

Tuesday February 23, 2016
7 p.m.



Commission Chambers
247 Edwards Lane
Palm Beach Shores, FL 33404

**Planning & Zoning Board acting as
Local Planning Agency (LPA)
Meeting Agenda**

Dodi Glas, Chairperson
Jason Prince, Vice Chairman

Deborah Culotta, Member
Grace Sterrett, Member
Janet Kortenhaus, Member

Jack Rice, Town Attorney
Evyonne Browning, Town Clerk
Tony Lembo, Alternate

1. **CALL TO ORDER:**
2. **PUBLIC HEARING**
 - a. Consider and make recommendations to the Town Commission regarding the following ordinance:

ORDINANCE NO. 0-2-16

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 58. SIGNS. BY REVISING THIS CHAPTER IN CONFORMANCE WITH RECENT CHANGES TO LAW; PROVIDING REVISED REGULATIONS FOR TEMPORARY SIGNS, A-FRAME SIGNS AND FOR PLANNING AND ZONING BOARD REVIEW OF SIGN PERMIT APPLICATIONS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION IN CHAPTER 58. SIGNS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. **PUBLIC COMMENT**
4. **RECOMMENDATION**
5. **ADJOURNMENT**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Town Commission with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings, and for such purpose may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting. IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. **FOR HEARING ASSISTANCE:** If any person wishes to use a hearing device, please contact the Town Clerk.

ORDINANCE NO. 0-2-16

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 58. SIGNS. BY REVISING THIS CHAPTER IN CONFORMANCE WITH RECENT CHANGES TO LAW; PROVIDING REVISED REGULATIONS FOR TEMPORARY SIGNS, A-FRAME SIGNS AND FOR PLANNING AND ZONING BOARD REVIEW OF SIGN PERMIT APPLICATIONS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION IN CHAPTER 58. SIGNS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 58. Signs. of the Code of Ordinances provides regulations to encourage the effective use of signs as a means of communication within the town; and

WHEREAS, Recent changes to the law require revisions to the Town's sign code; and

WHEREAS, the Town Commission desires to update its sign code regulations in conformance with said changes to sign code law, and to further revise the Town's regulations regarding temporary signs, A-frame signs, and Planning and Zoning Board review of sign permit applications; and

WHEREAS, the Town Commission believes the following revisions to its sign code are in the best interests of the citizens of Palm Beach Shores, and promote the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, PALM BEACH COUNTY, FLORIDA THAT

Section 1. The facts and recitations contained in the preamble of this ordinance are adopted and incorporated by reference as if set forth in this section.

Section 2. That section 58-53 of the Code of Ordinances, Town of Palm Beach Shores, Florida, is hereby amended by deleting subsection 58-53(c) and shall hereafter read as follows:

Chapter 58 - SIGNS

ARTICLE I. - IN GENERAL

Sec. 58-1. - Definition.

The word "sign", when used in this chapter, shall mean the display of characters, letters, ornamentation, lights, mechanical fixtures, electrical fixtures ~~high voltage tubing~~ or the complete structure on which the aforesaid are located or applied, used for identification, direction, advertising or promotional purposes, or used to convey or display a message or idea of any kind.

Sec. 58-2. - Purpose and scope of regulations.

(a) *In general.* The purpose of this chapter is to encourage the effective use of signs as a means of communications in the town; to maintain and enhance the town's aesthetic environment as well as ~~and~~ the town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; to foster the integration of signage with architectural and landscape designs; and to enable the fair and consistent enforcement of these sign regulations. Additionally, this chapter provides for regulations to achieve the following:

- (1) *Property value protection.* Signs should not create a nuisance to the occupancy or use of other properties as a result of their size, height, brightness or movement. They should be in harmony with buildings, the neighborhood and other conforming signs in the area.
- (2) *Communication.* Signs should not deny other persons or groups the use of sight lines on public rights-of-way, should not obscure important public messages and should not overwhelm readers with too many messages. Signs can and should help individuals to identify and understand the jurisdiction and the character of its neighborhoods and commercial ~~sub~~-areas.
- (3) *Preservation of the community's beauty.* Small towns such as Palm Beach Shores, ~~this~~ which include a public beach and numerous public parks, as well as primarily residential uses supported by ~~along with~~ very limited commercial uses, rely heavily on their natural surroundings and beautification efforts to retain their quality of life and economic viability. This concern is reflected by the active and objective regulations of the appearance and design of signs.

