs used in a special community event specifically authorized by the Town Commission shall not be prohibited by these regulations.

Banner sign: A sign with or without any text, composed of fabric or plastic, and suspended from or attached to a pole or structure by wire, string, brackets or grommets. Pennants are included within this definition of a banner sign. A banner sign shall not exceed 32 square feet in sign area. A temporary sign permit for one banner sign may be issued for a period not to exceed 14 days to announce the opening of a business, a change of business name or an annual church event. A temporary sign permit for use of banner signs shall not be required for a special community event specifically authorized by the Town Commission.

Billboard: A permanent, free-standing or building-mounted sign, advertising products or services not related to the premises upon which the sign is located, is prohibited. Also referred to as off-premise sign.

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Box sign: A sign, constructed like a box, with sign copy carved or routed into an opaque plastic, metal, stone or masonry face. A box sign with sign copy painted on to or applied to a plastic or glass face is a cabinet sign. Routed sign letters may be back-faced with translucent plastic or glass to protect the inside of the sign and to shield lighting elements. A box sign shall not exceed 32 square feet in sign area. A box sign may be used as a monument sign, hanging sign, name and address sign, building identification sign, directory sign, informational, directional or traffic control sign wall sign, window sign, pole or pylon sign or roof sign.

Building or development identification sign: A sign displaying only the name and/or address of a building or development.

Cabinet sign: A sign, constructed like a box, with sign copy painted on or applied to a translucent plastic or glass face.

Canopy and awning sign: A sign that is part of, or attached to a canopy or awning or other similar protective cover. Signs placed upon awnings may consist of fabric, or thermally applied letters, the copy of which shall not exceed the permitted wall sign area. Internally illuminated, transparent or translucent awnings used as signs are prohibited. Any canopy or awning that extends over a public sidewalk must be fire-proofed, shall have at least seven feet of clearance above the sidewalk, shall be setback at least five feet from the edge of pavement of the adjoining street and must comply with section 17-9 of the Code of Ordinances and obtain a right-of-way encroachment permit approval ~~be approved by the Town Commission prior to applying for a sign permit. , along with an indemnification agreement providing for removal upon request of the Town Commission and proof of insurance in the amount of \$1,000,000.00 with the Town named as an additional insured party.~~

Changeable copy sign: A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged by manually removing or rearranging the characters, letters or illustrations on the physical sign.

Commercial message: Any wording, logo, emblem, character, pictograph, trademark, or symbol used to represent a firm, organization, entity, product, or service, or other representation that, directly or indirectly, names, advertises, or calls attention to a product or service. For purposes of this article, terms such as sale, special, clearance, or other words which relate to commercial activity shall be deemed to be commercial messages. Items of identification shall not be considered to be commercial messages.

Contractor sign: A temporary sign, posted upon property or a building with an active building permit, listing only the name and/or type of development and/or the name and phone number of the developer, contractor, architect, engineer, landscape architect, planner and/or realtor. A contractor sign shall not exceed 16 square feet in size.

Development: See "new development and redevelopment."

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Directory sign: A single or double face sign, consisting of the name of the building or development and the names and unit numbers of tenants in a multiple tenant building or development. A directory sign may use a changeable copy. Directory signs erected after the effective date of this article shall not exceed six feet in height. Directory signs shall not exceed 32 square feet in size and a ground-mounted directory sign shall be set back at least five feet from any street right-of-way.

Flag: Any fabric, plastic, canvas, material or bunting containing distinctive color(s), pattern(s), symbol(s), emblem(s) or insignia(s) containing non-commercial speech or used as a symbol of a government, political subdivision or other governmental entity or of any business or institutional entity or idea.

Hanging sign: A double face sign hanging from a canopy, awning, or roof overhang and oriented perpendicular to the nearest building wall. A hanging sign shall have two identical sign faces. Any hanging sign that extends over a public sidewalk shall have at least seven feet of vertical clearance above the sidewalk, shall be setback at least five feet from the edge of pavement of the adjoining street and must comply with section 17-9 of the Code of Ordinances and obtain a right-of-way encroachment permit approval prior to applying for a sign permit. ~~be approved by the Town Commission, along with an indemnification agreement providing for removal upon request of the Town Commission and proof of insurance in the amount of \$1,000,000.00 with the Town named as an additional insured party.~~

Historical sign: A sign of historical or architectural significance to the Town may be designated as an historical sign by resolution of the Town Commission and shall thereafter be exempt from all provisions of these regulations except for the requirements for maintenance and permit for reconstruction or major repair.

Informational, directional or traffic control sign:

- a. A noncommercial sign permanently erected and maintained by the Town, County or State, or any agency thereof, to denote the name of any thoroughfare, route directions, educational institution, public building, park, recreational facility or hospital; to direct and regulate traffic; to denote any transportation or transmission company for the direction or safety of the public; or to provide any other governmental information.
- b. A noncommercial sign located on and relating to an activity on the premises upon which the sign is located, providing information to pedestrian and vehicular traffic, e.g., "entrance," "exit," "caution" and "no trespassing."
- c. A noncommercial sign within a development, or at the entrances thereto, showing the name(s) and directions to the locations of the subdivisions comprising the development, a sales office, etc.

Length: The horizontal dimension of a sign as measured in feet and inches.

Menu board sign: A sign placed on a door, wall or column outside of a restaurant and containing only a copy of the menu or daily specials. If a paper menu is used, it must be mounted under a protective glass or plastic cover. A menu board sign shall not exceed four six square feet in size.