(b) *Regulations strictly enforced.* It shall be unlawful for any persons to post, display, change or erect a sign ~~or sign structure~~ that requires a permit without first having obtained a permit therefor in accordance with this chapter sections 58-31 and 58-51. Additionally, applications for sign permits shall be submitted to the Planning and Zoning Board for architectural and aesthetic review ~~a compatibility determination~~ in accordance with section 58- ~~35~~ 51(e) and for certain temporary signs in accordance with section 58-53(b)(3). Signs or sign structures erected without all necessary permits and approvals ~~a valid permit~~ shall be deemed in violation of this chapter and it shall be mandatory to obtain the applicable permits and approvals, or remove the sign ~~or sign structure~~ immediately. All signs not expressly permitted by this chapter are strictly prohibited.

(c) *Non-commercial message.* Notwithstanding anything contained in this chapter subsections (a) and (b) above, to the contrary, any sign erected pursuant to the provisions of this chapter may, at the option of the applicant, contain either a non-commercial message unrelated to the business located on the premises where the sign is erected or a commercial message related to the business and located on the business premises. The non-commercial message may occupy the entire sign face or portion thereof. The sign face may be changed from commercial to non-commercial messages as frequently as desired by the owner of the sign, provided that the size and design criteria conform to the applicable portions of this chapter, the sign is allowed by this chapter, the sign conforms to the requirements of the applicable zoning designation and the appropriate permits are obtained. For the purposes of this sign code, non-commercial messages, by their very nature, shall never be deemed off-premises or commercial advertising signs.

Sec. 58-3. - Prohibited signs.

(a) It shall be unlawful to erect any of the following types of signs ~~unless specifically authorized under section 58-51~~:

- (1) Billboards or off-premises signs.
- (2) Flashing ~~electrical~~ signs or flashing illumination, regardless of type or method.
- (3) Reserved ~~Off premises~~ signs.
- (4) Signs which overhang or otherwise intrude upon a street or walk or otherwise project from a building.
- (5) Signs on a canopy or awning.

- (6) Signs on the roof of a building or painted on the wall or roof of a building.
 - (7) Swinging signs larger than 18 inches by 24 inches.
 - ~~(8) Any type of sign larger than 18 inches by 18 inches with its message directed toward the Atlantic Ocean or toward the Lake Worth Inlet.~~
- (b) It shall be unlawful to erect any of the following types of signs unless approved in conjunction with a special events permit (See Chapter 18), or without the express prior approval of the town manager or designee ~~commission~~, which may only be granted on a temporary basis:
- (1) Banners, which are signs that have the characters, letters, illustrations, or ornamentations applied to cloth, paper, balloons or fabrics of any kind, and which are typically hung from, among other things, a pole, a building or some other structure which bears a message.
 - (2) Signs made of any material, including paper, cardboard, wood, metal, and plastic, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences, or other objects, sometimes called a “snipe signs”.
 - ~~(3) A frame or sandwich signs which are portable signs which are ordinarily in the shape of an “A” or some variation thereof and usually have no wheels.~~
- (c) The approval required by sub-section (b) above is in addition to all other requirements and approvals ~~permits~~ required by this chapter.

Sec. 58-4. - Appeals.

Appeals from decisions of the Building Official ~~inspectors~~ under this chapter shall be permitted in accordance with applicable provisions of the Florida Building Code. Appeals from decisions of the Planning and Zoning Board under this chapter shall be permitted in accordance with Sec. 14-88 of the Town of Palm Beach Shores Code of Ordinances.

Sec. 58-5. - Compliance by damaged legally non-conforming signs and those being renovated repaired or altered.

- (a) Any legally non-conforming sign damaged to the extent of 50 percent or more of the sign face or sign structure, or any combination of the two shall be brought into compliance with this chapter, immediately.
- (b) Any legally non-conforming sign undergoing renovation ~~repair~~ or alteration of any kind, whatsoever, shall, for the purpose of this chapter be considered a new sign, and shall be brought into ~~immediate~~ compliance with this chapter immediately.

Secs. 58-6—58-30. - Reserved.

ARTICLE II. - PERMIT

Sec. 58-31. – Permit required.

It shall be unlawful for any person to erect, post or display any sign in the town without first filing an application in writing for a permit and ~~or~~ without first having obtained a permit as required in this article.

Sec. 58-32. - Exceptions.

No permit shall be required for temporary signs as described in section 58-53(a).

Sec. 58-33. - Application.

Applications for permits required by this article shall be made to the Building Official ~~filed with the building or electrical inspectors~~ and shall set forth the following:

- (1) The kind of sign proposed to be constructed.
- (2) The lot and location thereon upon which the sign is proposed to be constructed ~~location and lot number.~~
- (3) The plans for the proposed sign ~~sketch or blueprint~~ showing sign, location, dimensions, materials, method of construction, lighting, and attachment to building or structures ~~and other pertinent information as required by the inspectors.~~ The plans shall also include color renderings of the sign, landscaping features, if applicable, and other information to assist the Planning and Zoning Board with its architectural and aesthetic review. The Building Official may require additional information deemed necessary to ensure that the proposed sign complies with all applicable building code requirements.

Sec. 58-34. - Fees.

All permit applications shall be accompanied by the ~~Issuance of a permit under this article is subject to the payment of~~ applicable application fees ~~a fee based on construction cost.~~

Sec. 58-35. – Planning and zoning board review.

The Planning and Zoning Board shall conduct architectural and aesthetic review of all sign permit applications pursuant to Chapter 14, Article II, Division 5 of the Town of Palm Beach Shores Code of Ordinances. No sign permit shall be issued without Planning and Zoning Board architectural and aesthetic review approval.

Secs. 58-~~36~~ 35—58-50. - Reserved.

ARTICLE III. - REGULATION

Sec. 58-51. – Permissible signs; Restrictions on location, type.

- (a) No ~~advertising signs or structures~~, or any part thereof, shall obstruct a neighboring property's neighbor's line of vision drawn at an angle of 45 degrees through the corners of the building limits of the lot on which the sign ~~or structure~~ is located, ~~provided that~~ No portion of any such sign or structure shall be closer than, or overhang a point 12 inches inside, the front or side property line of the lot upon which the sign is located.
- ~~(b) No sign shall be located over or upon the roof of any building.~~
- ~~(c) Flashing signs or flashing illumination, regardless of type or method are prohibited. Color of signs or illumination shall, in the opinion of the planning and zoning board, be harmonious with the surroundings.~~
- (d) Flood or spot lighting of signs, ~~advertising structures~~ and buildings shall be directed toward the sign or building as applicable, and shall be so arranged so that the axis of throw of light does not form an angle of less than 45 degrees with any property line. All lighting equipment shall be located within limits prescribed for signs ~~or advertising structures~~.
- (e) Services, facilities and accommodations offered to the public by any signs ~~or advertising~~ shall be only those permissible under zoning restrictions applicable to that location.
- (f) In Zoning Districts "B" and "C" ~~On "B" and "C" zone locations~~, only one advertising sign per establishment shall be permitted. Size shall be limited to one quarter square foot of sign for every linear foot of lot frontage, but not to exceed 50 square feet on multiple lots. On corner lots, no sign shall be placed in the area that is 30 feet back from the intersection of the lot lines (line of sight). In the case of water frontage, the sign must be a flat wall sign, projecting no more than 18 inches from the wall of the building to which it is attached.
- (g) In Zoning District "D" ~~On "D" zone locations~~, only one advertising sign per establishment shall be permitted. Size shall be limited to three-quarter square foot of sign for every linear foot of lot frontage, but not to exceed 150 square feet on multiple lots.
- (h) Signs indicating ~~Directional signs, notices or symbols as to~~ the time and place of regularly held civic, religious or public service activities or meetings ~~not exceeding 18 inches by 24 inches~~ are permitted on town property at areas designated for placement of such signs, notices or symbols by the town on Ocean Avenue and on Lake Avenue ~~provided that they conform to all other requirements of this chapter~~. The placement of such directional signs, ~~notices or symbols~~

shall be allocated on a first-come, first-serve basis, so long as space is available ~~within the areas designated for such signs, notices or symbols,~~ in the town's discretion. Such signs shall not exceed 18 inches by 24 inches in size, and shall otherwise comply with all other requirements and approvals required by this chapter.