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Monument sign: A free-standing stone, masonry or metal ground sign or a sign placed upon a free standing masonry wall section not exceeding six feet in height and listing only the name and address of the development or business. A monument sign shall not exceed six feet in height or 32 square feet in sign area and shall be setback at least ten feet from any public street right-of-way. No monument sign may be placed within 30 feet of a street intersection or in any location that would obstruct cross-visibility at a driveway intersection or would obstruct cross-visibility for back-out parking.

Name sign: A sign containing only the name and unit number or letter of the person, entity or business occupying the premises.

Neon sign: Any type of sign that utilizes exposed neon, argon or any other gaseous or liquid element or compound as a direct means of illumination. Neon, argon or other gaseous or liquid element or compound utilized for illumination that is covered by a translucent material, or otherwise concealed from direct view, shall not be considered to be a neon sign. Exposed neon, argon or any other gaseous or liquid element or compound utilized for illumination used solely to accent or illuminate architectural features of a building shall not be considered a sign, if authorized by the Town Commission as part of the site plan approval for the development. Window neon signs are subject to special regulations as hereinafter set forth:

Window neon signs shall be considered temporary signs and shall require an annual license from the Town. All licenses for window neon signs shall expire on the thirtieth day of September of each year. Each window neon sign shall require a separate license. ~~The Town Commission reserves the right to prohibit the use or display of window neon signs. Commission prohibition of window neon signs shall be enacted by ordinance amending this article of the Code, effective at the expiration of the then most current licensure period.~~

Neon signs shall be permitted in the B1, and B1A and B2 districts, provided:

- (1) A business shall be allowed to have up to three neon signs per street frontage, one of which may be an exterior sign;
- (2) No neon window sign may exceed four square feet unless it displays solely the name of the business;
- (3) The total area of the neon window signs shall not exceed the lesser of 12 square feet or 25 percent of the area of the total window space on the street frontage;
- (4) An exterior neon sign may only display the name of the business or the business' logo;
- (5) The depiction of any part of the human body is prohibited; and
- (6) Signs may remain illuminated only during the business hours of the business, or 10:00 p.m., whichever is later.

New development and redevelopment: For the purposes of Article VI. Sign Regulations, the terms new development and redevelopment shall have the following meanings:

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New development means the construction of a building or parking lot upon a vacant or cleared plot.

Redevelopment means: (1) any reconstruction or remodeling exceeding 25 percent of the assessed valuation of a building; or (2) any substantial alteration of the street facade of a building.

Non-commercial: Containing no commercial message.

~~*Off-premises sign:* A temporary sign advertising or providing notice of products, services or activities being offered or conducted at a location different from where the sign is located. Off-premises signs include "open house", "garage sale" and similar signs. An off-premises sign shall not exceed four square feet in size. An off-premises sign permit must contain the name and phone number of the person responsible for placing and removing the sign. An off-premises sign shall not be placed upon public property or right-of-way. A temporary sign permit for an off-premises sign shall not be issued for a period of more than two days nor for the same location more than four times per year. A \$25.00 refundable removal deposit shall be posted with the Town for each permitted off-premises sign.~~

Painted sign: Any exterior sign or window sign with text or message that is only painted or applied upon a surface. Decals, plastic film, mosaic, photocopied and printed text or messages are also considered to be "painted". All painted signs shall be professionally applied. "Handmade" or stenciled signs are prohibited for use as permanent signs, real estate signs, announcing signs, contractor signs or window signs.

Paper sign: A sign drawn, painted or printed on paper, cardboard, or similar water-absorbing material. Paper or cardboard signs may be used only inside of a building or mounted within a weatherproof cover.

Permanent sign: A permanent sign is any one of the types of signs specifically listed within these regulations as an allowed sign, and which ~~is~~may be installed and maintained in a fixed location for an indefinite period of time.

Pole sign: A sign mounted upon one or two vertical poles, either free-standing or extending above another structure. ~~Pole signs are permitted but are not encouraged. Except as provided in the RM-25 and RM-50 Districts, p~~Properties that ~~did~~not have pole signs ~~on~~at time of adoption of these regulations ~~March 27, 2001~~ and ~~did~~have not had them within the two years preceding adoption shall not be permitted to erect or maintain pole signs. ~~New development and redevelopment shall not be permitted to erect or maintain pole signs.~~ Traffic control and directional signs mounted on poles are not considered to be pole signs. ~~The sign box or panel of a pole sign shall not exceed 32 square feet in size. There shall be no more than one pole or pylon sign per street frontage per property. All pole signs shall be setback at least five feet from any property line or right-of-way. Any pole sign located within 30 feet of a street intersection or within 15 feet of the intersection of a parking space and a driveway or street shall maintain seven feet of clearance between the ground and the bottom of the sign box or panel. The support poles of pole signs shall not exceed a width or diameter of 18 inches. The height of the top of a pole~~

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sign shall not exceed 15 feet above the crown of the nearest street. Pole signs require site plan review and approval by the Town Commission prior to issuance of a sign permit. The following additional requirements and conditions must be met in order for a proposed pole sign to receive site plan approval:

- (1) The proposed pole sign is replacing an existing pole or pylon sign.
- (2) The design and colors of the proposed pole sign shall be coordinated with the design and colors of any buildings on the premises.
- (3) The pole(s) of the proposed pole sign shall have architectural treatment or be screened by lattice work and/or landscaping that will, to the satisfaction of the Town Commission, ensure that the proposed sign is aesthetically compatible with adjoining development.

Political sign: A sign which sets forth the name, cause, or affiliation of a person seeking office or a proposed referendum or ballot proposition, the date of the election and/or the office sought or which sets forth any issue for which, or pertaining to, a public election is scheduled to be held. Political signs may not be erected upon government-owned or leased property. The sign shall be of a temporary nature and shall not exceed an overall size of two feet by three feet. No permit shall be required for such sign; however, the person in charge of the campaign or the company erecting the sign shall be responsible for removing the signs within seven days after the date of the election. No political signs or placards shall be permitted to be erected or placed upon parkways, utility poles, or trees.

Portable advertising signs for businesses adjoining a roadway under construction: A temporary sign, not exceeding 16 square feet in area, allowed in the business and motel districts, to be posted adjacent to the road right-of-way during the period of road construction.

Public service sign: A permanent non-commercial sign erected by the Town, a community service organization, or a homeowners or condominium association identifying a permanent community facility, service or program. The type, size and location of such a sign must be approved by the Town Commission.

Pylon sign: A sign, mounted upon or on top of a vertical wall or pylon, that exceeds six feet in height, either free-standing or extending above another structure. Pylon signs are permitted but are not encouraged. New development and redevelopment shall not be permitted to erect or maintain pylon signs. Properties that did not have pylon signs on March 27, 2001 and did not have them within the two years preceding that date shall not be permitted to erect or maintain pylon signs. The sign box or panel of a pylon sign shall not exceed 32 square feet in size. There shall be no more than one pylon or pole sign per street frontage per property. All pylon signs shall be setback at least five feet from any property line or right-of-way. Pylon signs shall be limited to one pylon with a width or diameter not to exceed four feet. The height of the top of a pylon sign shall not exceed 15 feet above the crown of the nearest street. No pylon sign may be placed within 30 feet of a street intersection or in any location that would obstruct cross visibility at a driveway intersection or would obstruct cross visibility for back-out parking. Pylon signs require site plan review and approval by the Town Commission prior to issuance of a sign

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707 ~~permit. The following additional requirements and conditions must be met in order for a~~
708 ~~proposed pylon sign to receive site plan approval:~~

- 709
- 710 (1) ~~The proposed pylon sign is replacing an existing pole or pylon sign.~~
- 711 (2) ~~The design and colors of the proposed pylon sign shall be coordinated with the~~
712 ~~design and colors of any buildings on the premises.~~
- 713 (3) ~~The pylon(s) of the proposed pylon sign shall have architectural treatment or be~~
714 ~~screened by lattice work and/or landscaping that will, to the satisfaction of the~~
715 ~~Town Commission, ensure that the proposed sign is aesthetically compatible with~~
716 ~~adjoining development.~~
- 717

718 *Real estate sign:* A temporary sign announcing an “open house” or “model home” ~~on the~~
719 ~~premises~~ or the availability of the premises for sale or for lease. The name and phone number of
720 the person or company responsible for placing and removing the sign shall be listed on the sign.
721 Real estate signs located in residential zoning districts shall be no larger than 24 inches wide by
722 18 inches high mounted upon the ground, and shall not exceed three feet in height and shall be
723 mounted with a frame or holder and post. Real estate signs located in nonresidential zoning
724 districts shall be no larger than six square feet in size and, if mounted upon the ground, such sign
725 shall not exceed six feet in height and shall be mounted with a frame or holder and post, or if
726 mounted upon a wall or within a window, such sign shall not be placed higher than 24 feet above
727 the ground. Properties shall be limited to one real estate sign per street frontage. Waterfront
728 properties may display one additional sign facing the water. No real estate sign may be placed on
729 public property or right-of-way. ~~Real estate signs placed on or for property which is for sale or~~
730 ~~lease, during a period of open viewing (“open house” signs) may only be posted during the hours~~
731 ~~of the open house and may only be posted on private property with the permission of the~~
732 ~~property owner. All real estate signs must be removed upon closing or leasing of a property~~
733 ~~which had been for sale or lease.~~

734

735 *Redevelopment:* See “new development and redevelopment.”

736

737 *Roof sign:* A sign mounted above the fascia of a sloped roof or above the deck of a flat roof. A
738 sign placed upon a bona fide tower extending above the principal roof-line of the building or
739 upon a dormer or recessed wall within a sloped roof shall not be considered a roof sign. Roof
740 signs are permitted but not encouraged. Roof signs shall not be permitted if either wall or awning
741 signs can be placed upon a building. New development and redevelopment shall not be permitted
742 to erect or maintain roof signs. No roof signs are permitted on any property with a pole or pylon
743 sign. No roof sign shall exceed 32 square feet in size, four feet vertically in width or 14 feet in
744 length. Roof signs shall be mounted on the parapet wall of a flat roof or on a solid supporting
745 panel on a sloped roof. Roof signs shall not be mounted on visible poles or brackets. Multiple
746 roof signs on the same building shall be the same design, size, shape and color.

747

748 *Sandwich sign:* A movable, portable, free-standing sign not secured or attached to the ground
749 that can be folded and carried by an individual. The sign panels of a sandwich sign shall exceed
750 not 16 square feet in size and shall be no taller than four feet in height. The sandwich sign may
751 only be utilized for a licensed valet establishment or in the B1 or B1A district, for a restaurant,
752 retail, or personal service use, and for no other purpose. A sandwich sign shall not be placed in a

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right-of-way, but may be placed on private property. A sandwich sign may be erected only during the hours of operation of the establishment.

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information to the public. ~~The flag of the United States of America is not a sign in any context. Non-commercial flags are not signs. Other flags or pennants shall be regulated as signs.~~ Non-commercial paintings or murals displayed for purely decorative, historical or architectural purposes are not signs. A mural containing advertising, text or logo's, or copyrighted, trademarked or service marked characters, objects or products advertised in print or media advertising is a sign. Architectural lighting designed to illuminate building walls, architectural features or landscaping is not a sign. Strip or string lighting placed in or around windows is a prohibited sign.