Sec. 58-52. - Wind loads.

All non-temporary signs ~~which are not removable to shelter during periods of high winds~~ shall be designed to withstand horizontal wind loads as required by the Florida ~~shown in section 1205 of the Standard Building Code adopted in section 14-106.~~ The permit application for proposed signs that exceed ~~blueprints or drawings showing the details of signs exceeding~~ 20 square feet in area must, in addition to the requirements of Sec. 58-33, bear the seal of a registered professional engineer ~~or architect,~~ who attests to compliance with this requirement condition. Flat wall signs shall not project more than 18 inches from the wall of the building to which they are attached.

Sec. 58-53. - Temporary signs.

(a) No ~~advertising structures or signs~~ are permitted in Zoning Districts "A", "B", "C" or and "D" ~~zone locations,~~ other than as allowed by section 58-51, and except for temporary signs allowed hereunder. Each lot, or group of lots developed as a single property, ~~owner~~ is permitted to display ~~one~~ temporary signs, ~~not exceeding 18 by 24 inches in size,~~ located within the property line of the lot, to offer that lot, and/or building, for sale or for rent; to ~~advertise for garage sales or to provide notice of on going construction at that site in accordance~~ subject to the following specific conditions:

(1)

- a. One temporary sign advertising the sale or rent of the property ~~"for sale" or "for rent" sign~~ may be placed on the property so it can be viewed from the street ~~erected by the owner of the property or by a registered real estate agent or broker on behalf of the owner.~~ Such signs may be a maximum of 12 by 18 inches in size, must have a forest green background, white copy, and be mounted on a black post no higher than four feet above the ground to the top of the sign. Uniform, yet unique appearance for such signs advances overall aesthetic interests of the town since these types of temporary signs are more common

than others. In addition, sign uniformity for such signs allows law enforcement and code compliance personnel to easily differentiate properties that are being sold or rented. Such signs may remain as long as the property is for sale or for rent, and must be removed upon the completion of the sale or rental activity.

- b. For waterfront property located on Inlet Drive or Lake Drive, one additional temporary sign advertising the sale or rent of the property "for sale" or "for rent" sign may be placed on the property so it can be viewed from the water, but not from the street. In order that these temporary signs can be viewed by traveling watercraft and others on the water, without compromising the overall aesthetic interests of the town, they may be up to, but not in excess of, This sign shall not exceed 24 square feet in area, with a length of such sign not exceeding twice the height. Such signs may remain as long as the property is for sale or for rent, and must be removed upon the completion of the sale or rental activity.
- c. Permanent ~~advertising~~ signs, erected pursuant to the permitting process set forth in article II of this chapter are specifically excluded from this category of sign.

(2) In addition to the above signs, whenever the owner or the owner's his agent is present upon the property, premises one "open house" sign or "garage sale" sign or other sign advertising an event at the property may be displayed on the property so it can be viewed from the street. Two additional signs may be placed off-site on Town property, at locations approved by the Town. Such signs are not restricted by color or shape, but may not exceed 18 by 24 inches in size and shall be mounted no higher than four feet above the ground to the top of the sign. Such signs may remain as long as the open house, garage sale, or other event is occurring, and must be removed upon the completion of the open house, garage sale or other event activity.

(3)

- a. One temporary construction sign per lot is allowed so long as a town permit has been issued for the construction denoted on the sign.
- b. For waterfront property located on Inlet Drive or Lake Drive, one additional temporary construction sign may be placed on the property so it can be

viewed from the water, but not from the street, so long as a town permit has been issued for the construction denoted on the sign. This sign shall not exceed 24 square feet in area, with a length of such sign not exceeding twice the height.

c. Temporary construction signs may remain as long as the construction activity is occurring, and must be removed upon the final inspection or issuance of the certificate of occupancy.