Sign area: The area of a square or rectangle encompassing all of the text, copy, symbols and logos displayed on a sign. The total sign area of all signs attached to the wall, canopy and/or awnings of a building face shall not exceed 15 percent of the area of that building face. In the case of a building with a flat roof, the area of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road to either the deck of a flat roof or the top of the parapet wall, whichever is higher. In the case of a building with a sloped roof, the area of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road to the midpoint of a sloped roof. The sign area of a double-faced sign, with identical faces mounted on opposite sides of the same sign panel or box, is the area of only one of the two identical faces.

Sign height: The elevation above of the highest point of the sign area above the nearest sidewalk or roadway crown.

Sign letter size: The size of an individual letter or symbol in any window sign copy shall not exceed 12 inches in height or width and the size of an individual letter or symbol in any other type of sign copy shall not exceed 18 inches in height or width, except that:

- (1) The sign letter size may be increased by one inch for each 25 feet that the sign is setback from nearest street right-of-way;
- (2) The sign letter size may be increased by one inch for each 25 feet above the elevation of the nearest sidewalk or roadway that the sign is mounted; and
- (3) In a sign with both upper and lower case letters, the maximum letter size of one upper case letter in each word may be increased 20 percent provided that the letter size of the lower case letters is reduced 20 percent.

Sign size: The overall size of the sign box or panel of a pole, box, cabinet, roof, hanging or window sign.

Snipe sign: A prohibited sign, not otherwise permitted by these regulations, which is tacked, nailed, taped, glued or otherwise attached to a tree, pole, fence, newsrack, trash receptacle, building wall or door or other object. Legal notices required by law are not signs.

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799
800 *Special event sign:* A temporary sign placed by the Town, a community service organization,
801 homeowners association or condominium association announcing an upcoming community
802 event, special meeting or election. A special event sign shall not exceed 32 square feet in size,
803 shall not be posted for more than 14 days. A temporary sign permit for a special event sign shall
804 not be issued for the same property or location more than four times per year without the
805 approval of the Town Commission.
806

807 *Subdivision and residential development identification sign:* A sign erected at the entrance to a
808 neighborhood or residential development displaying only the official name and address of the
809 neighborhood or residential development. Subdivision and residential development identification
810 signs shall not exceed six feet in height or 32 square feet in sign area per sign face. One two-face
811 sign may be permitted in the median of a divided entrance or one single-face sign shall be
812 permitted on each side of a street entrance to a named residential neighborhood or of a street-
813 type driveway entrance to a multi-family development. The sign shall not be located within any
814 utility or drainage easements, or within any cross visibility triangle or safe recovery area for a
815 street. All proposed subdivision and residential development identification signs shall be subject
816 to site plan approval pursuant to Article IV of the Land Development Code.
817

818 *Temporary sign:* A temporary sign is any one of the types of signs specifically listed within these
819 regulations as an allowed temporary sign and which may be displayed for a limited, specified
820 amount of time. Temporary signs may be constructed of wood, metal and/or plastic, and may use
821 flat, painted or printed text and designs. Window neon signs shall be considered temporary signs,
822 regardless of the material used in their construction. Unless otherwise addressed by this Article,
823 temporary signs shall be removed within seven days after the event to which they relate.
824

825 *Vacancy/no vacancy sign:* A sign or portion of a sign located at a motel, hotel, apartment
826 building or condominium indicating whether or not there are rooms available. A vacancy/no
827 vacancy sign shall not exceed two square feet in sign area, and may be directly or indirectly
828 illuminated or changeable copy.
829

830 *Vehicle or trailer sign:* A prohibited sign advertising a business or product, mounted on, or
831 attached to a motor vehicle or trailer which is parked for more than 12 hours at the same location
832 or parked on more than three consecutive days at the same location as the business or product
833 which is being advertised, unless the A vehicle is parked inside a garage, or is parked behind the
834 building, or- Aa passenger vehicle displaying a name and telephone number with letters no more
835 than four inches in height is not a vehicle sign as described above.
836

837 *Wall sign:* A sign attached to, or parallel to but within six inches of, a wall, or erected and
838 confined within the limits of an outside wall of any building or structure, which is supported by
839 such wall or building, and which displays only one sign surface.
840

841 *Warning or danger sign:* A sign warning of a hazardous condition or dangerous object or animal
842 in the immediate vicinity. Warning or danger signs not exceeding four square feet in size are
843 exempt from these regulations.
844

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~~Width: The vertical dimension of a sign as measured in feet and inches.~~

Window: For the purpose of these regulations, a window shall be defined as that portion of a first or second floor facade consisting of a transparent, glass-like material designed to provide viewing of the interior from the exterior of the building and which shall be no less than 75 percent transparent from the exterior. The area of a single window includes contiguous window panels separated by dividers less than six inches in width. Contiguous window panels separated by dividers greater than six inches in width, separated by a doorway or separated by the corner of a building shall be considered separate windows. A glass door or pair of doors shall be considered a separate window.

Window sign: A sign attached to or placed within ten feet of the inside of a window and oriented toward the window. No more than three window signs of any type shall be displayed in any single window. A bulletin board, displayed inside a window, and upon which notices, advertisements, specials, listings and the like are posted, shall be considered a single window sign. A window sign shall not exceed 15 square feet in sign size. Window signs shall not obstruct more than 25 percent of the total area of the window within which it is placed. Merchandise in display windows shall not be considered window signs. Customary price tags and labels not exceeding 15 square inches each in size on merchandise in display windows shall not be considered window signs.

Sec. 30-508. – Sign regulations by zoning district.

(a) *RS-5 and RD-10 districts.* Only the following types of signs are permitted within the RS-5 and RD-10 zoning districts, subject to the limitations and requirements contained in the definitions and restrictions by sign type and the general design standards sections of these regulations, and subject to the additional limitations stated below:

- (1) Private informational, directional and traffic control signs.
- (2) Name and address signs: one resident name sign per dwelling unit, including any exempt name sign, to be placed on the building and not to exceed two square feet in sign area. One address sign per address, including any exempt address sign, shall be placed on the building, fence, wall or mail box, be visible from the street and shall not exceed two square feet in sign area.
- ~~(3) Public service signs: Only if approved by the Town Commission.~~
- (34) Subdivision and residential development identification signs: Only if location and other aspects of such signs has been previously approved by the Town Commission pursuant to site plan approval procedures.
- ~~(45)~~ Temporary political signs: To be set back at least five feet from any right-of-way or property line.
- ~~(56)~~ In addition, no more than two of the following temporary signs, including any exempt temporary signs, shall be permitted on any single plot at the same time:
 - a. Temporary contractor signs: one sign per plot to be set back at least five feet from any right-of-way or property line.

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b. ~~Temporary garage sale or moving sale signs: one sign per plot, no larger than four square feet in size and displayed on the premises for no more than two days and no more than twice per year to be set back at least five feet from any right-of-way or property line.~~

be. Temporary real estate signs: To be set back at least five feet from any right-of-way or property line.

cd. Temporary special event signs: two signs per neighborhood to be set back at least five feet from any right-of-way or property line.

- (b) *RM-25 and RM-50 districts.* Single-family and duplex residences and plots located in the RM-25 district shall be subject to the sign regulations as listed for the RS-5 and RD-10 districts listed above.

Only the following types of signs are permitted within the RM-25 and RM-50 districts, subject to the limitations and requirements contained in the definitions and restrictions by sign type and the general design standards sections of these regulations, and subject to the additional limitations stated below:

~~(1) No more than four bona fide flags at a hotel or motel, not exceeding 15 square feet in size each.~~

(12) Private informational, directional and traffic control signs.

(23) Name and address signs: One resident name sign per dwelling unit, including any exempt name sign, to be placed on the dwelling unit and not to exceed two square feet in sign area. One occupant address sign per address, including any exempt address sign, to be placed on the building or mail box and not to exceed two square feet in sign area. One building address sign per building to be placed on the building and not to exceed a total of six square feet of sign area. Every building shall display an address sign that is clearly visible from the street. Buildings that have rear door access to an alley or parking lot shall also display an address sign that is clearly visible from the alley or parking lot.

~~(4) Public service signs: Only if approved by the Town Commission.~~

(35) Subdivision and residential development identification signs: Only if approved by the Town Commission pursuant to site plan approval procedures.

(46) Vacancy/no vacancy signs: one sign per licensed motel or hotel, not exceeding two square feet of sign area.

(57) Temporary political signs: to be set back at least five feet from any right-of-way or property line.

(68) In addition, each multifamily or hotel, motel, apartment building, condominium, group home, church, school or other non-residential use may display no more than two of the following permanent signs, with a combined total sign area of not more than 32 square feet, per street frontage, and the total sign area of all signs attached to the wall, canopy and/or awnings of a building face shall not exceed 15 percent of the area of the building facade. In the case of a building with a flat roof, the area of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road to either the deck of a flat roof or top of the parapet wall, whichever is higher. In the case of a building with a sloped roof, the area of the building face shall be measured from elevation of the nearest sidewalk or

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crown of the road to the midpoint of a sloped roof. If a hotel or motel takes over an adjoining hotel or motel, then the combined hotel or motel is entitled to 16 additional square feet of separate wall or awning sign area; the existing signs shall not be increased in size by this additional footage.

- a. Building or development identification signs: one sign per building per street frontage, with a sign height no greater than 35 feet.
- b. Canopy or awning signs: With a sign height no greater than 18 feet.
- c. Hanging sign: one sign per building per street frontage, with a sign height no greater than 18 feet.
- d. Changeable copy signs: one sign per street frontage, with a sign height no greater than 18 feet.
- e. Monument signs: one sign with one or two faces per street frontage, only on a plot with 200 or more feet of continuous frontage on the same street.
- f. ~~Pole or pylon signs: Limited to hotels, and motels, apartment buildings and condominiums only and to one sign per street frontage per property, subject to the following:~~
 - (i) ~~The sign box or panel of a pole sign shall not exceed 32 square feet in size.~~
 - (ii) ~~There shall be no more than one pole sign per street frontage per property.~~
 - (iii) ~~All pole signs shall be setback at least five feet from any property line or right-of-way.~~
 - (iv) ~~Any pole sign located within 30 feet of a street intersection or within 15 feet of the intersection of a parking space and a driveway or street shall maintain seven feet of clearance between the ground and the bottom of the sign box or panel.~~
 - (v) ~~The support poles of pole signs shall not exceed a width or diameter of 18 inches.~~
 - (vi) ~~The height of the top of a pole sign shall not exceed 15 feet above the crown of the nearest street.~~
 - (vii) ~~Pole signs require site plan review and approval by the Town Commission prior to issuance of a sign permit. The following additional requirements and conditions must be met in order for a proposed pole sign to receive site plan approval:~~
 - a. ~~The design and colors of the proposed sign shall be coordinated with the design and colors of any buildings on the premises.~~
 - b. ~~The pole(s) of the proposed pole sign shall have architectural treatment or be screened by lattice-work and/or landscaping that will, to the satisfaction of the Town Commission, ensure that the proposed sign is aesthetically compatible with adjoining development.~~
- g. Wall signs: With a sign height no greater than 35 feet.