(4) On commercial properties that are open to the public in zoning districts “C” and “D”, one portable A-frame or sandwich-type sign per lot, or group of lots developed as a single property, may be displayed for view by passing motorists or pedestrians. Such signs may be displayed at all times that the activity or business being advertised is open to the public. Such signs shall be removed during all other times. Such signs shall not interfere with motorist or pedestrian traffic in any right-of-way or on any sidewalk. Such signs shall not exceed 36 inches tall by 24 inches wide.

~~(5) All temporary signs must be located within the property line of the lot and outside the town-owned ten-foot strip. However, in zoning district “A” only, temporary signs may also be placed in the five feet of the town-owned ten-foot strip that is adjacent to the property line of the lot. Further, on commercial properties that are open to the public in zoning districts “C” and “D”, temporary A-frame signs may be located in the five feet of the town-owned ten-foot strip that is adjacent to the property line of the lot. In all zoning districts, temporary signs must be removed when the property is sold or rented, if a real estate sign; when the garage sale is over, if a garage sale sign; or within 24 hours of the final inspection or issuance of the certificate of occupancy, if a construction sign.~~

~~(5) Any temporary sign placed anywhere within the town, except in accordance with this section, shall be removed immediately by the town and shall be held by the town for ten days. Should the owner of the sign desire to retrieve such sign within the ten-day period, there will be an administration fee charged per sign, the amount of which shall be set by resolution by the town commission.~~

(b) ~~For~~ If a multifamily dwelling structures is constructed under construction on property in Zoning Districts “B”, “C” or “D” zone locations, and for units thereof being offered for sale

or rent, a temporary “for sale” or “for rent” ~~permit for one~~ sign may be ~~granted~~ placed on the subject property subject to the following specific conditions requirements:

- (1) The sign may be mounted flat against the building in which the units are offered or may be free standing within the property lines of the lot and outside the town-owned ten foot strip. In either case such sign shall not exceed 24 square feet in area, with a length of such sign not in excess of twice the height.
 - (2) In the alternative, during construction only, the ~~entire~~ required silt screen, or any portion thereof, may incorporate such sign.
 - (3) If building plans have been approved by the town for a proposed multifamily dwelling structure on property in such zones, the planning and zoning board will review the plans and specifications for a temporary signs which may be granted for a period of one year and for one year extension upon written request to the building official and the approval of the planning and zoning board.
 - (4) As a condition of the temporary permission granted for the placement ~~erection~~ of signs under this subsection (b), the owner agrees, upon written notice that the town considers such signs unsafe, to dismantle and remove the same within 24 hours of receipt of such notice. Upon the owner's failure to do so, the town may remove and hold such signs at the owner's expense.
- (c) Nothing in this chapter shall be construed to limit the use of political signs or signs exercising the right to freedom of speech. Such signs shall not exceed 18 by 24 inches in size, shall be mounted no higher than four feet above the ground to the top of the sign, and shall be removed upon the completion of ~~within 48 hours of~~ the election or political event, if applicable, for which they were placed.
- (d) All temporary signs shall conform to the size, location and duration requirements of this section. The maximum combined square footage for all temporary signage on any lot, or group of lots developed as a single property at any given time, excluding signs permitted to be placed pursuant to Sec. 58-53(a)(1)b. and Sec. 58-53(a)(3)b. shall not exceed 24 square feet.
- (e) Any temporary sign placed anywhere within the town, that is in violation of this section, may be removed immediately by the town and shall be held by the town at the owner's expense.

Sec. 58-54. - Shop and store identification.

Nothing in this chapter shall be construed to limit the use of signs other than those prohibited by Sec. 58-51 flashing types, which are customarily placed within a multi-use facility ~~displayed~~ to identify the shops or stores located within said resort or other multi-use facility, provided that such stores or shops do not open or front upon any street or waterway ~~frontage~~.

Section 3: Each and every other section and subsection of Chapter 58. Signs., shall remain in full force and effect as previously adopted.

Section 4: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 5: Should any section or provision of this ordinance, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

Section 6: Specific authority is granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores, Florida.

Section 7: This ordinance shall take effect immediately upon adoption.

FIRST READING this 25th day of January, 2016.

SECOND AND FINAL READING this ___ day of _____, 2016.

Attest:

John M. Workman, Mayor

Evyonne Browning, Town Clerk

Approved as to form and legal sufficiency

Keith Davis, Town Attorney

(Seal)