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(89) In addition, no more than two of the following temporary signs, including any exempt temporary signs, shall be permitted on any single business or plot at the same time:

- a. Temporary announcing sign: one sign per plot to be set back at least five feet from any right-of-way or property line.
- b. Temporary contractor signs: one sign per plot to be set back at least five feet from any right-of-way or property line.
- c. ~~Temporary garage sale or moving sale signs: one sign per plot, no larger than four square feet in size and displayed on the premises for no more than two days and no more than twice per year to be set back at least five feet from any right-of-way or property line.~~ Temporary sandwich sign: one sign per hotel or motel for valet services only.
- d. Temporary portable advertising signs for businesses adjoining a roadway under construction: one sign per frontage of a street under construction, not exceeding 16 square feet in sign size, to be posted adjacent to the road right-of-way during the period of road construction.
- e. Temporary real estate signs: To be set back at least five feet from any right-of-way or property line.
- f. Temporary special event signs: two signs per block to be set back at least five feet from any right-of-way or property line.

(c) *B1, and B1A and B2 districts.* Only the following types of signs are permitted within the B1, and B1A and B2 districts, subject to the limitations and requirements contained in the definitions and restrictions by sign type and the general design standards sections of these regulations, and subject to the additional limitations stated below:

- ~~(1) One dive flag at a bona fide dive shop and three bona fide flags at a travel agency or foreign cuisine restaurant, not exceeding 15 square feet in size each.~~
- (12) Building or development identification signs: one sign per building per street frontage with a sign area of no more than 32 square feet and with a sign height no greater than 35 feet.
- (23) Private informational, directional and traffic control signs.
- (34) Menu board sign: one sign per licensed restaurant per street frontage.
- (45) Name and address signs: One occupant name sign per dwelling unit or business, excluding any exempt rear door name sign, to be placed on the dwelling unit or business and not to exceed two square feet in sign area; one occupant address sign per address, excluding any exempt rear door address sign, to be placed on the building or mail box and not to exceed two square feet in sign area; one building address sign per building to be placed on the building and not to exceed a total of six square feet of sign area. Every building, and every business with a separate, ground floor, street-side entrance, shall display an address sign that is clearly visible from the street. Buildings that have rear door access to an alley or parking lot shall also display an address sign that is clearly visible from the alley or parking lot.
- ~~(6) Public service signs: Only if approved by the Town Commission.~~

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- (57) Window signs: No more than three window signs per window, placed in first floor windows; in second floor windows, only one window sign for each business which has its entrance from the second floor or a stairway only.
- (68) Temporary political signs.
- (79) In addition, each office building, separate storefront business, or other non-residential use restaurant, church, assembly hall, school or other building may display no more than two of the following permanent signs, with a combined total sign area of not more than 32 square feet per street frontage, and the total sign area of all signs attached to a building shall not exceed 15 percent of the area of the building facade. In the case of a building with a flat roof, the area of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road to either the deck of a flat roof or top of the parapet wall, whichever is higher. In the case of a building with a sloped roof, the area of the building face shall be measured from elevation of the nearest sidewalk or crown of the road to the midpoint of a sloped roof. (Multiple businesses occupying a single storefront bay must share the permitted total number and sign area of signs.) If a store front business takes over the entire adjoining store front space vacated by another business, then that new business is entitled to either 16 additional square feet of wall or awning sign area, or if the store front business is taking over an entire adjoining store front space vacated by another business, the new business may use the existing roof signage that the old business used provided that the structure of the roof sign is not altered:
- a. Canopy or awning signs: With a sign height no greater than 18 feet.
 - b. Directory signs: one sign per street frontage for a multi-tenant office, multi-tenant retail or governmental building only.
 - c. Hanging: With a sign height no greater than 18 feet.
 - d. Changeable copy signs: With a sign height no greater than 18 feet.
 - e. Monument signs: one sign with one or two faces per street frontage, only on a plot with 200 or more feet of continuous frontage on the same street.
 - f. Pole or pylon signs (if legal non-conforming signs): No new pole or pylon sign may be erected after the effective date of this article March 27, 2001 unless it is a replacement sign meeting the requirements of this article.
 - g. Roof signs: Only when wall or awning signs are not feasible, and not if a legal non-conforming pole or pylon sign exists is placed on the same property.
 - h. Wall signs: With a sign height no greater than 35 feet. A single tenant building may combine a permitted wall sign and building identification sign into a single wall sign not exceeding 48 square feet in sign area.
- (812) In addition, no more than two of the following temporary signs, including any exempt temporary signs, shall be permitted on any single business or plot at the same time:
- a. Temporary announcing signs: one sign per plot;
 - b. Temporary contractor signs: one sign per plot;

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- c. Temporary portable advertising signs for businesses adjoining a roadway under construction: one sign per frontage of a street under construction, not exceeding 16 square feet in sign size, allowed in the business and motel districts, to be posted adjacent to the road right-of-way during the period of road construction;
- d. Temporary real estate signs;
- e. Temporary special event signs: two signs per block;
- f. Temporary banner and pennant sign;
- g. ~~Temporary off-premises signs;~~ Temporary sandwich signs: one sign per plot or per ground floor retail, restaurant, personal service, hotel or motel business;

(d) *CF and SP districts.* Only the following types of signs are permitted within the CF and SP districts, subject to the limitations and requirements contained in the definitions and restrictions by sign type and the general design standards sections of these regulations, and subject to the additional limitations stated below:

- (1) Informational, directional and traffic control signs.
- (2) Name and address signs: One occupant name sign per building, excluding any exempt rear door name sign, to be placed on the building and not to exceed two square feet in sign area. One occupant address sign per address, excluding any exempt rear door address sign, to be placed on the building or mail box and not to exceed two square feet in sign area. One building address sign per building to be placed on the building and not to exceed a total of six square feet of sign area. Every building shall display an address sign that is clearly visible from the street. Buildings that have rear door access to an alley or parking lot shall also display an address sign that is clearly visible from the alley or parking lot.
- ~~(3) Public service signs: Only if approved by the Town Commission.~~
- (4) Window signs: one window sign per street frontage, placed in first floor windows only.
- (5) In addition, each building may display no more than two of the following permanent signs, with a combined total sign area of not more than 32 square feet per street frontage, and the total sign area of all signs attached to a building shall not exceed 15 percent of the area of the building facade. In the case of a building with a flat roof, the area of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road to either the deck of a flat roof or top of the parapet wall, whichever is higher. In the case of a building with a sloped roof, the area of the building fact shall be measured from elevation of the nearest sidewalk or crown of the road to the midpoint of a sloped roof:
 - a. Building or development identification signs: With a sign height no greater than 35 feet.
 - b. Canopy or awning signs: With a sign height no greater than 18 feet.
 - c. Directory signs: For a multi-tenant building only, and with a sign height no greater than 12 feet.
 - d. Hanging signs: With a sign height no greater than 18 feet.

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- e. Changeable copy signs: With a sign height no greater than 18 feet.
- f. Monument signs: one sign with one or two faces per street frontage, only on a plot with 200 or more feet of continuous frontage on the same street.
- g. Wall signs: With a sign height no greater than 35 feet.

(6) In addition, no more than two of the following temporary signs, including any exempt temporary signs, shall be permitted on any single plot at the same time:

- a. Temporary announcing signs: one sign per plot to be set back at least five feet from any right-of-way or property line.
- b. Temporary contractor signs: one sign per plot to be set back at least five feet from any right-of-way or property line.
- c. Temporary real estate signs: To be set back at least five feet from any right-of-way or property line.
- d. Temporary special event signs: two signs per block to be set back at least five feet from any right-of-way or property line.
- e. Temporary banner and pennant signs.
- f. ~~Temporary off-premises signs.~~

* * * *

SECTION 4. Amendment. Section 30-510 of Article VIII of Chapter 30 is hereby

created as follows:

* * * *

Sec. 30-510. Severability

(a) The sections, paragraphs, sentences, clauses and phrases of this Article are severable, and if any phrase, clause, sentence, paragraph or section of this Article shall be declared unconstitutional or void or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Article.

(b) This subsection shall not be interpreted to limit the effect of subsection (a) above, or any other applicable severability provision in this Code or any adopting ordinance. The Town Commission specifically intends that severability shall be applied to sign regulations even if the result would be to allow less speech in the Town, whether by subjecting currently exempt signs to permitting or by some other means.

(c) This subsection shall not be interpreted to limit the effect of subsections (a) or (b) above, or any other applicable severability provision in this Code or any adopting ordinance. The Town Commission specifically intends that severability shall be applied to prohibited signs so that each of the prohibited sign types listed in the Town Code in Section 30-505 and Section 30-507 shall continue to be prohibited irrespective of whether another or any sign prohibition is declared unconstitutional or invalid.

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(d) This subsection shall not be interpreted to limit the effect of subsections (a), (b) or (c) above, or any other applicable severability provision in this Code or any adopting ordinance. The Town Commission specifically intends that severability shall be applied to Section 30-505 and Section 30-507 of the sign regulations so that if all or any of such provisions are declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the Town Commission intends that such declaration shall not affect any other prohibition on animated, flashing or billboard signs in the aforesaid sections.

* * * *

SECTION 5. Codification. This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 7. Conflicting Ordinances. All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. Effective Date. This Ordinance shall become effective immediately upon passage on second reading.

Passed on the first reading, this ____ day of _____, 2011.

Passed on the second reading, this ____ day of _____, 2011.

Mayor Roseann Minnet

First Reading

Second Reading

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1194	Mayor Minnet	_____	_____
1195	Vice-Mayor Dodd	_____	_____
1196	Commissioner Clotney	_____	_____
1197	Commissioner Sasser	_____	_____
1198	Commissioner Vincent	_____	_____
1199			

1200 Attest:

1201 _____
1202 Town Clerk, June White

1203 (CORPORATE SEAL)

1204 Approved as to form:

1205 _____
1206 _____
1207 Town Attorney, Susan L. Trevarthen

1208

ORDINANCE 2010-16

COLOR TABLE

1209

1210  LEGAL

1211  HOUSEKEEPING

1212  BOARD

1213  LEGAL WITH STAFF POLICY RECOMMENDATION

1214  LEGAL SUBJECT TO REVISION IF RECEIVE DIFFERENT POLICY DIRECTION

1215  STAFF RECOMMENDATION

INTEROFFICE MEMORANDUM

TO: PLANNING AND ZONING MEMBERS
FROM: JEFF BOWMAN, DEVELOPMENT SERVICES DIRECTOR
SUBJECT: PROPOSED AMENDMENTS TO THE UNIFIED LAND DEVELOPMENT CODE
(CEMENT/CONCRETE WALLS AND FENCES)
JANUARY 19, 2011 P&Z MEETING
DATE: JANUARY 7, 2011

Staff has scheduled a Regular meeting for January 19, 2011. Staff has prepared an item for your regular meeting to review and provide recommendations.

Brief Synopsis of Agenda Item

Regular Agenda, Item # 1. Amendments to Chapter 30 Section 313(4), Cement/Concrete Walls and Fences.

This item was discussed at the December 7th Commission meeting with direction to send it to Planning and Zoning Board for recommendations. The Commission provided the following direction:

1. Expand on the types of finishing's required for cement or concrete walls.
2. Expand more on decorative features that would increase attractiveness of cement or concrete walls.

Staff has prepared revisions (attached) for your review and recommendation. These include:

1. Maintaining the 25% opening requirement (for air circulation) within the single family and duplex zoning districts for concrete walls, were it will not be required in all other districts.
2. Design standards for concrete/cement walls.
3. Allowing architectural features and lighting.
4. An exception to the finished side of fences being on the outside of the property when there is an obstacle on the adjoining property.

Please contact me (954-776-3611) if you have any questions or, if you prefer I would be happy to meet with you individually to answer any questions you may have. Thank you.

Sec. 30-313. - General provisions.

(4)

Height ~~[design, and location]~~ of fences, walls, hedges.

- a. Height. The maximum height of any fence or wall shall be six (6) feet, except where the fence or wall abuts property with business zoning, in which case the maximum height is eight (8) feet. The height of fences, walls, hedges or plantings of whatever composition shall be measured from the natural contour of the ground on adjoining lots.
- b. Construction. All fences and walls shall comply with the Florida Building Code.
- cb. Cement or concrete walls:
 1. Cement or concrete walls are permitted in all zoning districts, and must comply with the standards outlined in subsection 2. below. ~~on, are prohibited except when the design and construction provides for not less than 25 percent of the area of said wall to be constructed with decorative brick and provide openings to permit air circulation. All concrete and cement walls shall be stuccoed, finished, and painted.~~
 2. Except when a new wall directly abuts an existing wall or fence preventing access, walls shall be finished on both sides with materials satisfying industry standards, such as painted stucco, prefinished block, or other prefinished materials, shall be compatible with proposed or existing buildings, and shall meet the following design guidelines.
 - i. Cement or concrete walls in the RS-4, RS-5 and RD-10 zoning districts which exceed four (4) feet in height must provide a minimum of twenty-five (25) percent openings to allow air circulation.
 - ii. Walls shall be designed with changes in material, color, texture, or profile to avoid the massive, linear aspect and monotony of otherwise plain walls. Walls over two (2) feet in height shall not form a continuous straight line without an offset, change of direction, or significant vertical feature every ten (10) feet to break up the length of the wall.
 - iii. Walls shall include finishing features such as, but not limited to, changes in texture or color, variety of materials, capstones, decorative painting or bands of tile.
- c. ~~No fences or walls shall be constructed within 25 feet of the front property line or within 30 feet clear site triangle at the corner of the property on residential lots.~~
- d. ~~The height of fences, walls, hedges or plantings of whatever composition shall be measured from the natural contour of the ground on adjoining lots.~~
- d. Fence/wall top features. The top of a fence or wall may contain architectural features and light fixtures. However, such features shall not extend more than eighteen (18) inches above the maximum height of the fence or wall, and the combined width of the features shall not exceed twenty percent (20%) of the total linear length of the fence or wall.

- e. Gates. A fence or wall may have a pedestrian entrance with a gate. Such an entranceway, including any archway, may be no greater than eight (8) feet in height, and no more than eight (8) feet in width. Gates must swing or slide in a manner which does not obstruct public rights of way.
- f. Maintenance. All fences and walls shall be maintained in good repair and in a secure manner. All defective structural and decorative elements shall be repaired or replaced in a workmanlike manner, to match as closely as possible the original materials and construction of the fence or wall. All surfaces shall have all graffiti and loose material removed. Any damaged portion of a fence or wall shall be repaired or replaced in a manner consistent with these standards. Any patching or resurfacing shall match the existing materials and shall be impervious to the elements, when possible.
- ge. Hedges. A hedge is defined as any grouping of plants or bushes placed so close together so as to obscure visibility. All hedges shall be planted and maintained by property owners within the property lines and shall not encroach into the adjacent properties or right-of-way (ROW). The height of a hedge shall be maintained not to exceed 12 feet in all zoning districts.
- hf. Visibility Limitations. No fences or walls shall be constructed within 25 feet of the front property line. No walls, fences, hedges or plantings shall be planted or maintained to a height exceeding 30 inches above the crown of the roadway within sight visibility triangles: within 25 feet of the intersection of the front and side street property lines, within ten feet of any driveway, within ten feet from the intersection point of the edge of a driveway and alley or street, and within 15 feet from the intersection point of the extended property lines at an alley and a street.
- ig. Chain link fences. Chain link fences shall be completely hidden from view when viewed from any portion of the right-of-way in RS-5, RD-10 and RM-25 zoned property. Chain link fences are prohibited in any business zoning district.
- h. Chain-link fences are prohibited in any business zoning district.
- ji. Placement of finished side. Fences finished on only one side shall be placed to have the finished side facing out. In the event that a wood fence is constructed against a significant obstacle on the adjoining property preventing access, such as another fence or wall, that section of fence against the obstacle may be constructed with the finished side facing inward.
- kj. Prohibited fence types. Barbed wire, electrified or razor wire fences, and fences or walls topped with barbed, electric or razor wire are prohibited, and shall not be erected or maintained on any property.
- jk. Zero lot line lots. Privacy fences and/or walls separating porches, patios, and pools along zero lot lines may be built to height not to exceed eight (8) feet subject to building setbacks requirements of the residential zoning district where fence/walls are erected.